

Walk a Mile in
My Shoes

By Robin L. Beardsley

Understand the importance of educating yourself about your case, dedicating yourself to every task, being reliable, and remembering who you represent, and why.

Lessons Learned from a Historic Clerkship

In the six and a half years since I passed the bar, I have learned many lessons about the practice of law. However, I had a unique clerkship experience during my second year of law school that taught me some of the most

important lessons about building a successful practice. I learned that a successful law career is found, not just in text books and research, but in the unique life experiences that each individual person brings to the table. My life-changing experience began in August 2000 at the beginning of my second year of law school when I interviewed for a clerkship with the U.S. Attorney's Office to work on the case of the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama.

On the day of my clerkship interview, I parked on Fifth Avenue North in downtown Birmingham, Alabama, next to Kelly Ingram Park. I walked two blocks to the U.S. Attorney's Office for an interview with then-U.S. Attorney for the Northern District of Alabama, Doug Jones. Although I don't specifically recall which pair of high heels I was wearing to my interview, I'm certain that it was a great pair of shoes.

I was to interview for a position as a special assistant assigned to work for the prosecution of Tommy Blanton and Bobby Frank

Cherry in the resurrection of the 1963 Sixteenth Street Baptist Church bombing case. The Sixteenth Street Baptist Church bombing, a racially motivated attack, occurred on Sunday, September 15, 1963. The bomb exploded at 10:22 a.m., while members of the church were attending Sunday school and preparing for the Sunday worship service. The explosion blew a hole in the east side of the church, shattering windows in the church and in buildings across the street, destroying parked cars on the street, and filling the church with a vast, dark cloud of dust and soot. The bombing of the church resulted in the death of four little girls: Addie Mae Collins, Denise McNair, Carole Robertson and Cynthia Wesley.

September 15, 1963, was the inaugural Youth Day at Sixteenth Street Baptist Church. The music for the 11 o'clock church service was scheduled to be handled by the youth choir. Many children were attending Sunday school classes in the basement of the church. Denise McNair, Cynthia Wesley, Carole Robertson, Addie Mae Collins



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and Sara Collins were excused from Sunday school early to prepare for their roles as ushers for the main service. The five girls met in the ladies lounge in the northeast corner of the basement opposite the exterior stairwell. The bomb blast completely blew away the exterior stairwell, and it created a seven-by-seven foot hole in the wall and a crater over two feet deep and five and a half feet wide in the ladies lounge, burying the girls under brick and mortar. Sara Collins was the only little girl to survive the blast. Denise McNair's grandfather, Deacon F.L. Pippen, who helped to search through the rubble, recognized Denise McNair only by her black patent leather shoes. Dr. Martin Luther King, Jr., delivered the eulogy for the young victims at the funeral service, stating "These children—unoffending, innocent and beautiful—were the victims of one of the most vicious and tragic crimes ever perpetrated against humanity."

The Sixteenth Street Baptist Church had for years served as an important part of the Birmingham African-American community and was used as a meeting place during the civil rights movement. The church was used for mass rallies by civil rights leaders such as Dr. Martin Luther King, Jr., Ralph Abernathy and Fred Shuttlesworth. The bombing was a sign of murderous hostility by segregationists against the civil rights movement. Prior to the bombing, Birmingham city leaders had reached a settlement with demonstrators in May of 1963, and Birmingham began to integrate schools and public places. A mere 18 days prior to the bombing, Dr. Martin Luther King, Jr., led the march on Washington, D.C. The bombing was intended to terrorize the people who had been demonstrating for an end to segregation and to disrupt court-ordered integration of public schools. Instead, the bombing caused wide-ranged public outrage and helped build support for civil rights legislation by the Kennedy administration.

