



## Indefensible: One Lawyer's Journey Into the Inferno of American Justice

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**Indefensible: One Lawyer's Journey Into the Inferno of American Justice** David Feige

With verve and insider know-how, a young lawyer reveals his outrageous and heartbreaking long day's journey into night court.

## Indefensible: One Lawyer's Journey Into the Inferno of American Justice Details

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## From Reader Review Indefensible: One Lawyer's Journey Into the Inferno of American Justice for online ebook

### Andrew says

This very readable little volume gives you an inside look at the ground level of the criminal justice system and its many caprices and quirks. In the course of less than three hundred pages, we are introduced to enough characters to populate a small city; most of these are the defendants, who are being processed through the system. One of the author's more alarming assertions is his claim that the system is designed to grind the defendant down by the very machinations of its functional process, regardless of innocence or guilt. Also, a few of the judges introduced herein seem to be a little unbalanced.

A couple of caveats: The author's heart definitely bleeds, so one must take that into account. Also, after a while, with the proverbial revolving door of justice perpetually a-whirl, it's hard to tell the players without a scorecard.

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### Julia Winston says

Overall, I really enjoyed this book. I appreciated Mr. Feige's efforts to present a balanced picture of what his life as a public defender was like - he neither idolizes nor demonizes his former clients, and he presents a nuanced picture of both the legal system and the players within it. Unlike other books on this topic, he avoids sweeping generalizations about "all prosecutors" or "all judges," which is a nice change of pace. I knocked off one star because his attempt to give the book an over-arching structure fell flat, for me, particularly in the final chapter.

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### Adam says

So may it's because he's married to Robin Steingberg, or maybe it's why he's married to Robin Steinberg -- but, what an excellent book.

Feige's portrayal of a day-in-the-life at Bronx Defenders is incredible. His heart-wrenching stories of injustice, disgust, compassion, and breaking to rules to give someone a leg up when they've all been pounded down are an inspiring set of tales for a young public defender.

I can see how the book would scare off some, or may even draw objections from others. But, I don't think he tried to hide his language, didn't try to distract the viewer, and didn't try to present a reality that's not the one he worked in.

His strength and passion for the practice are evidence, as are his commitment to zealous representation at all levels -- from pre-arrest to post-conviction.

A great read that I'm glad to have finally gotten to, and will hope to share with many others.

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## Sara says

I recommend this book to EVERYONE I talk to. While I have no interest in practicing law, this true story about a man who worked for the Bronx Public Defenders is truly an inspiration. This is a quick read - I finished it in two days, but already want to read it again.

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## Andrew MacKie-Mason says

I got a great book for Christmas that I just finished, and I wanted to take the time here to write a review. It's called *Indefensible: One Lawyer's Journey Into The Inferno of American Justice*. Written by David Feige, a former public defender, the book tells the story of America's "justice" system in a big city.

Mr. Feige was the trial chief for the Bronx Defenders, a public defense firm in New York City. Since then, he also co-created and produced one of my favorite shows of all time, *Raising the Bar* (which, tragically, was recently canceled.)

*Indefensible* is (ostensibly) the story of one day in the life of a public defender in the Bronx. (Reader beware: Mr. Feige takes some liberty with the concept of "one day," though it would be hard to imagine a full length book without his flashbacks, and he ties them into main story relatively seamlessly.) Feige takes the reader through investigations, meetings with clients, conversations with colleagues, and court appearances to give a full sense of what it's truly like to be a public defender in America.

Read the rest of the review [here](#).

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## Eric\_W says

OK, so I like to watch all the legal shows, "*Raising the Bar*," "*Shark*," "*Boston Legal*," etc. David Feige was a public defender in New York and this book reflects those experiences. Something the book and all the shows have in common is that how you fare in court probably has less to do with guilt or innocence than with the internal politics and enmities of the "professionals" who run the show. I find that disheartening. Never having been in court (knock wood) I couldn't say but Feige has, and the picture painted is not pretty.

It's all about client and time management. Public defenders often have a client load of between 75 and 120 cases. ADAs have a very different perspective because they are case centered rather than client centered so they can practice a zone offense. The public defender has to be with his/her client so he might be in seven or 10 courtrooms during the day, juggling phone calls meetings, and other duties while an ADA (who probably knows nothing of the case - often an advantage for the defense) tries to handle whatever case comes up in whatever courtroom he/she (enough of this he/she stuff - if I use he, assume s/he) might have been assigned to.

