

# Preface

This place is filled with brooding babies. I feel as though I spend my days in a dissociative state. If I touch down to my current reality, I am subject to rapid panic attacks that are very uncomfortable.

—*Letter to a friend, August 2004*

**W**HAT'S LIFE IN PRISON like? Is prison dangerous? What is the food like? Is there rampant sex and rape? These are some of the questions I heard during my years inside, and since.

People are naturally curious about prison since they're familiar with the lore from books and articles, plays, and the news. One of Tennessee Williams's first full-length plays, *Not about Nightingales* (1938), was based on a newspaper article reporting that four Pennsylvania inmates were roasted alive by prison officials in a punitive boiler room—and that's just the tip of the iceberg in terms of the literature inspired by news from inside.<sup>1</sup>

When I think back to the time I spent inside, memories swirl in my mind. Flash!—I'm working as a bathroom orderly, being trained by an inmate named Juan to wash toilets, sinks, urinals, and mirrors. Juan took his job seriously and without humor and taught me the universal rule: every prison bathroom has a spitting toilet that's never used for shitting. No one wants to associate with bathroom fixtures that have been spat upon. In cells shared by two men, there's one toilet and one sink, and the spitting rule is modified; cellmates decide which fixture is for spitting. To be honest, I never understood the compulsive need to spit, and such conversations became a comical routine I kept to myself.

When I was sentenced to serve four years (though I actually served half that time), I had no idea what to expect. I was a Jewish lawyer,

a fact that I learned during processing from the prison guards I was better off keeping to myself. They warned me of possible retaliation since many people doing time feel they were “sold down the river” by public defenders, and the word *lawyer* conjures up the memory. That was only the beginning of the way in which my world became a bizarre downsizing. Guards also told me not to volunteer the fact that I was Jewish. The theory was that inside the skinheads targeted Jews as the cause of all evil.

The shock of entering prison is immediate and demanded my full attention if I wanted to survive. I quickly began to learn what survival required. In prison I witnessed and experienced many of the harsh, unsettling conditions Justice Kennedy noted in a landmark Supreme Court decision, and I came to understand firsthand that in California, prisons are hostile environments with untoward dangers and a culture of distorted, state-sanctioned racist rituals that begin with segregated housing and jobs.

I was moved to write this book when, in May 2011, six and a half years after my release, I read *Brown v. Plata*, the Supreme Court decision that found that California’s one-hundred-sixty-thousand-inmate population had been operating at 200 percent over its design capacity for the past eleven years.<sup>2</sup> I was part of that system from October 2003 to November 2005, and I experienced firsthand the dirty, cramped, incendiary conditions. When I read that the court had found California prisons “severely overcrowded, imperiling the safety of both correctional employees and inmates,” I began to think about telling my story. Reading *Plata* brought on flashbacks of my experience. Out-of-control, state-sanctioned horrors tend to stay with you, and Justice Kennedy’s words kept ringing in my ears: “The California prison medical and mental health systems, sobering overcrowding, and state administrative ignoring of the festering within the system amounts to a broken system beyond repair that results in an unconscionable degree of suffering and death.”<sup>3</sup>

Just as people are interested in the notion of prisons, I am interested in peoples’ reactions to hearing that I served time in what has come to be known as the California Department of Corrections and Rehabilitation (CDCR).

Respect means a great deal in prison. Although it is an illusory notion, it is one that is constantly in the forefront of every inmate’s mind.

In prison I learned how to find a place by learning the rules created by inmates and by learning the language of prison. I conceived this book while serving time in lockups, during lockdowns, and during those times when my physical freedom was confined within the perimeter of a desert prison yard. Reinforced concrete, gun turrets, and rolls of barbed wire contained my movements, but they also stoked my imagination, and I spent the vast majority of my twenty-five months inside recording otherwise mundane events that turned out to be a guide to daily survival.

Before I went to prison, I knew of no one who had been. When I took a half-day tour of Alcatraz on a vacation in San Francisco, I never dreamed I'd one day be spending time behind bars as a prisoner. I had seen a lot of prison movies. I had a healthy dose of curiosity. The idea that human beings are the only species that punishes its own by taking away freedoms played uneasily in my mind. But before I went to prison, I could find no one who could tell me what to expect, no one to tell me how to survive. I walked inside with my senses on high alert and my eyes opened wide and with a conscious decision to listen well and learn as fast as I could. Ultimately prison was like graduate school, and the degree I earned was my life.

