

The University of New Hampshire Law Review

Volume 1
Number 3 *Pierce Law Review*

Article 8

May 2003

Review of "Long Goodbye: The Deaths of Nancy Cruzan," by William H. Colby

Mitchell M. Simon
University of New Hampshire School of Law

Follow this and additional works at: https://scholars.unh.edu/unh_lr



Part of the [Law Commons](#)

Repository Citation

Mitchell M. Simon, *Review of "Long Goodbye: The Deaths of Nancy Cruzan," by William H. Colby*, 1 *Pierce L. Rev.* 229 (2003), available at http://scholars.unh.edu/unh_lr/vol1/iss3/8

This Book Review is brought to you for free and open access by the University of New Hampshire – Franklin Pierce School of Law at University of New Hampshire Scholars' Repository. It has been accepted for inclusion in The University of New Hampshire Law Review by an authorized editor of University of New Hampshire Scholars' Repository. For more information, please contact sue.zago@law.unh.edu.

William H. Colby, *Long Goodbye: The Deaths of Nancy Cruzan* (Hay House 2002). ISBN 1401900119 [432 pp. \$27.95. Hardbound, P.O. Box 5100 Carlsbad, CA 92018].

Bill Colby is the lawyer who represented the family of Nancy Cruzan in one of the nation's most important "right to die" cases. Ms. Cruzan was a twenty-five year old woman who, due to a car accident, was deprived of oxygen for a significant time and cast into a persistent vegetative state. Colby's book, *Long Goodbye: The Deaths of Nancy Cruzan*, is a nonfiction account of his journey with the Cruzan's family over the course of almost seven years.

Along the way, Attorney Colby, who was just five years out of law school when he agreed to represent the Cruzans, gave the first oral argument of his career in the Missouri Supreme Court and his second in the U.S. Supreme Court. He battled with a series of heavyweights, including Ken Starr (of Clinton impeachment fame), then Missouri Governor and now U.S. Attorney General John Ashcroft, and William Webster. This book is anything but another self-absorbed story about a lawyer's "big case." It is a movingly written tale of a loving family faced with a tragedy, a clear and concise primer on complex "right to die" issues, and an inspirational tale about the way lawyers ought to relate to their clients.

The book, although in part about Nancy's life, is really the tragic story of Joe Cruzan, the somewhat gruff, determined, and loving patriarch of this rural Missouri family. We share the family's agony as they decide, after three years without any improvement in Nancy's condition, to remove her feeding tube. We are privy to the fascinating machinations of a court case that consumed four more years. We also watch at close range as a loving father, believing fiercely that he is doing the right thing, begins a slow deterioration when faced with his inability to "help" his daughter and control his and his family's lives. The book starts and ends with Joe Cruzan's suicide.

Regardless of one's views on the morality of removing a feeding tube from a person in a persistent vegetative state, one cannot help but be moved by Bill Colby's descriptions of the love the Cruzans had for their daughter and convinced that the family believed that Nancy would not have wanted to be kept alive in this state. This point, almost three years after the accident and without any improvement in her condition, was in the Cruzan's mind the point at which Nancy had the first of her "deaths."

Bill Colby's spare and elegant prose when describing the family makes this book a good read. It is nonfiction at its best. But he also uses his considerable talents to teach about the legal process. Colby's descriptions of the lawyer's task at each stage of the case—depositions, trial, nego-

tiation and appeal—make the court system accessible to those without experience. As one who has practiced for over twenty-five years, I, too, was interested in these segments. Colby's description of the deeper strategy choices involved in this litigation would be of use to many in law school classes and to those out in the profession.

Colby adds a profound contribution to the literature of the legal profession by conveying, in a non-doctrinaire manner, a model of lawyering as public service. This demonstration of his and his firm's commitments to the value of service is a model for all of us in practice and something the beleaguered profession ought to be doing more frequently.

Another aspect of the book that will be of particular interest to lawyers is the way in which Colby works with his clients throughout their four years of litigation. He made himself a valued counselor and saw his role not solely to win in court, but to be a useful part of his clients' lives. Colby's obvious concern for his clients is what allowed him ultimately to succeed for his clients, despite his relative inexperience and the odds against him.

Having taught and studied the Cruzan case for over ten years, there was one aspect of the story that I would have liked further developed. I have always wanted to know more about the motives of all the parties, especially given the current prominence of the players. How much of the State of Missouri's opposition was based on political ambition or the interface of this issue with abortion? Why did the state, after winning, at least in part, in the US Supreme Court, not participate in the trial that ultimately allowed Nancy Cruzan's feeding tube to be disconnected (and Nancy to suffer her "second death")? Attorney Colby doesn't give us much new information here. However, given the honesty with which Colby tells this story, I am left at least to consider that maybe this is all there is: persons with deeply held beliefs on both sides trying to uphold them.

In the Preface, Colby writes, "It's my hope that when readers finish the book, they will understand at least this: The questions the Cruzans faced are questions that in time, one way or another, will visit us all."¹ While Attorney Colby has certainly met this modest goal, he has also done much more with this book. Whether you want a good and moving read guaranteed to bring tears to your eyes, a primer on the medical and ethical issues in removal of life sustaining treatment, or an accessible introduction to the American legal system, Bill Colby has given it to you.

Mitchell Simon*

1. William H. Colby, *Long Goodbye: The Deaths of Nancy Cruzan* xi-xii (Hay House, 2002).

* Mitchell M. Simon is a Professor of Law at Franklin Pierce Law Center. He holds a B.S. from Hofstra University and a J.D. from Boston University.