



The Anti-Attorney Attorney: Criminal Defense Lawyer Tony Serra

By Mary Waldron

To understand the legendary legal career of attorney Tony Serra, one must understand his outlook — how he thinks and where he is coming from. As the quintessential poster child for the 60s hippie movement in San Francisco, Serra has married his free-loving ways with a legal career based on the goal of achieving social justice and equality.



Oddly, the standards of Serra’s legal career and personal life blend smoothly into one another. In other words, this wild and unique character really practices what he preaches as an attorney.

As a result, Serra’s values as an attorney differ greatly from those of your average legal professional. At the beginning of his legal career, Serra decided what he believed, and he has managed to find a way to stay true to it. Today, after almost 50 years in practice, not much has changed.

With an effortless talent for being a good student — with straight As for most of his high school education — Serra excelled in school and eventually went on to study philosophy with an English minor at Stanford University. To balance out his intellectual studies, Serra also got involved in sports by participating in baseball, football, and boxing.

“I was probably the only one in philosophy corner that had a broken, bloody nose from football and boxing,” he says. “I was kind of an anomaly in the sense of embracing those two different microcosms.”

After finishing undergraduate school Serra decided to become the “Hemingway type” by moving to Morocco to travel and write. While there, he got caught up in a crowd of French and English expatriates who were in a “tumbling zone of vice,

drugs, and literature.”

“I was like a Joe Palooka,” Serra says. “Coming out of an athletic background, I had never smoked a cigarette in my life. I was fairly physiologically pure — probably emotionally and academically pure too. It was too much. I wasn’t there to shoot heroin or smoke opium. So I decided to go to law school as kind of like a fallback position — I didn’t have any idealistic objective. It was just that I wasn’t going to be the expatriate, Hemingway writer.”

Q. What do you like to do in your spare time?

A. It changes from era to era. I like to walk the beach stoned. So I’ll smoke some cannabis, and I’ll walk the beach, look out at the sea, watch the waves break, see the seagulls dive, and I think. Sometimes I’ll create closing arguments, figure out a new strategy on a motion, or go home and scribble a poem down that has nothing to do with law. Let’s call it strolling by the seaside under alternate consciousness. I was a dance freak for about 20 years. I enjoyed the rock and roll scene immensely. I love to read. I like being with my children, and I enjoy time with my partner.

Q. Throughout your lifetime, what movie have you watched the most?

A. I kissed movies off about 20 years ago. I don’t watch movies.

Q. What music do you enjoy the most?

A. I became a Deadhead of sorts. That was the only group that I really followed. Now it’s Phil Lesh & Friends.

Q. What is your favorite flavor of ice cream?

A. I like green tea ice cream.

Q. If you had an extra hour in the day, what would you spend it doing?

A. Writing poetry.

Serra began law school at the University of California, Berkeley, at the height of the free speech movement in the early 1960s.



“That was explosive for me. Aren’t I lucky that I didn’t go back to Stanford Law School? I went to Berkeley where it became

the center of the 60s political dimension. While I was going to law school, it was all happening,” says Serra.

“I’ve had various stages of life. I’ve been practicing longer than most lawyers — I’ve been practicing about 45 years. In the early stage I was very enthusiastic about social change through the medium of litigation, shedding light on necessity for reform. We’re talking the 60s, political causes, Berkeley and San Francisco, university protest demonstrations, and a variety of groups that emerged. There was social protest, there was an agenda, there were fiery speeches, there was chanting. There was an emergence of Eastern thought that



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filtered in through the hippie movement," says Serra.

"That's what first transfigured me. That's been, for a lifetime, the tide that has carried me forward. That's been selfless service to humanity. Humanity has a lot of faces. Most of the time it's selfless service to the impoverished, those who are discriminated upon racially, religiously, or economically as well as those who are marginalized by a highly competitive capitalist system.

"That has been a hallmark of my career: selfless service. It arose in the 60s because it was a year of social protest and reform. Was it also induced by alternate consciousness? Yes, because in the 60s we were all dropping acid and doing psychedelics, so we became more aesthetic, less materialist, more idealistic, and less pragmatic."

In his first year at law school, Serra was number 11 in his class of more than 300 students. With his high class ranking, he was given the opportunity to participate in law review.