Since leaving I have grappled with the subject of all I learned. I've wondered if anyone with a background similar to mine would be interested in reading about prison as seen from the inside. I have shared some stories with relatives and friends, of course. After watching and listening to their reactions to my stories about the living conditions, the food, the gangs and racism, the bathroom etiquette, and even chores as mundane as washing laundry in a plastic bucket, I felt encouraged to write this book. I did the research contemporaneously with my experience—I kept daily journals and wrote volumes to relatives and friends. When I was released, more than three hundred letters I wrote were returned to me to use as primary resources for this book—and they've proved invaluable in bringing back some of the memories that had begun to fade. And part of my research came from the letters I received from incarcerated men. Since I returned to the streets in November 2005, as this book developed, these men provided me with up-to-date information on the prison experience. They report little change inside beyond the growing tensions and massive overcrowding.

This book is meant to educate, enlighten, engage, and entertain. There is much darkness, and there is some light. A sense of humor was

critical to me during my time inside, and that holds true today. Humor allowed me to make some unimaginable experiences less hurtful. But it's important to understand that this is not an antiprison book. I realize some people are not fit to function in our society. I have shared meals with such men and have been housed in close quarters with deviants who made my skin crawl. I have met men who slit a stranger's throat and called it "doing work" to earn their "bones," so they might be accepted into a gang. But there is much wrong with prison, too, and I've tried to be accurate for I am hopeful readers will wonder about what legal scrutiny, if any, there has been brought upon some of the matters I raise about yard life.

I hope the readers will get in touch with the notion that the majority of the men and women in prison and those who have experienced incarceration possess important skills and talents that might allow them to make meaningful contributions to society. I will have fulfilled the basic purpose for writing *Derailed* if readers can take the next step and understand that incarcerated people and ex-offenders desperately need society's attention and uplifting hands if we wish to break the cycle of crime and the warehousing of people.

This book does not address the rights of the victims of crime, and in excluding a direct look at this population, I do not mean to denigrate or otherwise minimize the impact of crime on individuals and society. When I practiced law, I represented victims of horrible sexual abuse crimes in the civil arena. I have seen their pain and their resilience, and their stories and their causes will be the subject of another book, another day.

For now, here's my story. Take from it all you can.

## Acknowledgments

Three women are primarily responsible for shepherding me to complete this book.

In 2007, Karen Goldman was the first person to really listen to my prison-experience stories and encourage me to start writing. She insisted I record my memoirs on a small dictation machine; I recorded my first session in an omelet restaurant in Scottsdale, Arizona. A resident of Sedona, Arizona, Karen is a three-time published author of books about angels (Simon & Schuster). She guided me to see the spiritual connection between my experiences and the feelings of transformation I

write about herein. Karen gave me the enduring gift of a spiritual, caring, and loving view of all life.

In 2009, Cathy Small, a childhood friend and professor and graduate coordinator of anthropology at Northern Arizona University (NAU) encouraged me to write a more academic style book. Cathy introduced me to the notion of my having been a “participant observer” as an inmate. She pointed to my description of human behaviors in prison, in particular, ethnic divisions. Cathy is noted for her 2002 study and resultant book, *My Freshman Year*, when she enrolled as a freshman at NAU. She lived in a dorm as a participant observer of first year students’ emotional, social, and academic experiences, including the intellectual laziness of university students and their difficulties in fully engaging in university culture without adequate financial support.

From September 6, 2011, to date, Sharon Sprecher (Shayna Punim) used her own shepherding style to encourage me to finish this book. She insisted I let my readers know who I am—whom she saw—to put the content of the book into a real and compelling context. She empathically encouraged me to revisit, talk about, and expand my writing to include subjects I had yet to process; the goal was to help me to relieve lingering emotional pain. I could safely cry in front of her. She frequently reminded me, saying, “Are you writing today?” and putting on the most endearing frown when I said that I wasn’t. Sharon prevailed, and for that I am very grateful to her.

