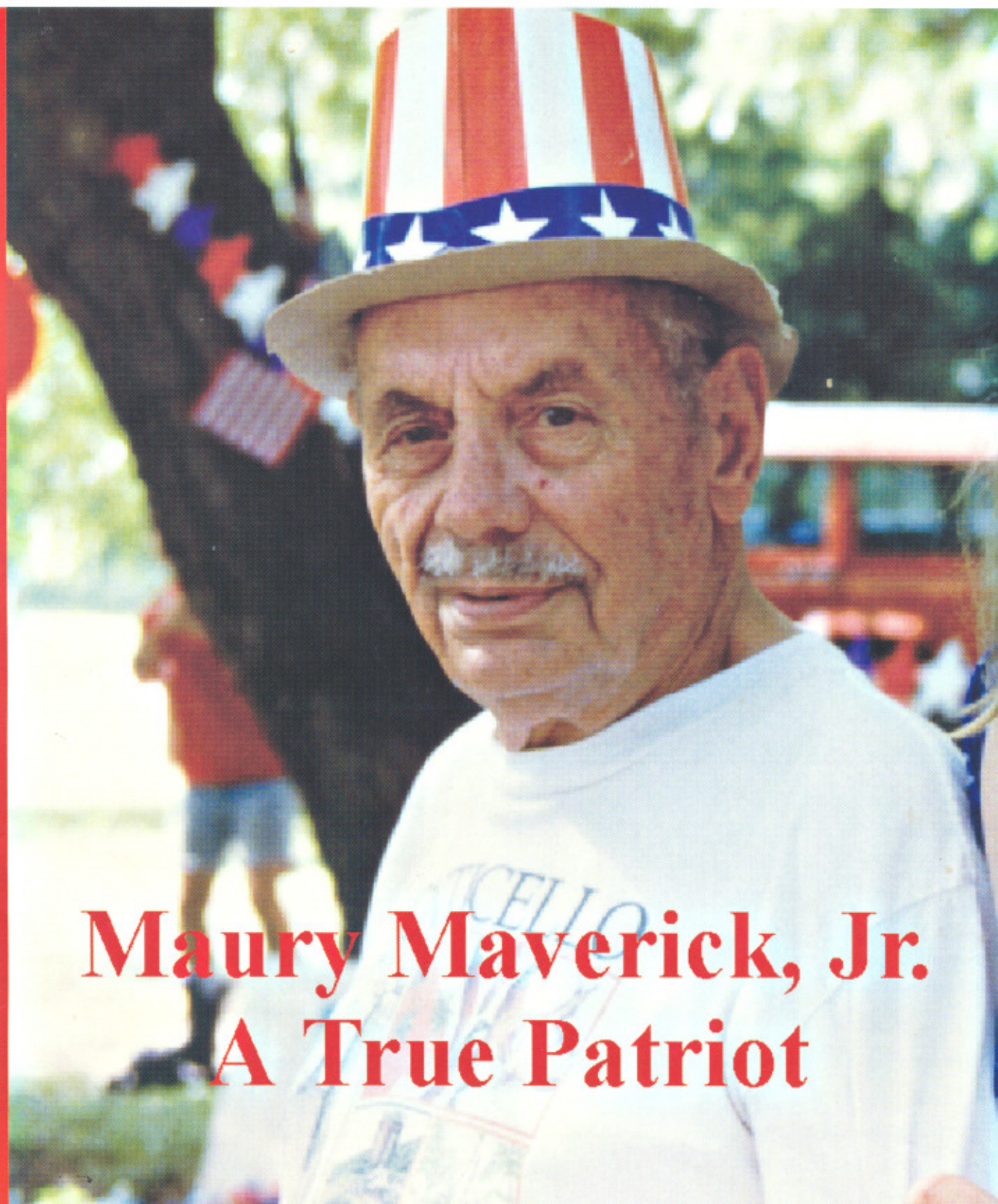


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THIS IS YOUR ORGANIZATION



Maury Maverick, Jr.
A True Patriot

MAURY MAVERICK, JR.