The client every defense attorney has nightmares regarding is the innocent one. No one wants to defend an innocent client, yet those are the ones who mostly likely wind up going to trial. The guilty have everything to gain by accepting a plea -- pleas are the grease that keep the wheels of justice (hah!) from seizing up entirely. If an innocent person is found guilty, not an infrequent occurrence given that the deck is so heavily stacked against them, the defense attorney suffers through extraordinary self-examination, i.e., what could he have done better? What mistakes might he have made. "Defending the guilty is easy. . . The responsibility for the

innocent can simply be too much. Sometimes it's better not even to wonder."

It's interesting how the system is often used by lawyers and clients to simply find a place to exist. One homeless fellow would arrange to be charged with beating out on a restaurant tab in order to plead guilty to a minor theft charge and he always insisted on not accepting a plea and getting locked up for the winter months. Everyone knew what was going on. He had no money, no place to live and the entire system conspired to put him in jail for the winter. In another case, Cassandra, suffering from multiple mental issues, unable to afford drugs that helped to stabilize her condition, unable to qualify for any program, was helped back to jail by Feige so that she could obtain some of the medications she needed.

Having a black face always means being treated differently. Big gangsters like Giotti et al strike the fancy of the media and public. The "ordinary" criminal rarely receives any kind of redemptive opportunity. "Fundamentalist Christians constantly speak passionately about seeing the possibility of redemption in everyone, and no one bats an eye. But make this same point in the secular context of the criminal justice system, and rather than praiseworthy piety it is heard as liberal gibberish."

Learning to read judges is an important skill. Many of the judges are political hacks -- "overwhelmingly white, politically connected former prosecutors, they terrorized both defendants and the lawyers who appeared before them, meting out justice that was informed more by the code of the streets than by any legislation." They have extraordinary power and many use it to bully.

The Constitution guarantees the right to a speedy trial. That's a joke. Those charged who have no money for bail often must spend as long as 12-15 months at Rikers Island in New York in a series of delays and motions before a trial can begin. So much for the presumption of innocence.

Of course, if you are rich, it's a whole different ball game.

An important hard-to-put-down book.

See also Courtroom 302: A Year Behind the Scenes in an American Criminal Courthouse

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### **Hannah says**

I love Bronx Defenders and I think that David Feige has done amazing important work. That is enough to get him 4 stars in my book. Also the book is super readable. It is a perfect book to give to people who wonder why someone would be a public defender or someone who thinks that the system is in any way okay. However, he loses his last star for his description of women. Female colleagues, judges and ADAs are all described by how they look. A great male lawyer is described by his name, whereas a great female lawyer is described as "long hair." I'm not really interested in knowing which DAs he finds bangable, and I'm curious why he needs to include that a terrible judge is unattractive when being terrible is the point of his story.

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### **Sarah says**

I'm a sucker for public defender books. And certainly a sucker for the Bronx Defenders, who do incredible, inspiring work. But I'm not such a sucker for Feige's writing and I find his attitude towards some of the women in the book is pretty annoying: condescending to a client--a grown woman-- he calls "sweetheart," derisively describes physical characteristics of a female judge whose sense of justice is nonexistent (so why

call her ugly when that's not important). To his credit, he is glowing in all his descriptions of Robin Steinberg who started BXD and is certainly worthy of worship. And he does a pretty good job of creating a "day in the life" of a job that can be difficult to describe to people who haven't experienced it somehow.

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### Nicholas Whyte says

<http://nhw.livejournal.com/724261.html>[return][return]This is a very good book, in a number of ways, and perhaps it was a mistake of the publishers to market it as a book about the American justice system; it covers so much else. David Feige describes a day in the life of a public defender in the Bronx, where he worked for fifteen years, running from courtroom to courtroom with lengthy interspersed reminiscences about how he got there. The human stories of those who are damaged by the justice system - even those who are eventually acquitted - are described with compassion and occasionally humour. But he even manages to evoke our sympathy for those who are guilty:[return][return]"Even after more than a decade in the system, I still fundamentally believe in the possibility of redemption and the value of every individual. I care for my murderous clients... Their shortcomings don't disqualify them from my caring. But somehow, when I try to explain this in the context of my work, I'm met with blank confusion."[return][return]Reading this book on the reality of what the law does to people is an unsettling contrast with the glamorisation of cop shows on TV, be it the refined Morse or Dalziel and Pascoe, or even the more gritty but (I suspect) equally unrealistic Hill Street Blues in the old days. The biggest villains are certainly those evil judges whose sentencing is a mockery, and who cannot be reined in - indeed, the only likely effect of public opinion is to make sentencing practice harsher. (One of Feige's clients asks in bewilderment, "Why wouldn't any judge release me if they thought I was innocent? Isn't that what they're supposed to do?") I suspect that the Bronx is much worse off in that respect than anywhere I have ever lived, or am likely to live; but that doesn't detract from the universality of the message.

