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Ryan was railroaded on appeal, former attorney says

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George Ryan

Ryan completes political memoir

Former Gov. George Ryan's tell-all

A former attorney for former Gov. George Ryan, who was convicted of corruption charges and sent to prison, blasted a high-ranking appeals court judge, alleging he railroaded Ryan and didn't give him a fair shot on appeal.

book is complete and his agent is shopping it around to several publishers.

"I'd like to get this done and get it off my back," Ryan said in an interview late this week.

Ryan has previously said the book will name names and "tell it like it is."

Ryan's political memoir swelled to over 400 pages and his agent told him to hack 150 pages off.

"I was able to cut about 50 pages, but I couldn't get rid of any more than that," said Ryan, who used a ghostwriter. "They are just going to have to deal with it."

There is no timetable for when the book may be published.

"I'm happy with the book," Ryan said. "I think it's a good book."

Albert Alschuler, the attorney who now is retired, said Ryan deserves at least a partial pardon from President Barack Obama.

The scorching allegations come in an 87-page essay published in the July issue of the Valparaiso Law Review, in which Alschuler says Judge Frank Easterbrook, who presided over the appellate hearing, made several rulings in favor of the prosecution, even though prosecutors never asked for them.

"It exposes Easterbrook for what he is all about," Ryan said of the paper, "The Eight Falsehoods of Judge Frank Easterbrook and How They Kept Governor George Ryan in Prison." "He needs to be exposed and [Alschuler] is the only one with the

backbone to do it."

Alschuler contends that Easterbrook kept Ryan in a Terra Haute, Ind., federal prison through questionable rulings and lies.

Alschuler represented Ryan in legal proceedings following his 2006 conviction on corruption charges. Ryan served out a six-and-a-half year sentence.

In an interview with the Daily Journal, Alschuler said he also is hoping President Obama will grant Ryan at least a partial pardon.

"Thus far, he's not dealing with controversial pardons. I think the odds are against us, but he does deserve at least a partial pardon," Alschuler said. "He could get back his right to vote, the right to own a firearm."

Asked if a partial pardon would allow Ryan to regain his lost \$197,00-per-year pension, Alschuler said he couldn't answer that. "I don't know Illinois pension law, but I imagine he would have a case."

For his part, Easterbrook has declined to comment to other news outlets, saying he doesn't comment on past court opinions.

It is not unusual for law school professors to criticize judges, but it is rare for the criticism to come from a lawyer who has argued a case before the judge in question.

Arschuler noted it was difficult to get his lengthy paper published. He shopped it to many law reviews before Valparaiso accepted it. It is worth noting the dean of the law school is Andrea Lyon, another former attorney for Ryan.

Easterbrook, appointed by Ronald Reagan to the 7th Circuit Court of Appeals in 1985, is otherwise well-regarded on the judiciary. Alschuler argued that his reputation is a paradox: "Widely praised by legal academics, he is often disparaged by the lawyers who practice before him."

Alschuler represented Ryan during his attempt to win a new trial. The attempt hinged on whether Ryan's trial defense team, led by Winston & Strawn, had waived their objections to the judge's instructions to the jury, which were flawed. But in Alschuler's opinion, Easterbrook misstated how the jury was instructed — "he made it up," Alschuler wrote. He also ruled in favor of the government six times, even though prosecutors hadn't sought those rulings because they were "preposterous."

In his paper, Alschuler wrote on what he believes were falsehoods in the jury instruction process:

"These falsehoods included statements that the trial court gave instructions it did not give, that both the defendant and the government made arguments they did not make, that litigants in the Supreme Court made arguments they did not make, that the defendant and the government waived or forfeited arguments they did not waive or forfeit, that the Supreme Court said things it did not say and that several of the defendant's sentences had expired when they had not expired."

The falsehoods Easterbrook put forward, he wrote, are not "minor misunderstandings or misrepresentations; I mean whoppers."

Other lawyers who have criticized Easterbrook have done so anonymously for fear of retaliation, Alschuler wrote. But in retirement, he can "tell the truth about Judge Easterbrook."

"I can afford to say, out loud, what practicing lawyers can only whisper," he wrote. "To the charge of being a sore loser and a crybaby, I plead guilty. I think that lawyers should be sore losers and whiners when judges cheat."