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THE FRONT BURNER

Lessons: Simpson case 20 years later

'Trial of the (20th) century' changed the legal backdrop

By CHARLES ROSE III | Guest columnist

We did not know it at the time, but when O.J. Simpson led the Los Angeles Police on a low-speed chase down an Los Angeles freeway, it changed our legal landscape. The quiet hallways of the courthouse, where juries rendered justice focused on the facts and law, were invaded by the full force and interest of a media machine hungry for the spotlight. Due process under the law was not prepared for it, and our criminal justice system has arguably never been the same.

Of course there were multiple "trials of the century" in the United States prior to this one, but the combination of the cult of celebrity, the underlying story, and the bright lights of the news coverage, created an entirely new animal for lawyers — a case tried through the media both before, and while, it was tried in the court. Lawyers who looked and sounded good on TV were suddenly more important than lawyers who actually knew what they were doing.

By the time the trial ended, careers had been made or destroyed, lawyers became national news correspondents, talking heads infested the airways, and an entire network came into existence. All of this happened not because of the heinous nature of the crime, or our outrage for the victims, but because of the soap-opera quality of the location, witnesses and lawyers. It made for great reality television. Justice suffered.

Lawyers learned to use the media to gain access to a pool of potential jurors and the mind of the American public. Spinning the story is now a fundamental consideration. Why? It works. Some attorneys even routinely fan the flames of prejudice and misperception in the name of media exposure — for the inappropriate benefit of a select few. Facts are often destroyed by such fires, particularly when they get in the way of a good story.

Representing clients in the post-Simpson era now includes substantial considerations concerning the use and potential manipulation of the media. This has skewed our concept of justice in favor of clients based upon their potential "ratings." This ratings battle is not focused on fairness, but rather on the attractiveness, sympathetic nature, or unique narrative of the client. If a case fits into the type of stories society consumes for entertainment, lawyers will often use that to influence the process in a way not contemplated when the Constitution that binds our society together was written. Perception as viewed through the camera lens can now be more important than facts presented in court. For a nation of immigrants bound together by the rule of law, it is a troubling development.

The relationship between the American public and the criminal justice system is now different. Agencies and organizations that had, rightly or wrongly, enjoyed a great deal of public trust found their internal weaknesses disclosed to the world — even when they were not relevant to the case. Those institutions were judged and found wanting, and our society now splits across our perceptions of the story, and not the facts.

One good thing has come from all of this: The undercurrent of racial mistreatment often present in the criminal justice system rose from the deep waters of prejudice and was on full display during the Simpson trial, and it has not retreated since. As a result, America has appropriately struggled in the intervening years to deal with it more fairly and compassionately, a struggle that continues to this day.

In most courthouses in America you can find a statute of Lady Justice, blindfolded to show that all are equal before the law. The Simpson "trial of the century" removed that blindfold. Hopefully she is now paying attention to our world, and not preparing for her next appearance on the "Today Show."

Charles H. Rose III is the professor of excellence in trial advocacy and director of the Center for Excellence in Advocacy at Stetson University College of Law in Gulfport.

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Today's moderator



DARRYL E. OWENS
Editorial Writer

As a once in a generation footballer, Orenthal James "O.J." Simpson produced many "did-you-see-that" moments on the gridiron.

Yet, 30 years after his induction into the Pro Football Hall of Fame, Simpson is more infamous for two "where-were-you-when" moments.

First, of footballer-turned-actor riding shotgun in friend Al Cowlings' white Ford Bronco during a 60-mile low-speed police chase toward his Brentwood estate.

And then, of course, that moment — as a nation stood transfixed and Simpson stood anxiously with his "Dream Team" of lawyers — as Judge Lance Ito's clerk read the verdict:

"We the jury in the above entitled action find the defendant, Orenthal James Simpson, not guilty of the crime of murder" in the stabbing deaths of his ex-wife Nicole Brown Simpson, 35, and Ronald Lyle Goldman, 25.

It was a verdict that many black Americans cheered as recompense for historical American injustices; many others simply couldn't believe that the Juice was loose.

Saturday marks the 20th anniversary of that verdict, which one of today's columnists says transformed the legal landscape — schooling lawyers on how to manipulate the press for gain. Our second columnist offers nine lessons from the trial, though his observations are abbreviated here. His full take is available at OrlandoSentinel.com/opinion.

