

## BOOK REVIEW

BY LAURY M. MACAULEY, ESQ.

In more than 300 pages, *Trials* elucidates ten notorious criminal prosecutions, one from each decade of the 20th century, including infamous cases like those of Charles Manson and O.J. Simpson, along with now lesser-known prosecutions like Fatty Arbuckle and Harry Kendall Thaw.

Although *Trials* will entertain and enlighten lawyers, legal professionals are not its sole audience. While the book details each crime and accompanying litigation, instead of focusing on evidentiary disputes or statutory issues, it concentrates on the outside forces that affected the mega-trials.



Mark J. Phillips & Aryn Z. Phillips

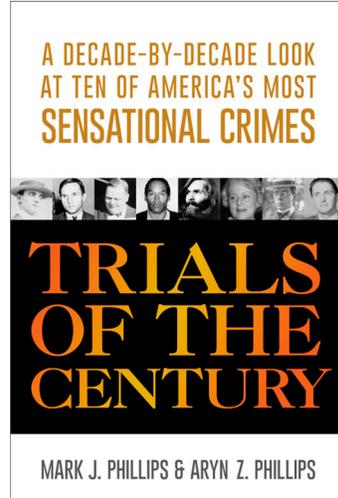
The book's authors excel at highlighting the unique historical framework in which each trial was litigated.

From the 1900s with the "Gilded Age elite" to the "hippie" movement of the 1960s, every decade possessed its own distinct mood, public sensibility and legal ethic.

The most disturbing prosecution in the book is that of Leo Max Frank, a Jewish northerner accused of murdering a young girl in July 1913, at a time when anti-Semitism was rising in Atlanta, Georgia. The authors recount the lawless investigations, rife with violence, intimidation and bribery, leading up to the trial and inevitable conviction of Frank. Ripples from the corrupt prosecution were felt for years—the group of locally prominent men (many of them judges and lawyers) who eventually commandeered Frank's lynching went on to revive the Ku Klux Klan, and more than half of Georgia's Jewish population fled the state following the case's outcome.

With an almost encyclopedic recitation of the media's role in each of the trials, the book's most interesting revelation may be the extent to which the press has influenced prosecutions and verdicts over the decades.

The most egregious case of media interference outlined in the book took place in Ohio in 1954, when Dr. Sam Sheppard



Trials are largely private affairs, prepared for amidst the quiet of law offices and litigated in the structural calm of courtrooms. But every so often a legal case captures the attention of the country and even the world, catapulting its participants into the sharp gaze of the media and the public. Ten such cases are the subject of *Trials of the Century: A Decade-by-Decade Look at Ten of America's Most Sensational Crimes*, by Mark J. Phillips and Aryn Z. Phillips (published by Prometheus Books).

was accused and convicted of murdering his wife. Despite his unwavering denial of guilt and his insistence that an intruder beat his wife to death and then turned on him, Sheppard was perceived as a philandering husband and privileged doctor, and was decried by both the media and the public as guilty.

Nevertheless, after serving 12 years in prison, Sheppard was eventually retried and released after a federal appeal to the U.S. Supreme Court, because, "the state trial judge did not perform his duty to protect Sheppard from the inherently prejudicial publicity which saturated the community and to control disruptive influences in the courtroom..."<sup>1</sup>

The book illustrates that, despite the U.S. Supreme Court's admonishment in *Sheppard*, the overreaching impact of the media on criminal trials didn't abate after the '50s. Notably, during the murder trial of O.J. Simpson in 1994, 24 of the 58 courtroom seats went to the press.<sup>2</sup> And, incredibly, in the '70s, a news crew discovered key evidence—bloody clothing—on a hillside, as it recreated one of the Manson Family's murder outings for its viewers.<sup>3</sup>

Lawyers and non-lawyers alike will be fascinated by *Trials*' accounts of the 10 highly-publicized cases. The featured criminal defendants enthrall us with the nature of their characters, the degree of their suffering, the question of their guilt or innocence and even the wounds inflicted on their victims. *Trials of the Century* is an enjoyable look at the recent past from a historical and legal perspective. While it is not a legal treatise, it serves to remind attorneys that they never litigate in a vacuum, but amid the swirl of public events intensified by the ever-expanding reach of the media. **NL**

1. Mark J. Phillips & Aryn Z. Phillips, *Trials of the Century: A Decade-by-Decade Look at Ten of America's Most Sensational Crimes* 158 (2016).
2. *Id.* at 262.
3. *Id.* at 218.



**LAURY MACAULEY** is the owner of Macauley Law Group, P.C., in Reno. Her practice focuses on estate planning, probate, business and bankruptcy law. Macauley is currently President of the Northern Nevada Women Lawyer's Association. She can be reached at [laury@macauleylawgroup.com](mailto:laury@macauleylawgroup.com).