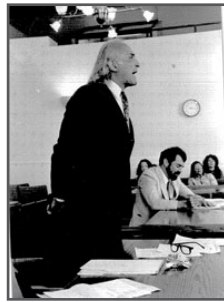
"It was a highly competitive law school. I think after the first year, two students who didn't pass committed suicide. They would post your grade point average after each semester on the wall. UC Berkeley's teaching method in those days was very aggressive and potentially very demeaning to the students," he says.

Serra breezed through law school and eventually passed the bar with ease.

"I think I got the first- or second-highest contracts-question grade on the exam," says Serra. "For three years I graded the contracts question on the bar exam."

Once Serra had established his life and career objective and graduated from law school, he dove into appellate work.

"I would take indigent appeals. In those days I made \$10 per hour. I would go to all of the prisons, and I'd visit with these people and hear their laments, pains, sorrows, and grievances. I would pursue so valiantly at the appellate level, but my god, you're lucky if you win one out of 50 at the appellate level — at least that was my experience. I had enough ego, vanity, and competitive nature from being an athlete that I wanted to win," Serra says.



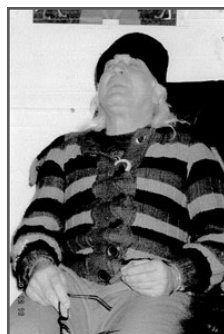
Soon enough, Serra decided to focus his efforts solely on trial work.

"The 60s was the golden age of criminal practice. The jurors were very liberal. The constitutional rights were very strong. On motions when there were fourth amendment issues, half of the cases were dismissed. On jury trials I lost very seldom," Serra says.

Serra's criminal defense practice was welcomed as a favorite among the liberal crowd in San Francisco.

"I was part of the Haight-Ashbury scene. I was long-haired, and I had velvet purple suits and wild, colorful, floral ties. I was a character, an oddity."

At the age of 25, Serra made what he calls a vow to poverty. He wanted to "emancipate [his] practical mind from the necessity of earning money." Serra believed that living without much property or money would help him to achieve his goals of social justice. Instead of living for the social and material gifts of a fruitful legal career, Serra swayed in the completely opposite direction by living an extremely minimal lifestyle.



This act of dissociating himself from societal norms and forms of establishment includes, but is not limited to, only buying secondhand clothing, cars, and other necessary goods; not having insurance; and not having bank accounts or credit cards. Serra is also a tax protester who in 2006 spent 10 months in jail for his failure to file or pay income taxes.

"I quickly became very anti-ordinary social. What's that mean? I don't go to bars, restaurants, or cafes. I don't seek the society of the commonplace. We hung out in our drug dens, smoked our pot, dropped our acid, and dreamed the dreams of madmen, peace, and poets. Right away, I severed myself from the mainstream consciousness," he says.

"The worst form of verbal attack on a human being is centered in the word or concept of bourgeois. So if you're bourgeois, you're nothingness. You're hopeless. You're dead intellectually, emotionally, and evolutionarily."



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As part of his vow to poverty, Serra spends most of the income he makes on worthy criminal defense cases that he believes in. Serra's entire career is built upon using his law degree as a vehicle to assist society's outcasts in prevailing and overcoming the boundaries that the norm has placed upon them. He also prefers their company over that of the average person on the street.

"Those in prison, for whatever reason, are far more exciting, interesting, creative, and daring than those of the bourgeois. I've always been attracted to persons of aberrant behavior, alternate consciousness, and antithetical belief systems. Those are my people. So I'd much rather spend an hour with a convicted mass murderer — which I have done many, many hours — than some guy who sells stock, insurance, or real estate," says Serra.

"Oh, they're so f---ing boring. I can't stand them!" he bellows in frustration.

"The average attorney is interested in one thing: money. They're greedy, selfish, materialistic people. A shoplifting case means a new pair of shoes. A bank robbery case means a new car. A murder case means a new house. They only think in terms of their own financial reward. I'm an anti-lawyer lawyer. I have nothing in common with the mainstream lawyer."

Along with his disassociation with the majority of the legal community, Serra's ideology as a criminal defense attorney is perhaps his most controversial trait.

