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| |  | | --- | |  |  |  |  |  | | --- | --- | --- | | [John Denvir](http://docs.google.com/bios.htm#denvir)     |  | | --- | | **Read other reviews:**  [Internet Movie Database](http://www.us.imdb.com/Title?0120633)  [All Movie Guide](http://allmovie.com/cg/avg.dll?p=avg&sql=1:174234)  [Readers comments](http://docs.google.com/user_feedback.htm) |       The study of lawyer films, even unrealistic lawyer films, therefore can provide an important supplement to the curriculum by teaching some important lessons. The most important lesson is that justice counts. The very quantity of 'law' films demonstrates that the human appetite for justice is just as strong as our appetites for power and sex. | **What Movies Teach Law Students**  by John Denvir  We happily note that more and more law schools are using films in their curriculum. For instance, here at USF Law School, we are including extended discussions of the film *A Civil Action* in our orientation program for first year students. Now that the study of film has entered the law school curriculum, perhaps it's time to ask exactly what it adds to the student's educational experience that the traditional curriculum lacks.  First, I think we have to admit that films about lawyers do not give a very accurate picture of how lawyers actually spend their days. First of all, most of lawyer films feature trial lawyers while most practicing lawyers seldom see a courtroom. Secondly, the most common lawyer film, like *To Kill a Mockingbird*, usually tells the story about the idealistic lawyer who represents an innocent person falsely accused of crime. Practicing criminal defense attorneys even admit that truly innocent defendants make up a very small share of their clientele. And finally we also must admit that movies and television take a great deal of artistic license with procedural rules, thereby diluting any claim that these fictions show students how law actually plays out in a courtroom.  But even if we can't claim verisimilitude for lawyer films and have to confess that lawyer films tend to oversimplify messy reality in their pursuit of a clear battle between good (idealistic lawyer) and evil (corrupt system), I think we can still persuasively argue that the study of movies provides an important antidote to the excessively amoral "professional" model of lawyering that infects the rest of the curriculum.  If the typical lawyer movie highlights the human desire for a 'just' result with little interest in procedural niceties, the professional model concerns itself primarily with procedures. It assumes that procedural justice will yield substantive justice, but this assumption ignores the fact that when the legal resources needed to work the system are not allocated on a basis even approaching equality, injustice is often the result. Procedural justice might yield justice in a society in which all citizens had equal access to the top-flight lawyers, but this necessary condition is clearly not present in even our most wealthy societies. For instance, in *A Civil Action*, the plaintiffs fail in their suit against two large companies who allegedly have dumped toxics into the town's drinking water not because they had the lesser case in law and fact, but because the defendants had the larger bankroll.  A second element of the professional model is related to this procedural bias; it holds that we must put our faith in procedures because there are simply no substantively 'right' answers" in difficult cases, only arguments which favor plaintiff or defendant.  Convincing law students of the truth of the 'no truth' thesis seems to be one of the major goals of the first year law school curriculum. Students must abandon 'fuzzy' thinking and accept that truth and justice are chimeras. Here's how one law student put it:  "*I made certain naïve emotional and political arguments before law that I no longer buy into. Part of me feels, well, there are certain things that are just right and wrong and then there's another part of me that says, well, wait a minute, things aren't that simple in the real world and you really can't go around making silly emotional arguments about what's right and wrong.*" [1](#30j0zll)  But the fact that the truth is sometimes difficult to determine does not mean that there is no truth, nor does it mean that all resolutions of a dispute have a equal claim to the adjective 'just'. The primary goal of a legal system should be to design systems that allow the true facts to emerge in complicated situations.  Worse yet, students are led to believe that their earlier faith in 'emotional arguments' is a sign of intellectual immaturity and that adoption of the value-free professional model is a form of personal progress. I would suggest that (again to use the facts in *A Civil Action* as an example) whether or not the defendant corporations polluted the water that the plaintiffs drank is a factual question to which a true answer can be found. And if true, the related question of whether and how much compensation the plaintiffs should receive from the defendant corporations is a question of justice as well as law. And finally, acknowledging an emotional dimension to the assignment of proper legal responsibility to the defendants for their actions is a not a sign of intellectual immaturity; instead it is evidence of a richer humanity.  A third element of the professional model is its definition of "good" and "bad" lawyering solely in terms of craft skills. Since law is a series of preset procedures in which plaintiff and defendant wage a form of warfare, and since there is no right answer to the issues they contest, a good lawyer is not a hero who obtains justice, but rather an expert who works the procedures to yield a result favorable to his client. The professional model pictures lawyers operating in a morally flattened universe in which craft values dominate. Once again using *A Civil Action* as an example, the professional model would argue that Jerome Facher (Robert Duvall) who keeps relevant evidence hurtful to his client away from the jury is the "good" lawyer. Perhaps we need to broaden our definition of "good."  I don't want to be seen as merely trashing the professional model; it has its virtues. Law students need to learn how to think through problems methodically, not just rushing to embrace emotionally appealing conclusions. But I do think it gives an unduly amoral view of the lawyer's role, one which unnecessarily subverts the idealism that brings many students to choose law as a career in the first place.  The study of lawyer films, even unrealistic lawyer films, therefore can provide an important supplement to the curriculum by teaching some important lessons. The most important lesson is that justice counts. The very quantity of 'law' films demonstrates that the human appetite for justice is just as strong as our appetites for power and sex.  Good lawyer films, like *To King A Mockingbird* and *A Civil Action*, also teach a second important lesson: the practice of law is fraught with ethical consequence. We can still debate today whether Atticus Finch failed his client in submitting his fate to a racist state court jury instead of seeking the aid of the federal court. So too the ethical dilemmas facing Jan Schlichtmann, the lawyer who represents the families harmed by toxic water, are worthy of our deepest consideration. Schlichtmann comes in with a simple goal-- to get as large fee as possible with as little risk as possible. Yet slowly he discovers he wants more; he wants to see justice done even though it's not exactly clear what that concept means in this context. He finds himself in a quandary. If he "takes the money and runs" as he originally planned, he is no more than the "ambulance chaser" the defense lawyers think him. But if he proceeds with the case, he puts his clients, his partners, and himself at financial risk. It's not easy for Schlichtmann or the viewer to to balance these conflicting considerations, especially since they don't calibrate on the same measure, but I think discussion of a movie like *A Civil Action* can teach students that the some of the most challenging parts of being a lawyer start just where the professional model leaves off.  1. Quoted in R. Granfield, Making Elite Lawyers: Visions of Law at Harvard and Beyond (New York: Routledge, 1992) 80.  Posted August 25, 2003  **Would you like to comment on this article? Please submit your comments** [**here.**](http://docs.google.com/newsnviews.htm#Submit%20your%20own%20comments) |  |  | | --- | | [Top of page](#gjdgxs) |  |  | | --- | | [Home](http://docs.google.com/index.html) | [Silver Screen](http://docs.google.com/silver_screen.htm) | [Small Screen](http://docs.google.com/smallscreen/small_screen.htm) | [News & Views](http://docs.google.com/newsnviews.htm) | | |