I acknowledge my sister—Bobbi Siegelbaum—for unwavering support through my difficulties. She organized a defense fund to help pay my attorney fees. I have much gratitude to the family and friends who contributed to the fund.

I met Steve Frankel in 1997 when we both lived in Southern California. Steve is a gifted psychologist and lawyer. He taught me about the world of psychology and how to evaluate emotional damage in adult survivors of childhood sexual abuse in the legal arena. Steve was there in my darkest times, paid me to do legal assistant work when I faced financially desperate times, and gently assured me I would live through it all. He was right.

I have a deeply ingrained appreciation for the support of family and friends who visited me in jail or prison: my parents, Sylvia and Hesh Roseman; my sister and brother-in-law, Bobbi and Steve Siegelbaum;

my sons Jeremy and Daniel Roseman; and friends Gail and Steve Koff, David Steel, Steve Frankel, and Sharon Bear.

The number of people who wrote to me and with whom I exchanged correspondence that was ultimately returned to me for book reference and research are too numerous to list. They are also near and dear to me. You know who you are.

To my family members and friends who encouraged me to engage in a ten-year cathartic process culminating with this book, please accept my gratitude and deep appreciation.

### **A Special Acknowledgment to Philip Zimbardo, PhD, Creator of the Landmark Stanford Prison Experiment**

It's likely that you wouldn't be reading this book if not for the influence of Professor Philip Zimbardo. I started writing about my prison experience ten years ago, but despite my friends' and family's encouragement to finish the project, my mind kept blocking me from finishing chapters. Eventually I stopped for months that turned into years. I could talk about my experiences, but in my mind, these talks were fueled by surges of adrenalin and became disjointed rants. I couldn't eat whenever conversation turned to my experiences. People listened with interest and posed good questions, but during most of these exchanges, I saw the predictable change in facial expressions from curiosity to astonished fear. I read those changes as disinterest. I know now that I was wrong.

While I was doing research for the book and trying to write about how prison transformed me, I came upon the August 1971 Stanford Prison Experiment (SPE) conceived by Dr. Zimbardo. Dr. Zimbardo's famous study focused on the processes involved in the transformation of regular, good people performing evil acts. The Stanford Prison Experiment—conducted in a mock prison setting in the basement of the university's psychology building—added validity to a fundamental question: What makes people go wrong when faced with powerful situational forces?

The lessons published by Dr. Zimbardo even shed light on the psychological dynamics contributing to the horrific abuses of political dissidents in Abu Ghraib in 2003. The notoriety of the SPE was renewed after Dr. Zimbardo testified as an expert witness for an American reservist unqualified to be a guard assigned in Abu Ghraib, a man who transformed from a good person to a person seriously abusing his "situational power." I read all I could about Dr. Zimbardo's work. I watched

his lectures. I came to understand that the outcome of the SPE was part disaster and part groundbreaking. The scientific drive of the experiment was to understand more deeply the psychology of imprisonment.

The experiment was scheduled to run for fourteen days. From a group of solicited applicants, paid fifteen dollars per hour, Dr. Zimbardo arbitrarily selected twenty-four male Stanford-area students whom he then chose to be either guards or prisoners. He gave little direction on how the students were to interact, but within two days of the beginning of the experiment, the students playing guards became verbally, physically, and emotionally abusive to those playing prisoners. On the sixth day, Dr. Zimbardo ended the experiment. As supervisor of the “prison” and overseer of another faculty “warden,” Dr. Zimbardo heeded the sharp challenge of a Stanford graduate student after she toured the human laboratory and expressed outrage about what was happening. That student, Christina Maslach, wrote about the SPE: “[Dr. Zimbardo] realized what had been gradually happening to him and everyone else in the study: that they had all internalized a set of destructive prison values that distanced them from their own humanitarian values. And at the point, he owned up to his responsibility as creator of this prison and made the decision to call the experiment to a halt.”<sup>4</sup>

As I read more about the SPE, Dr. Zimbardo’s influence on me grew. Everything else I had read about prison life was written by academics who had never served time and who thereby lacked a full understanding of the impact on people experiencing a demeaning and often mean-spirited value system.

