

PRESIDENT'S MESSAGE

Lawyers and Culture: A Two-Way Mirror?

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One of the intriguing things about being an attorney is the connection between the legal profession and the media. Frankly, it's a bit of an echo chamber. Lawyers are portrayed in and by the media and, in consequence, our collective sense of what we expect from lawyers is shaped by those portrayals. But, as someone who is drawn to media of all kinds (movies, tv, books, social media, etc.), I have always found the way lawyers are portrayed in the media to be almost aspirational.

Traditionally, "good lawyers" are depicted as tireless, misunderstood servants trying to right a wrong or cure an injustice, while "bad lawyers" are drawn in broad terms – cynical, morally dubious and, in many cases, defenders of a client or a system that is hurtful and not worth defending. The best example of this dichotomy would be Harper Lee's classic book "To Kill a Mockingbird," in which Atticus Finch embodies the ideal of zealous advocacy in opposition to the awful racism and intolerance of the Jim Crow south. I would guess that if you asked incoming law students why they chose to pursue law in the first place, a significant percentage of them would mention Finch's nobility. (I always see that character as portrayed by Gregory Peck). I find it fascinating that a classic work of fiction set the standard for what we aspire to in legal practice – our culture has helped to define our reality. Honorable mentions go to the films "And Justice for All," and "Twelve Angry Men" as examples of what we aspire to for our jury system.

Yet, I also find myself drawn to more nuanced stories about our profession – where the "good" and "bad" characters are not so clear-cut, and the lawyers involved are portrayed realistically. Great examples include

"The Verdict" (with Paul Newman as a solo practitioner fighting the medical malpractice case of his life, showing his own personal limitations and those of the legal system, generally) and "A Civil Action" (a wonderful book and movie based on a real-life toxic tort case in Massachusetts that completely consumes the small firm that takes it on and shows the personal toll that all-encompassing cases can create for counsel.) In all these films, the attorneys took on causes that were certainly worthwhile, yet the attorneys involved are portrayed as humans with flaws, doubts, and drawbacks.

In the case of "The Verdict," the attorney, Frank Galvin, is plagued by bad decisions in his past and crippling self-doubts, yet pulls things together to successfully try a case where he comes to understand just how good his case is, and how righteous his position has now become. Incidentally, Newman's closing argument at the end of the film (though brief) is one of the many reasons it is worth seeing. It summarizes all these themes together in one sequence. "A Civil Action" is an interesting read and watch, because the lawyer at the center of it, Jan Schlichtmann, encounters a limitation opposite to that in "The Verdict." Schlichtmann is hamstrung by his own sense of invincibility. Having been a successful personal injury practitioner and had articles written about him, he assumed he could take anything on, and was laid low by financial drawbacks, his own unrealistic expectations for success, as well as the wily strategy of his opposing counsel. In the movie, these attorneys are played masterfully by John Travolta and Robert Duvall, respectively, and the scenes between them focus on who we are as attorneys and just how much we owe our clients.

These pieces are meaningful because they portray both sides of the commitments that attorneys make to their work – the merits of a case or a cause, balanced against the limits that every lawyer ultimately bumps up against (whether emotional, financial, or logistical.)

These stories are valuable since they give clients and non-lawyers a greater understanding of lawyers as humans rather than mere heroic figures. Simply put, they help to make lawyer/client interactions more reasonable and balanced. After all, attorneys are people – nothing more, nothing less – and have both doubts and limitations. In a sense, the more realistic understanding that clients and non-lawyers may have of our profession, the more satisfied our clients will be and the more balanced we will feel as we represent them.

Another group of legal media portrayals worth considering focus on the intersection between law, politics, and the role that attorneys have when they collide. Irrespective of anyone's political outlook, we can find common ground in two amazing films – "Inherit the Wind" and "Judgment at Nuremberg." Both contain masterful portrayals by Spencer Tracy but could not be more different in their subject matter. "Inherit the Wind," adapted from a well-known stage play, focuses on the Scopes Monkey Trial in Tennessee in the 1920s and the roles that faith and science play in our civic lives. There, the protagonist was the legendary Clarence Darrow, and his eloquence at trial is not to be missed.

"Judgment at Nuremberg" addresses the Nazi war crimes at the conclusion of World War II and delves into the incredibly difficult and painful subject of providing accountability for genocide and the role that judges and others played in those events. For me, these films emphasize the importance of the legal profession in the political issues of this, or any age, and the critical role that we must play to see those issues resolved as a nation.

Finally, I want to mention probably one of the funniest movies ever made about the legal profession, "My Cousin Vinny." As a native Brooklynite and a lawyer, it doesn't get better than Joe Pesci examining his witness as to the "two yutes." I close with this because, after all of the ideas and ideals I've mentioned, we can all use a laugh as lawyers now and then, and humor makes life so much more pleasant. I hope this column has, perhaps, given you something to think about and something to search for on Netflix some Friday night in the future.

**Enjoy!
Rich**