



LEGAL ETHICS AND FILM

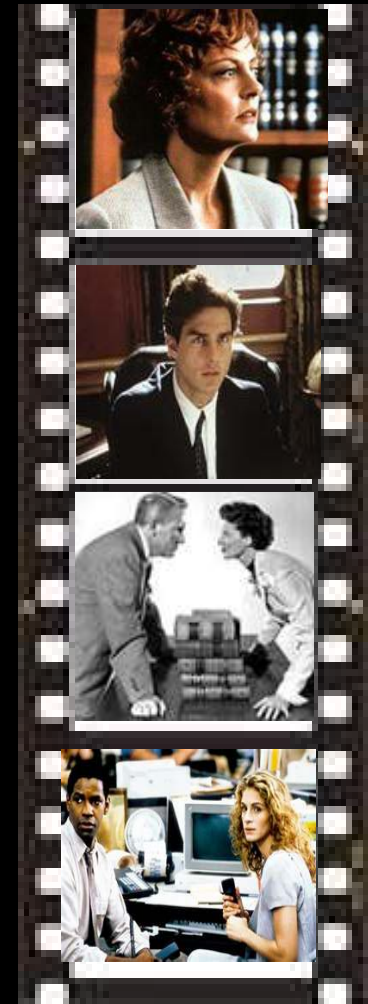
Anita Modak-Truran, Esq.
Butler, Snow, O'Mara, Stevens & Cannada, PLLC

HOLLYWOOD AND THE LAW



"In a town built on copyrights and cosmetic surgery, **lawyers** have done far more than pen the small print in studio contracts... From the incisive Henry Drummond [to] the regal Atticus Finch, **lawyers** have provided some of Hollywood's most memorable cinematic heroes and some of its most honorable and thoughtful films."

Source: ABA Journal, "25 Best Law Movies"
(August 1, 2008)



LEGAL ETHICS AND PROFESSIONALISM

What I learned at
the movies on
professional
responsibility



LEGAL ETHICS AND PROFESSIONALISM



- ABA Model Rules of Professional Responsibility (Model Rules);
- Mississippi Rules of Professional Conduct (MRPC)

THE LAWYER'S ROLE



- **Advisor**
- **Advocate**
- **Negotiator**
- **Intermediary**
- **Evaluator**



+ Source: Model Rules, Preamble;
MRPC, Preamble.

SCENE 1



+ Source: Clip from "To Kill a Mockingbird"



THE LAWYER'S ROLE

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

+Source: Model Rule 1.1; MRPC 1.1.



