

Lawyers on film

Mark Pawlowski provides a run-down of films featuring thorny legal issues.



Newman: Acting in the client's best interests

Through cinema, the film maker can tackle a range of legal themes and processes, as well as ethical and moral issues within our society.

Two films, in particular, highlight the complexities of civil litigation. In *The Verdict* (1982), Paul Newman plays the part of a hack lawyer representing a young woman who is permanently comatose because a doctor gave her the wrong anaesthesia. The film takes an interesting look at civil procedure and the US legal profession. Newman informs the woman's family that he works on a contingency fee basis and hopes to settle the case for a reasonable sum. The defence is also keen to 'buy the case' since this will avoid unnecessary publicity. Even the trial judge presses the parties to settle out of court.

Eventually, however, Newman rejects an offer of settlement (without even informing his clients) and opts for a trial and a fight for the truth. The film tackles a number of different aspects of civil procedure including pre-trial negotiation, the dubious practice of rehearsing witnesses prior to trial, jury lawlessness and exclusion of relevant evidence on technical grounds of inadmissibility. Newman eventually wins his case (and achieves justice) by acting in the best interests of the client at the expense of formal legal rules and rituals.

Another film which highlights the process of law as instrumental in the obstruction of justice is *A Civil Action* (1998). Based on the book by Jonathan Harr, the film tells the true story of a dispute over a poisoned river between local residents and several companies. The main character (played by John Travolta) is a personal injury lawyer who abandons his lucrative practice to take on the case on behalf of the residents. Here again, there is tension between law and justice

and our lawyer-hero is faced with the task of ensuring justice prevails. For this reason, the film is a fascinating insight into US trial tactics. Early in the film, Travolta makes the observation that 'trials are a corruption of the entire legal process'. According to him, the whole idea of a lawsuit is to settle out of court. His view, however, is changed when he comes to realise his clients do not just want money but a safer environment in which to live and bring up their children.

This same point is made in *Erin Brockovich* (2000), where the inadequacy of legal remedies (usually couched in monetary terms) is highlighted in the context of a class action involving river pollution. Erin (played by Julia Roberts), working as a legal clerk, finds out about a cover-up involving contaminated water in a local community causing life-threatening illnesses among its residents. She and her boss, Ed Masry (played by Albert Finney), take the case on against a large corporation and attempt to achieve compensation for the toxic tort victims. Although they are able to secure a financial settlement, the film raises the question as to whether monetary compensation was necessarily what the community wanted. Should a legal system be offering other remedies (for example, an order to clean up the pollution) in cases of this kind?

The jury

The most noteworthy example of the jury in film is Sidney Lumet's *Twelve Angry Men* (1957), in which the fate of a teenager accused of his father's murder rests on the verdict of 12 jurors locked inside a steamy jury room. The evidence seems overwhelming and the exhausted jurors are ready to convict in what they perceive

as an 'open and shut' case, but Henry Fonda (juror eight) gives lone voice to his reasonable doubt and ultimately persuades the others to bring in a verdict of not guilty. The film provides a fascinating insight into the jury system at work. A number of social prejudices are portrayed through the individual juror characters and there are also some interesting scenes involving rational evaluation of the evidence.

Miscarriages of justice

Many law films draw upon real life events and, in particular, actual cases involving miscarriages of justice. The question here is usually how accurately the film portrays the true story. For example, *Let Him Have It* (1991) attempts to recreate the circumstances surrounding the murder of a London policeman during an attempted burglary of a warehouse in the early 1950s. Two South London boys, Derek Bentley and Christopher Craig, stood accused of the murder. Bentley was found guilty of murder and hanged. Craig, on the other hand, was too young to face the death penalty and was sentenced to imprisonment instead. Bentley's conviction was eventually quashed after a long-running campaign by his family to obtain a pardon. Although the film version is inaccurate in many places (for example, it is doubtful whether the words, 'let him have it, Chris', were ever actually uttered by Bentley), it does raise serious questions about the use of the death penalty in a legal system. Ultimately, the film is not about guilt or innocence, but the moral condemnation of capital punishment.

