Popular Culture's Portrayal Of Attorney Decision-Making and It's Consequences- An Analysis of an Attorney's Internal Ethical Conflict in Film

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Tara Parente
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Introduction

The use of film and television highly influence how attorneys are perceived today. Popular culture’s portrayal of attorneys and the repercussions of their decision-making, results in the formation of an internal ethical conflict and the loss of an attorney’s moral compass. The two films that will be the cornerstone of this paper in illustrating an attorney’s struggle are The Devil’s Advocate and Counsellor at Law. This paper seeks to explore how attorneys grapple with individual decision-making, suppression of conscience, and the overall consequences of their actions when defending clients. Generally, societal attitudes of attorneys seem to vary. Unfortunately, the ways attorneys are viewed by the public is through a negative lens. Attorneys are perceived as being snake-like, lying low in the grass, and unexpectedly jumping at their victim when someone least expects it. Many adapt to this immoral lifestyle accepting the unethical decisions they have chosen in order to advance. In contrast, other attorneys are guided by moral compasses and will refuse to breach the ethical code. The question is raised as to where an attorney can draw the line and still advance his or her career. According to popular culture, it often seems that an attorney must become immoral in order to advance. Popular culture portrays the most successful attorneys as professionals lacking moral compasses in which they will do anything in order to win. However, this often creates an internal dilemma, which causes the attorney to seek redemption.

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2 Id.
3 Id.
4 Id.
5 Id.
6 Id.
The road to becoming an attorney is long, arduous, and climbing the mountain to success may feel unattainable. However, a handful of attorneys feel the need to take an unethical path through practice in order to gain immediate success by suppressing moral and ethical values. Furthermore, this paper seeks to explore how attorneys are perceived in film and its relation to reality. Specifically, part I of this paper will analyze how Kevin Lomax in *The Devil’s Advocate*, uses the law for all the wrong reasons. This section will exemplify how attorneys lose themselves within their careers and experience an internal conflict when dealing with the conscience. Additionally, an analysis of the dissipating contentment experienced by attorneys will be explored. Part II will analyze how George Simon, in *Counsellor at Law* and how he submerges himself in his practice, the serious ethical violations he commits and his use of law as redemption. Finally, part IV will exemplify real life attorney behavior compared to attorneys’ tactics in film.

I. *The Devil’s Advocate*

*The Devil’s Advocate* depicts an accurate portrayal of how attorneys are perceived when they succumb to the pressures of evil decision-making. Particularly the *Devil’s Advocate* portrays the individual struggle a criminal trial attorney experiences when dealing with a powerful firm and a handful of guilty clients. Kevin Lomax, the up and coming trial attorney in *The Devil’s Advocate*, makes decisions to advance his career and these decisions create an internal dilemma where his morals become obsolete and he solely focuses on moving forward. This film exemplifies the ruthless exposure an attorney must be accustomed to in order to advance in the large and powerful firm. This film further exemplifies “law firms as the

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8 *Id.*
9 *Id.*
10 *Id.*
embodiment of evil to its absolute limit.” Kevin Lomax, played by Keanu Reeves, definitely makes some unethical decisions in order to advance his career. Lomax starts out as a small successful attorney in Florida until he is offered a position at a powerful Manhattan law firm. Kevin and his wife, Mary Ann, are uncomfortable when they move to New York City, however the new lifestyle, increase in pay, and extravagant social events cushion the initial shock. As time goes on, Lomax appears to exhibit supernatural powers. He quickly begins to ignore his wife by working inhuman hours. As a result Mary Ann has a nervous breakdown due to the reluctant changes in her lifestyle and the neglect from her husband. Impassively, Lomax is absorbed with the firm and keeps winning cases through the use of dubious tactics.