On April 1, 2015, Dr. Zimbardo and I had a Skype conversation. He expressed his support for completing this book, calling it “an important work.”<sup>5</sup> I am grateful to Dr. Zimbardo for his many insights and for sparking my own.





# My Road to Prison

Today I made peace with myself and struck a plea bargain in my case. Yesterday there was a full day of testimony by former Blum & Roseman clients/victims. Some people I knew and others I did not. The common thread of evidence was how they were wronged by the conduct of my firm. I sat and listened. I put aside the legal defenses that had been cemented in my brain. Their testimony crumbled the defenses into dusty excuses and I decided to end it and take my share of responsibility.

—*E-mail to relatives, friends, and supporters, September 11, 2003*

**M**Y SUCCESSFUL TRANSFORMATION, FROM attorney to convict and reentry back to society, took place through closed doors. The journey took guts I never knew I had. The events leading up to the e-mail above—which I wrote while sitting in a dive motel in Santa Ana, California, an hour after my guilty plea to six felonies—hit me hard that day. Still, after a decade of freedom, I continue to rebuild my life, personally, professionally, and financially. This is a story about appearances versus reality.

In the 1990s local media in Orange County, California, gave lots of ink and column space to my wife and law partner, Melanie Blum, and me. Our firm, Blum & Roseman, took on a great many tough legal cases, and the local media featured us as willing legal advocates. Melanie was celebrated when in 1996 she exposed a scandal at a prestigious infertility clinic.

At the same time reporters from magazines, television, radio shows, and newspapers were clamoring for interviews with me because I was representing, writing about, and lecturing about the legal rights of sexually abused children and adult survivors of childhood sexual abuse. I was also noted for my volunteer work as a temporary judge in North and West Orange County (California) courts and for my years of significant service to the county's fee arbitration program. Throughout that decade I heard dozens of disputes between clients and attorneys and decided those disputes, either as an individual arbitrator or as a member of a panel. During the 444-day Iranian crisis, which lasted from November 4, 1979, until January 20, 1981, I served on and chaired the Immigration Law Section of the Orange County Bar Association. Back then, students at University of California, Irvine (UCI) and other venues were easy pickings for not-so-veiled racial profiling. At deportation hearings, my clients were exonerated because they were legal F-1 students. The government prosecutors' contempt for my clients was palpable, and the goal seemed to be guilt by association of legal immigrants, a desire to punish them because of their heritage. The punishment turned out to be living in holding cells, humiliation and shame, the expense of hiring attorneys, and missing a lot of work at UCI.

The *Los Angeles Times* reported on the brave survivors I represented in the 1990s in suits against the Dioceses of Orange and Los Angeles. In those days religious institutions pushed back hard, and without an ounce of compassion, against allegations of abuse alleged against its clergy. Back then, in the face of my client's descriptive testimony during his deposition about having been anally raped with an Easter candle by a Catholic priest, one attorney representing the Diocese of Los Angeles, in a mocking tone, labeled my client as a "fallen out Catholic" and "liar." I learned about this incident in a press conference in 1981 after a case settled with the Los Angeles Diocese. Back then, it was approaching heresy, even for a Jew like myself, to report anything that countered the diocese, its defense, and its brutal Catholic defense attorneys. Not surprisingly, this story never made it to press.

But the media was also in those years closely following Melanie's pursuit of doctors at the UCI infertility clinic, in Orange, California.<sup>1</sup> In 1995, she was beginning to prove that eggs from unsuspecting patients had been stolen and were unaccounted for in the clinic's inventory of frozen fertilized and unfertilized eggs. With her MBA/accounting

background, her sharp intellect, and the aid of whistle-blowing employees at UCI, Melanie obtained and digested massive databases of information that showed some unaccounted-for eggs had been implanted in other women with “weaker eggs,” while others were rendered useless by being misappropriated to research labs and used in experiments. In other words, both Melanie and I were being hailed as protectors and advocates. As I said, this story is about appearances versus reality.

While this was happening, unbeknownst to me, I was beginning to walk the slow road to prison. That walk began on Saturday, July 19, 1997. The day began great—a day for celebration. The front page story of the Orange County section of the *Los Angeles Times* ran with the headline “50 Couples to Get \$10 Million to End UCI Fertility Clinic Suits,” hailing Melanie and Larry Eisenberg, the lead lawyers on the case.<sup>2</sup> I had no idea the story would signify the tip of a treacherous iceberg that would eventually sink my marriage to Melanie and our law partnership and drive both me and the firm into bankruptcy. It would also land Melanie and me in prison.