Another interesting film in this category is *In the Name of the Father* (1993), which tells the true story of Gerry Conlon who was sentenced to 30 years imprisonment for the IRA bombing of a Guildford pub in 1974 as one of the 'Guildford Four'. His father, Giuseppe, was also arrested and jailed for his alleged involvement in the bombing. Their case was taken up by civil rights solicitor, Gareth Peirce, who was determined to prove their innocence and expose the truth behind one of the most shameful legal events in recent British history. The film is interesting on a number of different levels. Although the legal process itself emerges relatively unscathed, it is the police who are depicted as the real villains for extracting a confession from Conlon by undue pressure. The film, therefore, raises issues of police brutality and corruption and the admissibility of uncorroborated confessional evidence. The film is also very much a 'lawyer movie' because of its intelligent portrayal of the Gareth Peirce character (played by Emma Thompson) who is seen as successfully

defending her client by a combination of hard lawyering, compassion (ie, the ‘ethic of care’) and political activism.

The Hurricane (1999) is another film which provides a telling social commentary on a number of areas of the criminal justice system, including police brutality, racism and prison life. Rubin ‘Hurricane’ Carter, a promising boxer, was unjustly convicted of a brutal murder in the US and sentenced to life imprisonment. He served more than 20 years before being released largely as a result of the efforts of a small group of supporters who stubbornly fought for his freedom.

Due process

In *Paths of Glory* (1957), the role of the French military authorities in World War I is depicted through an account of an actual incident involving the general court martial (and execution) of three blameless privates for cowardice in the face of the enemy during an ill-fated attack on a German position. Kirk Douglas plays Colonel Dax, who attempts to defend the three condemned men. The film offers a sobering insight into a legal world where a finding of guilt is necessary to save the reputation of a military institution and the requirement of due process is abandoned.

Moral & ethical issues

A number of films fall within this category. One of the classics is *Inherit the Wind* (1960), which re-enacts the famous Scopes ‘monkey’ trial in Tennessee in 1952. A history teacher (John T Scopes) was arrested for teaching the Darwinian theory of evolution in a public school, thus violating a state law. Prosecuting Scopes was the ‘Rock of Ages’ fundamentalist, William Jennings Bryan, and defending him was the champion of liberal thinking, Clarence Darrow. The names of the historical figures are all changed in the film, but their characters remain clearly recognisable. Dick York plays the meek teacher imprisoned for daring to teach Darwin in the small town of Hillsboro. Spencer Tracy plays the liberal defender who is confronted with the fanatical prosecutor (played by Fredric March). Gene Kelly plays the role of the cynical journalist who engages Spencer Tracy to defend the case. Ultimately, Darwinian science and the teachings of the Bible are reconciled in Tracy’s skilful cross-examination at the end of the film. The prosecution is forced to concede that the first day of creation as revealed by Genesis could have been of indeterminate length (ie, one day or 10 million years). The film is about scepticism, science and faith—it puts ‘the ability of the

human mind to think’ on trial and highlights that some laws are potentially dangerous and subversive of individual freedoms and rights.

The prison system

In *Birdman of Alcatraz* (1961), Burt Lancaster gives a magnificent performance in a factually-based story of a double killer, Robert Stroud, sentenced to life in solitary confinement, who becomes a noted ornithologist after rescuing a fledgling sparrow from the prison exercise yard. Essentially, the film is a study of the failure of the prison system and the institutionalisation of prisoners serving long-term sentences. Incredibly, Stroud spent nearly 60 years in prison. Prison life is shown to be highly structured with inflexible rules and regulations. This highlights both the individual fight for survival and the inherent process of dehumanisation that results from prolonged incarceration. Stroud went on to write a 200-page manuscript entitled ‘What prison does to caged men’, which to this day has never been published. **NLJ**

Mark Pawlowski is a barrister and professor emeritus of property law, School of Law, University of Greenwich. NewLawJournal.co.uk

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