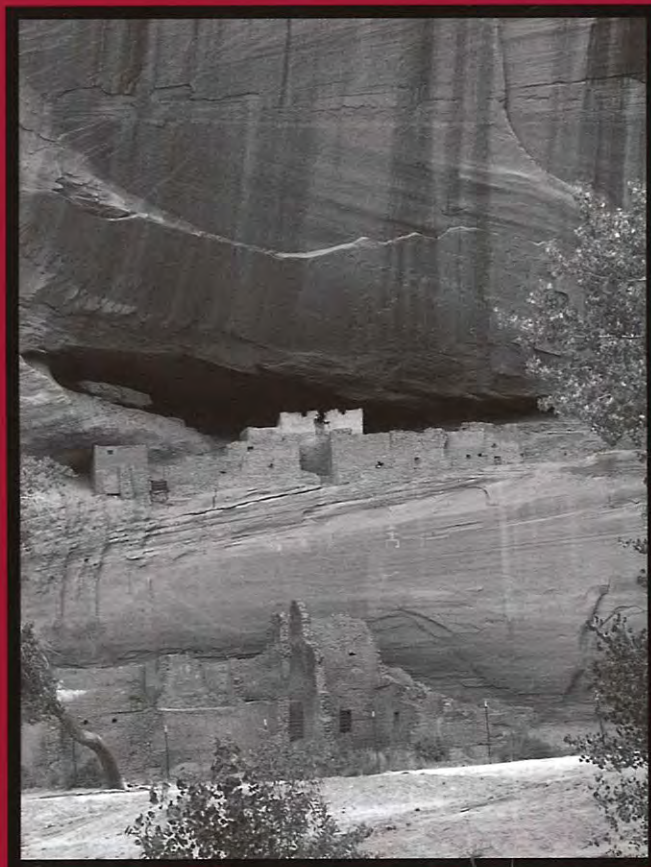


# WESTERN LEGAL HISTORY

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# WESTERN LEGAL HISTORY

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*Flamboyant Lawyer in a Maverick Western Town: Las Vegas Through the Eyes of Harry Claiborne*, by J. Bruce Alverson. Foreword by Senator Harry Reid. Las Vegas: privately printed, 2011; 264 pp.; illustrations, bibliography, index; cloth.

It's not easy to stand out in Las Vegas. It's a city full of colorful characters in many fields of endeavor. But over seven decades as a lawyer and federal judge, Harry Claiborne managed to emerge from the crowd—in a positive way as one of the most highly regarded defense attorneys of his time and in a negative way as the target of a federal investigation of political corruption in Las Vegas.

J. Bruce Alverson, a veteran Las Vegas attorney, recorded more than forty hours of interviews with Claiborne before the lawyer's death in 2004 at age eighty-six. Those interviews form the foundation and much of the substance of Alverson's highly readable book, *Flamboyant Lawyer in a Maverick Western Town*.

The heavy reliance on interviews with Claiborne is both a strength and a weakness of Alverson's book. Because Claiborne was such a spellbinding storyteller, the book is loaded with humorous and intriguing stories, many of them reflecting the "frontier justice" practiced in Las Vegas in the 1940s, '50s and '60s. This must stack up as one of the funniest works of legal history that has been produced, as Alverson relates Claiborne's experiences inside and outside the courtroom.

But taking Claiborne's word on exactly what happened, which Alverson clearly does in many instances, is risky from the standpoint of historical scholarship. There's little question that Claiborne would refine the facts of a favorite memory in order to make it a better story. This doesn't hurt much when it's a humorous war story of little consequence to the historical record. But it's unfortunate when it casts Claiborne in a more positive light than he deserves or skirts a controversial subject. This is most evident in Alverson's cursory examination of Claiborne's representation of notorious clients, including some connected to organized crime. Although everyone is constitutionally entitled to a competent and vigorous defense, which Claiborne skillfully provided, Claiborne's relationships with questionable characters often extended beyond the courtroom. For example, he not only represented legendary casino operator Benny Binion; the two became close friends. Binion's gambling exploits started with elaborate illegal betting operations in Dallas, then shifted to Las Vegas, where his Binion's Horseshoe casino was a source of drama—cultural, legal and otherwise—for decades. How much did Claiborne know about Binion's criminal and other suspicious dealings

that he kept to himself? Even considering the boundaries of attorney-client privilege, Claiborne's long-running relationship with Binion should have prompted Alverson to ask some probing questions about his propriety.

Two years after Claiborne became a federal judge in 1978, he was targeted by FBI special-agent-in-charge Joseph Yablonsky, who believed Claiborne to be corrupt. Yablonsky had been sent to Las Vegas on a mission to clean up the city's organized crime and political corruption. The self-described "King of Sting" cast a wide net, ensnaring politicians and mobsters in the process. In some cases, Yablonsky's efforts were righteous, catching bad characters in the act of violating the public trust. In Claiborne's case, Yablonsky was blatantly overzealous in his pursuit of a high-profile head to mount on his wall.

Claiborne's cavalier approach often made him his own worst enemy and ultimately led to his fall from grace. Although bribery claims didn't stick, Claiborne was convicted on two counts of failing to report his income accurately to the Internal Revenue Service, and he was removed from the federal bench in 1986. This chapter of Claiborne's life is more thoroughly detailed in another book, *Lies Within Lies: The Betrayal of Nevada Judge Harry Claiborne* (Stephens Press, 2011), by Michael Vernetti.

Alverson is most valuable in documenting Claiborne's brilliance in the courtroom, where he often employed an "aw-shucks" Arkansas preacher persona to captivate juries. Claiborne was indeed born and raised in rural Arkansas, but he could turn that aspect of his heritage on and off as needed. It's important to emphasize, too, that Claiborne's talents weren't limited to his ability to play-act during a trial. He studied hard for each case, and he was a keen listener and observer, capitalizing on details not picked up by others and conducting effective cross-examinations.

"Claiborne was without a doubt the greatest criminal defense lawyer in the southwest United States," said fellow Las Vegas attorney George Dickerson. Even if this is a case of friendly hyperbole, it reflects Claiborne's reputation accurately in Las Vegas in the decades before he became a judge.

Geoff Schumacher  
Ames, Iowa