

What I Learned at the Movies on Legal Ethics and Professionalism

By: *Anita Modak-Truran*

Law and film seamlessly weave together, and are often inseparable, in our popular culture. In 2008, the ABA Journal featured an article on the 25 best law movies, remarking that “in a town built on copyrights and cosmetic surgery, lawyers have done far more than pen the small print in studio contract. From the incisive Henry Drummond [to] the regal Atticus Finch, lawyers have provided some of Hollywood’s most memorable cinematic heroes and some of its most honorable and thoughtful films.”

The best and worst of the films in the legal genre offer a perfect opportunity to brush up on how lawyers should or should not conduct themselves in their professional careers. I thought I would share my impressions on what I have learned at the movies on legal ethics and professionalism.

From *Baby Lawyer* to *Atticus Finch Clone*, we all know that the lawyer’s role involves more than spewing off sound bites in a courtroom or your spouse when you need to remind him or her who wears the lawyer shoes (in my case stilettos) in the family. The preamble to the Mississippi Rules of Professional Conduct (“MRPC”) provides that the lawyer’s role is advisor, advocate, negotiator, intermediary and evaluator.

The penultimate lawyer – the one who offers sage advice, negotiates with diplomacy, judiciously evaluates the chances of success and plans for the worst and advocates with heart and soul – is Atticus Finch. In “*To Kill A Mockingbird*,” Atticus represents a black man wrongly accused of a raping a white woman in a society intolerant to integration.

Atticus Finch sets the gold standards. He demonstrated “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation” and exceeded the bounds of competent representation. See MRPC 1.1. In representing Tom Robinson, Atticus “exercise[d] independent

professional judgment and render [ed] candid advice.” See MRPC 2.1. He assessed not only the law, but evaluated other considerations, including the “moral, economic, social and political factors” relevant to his client’s situation. *Id.*



But we all know that lawyers come in all shapes and sizes on the big screen and in real life. Not everyone is Atticus Finch, and not one style of advocacy fits all. The commonality shared by all good lawyers, however, is zealously. “A lawyer zealously asserts the client’s position under the rules of the adversary system.” See MRPC, Preamble; accord MRPC 3.1-3.9.

Cinematic examples of zealous advocacy are many. Some are profound. In “*A Few Good Men*,” which revolves around a court martial proceeding of a high ranking military official, Lt. Kaffee (Tom Cruise) wants the truth. He demands it. Colonel Jessup (Jack Nicholson) tells him that he can’t handle the truth. “Son, we live in a world that has walls, and those walls have to be guarded by men with guns. Who’s gonna do it? You? You, Lt. Weinburg? I have a greater responsibility than you could possibly fathom. You weep for Santiago, and you curse the Marines. You have that luxury. You have the luxury of not knowing what I know. That Santiago’s death, while tragic, probably saved lives. And my existence, while grotesque and incomprehensible to you, saves lives. You don’t want the truth because deep down in places you don’t talk about at parties, you want me on that wall, you need me on that wall.”

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Without context, “the truth” can often be a lofty concept flying above our heads. In “A Few Good Men,” the truth was that Colonel Jessup did order an illegal mission. An advocate understands that context shapes the truth and then lays bricks and mortar to substantiate the client’s position. In “Philadelphia,” a small time lawyer named Joe Miller (Denzel Washington) represents Andrew Beckett (Tom Hanks), a brilliant young attorney fired from a conservative firm for having AIDS. The two men are opposites in every way, but they are brought together as lawyer and client in part because Miller needed the work and Beckett couldn’t find anyone else to take the case.

Every time I see that final scene where Washington asks his client about the law, I get a chill, because it reminds me of what all this legal mumbo jumbo is about. Miller asks his client: “What do you love about the law, Andrew?” After some hemming and hawing, Andrew responds: “It’s that every now and again - not often, but occasionally - you get to be a part of justice being done. That really is quite a thrill when that happens.”

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