John Milton, played by Al Pacino, is Lomax’s boss and takes the reigns on making sure Lomax gets comfortable in the big city. Milton represents the devil throughout the entire movie. Milton is the one who sought out to find Lomax especially since Lomax’s expertise is known to be picking juries that rarely convict. Milton enters Lomax’s life instantaneously and forcefully convinces him that he needs to be apart of the firm. Milton’s representation as the devil is revealed throughout the movie through his dark, crude, and relentless character. He enters Lomax’s life in order to influence and mold every decision made. Milton exhibits a powerful character and he seems to override everything Lomax initially does, until Lomax eventually

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11 Asimow, supra note 1, at 1357.
13 Id.
14 Id.
15 Id.
16 Id.
17 Asimow, supra note 1, at 1357.
19 Id.
20 Id.
21 Id.
becomes a descendant of the devil.\textsuperscript{22} A notable scene of the film was the first meeting between Milton and Lomax located on the roof of a skyscraper.\textsuperscript{23} This scene depicts that the city has a lot to offer and foreshadows the inevitable rise of Lomax’s career.\textsuperscript{24} This is also where Lomax initiates his deal with the devil, Milton. \textsuperscript{25}

Before this deal, Lomax seemed to have been a zealous attorney and also a loving husband to his wife. Subsequent to the meeting with Milton and the acceptance of the offer to work for the firm, Lomax’s exploration into unchartered grounds begins.\textsuperscript{26} Lomax still had the chance to reassess the offer and decide if this was the right path to take.\textsuperscript{27} But, he failed to make moral decisions and took the offer without fully understanding the true repercussions and temptations he will face along the way.\textsuperscript{28} Lomax does not understand how dangerous Milton is; but he goes along for the ride thus making an actual deal with the devil.\textsuperscript{29}

After this acceptance, Lomax and his wife begin their lives as newcomers to the big city of New York.\textsuperscript{30} They move into a luxurious Fifth Avenue apartment and experience what the big apple has to offer.\textsuperscript{31} Lomax’s mother, whom is a devout Christian, is reluctant about the move to the city and about her son’s career choice.\textsuperscript{32} Nevertheless, Lomax disregards her reluctance and feels he is moving onto to better pastures. As a criminal defense attorney, Lomax does not have any qualms about having to defend some of the worst criminals.\textsuperscript{33} But being a defense attorney, one must believe that their client is innocent until proven guilty. Any other type of incriminating

\textsuperscript{22} Id.
\textsuperscript{23} Id.
\textsuperscript{25} Id.
\textsuperscript{26} Id.
\textsuperscript{27} Id.
\textsuperscript{28} Id.
\textsuperscript{29} Id.
\textsuperscript{31} Id.
\textsuperscript{32} Id.
\textsuperscript{33} Id.
information that comes about must be suppressed and molded into something beneficial for the client. This is where Lomax, begins to experience the internal dilemma of having to defend criminals.

a. The Use of Unscrupulous Tactical Behavior

Many attorneys go an extra mile in order to be victorious, uphold a strong reputation, and make insurmountable amounts of money. Lawyers are “trained with the notion of justice for all, that notion mandates representation not just of the guilty, but occasionally, the repugnant.” Everyone is entitled to representation. But the concept of moral disengagement is not mentioned when learning about legal ethics; however it could be a major reason why attorneys are perceived so poorly encompassing the decline in attorney ethics, effective advocacy, and general trustworthiness. Moral disengagement is also known, as “compartmentalization requires suppressing one’s moral conviction in the interest of preserving justice”. “To minimize the dilemma between code ethics and personal ethics, attorneys require a period reality check beyond the rules, a form of moral reengagement.” Lomax in The Devil’s Advocate morally disengages his entire focus from the reality of life but focuses solely on his cases and the firm. Attorneys will also experience rationalization, which only causes ongoing moral lapses and ethical breaches. When Lomax attempts to rationalize his behavior he makes excuses for it and remains in denial. “Once a lawyer has made the decision to disengage, conduct is controlled exclusively by the standards of the profession because personal values are divorced from

35 Id. at 576.
36 Id.
37 Jennings, supra note 34, at 600.
38 Id. at 577.
professional evaluation.”³⁹ Lomax, experiences an igniting streak of corruption and moral disengagement, which temporarily facilitates his advancement.

