

Van Hilley
Great Friend, Great Lawyer

by
Mark Stevens

The car turned from Villita Street onto Jack White and stopped just long enough to permit the man standing on the sidewalk to get in. It's been almost 40 years, but I well remember the first words I ever heard from Van Hilley. Addressing our driver, he said: "Gerry Goldstein. A day late, and a dollar short."

Of course, Van was joking. Mostly. Gerry Goldstein was never (well, almost never) either a day late or a dollar short, and true to form, he managed to get the four of us to Cotulla that morning right on time for a pretrial hearing before Judge Taylor Brite. That was my first time to ride with this driver, and he drove then as he probably still does: At high speed, weaving in and out of traffic with one hand on the wheel, and the other resting on the center console to make some last minute notes with his black Mont Blanc pen and yellow legal pad. Sitting in the back seat beside investigator Sammy Miller, I had the good sense to keep my mouth shut while the three of them talked about the hearing that would be held that morning. As lawyers do, they also reminisced about their representation of Fred Durrough in a death penalty case that had been tried a few years before, and that had just two months earlier been reversed by the court of criminal appeals. I got to tag along that day with the real lawyers because I had done some research on the case scheduled for that morning. It would be my first chance ever to sit at counsel table, and was heady stuff for this second year law student. I could not (and still can't) believe my good luck being in that car, in the company of those people, when I was 26 years old.

South Texas bar room murder cases are rarely won at suppression hearings, and this was no exception, notwithstanding the combination of my legal research and the arguments of lawyers Goldstein and Hilley. It turns out that you have to be really, really drunk before your confession is deemed involuntary. Later, though, Gerry and Van would return and win an acquittal before a LaSalle County jury for citizen-accused Lopez, despite the statement that he gave.

At the time of the Durrough and Lopez cases, Gerry was law partners with his father, Eli, and Jay Sam and Arnold Levey, on the 29th floor of the Tower Life Building. Van officed a couple of blocks away with Texas legends Fred Semaan and Charlie Butts. By 1982, though, it no longer made sense for Van and Gerry to office apart and work together only occasionally. That year they formed their famous handshake partnership which lasted until Van's death 35 years later. I was still around and became a young associate at the new firm, Goldstein, Goldstein, and Hilley, and I spent the next two years

working closely with and learning much from all three of these superb lawyers. Any time I had a question about anything civil I went to Eli, who had done that work for close to 50 years. When I had a difficult legal question about a criminal case, I went to Gerry, who would invariably dig around in boxes he kept on a shelf next to his desk and come up with the latest case on point. When I had other types of problems – where the questions were more common-sensical than legal, or where they involved people in the courthouse – Van was my resource, and he always steered me in the right direction.

In 1983, I decided it was time for me to see if I could make it on my own. Before I left, one of his long time clients was charged with murder, and Van asked me to sit second-chair. We spent a week before Judge Barlow and we were satisfied with the result. After I left the 29th floor, we continued, from time to time, to work on cases together both in and out of Bexar County, and I always learned from the time I spent with Van Hilley.

Although I felt competent to practice on my own and even had managed to save a little money, I really had no idea how I was going to make a living when I opened my first office on January 1, 1984. In those days it was impossible to make a living entirely off court-appointments which paid a maximum of \$50.00 a day. (And no, that is not a typographical error.) As a young lawyer with no established clientele, I knew I would have to depend for a while on the generosity of others, and no one helped me more than Van Hilley. He referred me cases enough that I could pay my bills, keep the doors open, and gradually build my practice. A few years later, Stephanie and I teamed up and rented space in the Tower Life Building, and that came with the myriad expenses associated with furnishing and equipping a new office. Van's timely referral of a few solvent clients helped ease this burden. Looking back now 25 years later, I know there were a number of other lawyers he could have sent these cases to, and we were lucky he thought about us.

Van Hilley was a serious lawyer. He handled many high profile criminal cases, including the defense of former Texas Attorney General Dan Morales, and he was an indispensable lawyer on the defense team when another Attorney General indicted multiple members of the FLDS church in Schleicher County. Over the years he mentored countless lawyers, including first-rate ones such as Ralph Lopez, John Convery, Eric Friedland, Robert Hirschhorn, Robert Switzer, Patrick Peranteau, Cynthia Orr, and Don Flanary, to name just a few. Whenever possible, Van preferred to fly under the radar. He knew what every smart lawyer does: As thrilling as it is to see our names in the media, publicity rarely helps us win trials, and almost never improves the good standing of our clients in their communities. More than a few of you reading this now know exactly what I mean, because Van was your lawyer, either in court or before the grievance committee. Had he not been so successful – and so discrete – some of you might not be reading this as lawyers today.

The murder case we tried in 1983 was a good example of Van's understanding that publicity is often poison. We picked a jury on Monday morning, worked all week, and got the two-word verdict on Friday afternoon. We walked back to the office together, and there in the lobby of the Tower Life Building a very young lawyer was giving a press conference, surrounded by members of the local broadcast and print media. We stopped to listen and learned that this man had just pled a class C misdemeanor in Municipal Court, had gotten a deferred disposition for his client, and then sent out a written announcement to the media scheduling the press conference he was then conducting. "Amused" is one way to describe my reaction seeing a lawyer who bragged about copping a deal in traffic court when we had spent all week winning a murder case and had not received any press coverage at all. I whined to Van about this, and he wisely reminded me that, as much as we might enjoy the media recognition, our client was surely happy not to be on the 6 o'clock news, even if it would be reporting his acquittal. The people who really needed to know about our victory, Van assured me, already knew.

As serious as Van Hilley was about his profession, he knew that other things were a lot more important. He was a proud Texas Longhorn, he took time most every weekend to play golf with friends, and he was active in his church. And most important of all, he made time for his family. His wife Connie, his children, Kara and Derek, and his grandchildren came first. As necessary as it is for us to find the time to be good lawyers, we also have to discover the secret of accomplishing that while still putting our families first. Van figured this out and he did his best to teach the rest of us. I don't think I ever had a conversation with Van of more than a minute's duration that he did not bring up someone in his family, or ask about someone in mine. We knew each other before I married and had kids, and he got to know Stephanie well. He knew how my family filled a void in my life. Almost every time we spoke, no matter what had caused us to get together in the first place, Van reminded me how lucky I was to have married Stephanie. Not a day goes by in my life that I don't know this, but he was a great friend for always making sure that I did.