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Wednesday, August 29, 2007

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Hired lawyer never lost a criminal case

Ronald J. Hansen / The Detroit News

As he faces a federal indictment that threatens his career, Geoffrey Fieger has turned to a lawyer with even more star power than himself.

Gerry Spence, whose avuncular TV persona belies a fearsome courtroom record, will defend Fieger on campaign finance charges in a high-stakes case certain to remain a national curiosity as long as it lasts.

By tapping Spence, Fieger has arguably the most successful defense lawyer money can buy. The soft-spoken Wyoming country lawyer who favors buckskin jackets and has never lost a criminal case also makes a striking contrast to Fieger, the urban trial lawyer with a flashy, brash demeanor and a history of losing on appeal.

Spence and Fieger have telegraphed a defense that attacks the government for bringing what they consider a politically motivated case.

"That will be the drum beat of publicity, and Gerry Spence is a media savvy, highly skilled trial attorney who can be successful at projecting that type of outrage," said Larry Dubin, a law professor at the University of Detroit Mercy.

"Gerry Spence is among the crème de la crème of defense lawyers," said Mark Kriger, a Detroit defense lawyer who once met Spence. "In any criminal case, the better the lawyer, the better the client is served."

Over the years, Spence's clients have had few complaints.

Spence defended Randy Weaver in the 1992 Idaho shootout at Ruby Ridge and Imelda Marcos, the former Filipino first lady, in a 1990 New York racketeering case. Both had widespread negative images and, in the end, both were acquitted.

In a pivotal 1979 Wyoming murder case,

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Adam Nadel / Associated Press
Spence, shown in 1995, touts the fact he hasn't lost a jury case since 1969, though he has come close. [See full image](#)

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Spence served as a special prosecutor and won a conviction and death sentence for Mark Hopkinson. Later, Spence unsuccessfully sought to have the death sentence commuted to life in prison and Hopkinson was executed in 1992.

"It was the worst thing I ever did," Spence said in a 1993 interview with the New York Times.

He began his career as a prosecutor and defended insurance companies. He has said he realized such work often trammelled the poor, who were outgunned by better lawyers.

Spence is known as the "best trial lawyer in America," an enviable label even if he came up with it himself. Spence is scheduled to attend a news conference today in Fieger's Southfield office, with Alan Dershowitz, another legal luminary. Spence did not return a call for comment.

He is perhaps best known for winning the 1979 Karen Silkwood case in Oklahoma in which the Kerr-McGee Corp. was held liable for exposing her to deadly levels of plutonium. While a jury awarded Spence's clients \$10.5 million, the case eventually settled for \$1.4 million.

Spence once sued Penthouse magazine for libel on behalf of a former Miss Wyoming beauty queen and won \$26.5 million. The case was overturned on appeal.

While he proudly touts the fact he hasn't lost a jury case since 1969, he has come close.

Once, 10 out of 12 jurors reportedly voted to convict a Louisiana client of his. Two holdouts ensured the case ended in a hung jury.

In the 1980s, Spence lost a mock jury trial of Lee Harvey Oswald on charges he assassinated President John F. Kennedy.

Spence has handled few cases since the Weaver case 14 years ago.

A generation has known Spence not for his trial advocacy, but for his television punditry. He has also authored 16 books.

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