"Criminal law and charging people with 'crime' and finding someone 'guilty' — both absurd concepts, per se — is society's form of natural selection. We're weeding out those instincts and forms of behavior which we as a culture believe ultimately undermine the concept of the greater good for a greater many. I find that a fascinating process of what is allowed to pass through the sieve of criminal justice and what is caught and deposited as garbage in the prison system," Serra says.

At the height of his legal career, Serra took on a number of pro bono, high-profile, and controversial cases that catapulted him into the spotlight as an attorney. Representing some of the most daring figures from groups like Hell's Angels, the Black Panthers, the White Panthers, the New World Liberation Front (NWLF), and the Symbionese Liberation Army (SLA), Serra pioneered a unique stance as a criminal defense attorney.

Today, his agenda has not changed much, but the caseload is

a bit less intense.

"In the old days about 80% of my cases were free, and about 75% had political content. As there is less and less fervor in the political zone as it touches on the judicial zone, I have less and less political cases. As you get older it's less and less because of the way our society is evolving for the old radical to get involved in. You still kind of buoy yourself up with the ideologies of the past. Kind of like listening to old Rolling Stones records or Grateful Dead records," Serra says.

Since Serra was released from jail a little over a year ago, in addition to a few murder trials, he has taken on a few politically charged cases that have consumed him.

Last year, Serra represented eco-terrorist and animal rights activist Rod Coronado, who was charged with arson, conspiracy, and other crimes. After his case was declared a mistrial, Coronado entered a guilty plea and is serving one year in prison.

"He is perhaps one of the most celebrated people in the Animal Liberation Front movement charged with inciting to arson," Serra says of Coronado.

Serra also defended a couple, attorney Dale Schafer and his wife, Dr. Mollie Fry, in Sacramento. The couple gave up their practices to become involved in the medical marijuana movement.

"They would provide medicine to some of their clients — of course the feds didn't like that. For a mere 37 plants, they were taken by federal authorities. They were convicted and given a five-year minimum mandatory, but they're out on bail. That case in the medical marijuana dimension is a case of martyrdom by two exemplary people," says Serra.

Serra's eclectic style as an attorney has gained him quite a reputation in the courtroom. Going to see him try a case is rumored to be like witnessing an intensely charged performance. Unlike many of today's attorneys who read from notes and rely on multimedia to present a case to a jury, Serra runs the entire show by himself for hours on end with very little help from his notepad.

"I'm a throwback. I am an example of contemporary primitive in terms of closing arguments. Old-fashioned oration. Manifestation of emotion. Sometimes purring softly in a whisper. Other times screaming with hands flailing. Sometimes prayerful in posture. Sometimes so close to the jury I could



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buzz them with my lips. I use no props. I stand out alone because I'm up there reciting poetry, sometimes singing a song. I go back to the 1800s. I'm the last of a dying breed," Serra says of his dynamic courtroom style.

In 1989 Serra was approached by a producer who wanted to do a movie about his career during the time when he defended Chol Soo Lee, a Korean American immigrant who was wrongfully convicted for the 1973 killing of Yip Yee Tak, a San Francisco Chinatown gang leader, and sentenced to life in prison until Serra helped crack his case and set him free in 1983. Serra agreed to be interviewed and observed for the movie. Unfortunately, once the film, *True Believer*, was picked up by Columbia Pictures, the story was edited quite a bit.

"They just changed everything. Instead of marijuana being a good thing, it was a crutch. Instead of being in back-to-back jury trials, which I have been all my life, I was an old guy who

hadn't had any cases, was forgotten, and rejuvenated by this one case. The movie ultimately only had about 10% accuracy, and it didn't stand for the motifs that the development company had developed. But it was a four-star movie and made a lot of bread, but it certainly had nothing to do with me or my practice of law," Serra says.

Though Serra is not one to follow a "role model," saying, "I tell people to not idealize a human being — they will always contradict themselves; they will always disappoint you," he has admired fellow San Francisco attorney Vincent Hallinan.

"He represented Harry Bridges in the days of the union fights in the 20s and 30s, went to jail for five or six years, and ran for vice president under either a socialist or communist ticket — a vastly powerful human being," says Serra.

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