As I read the article reporting the settlement between UCI and the couples—the outcome of a case that began when women who had gone to the clinic for help conceiving alleged their eggs had been stolen—I was unaware of the iceberg. The article quoted Melanie as saying, “The damage is unbelievable . . . at least 15 births had resulted from the misappropriation of eggs alleged in the 50 malpractice suits. These children were robbed of their heritage. The parents were robbed of their children.”<sup>3</sup>

Melanie represented only a few of the fifty couples and never did tell me what her attorney’s fees from the settlement were. At the start of our law firm, we had established that Melanie would perform and oversee all financial matters related to the firm. While working on her master of business administration and juris doctor degrees, she had been a seasoned forensic accountant for a large furniture store in Los Angeles. Although most people assumed we were rich, we weren’t. While our friends were calling to congratulate Melanie on the settlement, our clients’ calls increased in frequency; those calls were pressing Blum & Roseman to pay them what they were owed from their settled cases. The fact is, though, we were struggling to do just that. Just fifteen months earlier I had called my retired parents requesting a business loan. When my father asked questions about the firm’s financial status, I could tell him only that Melanie handled that part of the practice. Though my

ignorance frustrated me and led me to feel inadequate as I spoke with my father, I explained: Blum & Roseman had no financial statements. I could hear the concerned sadness in my father's voice. "Son," he asked, "how could there be no financial statements?"

Here's the letter from my father dated February 23, 1998.

Dear Mark:

Two years ago, March 6, 1996, you called to ask for a business loan. I know that it wasn't an easy call to make, but you seemed desperate. We knew you had financial problems and we understood and decided to help out.

I do feel and hope the situation is much better for you now. If this is the case, we should set up a monthly schedule to pay back the loan. I am not asking for payment up front in full, only an understanding as to how you can repay the business loan.

Believe me when I say that we were very happy . . . we could help out in time of need.

The figures are such: \$86,418.00 = Total Loan

\$37,500.00 = Payments made by you

\$48,918.00 = Balance due

Let me know what decision we can come to.

Love Dad

I brought the letter to Melanie's attention. I recall her responding that my father could wait in line with everyone else, that more settlements were coming, that he should be patient and not worry. I didn't push back. Over the years of our marriage, our mode of communication had evolved; we seldom argued. We both had been trained and had become experienced in lawyer talk deflection—we were like prizefighters who danced about, avoiding harsh physical blows. Melanie's blend of sarcasm and anger whenever I mentioned money always prompted me to dance quickly away. Her motto seemed to be "Always have something on everyone, just in case," and though I wasn't wholly conscious of my insecurities around her, I had watched the way she harmed others with her bullet-like lashes; people seldom knew what had hit them when she went after them. Toward the end of our marriage—though I didn't yet know that's what this was—I became more and more conscious of not wanting to be in the crosshairs of her hatred and contempt. She was

particularly caustic whenever anyone questioned her trustworthiness, and I didn't realize until it was too late, that she had targeted me as a dispensable throwaway.

Almost six years after that first article about the UCI settlement, on Sunday, April 27, 2003, Melanie's photo was once again on the front page of the *Los Angeles Times*, Orange County Edition. This time the headline read "Attorneys Accused of Looting Accounts."<sup>4</sup> The article reported that our firm was being charged with looting clients' settlements on cases we had handled. The total claimed was \$1.5 million. The article synopsised our polemic positions: Melanie claimed ignorance of any money having been misappropriated. My attorney responded, accurately: "There isn't any question about it—[Blum] had substantial control and knowledge as to what was going on in the office and financial control over the bank account."<sup>5</sup>

For those nearly six years, between July 19, 1997, and April 27, 2003, I lived in a constant battle with both real and imagined fears. Having been until 1997 an up-and-coming trial attorney, I became a man whose life was on an unstoppable crash-and-burn trajectory. During one five-month period—from October 2002 to March 2003—Melanie and I were ordered to attend what turned out to be nineteen preliminary hearing sessions with our counsel. These hearings were for the prosecutor and the defendants to present evidence to a judge to determine whether there was sufficient and probable cause to believe that either Melanie or I had committed a felony.