The FBI led the initial investigation into the bombing. Former Ku Klux Klansmen, Robert Chambliss, Bobby Frank Cherry, Herman Frank Cash and Thomas E. Blanton, Jr., were the prime suspects. This information, however, was not revealed to prosecutors by order of FBI Director J. Edgar Hoover, and the case remained unre-

solved for years. In 1971, Alabama Attorney General Bill Baxley reopened the case. On November 18, 1977, Robert Chambliss was convicted of murder and sentenced to life in prison. The case was reopened again in 2000, and on May 17, 2000, Thomas Blanton, Jr., and Bobby Frank Cherry were charged with the murder of the four girls. The fourth suspect, Herman Frank Cash, died in 1994 and was never charged with the bombing.

After my interview with the U.S. Attorney's office, I was offered, and gladly accepted, the position as the only law clerk for the prosecution in preparation for the trial against Blanton and Cherry. Shortly before the trial was to begin in April 2001, Cherry was declared incompetent, delaying his trial. The trial against Blanton began on April 24, 2001. On April 30, 2001, the jury returned a guilty verdict on all counts of murder in the first degree against Blanton. Cherry was tried one year later and convicted in May 2002.

Before I accepted this position, I had read about the Birmingham church bombing in high school and college. I knew that in 1997 the Spike Lee documentary, *Four Little Girls*, was nominated for an Oscar, and I knew that this was the bomb that killed four little girls. But I truthfully did not realize the full historical significance of this bombing. I also did not realize that this clerkship would shape my life and my legal career forever.

My first day of work was one I will never forget. I arrived and immediately got into a car with the U.S. Attorney, Doug Jones, and the Assistant U.S. Attorney, Robert Posey, the two lead prosecutors in the case. We drove to Atlanta, where we spent the afternoon with Atlanta-based jury consultant Andy Sheldon. On the way to Atlanta, I was briefed on the case and my law clerk duties. In the first meeting with the jury consultant, I listened as these experienced trial attorneys discussed the civil rights movement, the 1977 trial of Robert Chambliss, the witnesses who were now deceased or on the verge of passing away, and the evidence that was no longer available due to the delayed prosecution. The prosecutors and jury consultant went into great detail about their memories of the early 1960s, the significance of the bombing case and where they were when the bombing took place. At

some point, I had to remind them that I was born in 1977; the civil rights movement was not something I had lived through, as it was for them, but instead, something that I had only read about in school. I knew this was a significant case, and I was thrilled to be working with such an experienced group of attorneys, but as the day progressed, I began to feel the weight of the case's his-

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torical significance. When we arrived back in Birmingham, I walked to my car, which was parked at Kelly Ingram Park, and it was then that I realized that I was not just listening to a history lesson. I was literally standing on historic grounds.

Kelly Ingram Park is located between Fifth and Sixth Avenue North in downtown Birmingham in the block between Sixteenth and Seventeenth Streets. At the northwest corner of Kelly Ingram Park, just across the intersection, sits Sixteenth Street Baptist Church. In the early 1960s in Birmingham, civil rights pioneers, young adults and children gathered at Sixteenth Street Baptist church and marched across Kelly Ingram Park, down Fifth Avenue North, and in front of the Birmingham Post Office. Years later, the Birmingham Post Office was converted into the Bankruptcy Court, and the second floor became the U.S. Attorney's Office, exactly where I would work for the next year in preparation for the trial. It was at this very park, on this very street, where some of the most recognizable images of the civil rights movement in Birmingham were captured. Film and photographs captured children and teenagers marching down the steps of Sixteenth Street Baptist Church and across Kelly Ingram Park, police dogs lunging at demonstrators, and fire hoses used on demonstrators in Birmingham, Alabama; all of these indelible images of the history of the city found genesis in the Sixteenth Street Baptist Church and

Kelly Ingram Park. The images that I had only read about in textbooks or seen in television documentaries were suddenly a part of my life experience.

Throughout the course of my clerkship on this historic trial, I was not treated as a law clerk who could only contribute to research and behind-the-scenes tasks. While those tasks were certainly an impor-

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tant part of my clerkship, the prosecutors made it abundantly clear that this was a team effort, and I was a member of the team. The fact that I was not as familiar with the historical significance of this case as the prosecutors helped the prosecutors prepare for those potential jurors who, like me, were not as familiar with the history and significance of the case. During the year of my clerkship, I learned the following four lessons that shaped my life and my practice as a young lawyer.