THE LAWYER'S ROLE

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

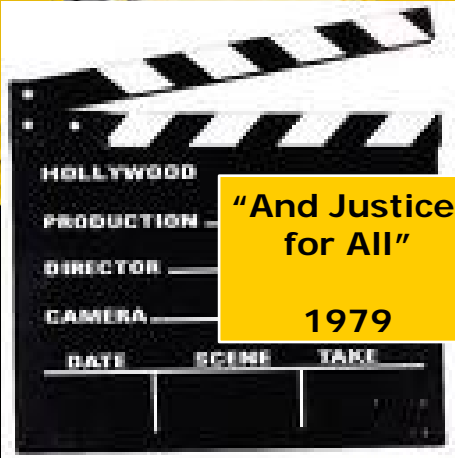
Source: ABA Model Rule 2.1; MRPC 2.1

SCENE 2



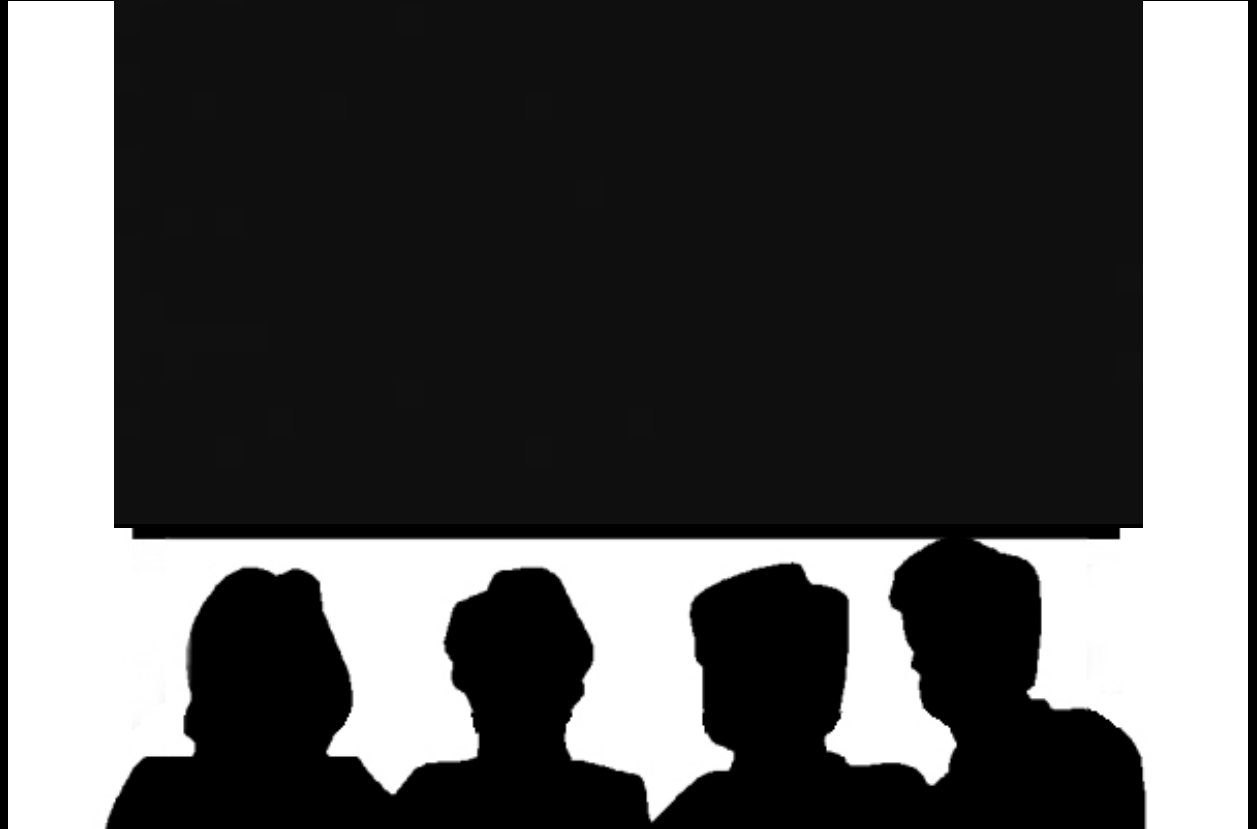
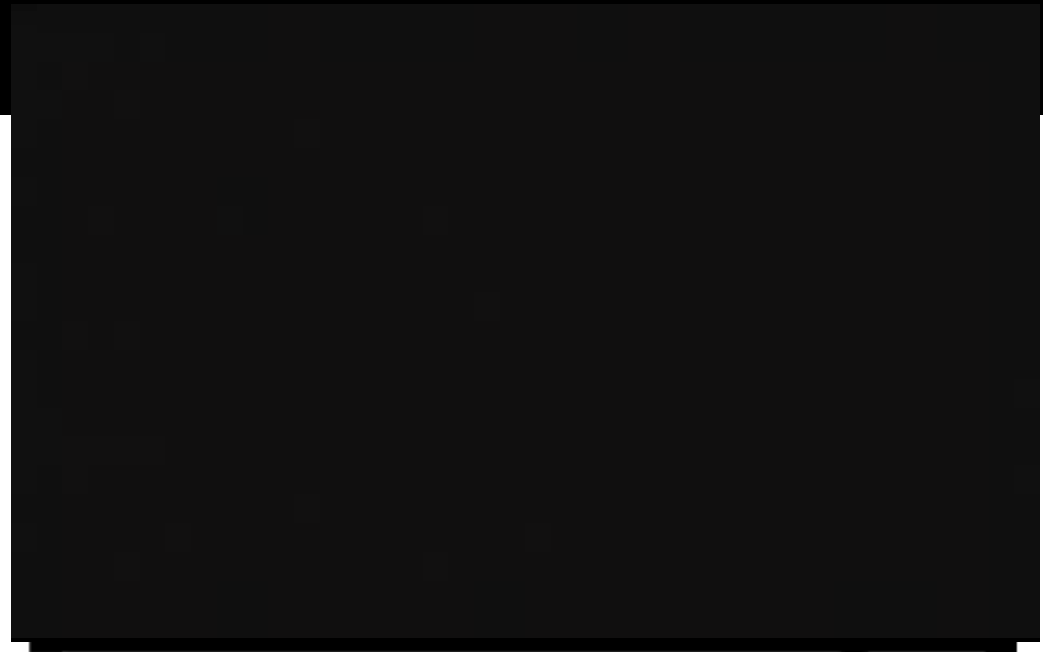
+ Source: Clip from "A Few Good Men"

SCENE 3



"And Justice
for All"

1979



+ Source: Clip from "And Justice for All"

SCENE 4

"The Verdict"
1982



+ Source: Clip from "The Verdict"



ADVOCATE

“A lawyer zealously asserts the client's position under the rules of the adversary system.”

+ Source: Model Rules, Preamble; MRPC, Preamble. *See also* Model Rule 3.1-3.9; MPRC, 3.1-3.9.