During those months, I often sat numb, in stunned silence, as I listened to the prosecution's witnesses giving testimony. Among those witnesses were former clients, Blum & Roseman employees, and bank representatives with signed settlement agreements and checks written to clients on Blum & Roseman accounts. As I heard more and more, I became increasingly depressed. Melanie and I sat at the same table, but she didn't acknowledge me, and as time passed and I came to understand all that had happened, I began to truly comprehend the scope of the deception our clients had endured. I also began to feel aligned with them.

As we neared the end of the prosecution's witness testimony, on March 17 and 19, 2003, the prosecutor brought in the People's forensic expert. During those two days that saw for the first time the financial statements of Blum & Roseman in the form of forensic statements that showed evidence of the tampering and comingling of clients' money

with money owed to the firm for attorney's fees. I could barely speak as I listened to the expert testify.

On April 27, 2003, a *Los Angeles Times* article accurately summarized the evidence that had been presented at the preliminary hearings: "Each of the defendants blames the other for mispending the clients' money on business and personal expenses, including a bar mitzvah for their son at the Newport Marriott in 2001. . . . The divorce file contains an e-mail fired off by Roseman before the bar mitzvah . . . : 'The truth is you are paying for our son's celebration at the cost of clients' agony that should be eating you up inside. . . . How do you sleep?'"<sup>6</sup>

Our son, Jonathan, was born July 14, 1988. For his first birthday, Melanie ordered a cake with a gigantic model of the Eiffel Tower floating in whipped cream. He was our joy. Melanie and I had planned that her daughter from her first marriage and my sons from mine would merge into a solid family. Jonathan was the only one related by blood to all of us, and he was a beautiful little boy—a California towhead with blue eyes and as sweet as I could have imagined a child. Sadly, he would eventually become a victim of his parents' personal and professional problems.

Jonathan had studied hard for his bar mitzvah. I worked with him and told him stories of my own bar mitzvah in 1962. After my bar mitzvah, I had continued attending Hebrew school. My parents were members of the Westbury, Long Island, Hebrew Congregation's choir under the genius of Cantor Marvin Savitt. Throughout my childhood, through my senior year in high school, I attended Friday night services with my parents almost every week. As a result, I was able to help Jonathan learn to read Hebrew and to teach him to understand the significance of this Jewish rite of passage. Together we worked to develop ideas for his bar mitzvah speech.

There was, however, one problem, and that was timing. The date of his bar mitzvah was July 14, 2001. Three months earlier, on April 20, 2001, the California State Bar published its decision recommending that Melanie's license to practice law be suspended for three years. They put Melanie on three years' strict probation, and she was furious at me.<sup>7</sup> Throughout the planning of the bar mitzvah, she shunned me. I thought she hated me for not taking the full blame for Blum & Roseman's problems so she could continue to practice law and move on. We had divorced by then, and Melanie was behind in spousal support and demanded I

pay for my family members to attend the party after the service. I was appalled and furious in return.

My family and I attended Jonathan's bar mitzvah at the synagogue in Tustin, California, but Melanie barred us from attending the gala event at the Newport Beach Marriott. Someone told me that Melanie hired her own security people and armed them with my photo to ensure that I not enter the premises that evening. Since my family was in town from New York, instead we celebrated my niece's birthday in Laguna Beach; she was also born on Bastille Day.

Three months after the bar mitzvah, on October 1, 2001, Melanie entered a plea before the state bar court admitting to the misappropriation of nine UCI fertility clients' funds. Her plea came in the form of a document called Stipulation as to Facts and Conclusions of Law, and was filed with the State Bar Court Hearing Department, Los Angeles, in nine separate cases.<sup>8</sup> The admissions included gross negligence in not maintaining money received on behalf of clients in her practice trust account, commission of acts of moral turpitude involving money, gross negligence in misappropriating clients' funds, and failing to respond to reasonable inquiries of a client.<sup>9</sup>

### Time of Relative Calm

The road to prison temporarily slowed down in mid-2002 and during the first nine months of 2003, which I'll refer to as the Time of Relative Calm (TRC). During the TRC most of the disciplinary action against Melanie was percolating through the state bar court. After Melanie and her lawyer signed the October 1, 2001, stipulation, the activity toward building the evidence to support the road to state prison was inevitable. She had admitted acts of conduct that a DA (district attorney) could view as criminal conduct. The stipulation she and her lawyer signed was in accordance with Rule 132 of the *Rules of Procedure of the State Bar of California*.