b. The Internal Conflict

As mentioned earlier, attorneys find themselves making difficult decisions regarding their individual needs and wants. In *The Devil’s Advocate*, Lomax wants to advance his career further as holding an undefeated title. Rather he should seek moral justice, but he instead prevents criminals from escaping their rightful punishment.⁴⁰ One notable client Lomax defends is a child rapist. Throughout specific scenes, it becomes clearly apparent this client is guilty.⁴¹ In the film, Lomax becomes irritated and asks the judge for a recess.⁴² He runs to the bathroom and confronts himself in the mirror.⁴³ At this moment, Lomax experiences an inner conflict and rationalization for his behavior.⁴⁴ He looks into the mirror in order to assess whether he making the right decision.⁴⁵ Additionally this scene signifies Lomax’s instinctual loyalty to his conscience and emotional well being.⁴⁶ Here, Lomax can either retire from defending the client or try to manipulate the system by discrediting the victim.⁴⁷ However, Lomax chooses to weaken the victim’s credibility, thus manipulating the system. He eventually gets the victim to say she made up the story and his client is found not guilty.⁴⁸ Ultimately, the stakes of the dilemma are raised here because if he abandons his client, he will probably be barred as an incompetent

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³⁹ *Id.* at 594.
⁴¹ *Id.* at 89.
⁴² *Id.* at 90.
⁴³ *Id.*
⁴⁴ Cattrysse, *supra* note 40, at 91.
⁴⁵ *Id.*
⁴⁷ *Id.*
⁴⁸ *Id.*
attorney.\textsuperscript{49} This scene reveals Lomax’s commencement of an internal dilemma. Real-life attorneys deal with this type of dilemma everyday, but they must be cognizant of the ethical parameters and abide by these guidelines. It may be difficult to abide because when one is an undefeated and successful attorney like Lomax, nothing else matters besides winning. Therefore, by looking in the mirror at his reflection, Lomax decides to suppress his need to do the right thing and succumbs to his want by defending the client.

Another test on Lomax’s internal conscience deals with how rapidly Milton’s firm is growing. The firm seems to be doing well, however not from just legal representation. It becomes apparent that the firm is dealing with drug cartels and money laundering.\textsuperscript{50} Lomax becomes aware of all of this, yet he does not care because he knows he is reaping from these benefits.\textsuperscript{51} Additionally Lomax’s representation of his client, Alex Cullen in the highly public triple homicide case, tests his internal conscience.\textsuperscript{52} As Lomax gathers more and more information on this case, he starts to believe his client is guilty.\textsuperscript{53} The way he can save his client is to have Cullen’s secretary lie about his alibi.\textsuperscript{54} Lomax becomes so involved and tarnished by living this lifestyle, that he strategizes and makes the secretary tell a lie in order to win this case, regardless of what his internal conscience is telling him.\textsuperscript{55}

A major question arises on how criminal defense attorneys represent clients known to be guilty.\textsuperscript{56} This issue is central to public consciousness when considering the criminal justice

\textsuperscript{49} Cattryssee, \textit{supra} note 40, at 91.
\textsuperscript{50} \textit{The Devil’s Advocate}. Dir. Taylor Hackford. Warner Bros. Pictures, 1997.
\textsuperscript{51} \textit{Id}.
\textsuperscript{52} \textit{Id}.
\textsuperscript{54} \textit{Id}.
\textsuperscript{55} \textit{Id}.
process. The idea that a lawyer untruthfully, argues the factual innocence of the guilty client is fundamentally troubling. In *The Devil’s Advocate*, these issues arise and questions of moral guilt along with the duty owed to the client exemplify the complexities of the attorney-client relationship. Ultimately, the lawyer is obligated to represent the client that he or she knows to be guilty. Realistically, attorneys are aware that their performances will be impaired by knowledge that they are morally and legally guilty. However, like Kevin Lomax, many attorneys suppress and disengage from these feelings in order to proceed with the case. As shown within this film, both counsel and client recognize the problem of moral and legal guilt, thus manage to work around it; this is the situation in which the filmmaker seizes upon the conflict of perception that troubles the lay audience. In reality, attorneys come across representing guilty clients, and often, exhibit personal regret. Pop culture portrays this dilemma throughout the film.

