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| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | [John Denvir](http://docs.google.com/bios.htm#denvir)     |  | | --- | | **Read other reviews:**  Internet Movie Database:  [The Verdict](http://us.imdb.com/Title?0084855)  [A Civil Action](http://us.imdb.com/Title?0120633)  All Movie Guide:  [The Verdict](http://www.allmovie.com/cg/avg.dll?p=avg&sql=A52313)  [A Civil Action](http://www.allmovie.com/cg/avg.dll?p=avg&sql=A174234)  [Readers' comments](http://docs.google.com/user_feedback.htm) |     Screeenwriter David Mamet gives us a riveting scene where Concannon articulates his philosophy of law practice. It's all about winning because that's all that clients pay for. [..] It's winning that pays for the fancy office, the stylish clothes, the single malt whiskey, and even the pro bono work the firm performs. Finally he puts in the dagger to the liberal law professor's heart: winning even finances the luxury of philosophical chats about the larger meaning of law. | |  | | --- | | **Lawyers We Love to Hate**  by John Denvir  Most lawyers in movies and television are portrayed as heroes. But not all film lawyers are "good." And the lawyer villains are just as instructive about popular conceptions of law and justice as their hero counterparts. Often Hollywood shows us these legal villains as big firm lawyers defending corporate interests. My two personal favorite "villain " lawyers are Ed Concannon (James Mason) in *The Verdict* and Jerome Facher (Robert Duvall) in *A Civil Action*.  Ed Concannon is Paul Newman's nemesis in *The Verdict*. He defends the hospital owned by the Roman Catholic archdiocese of Boston where Newman's client came to harm. Concannon is a "bad" lawyer only in a moral sense. He is a superb legal technician with a keen insight into human psychology. We are not surprised that he has risen to the top of his profession in the tort defense bar.  We first see him meet a small squadron of associates in a conference room in his law firm. The room is part college seminar room complete with blackboard and part Renaissance palace with ornate fireplace and a uniformed butler serving coffee. This setting perfectly reflects the mixture of intellect and privilege that the contemporary large American law firm tries to project. And Concannon's message to his minions is clear: the goal is to win and to win decisively. The fact that the plaintiff is a young mother entombed in an iron lung because of a medical foul-up at his client's hospital is no more than an obstacle to victory that must be overcome  Later in the film we see how victory is achieved. There is a skillful preparation for trial testimony of the stuff shirt doctor in which Concannon first destroys his client's story and then rebuilds it according to a script that will appeal to the jury. We also seen him cleverly discredit the plaintiff's expert witness and persuasively argue arcane procedural points to keep out damaging evidence. His technical performance is indeed superb. But Concannon goes even further, inserting his own personal spy in the enemy camp to keep him informed of the plaintiff's strategy. I assume this is an example of art surpassing reality.  Screeenwriter David Mamet gives us a riveting scene where Concannon articulates his philosophy of law practice. It's all about winning because that's all that clients pay for. And then he sets out the all the "perks" that winning subsidizes. It's winning that pays for the fancy office, the stylish clothes, the single malt whiskey, and even the pro bono work the firm performs. Finally he puts in the dagger to the liberal law professor's heart: winning even finances the luxury of philosophical chats about the larger meaning of law.  Ed Concannon is corrupted by his love of wealth, but this vice does not explain the professional actions of Jerome Facher, one of the corporate defense lawyers in *A Civil Action*. Facher has no special interest in money. Despite his partnership in a blue blood Boston law firm, he wears inexpensive suits and carries an well-worn brief case. No connoisseur of single malt scotch, Facher seems happiest at a table in the firm's law library eating homemade sandwiches and listening to a baseball game on radio.  Facher just likes to win for the sport of it. He's the quintessential legal craftsman, using all the technicalities of the law to protect his client with scant thought about the justice of the result. We have no doubt he would be no more or less interested and just as effective if assigned the other side of the case. For Facher, the game's the thing and winning is the game.  In *A Civil Action* Facher's opponent in Jan Schlichtmann ( John Travolta), a flashy trial lawyer who is attempting to sue two large corporations for the deaths which have resulted from the pollution of drinking water in a small Massachusetts town. Facher takes the depositions of the plaintiffs who appear to be honest working people who have been devastated by deaths caused by the poisoned water. The primary lesson Facher draws from this encounter is that these witnesses must never be allowed to testify before a jury. He then sells the judge of a procedural plan that accomplishes exactly this goal. The judge sends the technical question of negligence to the jury before allowing the plaintiffs to testify to damages, thereby insulating the jury from the real world effects of his clients' actions heart-breaking stories. He's successful and his client is exonerated. He's won the game.  Facher is the lawyer as brilliant cynic. When Schlichtmann tells him the jury will find out the truth, he replies " The Truth? I thought were talking about a court of law." For Facher, law is a war with little connection to truth or justice.  While James Mason's Concannan is a wee bit pompous, Duvall's Facher comes across as unassuming and almost likeable. He announces at one settlement conference that he has just been given a Chair at Harvard Law School, only to explain that the "chair" is made of wood and is a gift from students in his trial practice course. At Harvard he teaches not the grand principles of legal theory but the legal craftsman's skills of quietly disrupting an opponent's case. Facher is what we sometimes call a "lawyer's lawyer," a fact which should give all members of the profession pause.  Of course, as always, we must remember that Hollywood is making entertainments, not giving us a realistic picture of how large firm lawyers actually conduct their practices. Still I believe the hero/villain manner of portraying lawyers in movies corresponds at some level with a human need to see justice done. Furthermore, I think these movies are evidence that (also a some emotional level) movie audiences don't think justice is always the most obvious product of the American legal system..  While the Hollywood version of legal reality is clearly unrealistic, it may provide an important antidote to the law school version which seems to flatten the moral universe of most students, convincing them that just because real world disputes are complicated, there are no "right" and "wrong" sides. All lawyers are technicians. Lawyers defending tobacco companies and lawyers defending the homeless are on a moral par, some just better paid than others. Movies force us to confront the view that good and evil do exist and all lawyers must ask themselves "Which side are you on?"  Posted May 8, 2003 |   **Would you like to comment on this article? 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