California is the only US state with independent professional judges who rule on attorney discipline cases. Charges of misconduct against attorneys are investigated by the state bar of California. If the bar decides that an attorney's actions involved probable misconduct, written charges are filed with the state bar court by its Office of Chief Trial Counsel. Then the court issues a Notice of Disciplinary Charges, which looks and reads much like a criminal indictment. The attorney is served with

the notice, and the state bar court sets a schedule for receiving opposition briefs from the attorney, or the attorney's lawyer. The state bar then has the opportunity to file briefs in opposition to the attorney's legal brief(s). The state bar court has the power to recommend the California Supreme Court suspend or disbar attorneys found to have committed acts of professional misconduct (moral turpitude) or convicted of serious crimes.

The state bar isn't required to send its findings to the district attorney where an attorney practices, but nothing precludes it from doing so. I believe that during the lull Melanie's clients who participated in the state bar court hearing made complaints to the Orange, California, Police Department. Our firm, Blum & Roseman, did business in that city. At some point the state bar court exchanged information with the Orange Police Department and the Orange County District Attorney, and that convergence paved the way to prison.

During the TRC, I experienced a bright light of renewed mental health with the help and generosity of my friend Frank Jacobs. I met Frank on August 24, 1975, on my first day of law school at Western State University College of Law (WSU). Frank was immediately open and friendly. I welcomed his friendship because I wasn't looking forward to the "paper chase" competition of law school. Also, at 29 years old, I was one of the older entering freshmen, Frank was six years my junior, a University of the Pacific (UOP) prelaw graduate who knew much more about law and legal studies than I as an animal science major knew. Those factors created the opportunity for an ironic twist of fate during my TRC. The day I met Frank, I also met his UOP classmate from the same prelaw program, Mike Nolan. We three became our own study group throughout our three years of law school. WSU was not a powerhouse law school. In 1975 it had neither state nor national accreditation because it was a proprietary school—that is, it existed to make money. However, a degree from WSU provided the opportunity to take the California bar exam and to practice in all the state's courts, the same as any graduate from a top-tier school.

Study habits of law students vary. Some choose to go it alone, being distracted by group study situations. Frank, Mike and I were among those who found enrichment in studying in a small group, debating, listening, and learning. I was particularly good at making outlines of my notes from class lectures; my outlines were used to guide our group



studies, and we called them MER outlines. Mike was studious and tenacious. He drove to school in Fullerton from Pasadena, a three-hour round trip. Frank was an excellent student who put up with the details of the MER outlines but often was distracted by things that had nothing to do with law school. Frank always “got it” pretty fast and challenged Mike and me with legal hypotheticals that strengthened our skills of analyzing a legal issue until we had pounded the life out of it. That’s what lawyers do.

The three of us also studied for the July 1978 bar exam together. Back then, a multistate question section of the exam was given on a national basis. For the essay writing section, participants were to read a fact pattern, analyze the true meaning of the questions posed, and identify the main issues raised in the fact pattern. We were given three essays, and we had to write on two, with fifty-two and a half minutes allotted for each question. The subject matter could be constitutional law, criminal law, contract law, conflict of laws, probate law or a combination of many topics, the latter referred to as racehorse questions. We took the exam at the Disneyland Hotel, surrounded by monitors and dozens of law students who were freaking out, their only goal in life being to pass this exam. When the time to finish the exams was announced, if you didn’t stop immediately, a monitor could void out your entire essay session. That meant failure.

When the bar exam results were released just before Thanksgiving, Frank, Mike, and I were elated to learn we had passed. It was a huge day for celebration. Mike ended up practicing law in Pasadena, and Frank and I stayed in Orange County, where Frank went into tax and probate law and I followed other paths. Ten years later, Frank’s lack of patience with the practice of law had him looking for other things to do, and he purchased the G-Bar Ranch in Whitesboro, Texas and became a cattle rancher. Talk about personal transformations.