Lesson One: Educate Yourself about the Case

One of the first lessons is that it is important to educate oneself about a case. This lesson can be difficult in practice because it is easy to be consumed with the many corollary duties attendant to the practice of law, such as accounting for billable time. As a law student working for the U.S. Attorney, I did not have to account for my time in the way that young lawyers account for time. I had a set number of hours that I was paid for each week, and I usually exceeded those without even giving it a second thought. The amount of time that I was paid for did not matter to me; my concern was that I did not want to miss anything about the preparation for this case. If I learned that the prosecutors were

going on a “field trip,” as I affectionately referred to witness interviews, or anything outside the office related to the preparation for the bombing case, I found a way around my law school schedule to be there.

I learned about the civil rights movement in Birmingham. I spent many days following the two lead prosecutors in interviews of retired FBI agents, civil rights leaders, the victims’ family members, government informant witnesses, and other potential witnesses. We visited with the Jefferson County coroner about the autopsy of the four little girls. We met with experts on explosives and learned about the force and materials necessary to create the destruction at the church. We examined archive photos at the Birmingham Civil Rights Institute, the Birmingham Public Library, and FBI records of interviews and photos.

My experience as a law student, for which I did not have to be concerned about billing a client for my time and effort, showed the value to me of completely immersing oneself in the facts of a case. Truly educating oneself about a case is something that takes time, effort and dedication, which is sometimes difficult in the framework of “billable hours.” But truly educating oneself about a case is what makes the difference between good lawyers and great lawyers. I learned this lesson in law school, when I had the opportunity to truly entrench myself in a case with such historical significance.

In practice, however, every case is different, requiring dedication of different levels of time and effort to the issues presented. Lawyers have the unique privilege of working in a profession in which we have the opportunity every day to accumulate entirely new areas of knowledge with respect to any number of different products, relationships, businesses and laws. As a young lawyer, it is important to realize that dedication to the process of truly educating oneself about a case, while requiring development of discipline and time-management, can be a rewarding endeavor that will ultimately aid in becoming a better and more productive person, both in professional and private life.

Lesson Two: Dedicate Yourself to Every Task

Once preparation for the bombing case really got down to business, I found myself

entrenched in hours of transcripts of FBI wiretaps and tape-recorded conversations of FBI informants. At this point, my research and understanding of the civil rights movement took a different turn. I found myself spending long days listening to wiretaps and recorded conversations between members of the Ku Klux Klan. I listened to hours upon hours of tape-recorded conversations between Mitch Burns, an FBI informant from the old Warrior Chapter of the Ku Klux Klan, and the defendant, Tommy Blanton. For nine months in 1965, Burns drank and chased women with Blanton, all while working as an FBI informant and taping his conversations with Blanton. Many of the conversations were recorded while the two men drove around town. The tape recordings were muddled at times, from the roaring car engine and car doors opening and shutting, but many of the conversations were clear, fascinating and chilling. My job was to listen to the untold hours of tapes and review the FBI transcripts to identify and select the portions of the tapes that could be used at trial. I listened to hours of tape-recorded conversations between Blanton and Burns where Blanton made statements such as, “I like to go shooting. I like to go fishing. I like to go bombing.” I heard Blanton telling Burns that he would not be caught “when I bomb my next church,” and how he was going to “stick to bombing churches.”

During this phase of the trial preparation, there were times when I was not permitted to go on the “field trips” I had come to enjoy. I was left behind because it was far more important that I listen and review the tape recordings and identify the excerpts that might be used in trial, because so much of the crucial evidence was buried in those tape recordings. This is a lesson that all young lawyers must learn: this is the inevitable moment when you are left at the office to do the grueling behind-the-scenes work, including the brief writing, the research, and the all-important document review. Over the years, we all endure our fair share of this type of unglamorous work. This work is, however, the heart of the case, and the opportunity to find a truly important role as a young lawyer.