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### Tyler says

Great, eye-opening book on the US criminal system. If you thought that there was some sort of reasonable reason for someone to be arrested, how a judge is appointed or conducts, that you will get a trial if you are innocent, or that laws will help you, this book will change your mind. The system is not there to help, at best those in charge just want you out of their courtrooms and into jail or release(doesn't matter to them) as soon as possible. At worst you have needlessly vengeful prosecutors and judges making sure that you have no shot of a fair deal or even a chance at a trial. What would happen if no public Defenders wanted to do this shitty job? I can't believe there are people that still do from this book job description. All I can say is do not get anywhere near you can be arrested if you can help it(many times you cannot) and keep your helpful comments to yourself.

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### Shawna says

I found it to be terribly depressing read -- not the author's fault, but reading anecdote after anecdote of mercurial or plain sadistic judges with axes to grind who convict or deny bail on a whim was pretty distressing. He doesn't hold back his scorn for most of the judges on the bench.

While the author didn't delve into it, I could clearly see this as the cumulative effect of the stop and frisk, and mandatory minimum Rockefeller drug laws at work, that churn up business for NYC's criminal industrial

complex.

I'm amazed the author lasted as a public defender as long as he did. I had trouble just making it through this book. There were so many people and so many stories that by the time he got to his "where they are now" segment at the end of the book, I'd forgotten who half the people were.

I'd recommend it for people who are keenly interested in law and the court process.

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### **Joshua says**

this book reads like someone bitching about his job at a bar

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### **Tim says**

Sadly, many Americans get their concept of the criminal process through television, where justice is capably dispensed in 60-minute installments. In reality, the criminal justice system is like the adage about hot dogs -- you really don't want to see how they're made. And those elbow and knee deep in the muck and mire of the process are the public defenders. [return][return]David Feige's *Indefensible* seeks to take readers inside that process from the eyes of a longtime public defender in the South Bronx. And rather than hot dogs, this system tries, often not well, to produce "some vague facsimile of truth." Feige's truth isn't pretty and his account is often scathing. In fact, at times it reads as if he has more than a few axes to grind. [return][return]Using a so-called typical day for a public defender handling murder cases, Feige covers the gamut of the system. We meet the clients, ranging from those charged with murder to a woman who agrees with Feige that she needs to be jailed to get off the street and back on her psychiatric medication to the man accused of walking dogs without proof of their vaccination. We meet other defense lawyers, prosecutors and judges. We see the vagaries of the system and those who comprise it, the system's occasional successes and its more numerous delays and failures. [return][return]Although the day in the life approach might be a workable vehicle for the author, it hurts the flow. In order to cover all the issues and ground he wants, Feige frequently reflects on older events and cases, blending them into his thoughts during this day's docket. While these matters are necessary to an understanding of the whole, it tends to tug the reader here and there. And some areas make those familiar with the law raise their eyebrows. For example, when he has one murder client testify before a grand jury Feige leaves the impression that either he questioned his client in the proceeding (something the law prohibits) or that the prosecuting attorney followed the defense script for the case. Still, there is quite a bit to commend *Indefensible*. [return][return]Balance of review at <http://prairieprogressive.com/2006/06...>

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### **James says**

The author writes about his clients, "I find myself amazed at the resilience of the human character, astonished that Alvin is in jail, but that he manages to wake up every morning and continue to face the prospect of his life. I'm also shocked not by how horrible his circumstances are, but how typical, and sitting there behind the green glow of the computer screen, my suit jacket carelessly draped over the back of my chair, I take a moment to consider that behind the faces of people I pass in the courthouse day after day there are stories of nearly incomprehensible pain and loss."