The Courage to Live a Good Life

by Mark Stevens

When I heard that Maury Maverick, Jr. was dying, I knew I would write something about his life for *The Defender*. This legendary man was a hero to me, and his life contains many lessons for those of us who call ourselves criminal lawyers. It took me awhile, though, to decide exactly what to write.

I wanted to write about his courage as a journalist. More than anyone I've ever read, Maury Maverick, Jr. wrote what was on his mind. His willingness to speak the truth, without regard to who might be angered or offended, is in stark contrast to the simpletons dominating television and talk-radio today, whose only purposes seem to be selling advertising and saying what their audiences clamor to hear. But *The Defender* is written for criminal defense lawyers, not the media or its critics, so I rejected this approach.

Next, I thought I might write about his contributions to the criminal law. Although Maury did not regularly practice in criminal courts, he handled two cases which have had a significant impact on our law. In *Ex parte Duffy*, Maury, Gerry Goldstein and Bob Ozer convinced the Texas Court of Criminal Appeals to grant habeas relief to a man who had been convicted of capital murder and sentenced to death. The *Duffy* case, of course, created the standard for ineffective assistance of counsel in Texas that would endure for many years.¹ Maury's best known criminal case is *Stanford v. Texas*,² which he successfully argued in the United States Supreme Court. *Stanford* is still the first case we criminal lawyers turn to when arguing against the unconstitutional "general" warrant. So, I prepared lengthy – and boring – analyses of both these cases, which I quickly discarded, you will be glad to hear. Although these cases are important, you are all lawyers and you can read them as well as I can.³

Instead of writing about journalism or law, I decided to pass on a couple of lessons I learned from Maury that made me a better person and lawyer. I hope you find them as useful as I have.

Maury taught me about the good life. In the mid-1980s I was appointed to represent a man on death row who was

exceptionally unpopular in San Antonio. Paul Thompson, a columnist for one of the local newspapers, plainly found this case, and my representation of the condemned man, entirely unacceptable. Among other things, Thompson falsely suggested that I and other lawyers were being paid hundreds of thousands of dollars by the county to "chase commas." The notion that I was getting rich while frivolously defending a convicted killer made me almost as unpopular as my client. The truth, of course, was that I was paid almost nothing for this work.⁴ On top of that, people who might otherwise have hired me on DWI's, drug cases, and the like, were discouraged from doing so by the negative publicity. After fielding nasty letters and hateful phone calls for months, I began to feel pretty sorry for myself and for my dwindling bank account. On March 2, 1988, Maury sent me a letter which offered me this advice and encouragement:

At the end of the Vietnam War, after my top union client quit me because "you represent yellow bellies," I made \$8,200 for the year. This at 55 years of age. I called Mel Wulf, New York ACLU, and complained and he said, "What are you complaining about? Most lawyers are bored to death. You have had a good life." And so have you and while you will never be as rich as Gerry you will be richer than I was as a lawyer. You are doing good kid. Sincerely, Maury."⁵

That letter has hung on my wall for years, and I reread it often whenever I wonder, as I do from time to time, whether I picked the right career for myself. It reminds me that one of the best things about my job is that it rarely bores. It also reminds me that my life can be good even if I don't get rich.

Maury Maverick also had something to teach us all about courage. Few people knew more about the subject than he. Several of the many letters written to the newspaper after his death described Maury as "fearless." This adjective, though, doesn't do him justice. In his columns and his book, Maury often wrote of the fear he felt – battling McCarthyism in the Texas Legislature, defending conscientious objectors in the Courts, and exposing ignorance in his newspaper column. Any normal

person would have been afraid to take the bold stands that he took time and time again. The point about Maury is not that he was not afraid. Only a fool would have felt no fear facing the powerful and hostile enemies he faced. The point is that, despite the fear he felt, he still had the guts to do the right thing. Courage is not a lack of fear. Courage is the willingness to do the right thing even though you are scared to death to do it. This is a good lesson for anyone. It is especially useful for those who every day take on our powerful -- and sometimes hostile -- government, defending the citizen-accused in the criminal courts.