It was in the hours that I spent reviewing transcripts, listening to the tapes and trying to decide which recordings were the

most clearly audible, finding sections in the tapes that were most important, and identifying portions of the tapes that would make the most impact on a jury, where I found my role on the team that prosecuted the bombing case. It was, again, not glamorous, but it was an important role nonetheless, and I dedicated myself to the task of listening to and analyzing transcripts, spending hour upon hour listening to tapes that ranged from the inaudible to partially audible to the simply irrelevant. It was a matter of making sure that the transcripts truly did match the tape recordings and marking portions of conversations that I thought the prosecutors should listen to and consider. I took extensive notes and marked portions of the transcript that would allow the prosecutors to go straight to the most important, most relevant and most compelling material. At the trial in April 2001, Mitch Burns testified and the prosecution played excerpts from the tapes, introducing the tape transcripts for the jury to review. I later learned that the jurors who convicted Blanton listened to the recordings in the jury room, and the tape recordings that I helped to select weighed heavily on their decision to convict Blanton.

This was just the beginning of my young lawyer career working for senior attorneys in preparation for their presentations at trial. Many young lawyers would all love to walk out of law school and straight into the courtroom, giving an oral argument that has jurors in tears, but the reality is that you have to crawl before you walk. The experiences gained in law school and in practice over the past six years have helped me to become a better advocate. I learned how to find my place in a case and, over the years, the hard work paid off, and the opportunity to make presentations in court has often been the reward.

Lesson Three: Be Reliable

From my first day on the job, riding in a car back and forth to Atlanta, to the last day of the bombing trial, I knew that my role was to assist the prosecutors in preparing this case for trial. In every case, the role of a young lawyer can manifest itself in many different ways. In the bombing case and in my practice, I have learned that one of the best ways to find a role in a case is to be reliable.

In working on the bombing case, I went to great lengths to ensure that my detailed notes were a source of reliable information for the prosecutors. I tried to write down everything that was happening around me. Maybe it was because this case was historic, or maybe it was just because I was used to taking thorough notes in class. Either way, from start to finish, I managed to record everything about the bombing case in a spiral notebook. As the weeks and months of preparation rolled along, the prosecutors realized how reliable my notes were, and they would turn to me to ask about our discussions the prior week about certain witnesses, or what an FBI agent said. I could turn back a few pages in my notebook and find my detailed notes about what happened. By the time the trial was over, Doug Jones referred to my spiral notebook as his “official transcript.”

My notes became an integral part of the preparation of the case, particularly when it came to witness interviews. We spent many days interviewing Mitch Burns about his role as an informant and preparing him for testimony. We prepared FBI agents for their testimony regarding interviews with Blanton in the 1960s. We spent countless, memorable days attempting to prepare Jean Casey Blanton Barnes for trial.

Jean Casey was Blanton’s two-time former wife. In 1963 she was his 16-year-old girlfriend and for years was touted by Blanton as his “alibi” for his whereabouts on the eve of the September 15, 1963, church bombing. Blanton and Jean Casey married, divorced, and then remarried in 1971 when the case was reopened and Chambliss was tried for the bombing. Sometime after the Chambliss trial was over, they divorced yet again. One of the many tape-recorded conversations that I listened to was a conversation between Jean Casey and Blanton, during which Casey nagged Blanton, in a voice like fingernails on a chalkboard to the prosecution team, about why she had been stood up by Blanton for a Friday night date. Blanton’s excuse was that he had a “meeting to make the bomb.” As unbelievable as it may be, Jean Casey actually sounded relieved that he was making a bomb; she had feared that she had been stood up for another girl.

