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| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | John Denvir     |  | | --- | | **Read other reviews:**  [Internet Movie Database](http://www.us.imdb.com/Title?0098524)  [All Movie Guide](http://allmovie.com/cg/avg.dll?p=avg&sql=A51132) |     Sophisticated lawyers know that the outcome of a case is predicated on two factors, the applicable legal rule and the court's visceral reaction to the factual context in which it is being applied. One partial reason for the judicial shrinking of Fourth and Fifth Amendment is that these lofty constitutional ideals are usually litigated in the context of a nasty drug deal. | |  | | --- | | **How Can You Defend Those People?**  by John Denvir  Lawyer movies come and go, but some just stick in your mind.  *True Believer* is like that for me. It's not only a good entertainment, but it also raises one of the ultimate questions of legal ethics-how can good lawyers defend bad people?  The story revolves around the life choices of criminal defense lawyer Eddie Dodd portrayed in a fine bravura performance by James Woods. The ethical issue is raised by Dodd's neophyte associate, Roger Baron, in a subtle performance by Robert Downey Jr. Baron came to work for Dodd because of Dodd's legendary work as a civil rights attorney, but discovers the Dodd's current practice specializes in the defense of successful narcotics dealers.  Roger is shocked to discover that Dodd is quite successful in exonerating defendants he knows are guilty. He naively asks whether Dodd might someday represent an innocent defendant. His question begins Dodd's search for a moral justification for the role of the criminal defense bar.  Three major justifications are considered in the course of the film. The first represents Baron's amateur perspective: criminal defense attorneys are needed to defend innocent clients. Dodd quickly rejects this utopian premise with the curt reply, "The one thing you learn as a criminal defense lawyer is that they're all guilty." Of course, we know Dodd exaggerates; every week or so we see a news story abut how new DNA evidence has led to the release of a prisoner unjustly convicted. Still, these cases seem to be the exception, not the rule. Most people charged with crime are guilty of some crime, most the crime with which they are charged.  At the beginning of the film Dodd tries to justify his role by recourse to another well known defense of the criminal defense bar; the noble fight to protect our civil liberties against invasion by a burgeoning police state. The client may be a drug lord, but the true beneficiaries of the lawyer's labors are the Fourth and Fifth Amendments. Downey is not impressed with argument; nor am I. Sophisticated lawyers know that the outcome of a case is predicated on two factors, the applicable legal rule and the court's visceral reaction to the factual context in which it is being applied. One partial reason for the judicial shrinking of Fourth and Fifth Amendment is that these lofty constitutional ideals are usually litigated in the context of a nasty drug deal. Of course, zealous advocacy requires a lawyer representing clients accused of drug crimes to use every available defense including those alleging an illegal search and seizure, but to say one takes drug cases in order to promote civil liberties seems a little disingenuous. Our civil liberties have not benefited from their involuntary association with drug dealers.  But Dodd does find good reason to be a true believer in the role of the criminal defense attorney. It comes to him in the person of a Korean mother who asks him to help her son who, serving a life sentence for a gang murder, is now accused of a second murder in a prison gang fight. The viewer already knows her son; the opening shots of the film had shown us him in preparation for the prison fight; we see him having knives taped to both of his hands in order to turn him into some sort of lethal bird of prey. It had never occurred to us that this animal could be somebody's baby boy.  In a mute response to Roger's criticisms, Eddie takes the case. His cynicism dissolves at the sight of this young man whose incarceration has transformed him into a killing machine. He decides that no matter what the boy has done, he's been in prison long enough. It time for a lawyer to go to work.  From this point on, the film becomes a skillful portrayal of the practice of criminal law. As in real life, investigation of the facts turns out more important than eloquence before a jury. And one gets a good sense of the showmanship necessary to negotiate a good deal for your client And, since movies like to improve on real life, it turns out that Dodd's client is not guilty after all. His first conviction was the product of a police frame-up, and his prison homicide turns out to be a case of self-defense.  But Dodd's response would have been no different if his client has been guilty-and no less heroic. Most Americans only know about the world of crime from the images that appear on movie and televisions screens. Hollywood likes to show us evil geniuses played by the likes of Anthony Hopkins and John Malkovich. These projections of our darkest fantasies work on the dramatic level, but crime on the street is a more prosaic matter. You don't have to jettison the concept of free will to concede that the inhabitants of our prisons are mostly losers who have always been given the wrong end of the social stick from birth. Most criminals are not psychopathic geniuses like Hanibal Lector, but the not so bright sons of broken homes and lousy schools with bleak employment possibilities.  It's true that they have violated a duty to society, but no less true that society had violated its duty to them. At a minimum, we owe them someone to speak up for them in their hour of need. We owe them a good criminal lawyer.  Posted: September 24, 2001 |   **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) | | |