I listened to the eulogies at Maury's funeral and was awed at the bigness of his life. I wondered who among us today will pick up where he left off. Who will be the next Maury Maverick, Jr.? I can't think of anyone who comes close.

¹. *Ex parte Duffy*, 607 S.W. 2d 507 (Tex. Crim. App. 1980). *Cf. Strickland v. Washington*, 466 U.S. 668 (1984). See also *Hernandez v. State*, 988 S.W.2d 770, 771 (Tex. Crim. App. 1999)(court finds it has no choice but to overrule *Duffy* in light of *Strickland*).

². 379 U.S. 476 (1965).

³. Although I promised not to bore with legal analyses, I urge you to reread these cases when you get the chance, especially *Stanford*. There, officers of various local law enforcement agencies ransacked Mr. Stanford's San Antonio home looking for proof that he was a Communist. They seized approximately 2000 of his books and papers, including his marriage certificate, and writings by such dangerous extremists as Justice Hugo Black and Pope John XXIII, but they found no proof of communist affiliation. The Court's decision condemning this procedure was unanimous, and it provides an inspiring discussion of the history and value of the Fourth Amendment.

⁴. This unpleasantness was fueled by the judge who had appointed me to the case, Tom Rickhoff, then of the 289th Judicial District Court, who told Thompson that I was "making a living off this case." When I confronted Judge Rickhoff about his inaccurate remark, he wrote a letter to the editor in which he apologized to me, and admitted that he in fact had paid me \$1,250, the minimum amount authorized by statute.

⁵. I might have been reluctant to publish details about his income, but for the fact that Maury himself has already made a similar report on page 134 of his excellent book, *Texas Iconoclast* (TCU Press, 1997)(Allan O. Kownslar, editor). The "Gerry" referred to is Gerry Goldstein, and Maury's prophecy about our comparative wealth is, so far, accurate.

MAURY MAVERICK, JR.

by John Aloysius Convery

Maury Maverick, Jr., was my friend and mentor's friend and mentor, and then mine, and others. Gerry Goldstein introduced me to Maury in the early 1980's, when I was a law clerk at Goldstein, Goldstein & Hilley, with Ralph Lopez and Robert Hirschhorn. Mark Stevens was the "new" associate lawyer. For me, both Maury and Gerry are representative of what is unique and mythical about the practice of law and this state of mind called Texas. No one outside of my own family has had a more profound effect on my view of myself as an individual, or taught me more by example.

Every conversation I ever had with Maury was educational and motivational. They usually started off with his view of a particular problem or issue (educational), and ended with him chiding me to get off my ass and do something about it (motivational). This conversation format applied the same whether the subject was defense of individual rights and The Bill of Rights, or taking care of the Purple Martin birdhouses in my neighborhood.

Read the "Texas Iconoclast," [a compilation of some of Maury's columns, edited by Allan O. Kownslar] sometime, or *Stanford v. Texas*, 379 U.S. 476 (1965). Better yet, ask Judge Barlow about arguing the *Stanford* case for the state against Maury. It is said that Maury objected in a murder case when a young attractive prosecutor displayed the skull of the victim, complaining that next she'd dance the dance of the seven veils. Ask Judge Sharon MacRae about that case. When you're thinking of our Constitution, criminal law and religion, think about Maury appearing at the police station for atheist Madelin Murray O'Hare when she shouted, "Thank god the ACLU is here!" I hope in the future to speak to Maury in dreams the way he did with Thomas Jefferson, Tom Payne, Sam Houston, and his own father. Worrying about what he might say to me may make me a better lawyer. If not, speaking with him will mean many nights of fitful sleep.