ADVOCATE

- Rule 3.1 Meritorious Claims and Contentions
- Rule 3.2 Expediting Litigation
- Rule 3.3 Candor toward the Tribunal
- Rule 3.4 Fairness to Opposing Party and Counsel
- Rule 3.5 Impartiality and Decorum of the Tribunal
- Rule 3.6 Trial Publicity

+ Source: Model Rule 3.1-3.6; MPRC, 3.1-3.6.

SCENE 5



"Chicago"
2002



+ Source: Clip from "Chicago"



ADVISOR

“A lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications.”

+ Source: Model Rules, Preamble; MRPC, Preamble.



ADVISOR

“In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.”

+ Source: Model Rules 2.1; MRPC 2.1.

SCENE 6

**"Erin
Brockovich"
2000**



+ Source: Clip from "Erin Brockovich"

NEGOTIATOR

“As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others.”



+ Source: Model Rules, Preamble; MRPC, Preamble.

SCENE 7



+ Source: Clip from "Chicago"

INTERMEDIARY

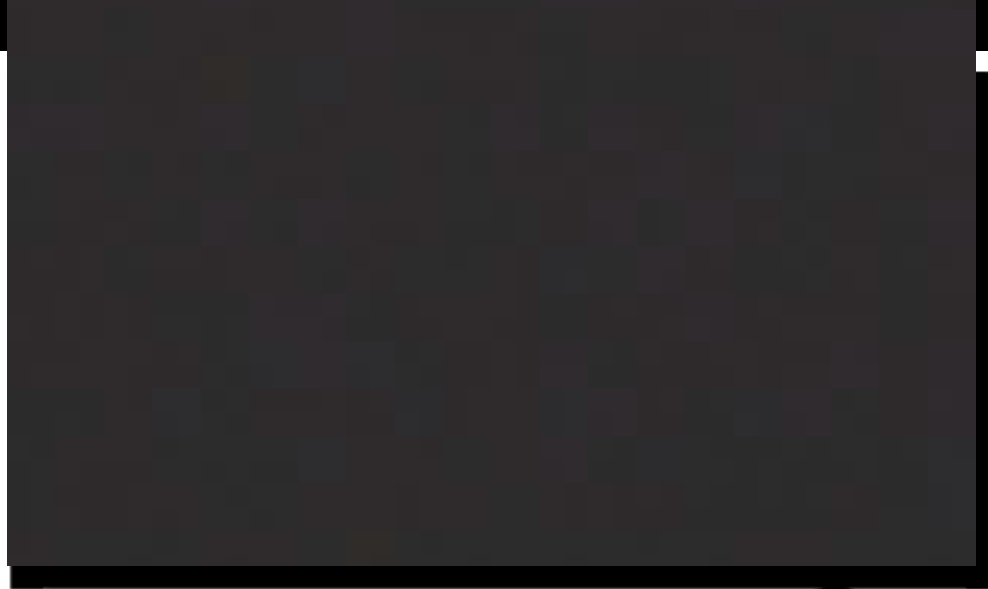


“As intermediary between clients, a lawyer seeks to reconcile their divergent interests as an advisor and, to a limited extent, as a spokesperson for each client.”

+ Source: Model Rules, Preamble; MRPC, Preamble.

SCENE 8

"The
Runaway
Jury" 2003



+ Source: Clip from "The Runaway Jury"

EVALUATOR

“A lawyer acts as evaluator by examining a client's legal affairs and reporting about them to the client or to others.”



+ Source: Model Rules, Preamble; MRPC, Preamble.

IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:



- seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order.....

+ Source: Model Rules, 3.5; MRPC, 3.5.

SCENE 9

"A Civil
Action"
1998



+ Source: Clip from "A Civil Action"



SCOPE OF REPRESENTATION

“[A] lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter.”

+ Source: Model Rule 1.2.

SCOPE OF REPRESENTATION

“A lawyer shall abide by a client's decisions concerning the objectives of representation ... and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision whether to accept an offer of settlement of a matter.”

+ Source: MRPC 1.2.





CLIENT-LAWYER RELATIONSHIP

“A lawyer shall... promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules....”

+ Source: Model Rule 1.4.

SCENE 10



+ Source: Clip from "The Firm"



CONFIDENTIALITY OF INFORMATION

“(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).”

+ Source: Model Rule 1.6.



CONFIDENTIALITY OF INFORMATION

BUT

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

* * *

(2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services....

+ Source: Model Rule 1.6.

SCENE 11



+ Source: Clip from "A Civil Action"



FAIRNESS TO OPPOSING COUNSEL

A lawyer shall not:

- (a) unlawfully obstruct another party' s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

* * *

+ Source: Model Rule 3.4.

