

Criminal Defense

"Where law ends, tyranny begins." ~ William Pitt

by: Jim Iagmin, CASD President

Some of the most revered attorneys – both real and imagined – are criminal defense lawyers. One of the best-loved characters in fiction, Atticus Finch in Harper Lee's *To Kill a Mockingbird*, took on the representation of Tom Robinson. Facing threats and harsh criticism, Atticus nonetheless defended Robinson against the racist society's presumptions of guilt. Atticus took the case to uphold his sense of justice and became a hero to many aspiring attorneys.



Jim Iagmin is a partner at Williams Iagmin LLP. For nearly twenty years, Jim has represented only plaintiffs, primarily in catastrophic personal injury and employment cases. Jim has been a member of CASD since 2000 and is a four-time recipient of CASD's Outstanding Trial Lawyer award. Jim earned his Bachelor's degree at Loyola Marymount University and his Juris Doctorate at the University of San Francisco.

Real-life hero John Adams, long before he was elected second president of the United States, agreed to represent British soldiers accused of intentionally killing Boston residents during the Revolutionary War's Boston Massacre. While we do not know for sure his reasons for agreeing to represent the despised redcoats, Adams strongly believed in equal justice and a fair trial for all defendants. Adams later called his work in the Boston Massacre case among the most important of his career.

Many criminal defense attorneys see their primary role as ensuring that the United States Constitution and other safeguards are protected in every case. Justice Hugo Black noted in *Gideon v. Wainwright* (1963) 372 U.S. 335 that it is difficult to claim that a criminal defendant has been treated with fairness and impartiality, and has been given equal standing before the law, if the defendant must face the state without a lawyer of his or her own. If the Constitution is not applied to the guilty and the innocent alike, then our entire democracy is in jeopardy, and our country descends into tyranny.

In *Thus Spoke Zarathustra*, Friedrich Nietzsche wrote, "State is the name of the coldest of all cold monsters. Coldly it lies; and this lie slips from its mouth: 'I, the state, am the people.'" Criminal defense attorneys also represent the people, just one at a time. As one of our esteemed criminal defense members says, "To have a free society, someone must represent the rights of the accused." As a general concept, lawyers are the guardians of the rule of law. But criminal defense attorneys are not just ensuring just compensation or fair division of property, they are often the only barrier between the rule of law and the arbitrary use of power by the state.

In addition, it is difficult for a nation to maintain the rule of law if its citizens do not respect the law. Criminal defense attorneys keep the law respectable by maintaining the transparency of the process, effectively representing the accused, and making the prosecution meet its burden every step of the way. It does not matter if they think their clients are guilty or innocent, they work equally hard on every case to ensure the system works. These attorneys also influence the public's perception of the system by fighting for equal treatment of all defendants, zealously representing their clients, reducing unlawful convictions, and, ultimately, upholding the integrity of the process. I tip my hat to those among our ranks whose daily work maintains the framework from which the rest of us benefit. **TBN**