i. The Art to Criminal Defense

Pop culture portrays the specific art to criminal defense especially through the depiction of Kevin Lomax in *The Devil’s Advocate*. “The economics of law practice often motivate lawyers to advocate positions contrary to their conscience” As a result, lawyers ignore their own feelings, and values concerning the issues they are dealing with. This then causes a major disconnect from one’s self. The adversarial system has a dehumanizing effect upon an attorney

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57 *Id.*
58 *Id.*
59 *Id.* at 677.
61 *Id.*
62 *Id.*
63 *Id.*
65 *Id.* at 25.
66 *Id.*
in which it can encourage a win-lose mentality, literally survival of the fittest.67 Eric Schnapper, author of The Myth of Legal Ethics, noted “in many instances the very art of the lawyer is a sort of calculated disregard of the law or at least of ordinary notions of morality.”68 “The job of a good criminal lawyer, is frequently to persuade a judge or jury to set free a man the lawyer may have every reason to believe is guilty.”69 When an attorney is faced with the decision regarding whether or not to represent a client, one lawyer may be unable to proceed in good conscience, while another may be compelled to proceed in order to uphold a reputation.70 In Susan Bandes's Repression and Denial in Criminal Lawyering, Bandes seeks to explore how criminal defense attorneys can proceed to represent their clients.71 She uncovered a number of psychological strategies commonly employed by criminal defense attorneys to cope with moral conflict, such as: intellectualization, when a person “pays undue attention to the inanimate in order to avoid intimacy with people, or pays attention to external reality to avoid expression of inner feelings ... or pays attention to external reality to avoid expression of inner feelings”72 Extreme levels of intellectualization and isolation may result in an attorney unwittingly distancing himself from his client, his loved ones, and possibly even his own feelings.73 Consequently, Lomax exhibits this a level of intellectualization, which leads to isolation and distance from the important aspects of his life such as his relationship with his wife.

67 Id.
69 Kelly, supra note 68, at 595.
70 Id.
72 Kelly, supra note 68 at 597.
73 Id.
According to Laura S. Underkuffler’s article on *Individual Conscience and the Law*, the conscience has two characteristics. It is claimed to comprise of a higher power such as God implicating sovereignty above the state and something invoked by the individual reflecting subjective personal concepts. John Adams referred to the “Liberty of conscience” as “the right of free inquiry and private judgment”. He wrote, “The freedom of choice and action, united with conscience, necessarily implies a responsibility to a lawgiver and to a law…” There is definitely an implied requirement for attorneys to follow the good conscience rather than choosing the bad conscience.

ii. *Dissipating Contentment*

Moreover, pop culture exemplifies how the internal dilemma eventually creates an overall discontentment for every aspect of life. Lomax quickly becomes self-indulged and as his career progresses his happiness and relationship with his wife disintegrates. He assumed this progression was the best for himself and for his wife, until confronted with the severity of his actions by his boss, Milton. Consequently, this behavior facilitates the demise of Lomax’s relationship with his wife. At one point in the film, Mary Ann starts sees terrifying demonic appearances when she stays with the fellow corporate wives. She also finds herself constantly making decisions she would normally never make. Mary Ann fights this demonic struggle throughout the entire movie. Ultimately, these evil and demonic appearances represent the life

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75 Id.
77 Underkuffler, *supra* note 74, at 93.
79 Id.
81 Id.
82 Id.
both Lomax and his wife have chosen.\textsuperscript{83} Furthermore, “the potential pressures of a lawyer’s life often militate against both personal choices and the maintenance of balance.”\textsuperscript{84} It is therefore crucial to thoughtfully develop one’s personal definition of success, and then regularly review one’s life experience to maintain health, balance, and personal satisfaction.\textsuperscript{85} Distraction from personal purpose can translate into the effective loss of significant portions of one’s life.\textsuperscript{86} This is exactly what has happened to Lomax and his wife. “While such an internal-directed life process often results in the attainment of relative wealth and prestige, the matters should be recognized as secondary in importance to more fundamental benefits, such as increased life satisfaction and peace of mind, or decreased stress and anxiety.”\textsuperscript{87}

