



ALUMNI PROFILE

Leaving No Stone Unturned

NOT LONG AFTER GLEN "BUDDY" NICKERSON WAS RELEASED from prison after serving nearly 19 years for a double-murder he never committed, he had tattoos removed. The swastikas. The spots inked with "WP," shorthand for "white power." The other racist insignias.

The action signaled the tough guy's personal transformation. To a larger degree, however, it honored his attorney, **M. GERALD "GERRY" SCHWARTZBACH, JD '69.**

"I knew no other way to show Gerry how much I respected him, so I had them all removed," he says. "I wrote him a letter. I thanked him for showing me that race didn't make the man, the man made the race."

That hand-written letter still hangs in Mr. Schwartzbach's Mill Valley, Calif., office, a reminder of but one of the headline-making cases that mark his long career.

Mr. Schwartzbach was among the first attorneys to successfully invoke the battered woman defense in a domestic violence trial. He persuaded the California Supreme Court that indigent capital murder defendants should have the right to two court-appointed attorneys. And in a nationally watched trial in 2005, he successfully defended actor Robert Blake against charges he murdered his wife, Bonnie Lee Bakley.

"He piles victories atop one another in the most difficult cases, but he is incredibly self-effacing," says Ed Sousa, a

criminal defense lawyer in San Jose, Calif. "This business, for better or worse, is ego driven. But Gerry is modest and civil and, surprisingly, soft spoken."

Bruce Cohen, who worked with Mr. Schwartzbach early in his career, called him "tenacious" and "very smart and very funny."

"What that taught me as his legal researcher and writer was that you do this the best way that you can, you take it really seriously, and you do really good work. It doesn't always pay off, but it pays off a lot," says Mr. Cohen, resource attorney at the San Francisco-based California Appellate Project.

The case Mr. Schwartzbach calls "perhaps the most important of my career" came in a 2008 trial that grabbed national media attention and threatened to have a chilling

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effect on organ donations in the United States. Dr. Hootan Roozrokh was accused of administering medications so as to hasten a patient's death and obtain organs for transplant. Mr. Schwartzbach argued that the drugs were administered to ease the patient's suffering. (The patient did not die as a result of the medication and no organ transplant took place.) After a two-month trial in 2008, the surgeon was acquitted.

Mr. Schwartzbach has an impressive trial record for a man who once had no interest in the law.

An avid sports fan, he graduated from Washington & Jefferson College with a bachelor's degree in history and a dream of becoming a sports broadcaster. But the Vietnam War was in full swing and he knew he needed to pursue something more substantial if he were to obtain a draft deferment.

He doesn't recall now why he opted for GW Law. Maybe because his aunt Eleanor, JD '41 and LLM '43, and his cousin Saul, JD '52, were alumni. Saul Schwartzbach still has a law office in Bethesda, Md.

At first, Gerry Schwartzbach hated law school. Then he got involved with a law clinic at GW—and his life was changed.

"It opened my eyes to the reality of being poor and being a person of color in this society, how unfairly the economic and legal systems treated them," he says. Even today he urges law students to do law clinic work because "when you're representing people who are disadvantaged, you do something good for them but you also do something that enriches your life."

After graduating from GW Law, Mr. Schwartzbach decided to continue that frontline work as a VISTA legal volunteer. He was assigned to represent women on welfare in Detroit, a springboard at the time for racial causes. In the Motor City, he met the man who, for many years, would be his mentor: Sheldon Otis, the lawyer who defended Angela Davis, Huey Newton, and other prominent '70s radicals.

Mr. Schwartzbach soon left the Midwest for California. Mark Rosenbush, now retired, worked in the 1970s as Mr. Schwartzbach's law clerk in the federally funded community

defender's program at Bayview-Hunter's Point, a neighborhood alternative to the San Francisco Public Defender's office. In the decades that followed, they were collaborators and they remain friends.

"He's an utterly committed advocate," Mr. Rosenbush says. "Once he latches onto a case, he'll be on it 110 percent—a complete workaholic. My caseload would be between 15 and 20 cases at a given time and Gerry's caseload would be much lower because he worked on each one incredibly intensely."

Lawyers in capital murder cases face tremendous pressure because the stakes are so high, literally life and death. When he takes on cases, Mr. Schwartzbach wants to know everything—*everything*—about his clients, not just the facts of the alleged crime but where the accused grew up, what they think, what they aspire to if acquitted.

"I remember that we'd talk about a case like it was a work of abstract art: Every time you look at it you see something different," says Mr. Sousa, who still mimics some of Mr. Schwartzbach's techniques in organizing cases. "First and foremost he taught me that you look at everything in a case, you review it over and over. You leave no stone unturned."

Looking beyond labels to the individuals behind them is the philosophy that guides Mr. Schwartzbach's career. It's also the overriding theme of his new memoir, *Leaning on the Arc*.

"The objectification of human beings is my major criticism of the criminal justice system. It happens in law, it happens in politics, and it happens in government. When you're a criminal defense lawyer, you put in time to know the people who are accused of a crime. A lot of times it's not easy to get to their core.

"Criminal law is fundamentally about people," he adds. "Whether it's the people charged, the victims, or the families of both, it's about people."

A judge once warned that he gets too emotionally involved with his clients. It was that involvement that may have saved Buddy Nickerson. While representing a man charged in the same drug dealer robbery and murder case that landed Mr. Nickerson in prison, Mr. Schwartzbach became convinced of Mr. Nickerson's innocence.

"He came to see me. I was not an easy person to get along with. I was rude to him," Mr. Nickerson says. Even more, he made sure a swastika tattoo was prominently on view when the Jewish lawyer spoke with him.

"I feared this was just another attorney who was going to BS me and nothing was going to come out of it," Mr. Nickerson continues. "But I saw that he cared about everybody in the case and it bothered him that I was in prison for something I didn't do."

Mr. Schwartzbach represented Mr. Nickerson pro bono for eight years.

"Gerry was with me for the long haul. He treated me like a friend. And even if I hadn't gotten out [of prison], I would have been a better person for Gerry being in my life."

These days, Mr. Nickerson leads a quiet life, spending time with his five young grandchildren and battling some health challenges. He and Mr. Schwartzbach stay in touch, and Mr. Nickerson tells friends that he had the perfect lawyer.

"I tell them he's a little pit bull with a bow tie," he laughs.

— *Mary Dempsey*