Whitesboro is in Grayson County, Texas, over an hour’s drive north of the Dallas/Fort Worth Metroplex and fifteen miles from the Oklahoma border, which is marked by the Red River. The topography is flat, and there is a lot of topography. In late 2002, as the evidence in the criminal case against Melanie and me was mounting, Frank and his gracious wife, Lori, invited me to move out to Whitesboro, a sea of calm that acted as the perfect distraction from the collapse of my life. My Texas TRC was a life support system. I would have to go back to

Orange County for court proceedings, but in Whitesboro I lived with Ladys (pronounced Laddis) Jacobs, Frank's mother, whom I knew well from my law school days. She was a great cook and baker, and she and I became roommates until I moved to a ranch house on the G-Bar. Ladys was from Alabama and had never lost the soft charm and beauty of a true southern belle. She had met Frank's father, Col. Dan Jacobs, when she worked at the commissary of an air force base in Birmingham during World War II. According to Ladys, Colonel Jacobs went on to copilot Air Force One for Harry Truman and was the president's Arabic translator during negotiations with the Lebanese government after the war. While her husband was on those trips with the president, Ladys spent time with her friend Bess Truman at the White House, and I loved listening to her tell me the stories of those days.

When I moved to Grayson County, the Jewish population shot up 100 percent, but I always felt comfortable and welcomed in Texas. I got to know and respect the people—honest, hardworking people who didn't need a written contract for transacting business, just a handshake. To cattle people in northern Texas, your handshake or your word is your bond. Break that bond just once, and you're not going to be doing business in Texas ever again.

The Jacobses always made me feel like family, and Sunday after feeding the herd was fed was family day in whitesboro. This meant going to church and then to dinner (brunch). Frank and Lori belonged to a Methodist church in Denison. The services were uplifting and spirited. I enjoyed the pastor's sermons and the resulting sense of belonging. Lori sometimes engaged me in comparative religion conversations at dinner. She sincerely wanted to know more about the Jewish religion and traditions. At the same time, our talks were teaching me more about her devout beliefs in Jesus Christ and his teachings. Later, these conversations helped me communicate with Christian inmates and better understand their faith and personal commitments. Knowledge was important for being accepted into the world of inmates. Many times these men told me how honored they were to have me in their midst because Jesus was Jewish, but it was because of my conversations with Lori that I truly understood the meaning in the context of the Old and New Testaments.

The other days of the week were workdays. You haven't lived until you've used a hand hook to physically move three hundred bales of hay

from a flatbed truck into a barn in ninety-eight-degree heat—with 98 percent humidity. At the end of those days, your best friends are a good meal, a shower, and a bed, not necessarily in that order. I learned a lot about agriculture and raising cattle from working with Frank. While I had an undergraduate degree in agriculture with a major in animal science, I knew nothing about the hands-on work of either, much like being able to pass the bar but knowing nothing about the real practice of law.

Frank still raises herds of Charolais cattle. This beautiful white breed of large-bodied beef cattle has its origins in the Charolais area in Burgundy, France. Charolais are raised for meat, and on the open range, I learned how different it was to understand the psychology of cattle in a classroom. In the real world, expensive mistakes happen, mistakes I never had any sense of when I was studying animal science. One such incident occurred when a big “momma” cow refused to move to another pasture with the rest of the herd. Running and chasing after the momma proved fruitless and fatiguing. She was faster, more agile, and much stronger than both of us put together. So Frank and I resorted to using fast-moving vehicles to force Momma to move where we wanted her to go. She still resisted, and the episode only ended when Momma ran herself to death, suffering a heart attack in the field. That was an expensive lesson, but the lunacy and shock of it sent us into paroxysms of laughter.

I was sad when ten months after moving to Whitesboro, in the summer of 2003, I had to say goodbye to return home to prepare for trial. I’ve not been back to Whitesboro physically, but I do often go back there in my mind. My Texas TRC provided a deep sense of mental comfort during the lonely days of prison I was destined to endure.

That summer, my travels to prison began to move at freeway speed.