iii. Temptation

Temptation exists at all times. Not only does \textit{The Devil’s Advocate} exemplify how an attorney deals with temptations while advancing his career, it also sends a deeper message and the religious based notion of being tempted.\textsuperscript{88} Milton is clearly known to be the devil and Lomax is one of the devil’s descendants.\textsuperscript{89} Throughout the entire film, Milton is tempting Lomax by creating enticing situations.\textsuperscript{90} Milton is playing a chess game and knows exactly where to move his next piece in order to get Lomax to the place he wants him.\textsuperscript{91} Milton offers Lomax a prestigious position and money, which all amount to power.\textsuperscript{92} This power is held by the very few and if Milton gets Lomax on board, this would be another great success for the devil.\textsuperscript{93} This film

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\textsuperscript{83} \textit{Id.}\\
\textsuperscript{84} Krieger, \textit{supra} note 64, at 15.\\
\textsuperscript{85} \textit{Id.}\\
\textsuperscript{86} \textit{Id.}\\
\textsuperscript{87} Krieger, \textit{supra} note 64, at 20.\\
\textsuperscript{88} \textit{The Devil’s Advocate}. Dir. Taylor Hackford. Warner Bros. Pictures, 1997.\\
\textsuperscript{89} \textit{Id.}\\
\textsuperscript{90} \textit{Id.}\\
\textsuperscript{91} \textit{Id.}\\
\textsuperscript{92} \textit{Id.}\\
\textsuperscript{93} \textit{Id.}
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creates the notion of Adam and Eve. Lomax is similar to Eve in that they are easily tempted, but when they succumb to these temptations, major repercussions occur. Ultimately throughout the film, the law is used as a vehicle to play out the titanic earthly struggle between God and the devil.\textsuperscript{94} Milton also portrays the senior lawyer in an extremely negative light in this instance as the devil himself.\textsuperscript{95} At the climax of the film, Lomax shoots himself in front of Christabella and Milton.\textsuperscript{96} His body seems to bring salvation to the situation, and Satan himself does not win the victory.\textsuperscript{97} Furthermore, the image of a son of a deity sacrificing himself for the future of the world, as Kevin Lomax does, comes from traditional Christian understandings of Jesus as victorious conqueror of sin through a sacrificial death.\textsuperscript{98}

\textbf{II. Counsellor at Law}

Another notable film, exemplifying how pop culture portrays an attorney’s internal dilemma is \textit{Counsellor at Law}. This is a classic film and was made in 1931. Despite this being an older film, it still portrays the difficult decisions attorneys must make. \textit{Counsellor at Law} effectively captures the harsh and stressful nature of law practice.\textsuperscript{99} Lawyer George Simon played by John Barrymore, comes from a poverty-stricken background on the lower east side.\textsuperscript{100} Through brains, ambition, and energy, he achieves successful law practice and relative affluence.\textsuperscript{101} He has one foot in the immigrant Jewish culture he came from and the other foot in

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\textsuperscript{95} Id.
\textsuperscript{97} Id.
\textsuperscript{98} Id.
\textsuperscript{100} Id.
\textsuperscript{101} Id.
upper class New York society. Simon cares deeply about his family, his clients, and his co-workers. But Simon is not a saint. He commits the occasional ethical lapse, and gets in trouble for it. At one point Simon is threatened with disbarment by a lawyer serving on the ethics committee. The lawyer found out that Simon once knowingly presented false testimony in the defense of a young man who had made one bad decision. In order to retaliate, Simon hires an investigator to dig up evidence on the lawyer. Simon then blackmails the attorney to bury the false testimony charge.

