

COWARDS

By Gary L. Richardson, noted trial lawyer and author of *Black Robe Fever*, *Fear Is Never Our Friend*, and *Thank God They Ate the Apple*.

www.garyrichardsonspeaks.com

At the age of fifteen I encountered a bully. Jimmy was older, bigger, and meaner than I, and he had told me he was going to cut my guts out for having a date with his girlfriend while he was in reform school for the third time. I believed him and knew that he had the ability to do just that. Jimmy lived in a town close by and I made it a certainty that he and I never would cross paths. Yes, I was scared.

My father found out about Jimmy's threat from my friend Tony one Saturday night. My friend "spilled the beans" that Jimmy was in town looking for me and that I ran. The end result was that Dad loaded me up in the car to go find Jimmy and invited Tony to join us. But before piling into the car I told my dad, whom I idolized, that he didn't understand, that Jimmy was older, bigger, meaner, and that he ran with a gang. My father looked me in the eyes and said this: "Son, that doesn't matter. I will see to it that it is a clean fight. But no son of mine will ever be a coward." WOW!

Fortunately we didn't find Jimmy, but when we got home, my father said, "Son, I will give you two weeks to get this taken care of, but if you don't, I will get involved again." WOW AGAIN.

Out of love, respect and admiration for my father, and realizing that the last thing I wanted to do was disappoint him, a couple of days later I phoned Jimmy and made plans to meet him at 9 o'clock Saturday night at a location that was a common place for guys to settle their differences. I told him I would only bring one person with me, my cousin. Was I scared? Yes. Did I know for certain that I was going to take a "thrashing"? Yes.

My cousin and I showed up at 9 o'clock just as scheduled. JIMMY DIDN'T SHOW. I knew then that he was a coward. In fact, I never heard from him again. That was the night I started formulating my reality about cowards.

Jimmy was the first bully I had to deal with, but he certainly wasn't to be the last. Some of the most surprising bullies and cowards I since have

encountered were or are in notable positions of power. Seems like a real incongruity, doesn't it?

A few years ago I published a book titled *Black Robe Fever*. It is about bullies and cowards in our judicial system. Specifically, the book is a compilation of cases I have handled through the years in which I found myself dealing with what I describe as abusive judges – judges that I contend put on their black robes and get a "fever" that results in their abusive behavior while presiding in court.

Most who read the book find it to be quite revealing of some of the challenges we have in our court system. For those that smoke cigars, I am told that it is a two-cigar read. I actually have had more than one person tell me that they could not put the book down as they learned things about our court system that they never imagined could be true. Yet the book is true and incredibly accurate about what often goes on in our courts when a "coward" is sitting on the bench. I even name names, except in one instance the actual name of the judge involved is not given. I protected this one judge by not revealing his true name because I came to realize he was literally ill. I didn't want to cause him any more pain unnecessarily. So, bottom line, all the events are true, and unless you are a trial lawyer you most probably never will experience a coward draped in a black robe and sitting on the bench.

As you know from my article on "absolutes" that I have published, I am of the opinion that there are few absolutes, even though many people make statements containing "absolutes" rather frequently. But that is another article. In this article, I find myself with no alternative but to say, as an absolute, that cowards, once they gain a position of power, will become abusive. I also say, as a rule, that cowards seek positions of power because the more power they get, the safer they feel. Possibly you have heard the saying that "someone kicked too much sand in his face when he was growing up." This is referring to the coward that is abusive.

All of us have met these people, whether they're a judge wrapped in a black robe sitting on the bench or a police officer, parole officer, guard, highway patrolman, and on and on. It just is a fact that in most instances cowards seek positions of power and then it becomes a fact that they always become abusive once they get it.

My book, *Black Robe Fever*, goes into detail of how we are to deal with cowards that have gained power and become abusive. One of the most compelling stories in the book is about the Vic Feazell criminal trial that lasted for six weeks in front of a federal judge in Austin, Texas. Even before the trial began I realized that we were faced with an abusive judge, and it didn't take long for him to prove it.

During the trial this federal judge held me in contempt of court eight times during the first week. The reason I was held in contempt of court was because the judge instructed me, before the trial, not to use the defense that we totally believed to be true. He said that the Fifth Circuit Court of Appeals didn't recognize our defense as a legitimate defense. The bottom line was that this judge didn't have the authority to instruct us on what our strategy of defense should be.

My client, a district attorney I totally knew to be innocent, was facing 84 years in prison. It was an easy decision for me to take the brunt of this abusive judge and the threat of spending 90 days in jail for contempt of court, rather than to see an innocent man convicted and spending the rest of his life in the penitentiary. As expected, during the trial the judge told me that once the trial was over I would be spending 90 days in jail.

My client was acquitted, and I am thankful I made and accepted my decision, even before the trial started, about what I suspected the penalty would be. I clearly decided I was willing to pay that price in order to do all I could do to see to it that an innocent man was not found guilty of something he did not do. He had been framed by law enforcement, but to know the whole story, you will have to read the book.

The more power the coward gets, the more abusive he or she becomes. This federal judge saw himself as having ultimate power. I didn't. Therefore, as you will see in reading *Black Robe Fever*, I did what I teach – when facing a situation such as this, I showed strength. Strength can be shown in a number of ways. Simply looking the coward/abuser in the eyes most often takes care of the situation. Not letting the coward get under your skin is another way.

Little did the bully Jimmy know when I was fifteen and he threatened to cut my guts out that thanks to my dad, I would learn a valuable life's lesson from that experience. Thank you, Dad.

For a number of stories on the subject of cowards, read *Black Robe Fever*.

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