## Kirk says

For better or for worse, depending on your political point of view, the characters that staff the defensive side of our adversarial justice system can be summed up with one word: *principled*. David Feige is such a character. In the opening chapter of his book *Indefensible*, Feige recalls his youthful introspection on working for a fancy, ‘white-shoe’ private law firm:

“In between visits to client-subsidized shrimp bowls, Broadway shows, and box seats at ball games, I reflected on the meaning of the experience. I concluded that though it was undeniably tasty and lucrative, to me it was all lifestyle and no life.” (25)

Having originally chosen the world of private practice and all of its incorporated social graces, Feige found that lifestyle wanting, and instead chose to pursue a career as a public defender in one of the nation’s busiest court systems. In *Indefensible*, he takes the reader along for a day of work at the Bronx Defenders office and the New York Supreme Court Building where he tries several homicide cases, and fulfills the legal requirements of several others. Some of his clients include Cassandra the mentally ill and homeless female recidivist, Reginald McFadden the accused murderer and crackhead, as well as Clarence Watkins, another accused murderer, but one who “reeks of innocence”.

*Indefensible* is not a book intended for the voyeuristic True Crime-types. Though Feige does include adroit commentary on the deadly stealthiness of a .380 semiauto and the occasional narrative flourish about his defendants and their crimes, the book’s purpose is larger than any one crime. Feige identifies and analyzes the individual components of the criminal justice system, and then shows how for every action therein, a consequence exists which effects both the defendant and the system at large. He identifies a number of ways in which prosecution is a stacked deck: judges are often white and promoted from the offensive side, medical examiners play nicely exclusively with prosecutors, legal techniques such as lineups and interrogations are often endgame-oriented (with that endgame being a conviction as opposed to capital-t Truth), and prosecution is defined in terms of number of convictions as opposed to the realization of justice.

For the skeptical or even pessimistic reader (and I include myself in that bunch), the idea of an individual author spending 274 pages rallying against the system is nausea-inducing. In our modern era, our corruptibility is as advanced as the technology that we carry in our pockets, and our ability to be vocal about the way things are is deafening. *Indefensible* is great because Feige rarely comes off as righteous, and his aim is to educate as opposed to convince or persuade. He takes the time to explain legal proceedings and terminology such as grand jury, no true bill, voir dire, felony certification, trial tax, exculpatory statements, non-custodial questioning and *Miranda v. Arizona*, bench trials, and motions. Additionally, he creates real characters with real personalities, examples being the icy domestic crimes judge Diane Kiesel or the sexually attractive assistant district attorney Anna Almarante. Feige’s system is alive with human emotion, like when he writes the following about being assigned to a client:

“All the anger, fear, and frustration of a steady diet of violence and bologna sandwiches are often hurled at the only available outlet – a public defender they didn’t ask for and don’t trust...Finding a way to build an alliance with a mistrustful client is one of the things that separates the dedicated from the fried.

Still, even with skilled lawyers and good ancillary services, public defenders are at a terrible disadvantage in creating good client relationships. When alliances are forged in the crucible of need rather than choice, the resultant links are more often fraught with contentiousness having

little to do with the skill of the attorney or even the results of the case.” (120 and 121, respectively)

Feige’s *Indefensible* isn’t just thematically rich; it is well written. He writes with the same passion and intelligence he defends. Here he is describing a court summons:

“Summonses are both the least serious and most bountiful of criminal court actions – the krill of criminal court.” (126)

And here he is describing AP-10, a court dedicated to processing low-level domestic violence and sex cases:

“Every day, AP-10 hosts a parade of people using protective orders as weapons in child custody battles or property disputes, making false allegations against ex-lovers or their new partners, or blackmailing a current lover into being faithful or forking over money. And though there are plenty of real victims and legitimate cases, overall AP-10 is a viper pit of spurious allegations and twisted motivations.” (175)

Finally, here he is talking about judges, their power, and their effect on legal realism:

“It seems crazy that a judge and her politics should have as much of an impact as they do. But judges are like the jokers of the criminal case outcome deck.” (179)

In sum, Feige crafts a brilliant illustration of the realities of the criminal justice system. Albeit cynical, Feige never takes cheap shots or paints a target on the backs of those in power. In fact, the genesis of his discontent with the system is actually respect. Feige profoundly loves his country, the one in which time, material, and money is dedicated to the defense of even those caught flamboyantly breaking the law. But that doesn’t stop him from addressing the vulnerabilities that exist in an imperfect system. He believes that public defenders, himself included, work for all kinds of reasons. He observes, “Some resent or fear the power of the government; others believe in the process and could actually either prosecute or defend; and then there are client-centered defenders like Robin who are motivated by genuine empathy and a deep belief in the goodness of people.” And these are the principles that cause the wheels of justice to turn, if slowly.

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