Simon and Lomax are both gifted trial attorneys. They both win cases for clients who appear to be guilty. Specifically, Simon’s client, Zedorah Chapman, whom made many sexual advances toward him, also tempts him. Simon is also known to be a master manipulator of juries. He is constantly juggling numerous clients as well as personal matters. Eventually Simon’s work becomes distasteful because of the immoral clients he represents and the securitization of results that seem unjust or wrong. In the film, Simon has a revealing exchange with his wife when she tries to persuade him to give up the Crayfield will contest. Cora, his wife, clearly states that she does not see “why it isn’t possible to practice like a gentleman.” By contesting this will, he will be offending her friends. However, Simon

102 Id.
103 Id.
104 Id.
105 Id.
106 Asimow, supra note 99, at 536.
109 Id.
110 MICHAEL ASIMOW & SHANNON MADER, LAW AND POPULAR CULTURE 1, 89 (2013).
112 Asimow & Mader, supra note, 110 at 89.
114 Asimow & Mader, supra note 110, at 89.
115 Id.
116 Id.
117 Id.
proceeds to do what he has to do. Lawyers do not have the luxury of being generous to opponents, or acting like “gentlemen,” or representing only clients they like or seeking only outcomes that they believe is fair and just.

Pop culture’s portrayal of both Lomax and Simon consists of some notable similarities. They are both much less successful human beings than they are as lawyers. They also failed to keep their professional and personal lives in balance. Both men seem to lack normal human perception and emotions. And they are oblivious to the fact that their marriages are falling apart. Simon and Lomax only care to win, while their marriages quickly slip away. Ultimately, attorneys like all people, face conflicts between their responsibility to the law and their moral obligations.

a. Ethical Violations in Practice

Additionally, pop culture depicts how attorneys commit ethical violations throughout this internal dilemma. Specifically, George Simon in *Counsellor at Law* commits two notable ethical violations. In one of his criminal cases, Simon introduces evidence of a phony alibi for his client in order to get the client less prison time. Simon specifically violates model rule 3.3(a)(4) “a lawyer shall not knowingly…offer evidence that the lawyer knows to be false.” As a result of this behavior, the Bar Association becomes aware of this. In order to block the Bar

118 Id.
119 Id.
120 Asimow & Mader, supra note 110, at 89.
121 Id.
122 Asimow & Mader, supra note 110, at 89.
123 Id.
125 Asimow & Mader, supra note 110, at 101.
126 Id. at 102.
127 Id.
Association from disbarring him, Simon resorts to an even more unethical tactic.\textsuperscript{128} He hires an investigator to find incriminating evidence Baird, an attorney on the Bar Association.\textsuperscript{129} Simon does find some incriminating evidence regarding Baird’s life and extorts him by threatening to expose the secret.\textsuperscript{130}

Additionally, Kevin Lomax seems to conceptualize the law as a “mere money-getting trade”.\textsuperscript{131} Lomax even admits in the film that he switched from prosecution to criminal defense work due to the pay.\textsuperscript{132} Throughout the film, Lomax is constantly violating the professional rules of ethical conduct. Some examples of these ethical violations deal with his eavesdropping on jury deliberations, violating Model Rules 3.4 and 3.5; his knowledge his client’s false alibi provided by the witness violating Model Rule 3.3; and his knowledge of John Milton’s past bribes and money laundering acts violating Model Rule 8.4(b).\textsuperscript{133} Lomax’s career does not deal with serving justice; rather it deals with the goal to win. Lomax even shouts to Milton in the film “I don’t lose! I win! I’m a lawyer! That’s my job! That’s what I do!”\textsuperscript{134} The entire film demonstrates major ethical violations as well as the negative connotations of becoming a lawyer. Milton, who is literally the spawn of the devil, states, “Being a lawyer is the ultimate backstage pass. There are more people in law school now than there are practicing lawyers and we’re coming out baby!”\textsuperscript{135} This just exemplifies how attorney work has become the devil’s work.\textsuperscript{136}

