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| **FEATURE ARTICLE** | | |
| ***Michael*** [***Asimow***](mailto:asimow@law.ucla.edu), of UCLA Law School, is co-author with Paul Bergman of [Reel Justice: The Courtroom Goes to the Movies (1996)](http://www.law.ucla.edu/faculty/asimow/book), available at local bookstores or through [amazon.com](http://www.amazon.com).                **"**  What happened to the **heroic movie lawyers** of yesteryear, now that we need them so much?...**Rejoice**, pop culture fans: heroic lawyers, and their sidekicks, heroic clients, have returned from the grave.    **"**                                                **"**  Representing himself, Darryl's legal argument is that the **law** must be the same as **justice** and it isn't just to take away a man's home without his consent. Needless to say, this argument fails. It's been quite a **long time** since law and justice were the same thing.    **"**          **"**  Perhaps if these films are as **successful** as they deserve to be, filmmakers will once again see **possibilities** in making movies about **great lawyers** and great clients.    **"** |  | **RETURN OF THE HEROIC LAWYERS . . . AND THE HEROIC CLIENTS: THE *WINSLOW BOY* AND *THE CASTLE***  By Michael Asimow  **W**hat happened to the heroic movie lawyers of yesteryear, now that we need them so much? Where have you gone, Atticus Finch? We’ll never forget how you went to the limit for a falsely accused black man in *To Kill a Mockingbird.* How we miss Clarence Darrow, standing up for the first amendment in a sweltering Tennessee courtroom in *Inherit the Wind.* Heroic lawyers have become an endangered species in films of the last twenty years. They've mostly been replaced by such disgusting characters as John Milton in *Devil's Advocate* or Fletcher Reade in *Liar Liar*.  Heroic clients are in even shorter supply. Where are the clients who are willing to bet all their chips on an issue of principle, like the humble high school biology teacher in *Inherit the Wind* who went to the wall for the right to teach evolution, or the general who accepted a court martial to publicize the Army’s neglect of air power in *The Court Martial of Billy Mitchell?* The ultimate heroic client and lawyer, of course, was Sir Thomas More, who put his life on the line in an unequal struggle with Henry VIII over the principle of papal supremacy in *A Man for All Seasons.*  Rejoice, pop culture fans: heroic lawyers, and their sidekicks, heroic clients, have returned from the grave. In David Mamet's brilliant and inspiring new film *The Winslow Boy*, the central characters are a truly heroic lawyer, Sir Robert Morton, and two heroic clients, Arthur Winslow and his daughter Catherine. The central character in *The Castle* is a heroic client, Darryl Kerrigan, who wins a smashing victory with the help of a public-spirited lawyer.  *The Winslow Boy*  Ronnie Winslow is expelled from the Royal Naval Academy for stealing and cashing a five shilling postal money order. Ronnie, who is only 14, declares his innocence to his father Arthur. Arthur Winslow is determined to clear Ronnie's name, at all costs to the family. The British bureaucracy is unyielding; Ronnie's guilt seems certain. The circumstantial evidence against him seems overwhelming. In the eyes of the Admiralty, the idea of reopening the case is utterly unthinkable.  Arthur persuades Sir Robert Morton to accept Ronnie's case. Morton is a Member of Parliament and the most famous barrister in England. To some, the case might have seemed trivial or hopeless, but to Sir Robert, it presents issues of surpassing importance. He puts his entire political and legal career on the line for Ronnie Winslow. In the end, Sir Robert pays a high price indeed for serving as Ronnie's champion.  Morton must first engage in a parliamentary struggle to persuade the government to waive sovereign immunity so the case can be heard. The struggle between the lad and the government becomes a huge cause celebre in the press and is discussed everywhere in the country. Ultimately, the government yields by issuing a petition of right, a document inscribed "let right be done." This allows the case to come to trial and Ronnie finally gets his day in court.  If Ronnie's case arose today, it would probably be in the form of judicial review of the Academy's decision rather than a trial de novo in court. Morton would have argued that Ronnie had been denied due process because the Academy's inquiry process lacked basic procedural protections. The same would be true in England, since English law has developed solid procedural protections under the rubric of natural justice. Moreover, sovereign immunity would be no defense. The idea that the King can do no wrong has long since been discarded in actions seeking judicial review of the actions of governmental bodies.  Perhaps the best part of *The Winslow Boy* is its focus on what happens to the Winslow family during the long struggle with the government to bring Ronnie's case to trial. Arthur Winslow is a middle class retired banker in poor health with three children. He has every reason not to pursue the struggle. After all, Ronnie has relocated to a new school; why not let the unfortunate matter be forgotten? Moreover, on the merits, it looks like the Academy got the goods on Ronnie, so the case is very much an uphill struggle. But Ronnie says he didn't do it and Arthur believes a grave injustice has been done. He is, therefore, prepared to fight to the bitter end, regardless of the cost. He is staunchly backed by his suffragette daughter Catherine, a marvelously engaging and admirable character, a feminist way ahead of her time.  The financial costs to the Winslow family of pursuing Ronnie's case are crushing. Even worse, the case has a devastating impact on the personal lives of each member of the family and on Arthur's health. They are engulfed in unwelcome publicity and besieged by the press. Yet an issue of principle is involved and Arthur and Catherine simply will not yield, despite enormous pressure to do so.  