As I sat through many of the witness interviews with Jean Casey, I carefully

took notes and attempted to record the statements, so that the prosecutors could prepare for this important witness. At all times, the prosecutors knew that they could rely on me to take meticulous notes and assist them in pulling together the various strands of facts that had been gathered in witness preparation sessions. Despite many attempts to prepare Jean Casey, the prosecution ultimately did not call her as a witness, and instead, introduced the tape-recorded conversations between Jean Casey and Blanton through an FBI agent.

Being a reliable source of information is a crucial role for a young lawyer. There are many opportunities for a young lawyer to sit, observe and take notes in client and witness meetings. When it comes to presenting witnesses in trial, it’s most important to make sure that the full and complete testimony of any given witness is presented. It is all too easy in the presentation of a witness to forget to ask about particular facts that a witness may be able to provide, or neglect specifically to include testimony of certain elements of a case. In the bombing case, I assisted the prosecutors by making sure that they had a list of the important facts that the witness discussed in each witness interview. The prosecutors were able to rely on my notes to ensure that we presented the complete testimony from each witness, covering all essential facts and issues. So, when you find yourself sitting in a meeting or a hearing taking notes, keep in mind that you always want to be a reliable source of detailed information for the attorneys with whom you work; this is your chance to really contribute to the presentation of the case.

Lesson Four: Remember Who You Represent, and Why

On April 24, 2001, the opening statements began in the bombing case. By a twist of fate, the opening statements fell on the birthday of Carole Robertson, one of the four little girls killed in the blast. Carole Robertson would have turned 52 on the day of opening statements. During the trial, I had the distinct privilege of sitting on a small wooden bench directly behind counsels’ table with the jury consultant, Andy Sheldon. Sometime before the opening statements, Doug Jones handed a zipped, closed black canvas bag to me and told me

to guard this bag with my life. Not knowing what it contained, I dutifully put the bag on my shoulder and carried it with me into the courtroom for opening statements. Later that day on a break, I opened the bag to see what I was carrying with me. The bag held the black, patent leather shoes Denise McNair wore on the morning of the bombing—the shoes that were used to identify her.

I had come to know Denise McNair's parents, Chris and Maxine McNair, during the preparations for the case and, at times, I had shed tears over their heartbreaking stories. But seeing Denise McNair's shoes in the bag I was carrying was gut-wrenching. They were black, patent leather dress shoes with an ever so slight wedge heel. The shoes looked as though they had only been worn a few times. Seeing these shoes broke through a barrier I was not aware of, and suddenly, the significance of who I was representing was truly real to me. I carried Denise McNair's shoes and kept the black bag with me throughout the course of the week-long

trial. It is my most precious memory from working on this historic case.

The prosecution never introduced the shoes into evidence, but Chris McNair testified on the final day of the prosecution's case about his daughter Denise. Closing arguments were held on April 30, 2001. The prosecution closed the case with the testimony of Sara Collins, the one little girl who survived the blast. The first two rows of the gallery were filled with the family members of the four little girls. During closing arguments, Doug Jones told the jury that it was "never too late for justice." In just two and a half hours, the jury returned a verdict of guilty.

I will certainly never forget Denise McNair's precious, black, patent leather shoes, or the expressions on the faces of Ms. Robertson, and Mr. and Mrs. McNair, as they spoke about their daughters, the resonating testimony of the lone survivor, Sara Collins, as she described calling out to her sister "Addie, Addie," while both girls were buried in the rubble, or the stillness in the court-

room during closing arguments. Most of all, I will never forget the four little girls.

Conclusion

I will likely never again have the chance in my legal career to work on such a life-changing case. This case truly shaped the way that I practice law. When I think about the families of the four little girls, I remember that from the start of my legal career, I had very big shoes to fill. But in every case, historic or not, the client depends on us to be his or her voice. There are many days that you will find me in my favorite pair of black, patent leather high heels going to court. When I park and walk down Fifth Avenue North in Birmingham, I think about some of these lessons that I learned long before I passed the bar exam. Sometimes we think that a law career starts when we pass the bar. I believe it is life's lessons and experiences that walk you down the path of a truly rewarding legal career. 