Twenty years after the "Trial of the Century," America remains profoundly changed.

BY THE NUMBERS

- **32:** Simpson's number during his National Football League career.
- **1968:** Simpson received the Heisman Trophy.
- **\$25 million:** Simpson is ordered to pay this sum in punitive damages to the victims' families.

TV proceedings showed Americans what matters

By H. SCOTT FINGERHUT | Guest columnist

It is said that "the law, like the rest of us, promises according to its hopes but performs according to its fears." The O.J. Simpson murder trial speaks to me that way, as it was as much a reflection of ourselves — as a people, and a nation — as it was an adjudication of the savage killing of innocents by an American cultural icon, a hero. Like an X-ray, O.J.'s trial revealed our country's fractured skeleton and epitomized the fact that while not everything in life is about criminal justice, in criminal justice, everything is about everything.

It has been two decades since that remarkable, but not unpredictable, verdict — a good time to take stock and account for who we are and what we want.

1. Domestic violence matters. Gone are the days of failing to take relationship abuse seriously. It continues to happen too often. And we'll never catch it all. But we are doing better.

2. Poverty matters. The stunning result O.J. achieved (bloody glove, bloody trail, bloody cut, DNA, and all) was a consequence of his being able to afford it. Sadly still in this country, as NYU Law professor Bryan Stevenson notes, "it is better to be guilty and rich than innocent and poor." That just can't be in America.

3. Community, race, and culture matter. When O.J.'s verdict was pronounced, the throngs and the cheers were less about O.J.'s getting away with murder (though there was certainly some of that) or beating back the lying L.A.P.D. (and there was definitely some of that) than they were a celebration with the real man of the hour — Johnny Cochran Jr., a black lawyer, on a national stage, who "made it" in a white professionals' world. To many, Cochran's victory was an eruption of possibilities, made so by the fomenting of the insidious notion that what separates us is more significant than what unites us.

4. Great defenders matter. "Liberty's last champion," they are called, because that is what they are. Bad defense lawyering almost sank



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The Juice, until Cochran joined the team and saved O.J.'s life. How a society treats its outcasts, the least among it, says perhaps the most about the type of society it is and years to become.

5. Great judges matter. And O.J.'s wasn't. Judge Lance Ito lost control of the trial, let the attorneys run wild in the press, and allowed the infamous Mark Furman impeachment. Be they elected or appointed, the wise and sober judge, vested by us with the privilege to sit in judgment over us, makes all the difference in the world.

6. Great prosecutors matter too. O.J.'s victory was due, in no small part, to the prosecutors' failure to try a good case and their fundamental lack of understanding of (indeed their evident disdain for) the larger but no less jury-impacting cultural issues at hand. That, and a pair of shrunken leather gloves, was all she wrote.

7. Trials matter. Specifically, jury trials. When the Sixth Amendment right was cemented, the country felt small enough so that everybody who wanted a jury trial could get one, thereby engaging communities in the determination of guilt or innocence. That, however, has not been our truth. Instead, unfettered prosecutorial discretion, minimum mandates, sentencing guidelines, the jury trial penalty and more have ruled the roost and made going to trial too risky (and too expensive) for nearly all defendants to endure.

8. The people matter. Lest we forget, "We the People" are the law. Thus no matter how surreal O.J.'s trial got, the law is and can forever only be a reflection of ourselves.

9. Everybody lies. If O.J. and his devolving trial are to teach us anything, it is that all of it — the good, the bad, and the ugly — is who we are. And unless we confront the fallacy of separateness, until we accept the fact that every life has equal value, we are destined to ride out our lies, undervalue — and underfund — real pathways to substantial justice, and leave behind precious little for our posterity to build upon, perfect our union, and thrive.

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The Needle

Whole Foods announced that it is cutting 1,500 jobs. Although Whole Foods doesn't want to call them 'unemployed,' they're calling them 'free range employees.'"

— Jimmy Fallon

In a speech Marco Rubio talked about the danger of electing a president who does not understand technology. Unfortunately, Rubio's speech was interrupted when his beeper went off. He had to get to a pay phone."

— Conan O'Brien



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