SCENE 12



+ Source: Clip from "My Cousin Vinny"

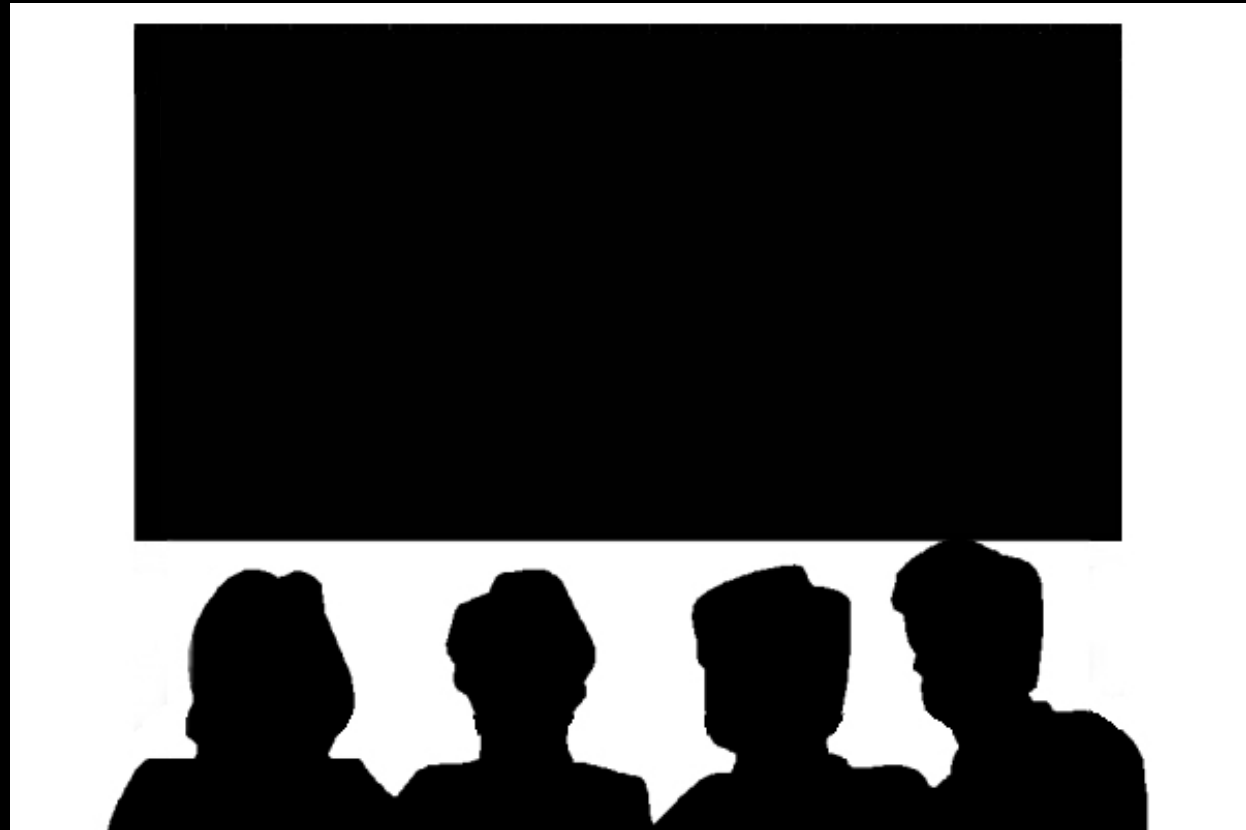
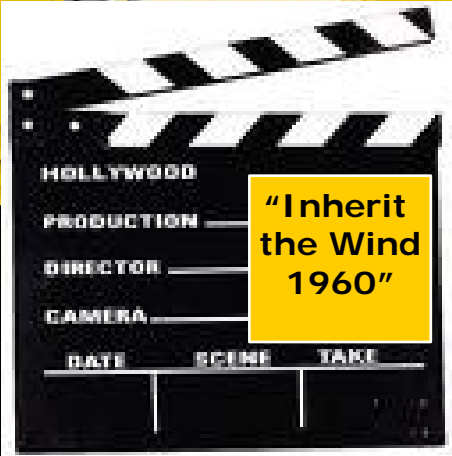
DECORUM OF THE TRIBUNAL

“A lawyer shall not ... engage in conduct intended to disrupt a tribunal.”



+ Source: Model Rule 3.5.

SCENE 13



+ Source: Clip from "Inherit the Wind"



TERMINATING REPRESENTATION

- (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
 - (1) withdrawal can be accomplished without material adverse effect on the interests of the client....

- (c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

+ Source: Model Rule 1.16.

SCENE 14



+ Source: Clip from "Philadelphia"

Q&A



THANK YOU



Anita Modak-Truran, Esq.

Butler, Snow, O'Mara, Stevens & Cannada, PLLC

anita.modak-truran@butlersnow.com