At first, we thoroughly dislike Sir Robert. He seems cold, harsh, totally lacking in emotion or empathy. Catherine, in particular, detests his conservative politics and what she sees as his opportunism. By the end, however, we see an entirely different side of Sir Robert. Even Catherine, who lost her fiance over the Winslow case, begins to realize that she has gravely underestimated him. And so Sir Robert turns out to be an admirable person as well as a crafty and skillful attorney.  *The Winslow Boy* is a remake of a terrific 1950 film and an oft-performed 1946 play by Terrence Rattigan. All are based on the 1908 case of George Archer-Shee, who like Ronnie Winslow was a young naval cadet expelled for stealing a money order. Archer-Shee's case was taken up by the leading barrister of the time, Sir Edward Carson (who later prosecuted Oscar Wilde). As in the film, the case became a subject of tremendous controversy in England. Carson induced the government to grant a petition of right that allowed the case to come to trial. Archer-Shee was victorious in the trial but was killed in World War I.  **The Castle**  When I was on sabbatical in Australia a couple of years ago, I saw *The Castle* and I just loved it. It was a huge box office smash in Australia. It is funny--I mean, really funny. But funny in the best way, like *The Full Monty* or *My Cousin Vinny*, it's affectionate toward its characters and it's about something serious. *The Castle* has finally gotten an American distribution deal. Don't miss this film.  Darryl Kerrigan is a loving family man deeply attached to his home, even though it's right next to the Melbourne airport and built on toxic waste. Imagine his shock when the airport tries to acquire it through compulsory purchase ("eminent domain" in American lingo) to expand the freight terminal. He decides to fight back on the theory that "a man's home is his castle." As obstinate as Arthur Winslow, Darryl fights his way through four layers of the Australian administrative justice system regardless of the costs.  The second stage is Australia's Administrative Appeals Tribunal. This is an institution unique to Australia. It's an independent body that provides adjudicatory hearings for all administrative agencies (unlike the American or British system in which each administrative agency provides its own hearings). Representing himself, Darryl's legal argument is that the law must be the same as justice and it isn't just to take away a man's home without his consent. Needless to say, this argument fails. It's been quite a long time since law and justice were the same thing.  At the first judicial review stage, Darryl is represented by Dennis Denuto, undoubtedly the single most incompetent lawyer in the history of film (but perhaps the very funniest). Denuto is reduced to relying on "the vibes" from Australia's famous *Mabo* decision which recognized aboriginal land claims.  The breakthrough comes when Darryl makes the acquaintance of a kindly older gentleman who turns out to be a retired Queen's Counsel, a distinguished barrister named Lawrence Hamill. Hamill takes Darryl's case pro bono to the Australian Supreme Court. He relies on a provision in Article 51 of the Australian constitution providing that a compulsory purchase can only be on "just terms." Hamill argues that acquisition of someone's house for a freight terminal owned by a multinational corporation is not "just terms," regardless of the fairness of the price to be paid for the property. Needless to say, this is not good constitutional law in Australia or anyplace else, but it sounds great in the film. Indeed, like the denouement in *The Winslow Boy*, it is downright inspiring.  *The Winslow Boy* and *The Castle* bring the heroic lawyer and the heroic client front and center. Both involve pigheaded clients who found great lawyers willing to fight for a principle, however silly that principle might seem to others. These films are events for celebration, even if Sir Robert and the Winslows, and Lawrence Hamill and the Kerrigans are from lands far away and (in the case of *The Winslow Boy*) a time long ago. Perhaps if these films are as successful as they deserve to be, filmmakers will once again see possibilities in making movies about great lawyers and great clients.  Michael Asimow's email address is [asimow@law.ucla.edu](mailto:asimow@law.ucla.edu).     |  | | --- | | **Reviews - *The Winslow Boy*** |  |  |  | | --- | --- | | - | [Cranky Critic](http://www.crankycritic.com/archive99/winslowboy.html) | | - | [culturevulture.net](http://www.culturevulture.net/Movies/WinslowBoy.htm) | | - | [Film.com: A Small, Honest Story](http://www.film.com/reviews/index.jhtml?review_url=/film-review/1999/11955/1470/default-review.html) | | - | [Los Angeles Times: Kinder, Gentler Mamet-- With His Wife's Assist](http://www.calendarlive.com/HOME/CALENDARLIVE/MOVIES/HOLD/lat_natale990428.htm) | | - | [Village Voice: Trial and Era](http://www.villagevoice.com/arts/9917/winter.shtml) | | - | [Search the Movie Review Query Engine](http://www.mrqe.com/lookup?winslow+boy) | |  |  |  |  | | --- | | **Related Web Sites - *The Winslow Boy and The Castle*** |  |  |  | | --- | --- | | - | [The Winslow Boy](http://www.spe.sony.com/classics/winslowboy/index.html) - official site from Sony Pictures Classics. | | - | [Yahoo! Movies: The Winslow Boy](http://movies.yahoo.com/movies/guide/the_winslow_boy.html) | | - | [Winslow Boy, The (1998)](http://us.imdb.com/Title?title=winslow+boy,+the+(1998)) - IMDb page. | |  | [The Castle](http://www.miramax.com/mm_front/owa/mp.entryPoint?action=0&midStr=731) - official site from Miramx | |

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