\textsuperscript{128} Id.
\textsuperscript{129} Id.
\textsuperscript{130} Id.
\textsuperscript{131} Amy S. Beard, \textit{From Hero to Villain: The Corresponding Evolutions of Model Ethical Codes and the Portrayal of Lawyers in Film}, 55 N.Y.L. Sch. L. Rev. 961, 976 (2010-2011).
\textsuperscript{132} Beard, \textit{supra} note 131, at 976.
\textsuperscript{133} Id.
\textsuperscript{134} Id. at 977.
\textsuperscript{136} Id.
Analyzing *The Devil’s Advocate* under the popular culture magnifying glass, perception tends to believe the attorney should betray their client once they know the client is guilty.\textsuperscript{137} And that the defense lawyer’s duty is to protect the public from the danger that the wrongdoer might be acquitted.\textsuperscript{138} When watching films, the audience hopes the good lawyer betrays the client by tipping off the police to a critical witness who can demolish an alibi.\textsuperscript{139} This is the ideal “good lawyer” according to popular culture.\textsuperscript{140} On the other hand, this is an ideal mindset and the world does not operate this way.\textsuperscript{141} On the other hand, a good lawyer should always work to find the truth and achieve substantive justice for all concerned, even when the lawyer must sacrifice the interest of an evil client to do so.\textsuperscript{142}

The model rules are pertinent for an attorney throughout practice. These rules reinforce what lawyers already know but may be tempted to forget and they warn lawyers not to lie or falsify evidence.\textsuperscript{143} These rules establish the foundation for the trade of lawyering and provide guidance when wrestling with ethical questions.\textsuperscript{144} Rules make it possible for lawyers and clients to have reasonably certain standards about what is and what is not expected, required, and prohibited in legal representation.\textsuperscript{145} However rules are only part of one’s moral life.\textsuperscript{146} The rules implicitly recognize this limitation by vesting discretion in lawyers to decide whether and how to

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\item\textsuperscript{137} Michael Asimow & Richard Weisberg, *When the Lawyer Knows the Client is Guilty: Client Confessions in Legal Ethics, Popular Culture, and Literature*, 18 S. CAL. INTERDISC. L.J. 229, 248 (2009).
\item\textsuperscript{138} \textit{Id.} at 249.
\item\textsuperscript{139} Asimow & Weisberg, \textit{supra} note 137, at 249.
\item\textsuperscript{140} \textit{Id.}
\item\textsuperscript{141} \textit{The Lincoln Lawyer}. Dir. Brad Furman. Lionsgate, (2011). A specific example of this dilemma was seen in the film \textit{The Lincoln Lawyer}. Mick Haller the criminal defense attorney for the wealthy, well-spoken Louis Roulet finds out that his client was truly guilty. However, he could not automatically drop his client because of this. He had to come up with a plan in order to release himself from this predicament. Meanwhile, Haller violates many ethical guidelines throughout this film in order to seek punishment for Roulet’s guilt in the crimes.
\item\textsuperscript{142} Asimow & Weisberg, \textit{supra} note 137, at 249.
\item\textsuperscript{143} Joseph Allegretti, \textit{A Religious Perspective on Legal Practice and Ethics}, 66 FORDHAM L. REV. 1101, 1107 (1998).
\item\textsuperscript{144} \textit{Id.}
\item\textsuperscript{145} \textit{Id.}
\item\textsuperscript{146} \textit{Id.}
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act. Thus, the rules envision that lawyers will exercise personal judgment. But rules do not always provide guidance to the lawyer who is grappling with questions such as Lomax in *The Devil’s Advocate* and Simon in *Counsellor at Law*. The rules ignore such questions such as the ends of lawyering or the lawyer's moral accountability for his or her actions.

**III. Law as Redemption**

One of the differences between Simon and Lomax is that Simon uses his legal practice to redeem his lack of personal success. Redemptive lawyering occurs specifically in films when sudden, dramatic, or catastrophic events force lawyer into adopting morals. “Images of redemptive lawyering can convey powerful normative images of lawyering ideals, and of what lawyers can be and can do to emerge from frustrating, unsatisfying, and even unethical careers.” There are three forms of redemptive lawyering that film lawyers have adopted in response to crises. The first is problem-centered lawyering. This type of redemption occurs when a crisis enables a lawyer to realize that ultimate professional satisfaction consists of using legal knowledge and legal experience to solve client problems. By solving problems and helping others this becomes personally and morally satisfying. George Simon in *Counsellor at Law* represents a lawyer who finds redemption in problem-centered lawyering. Simon, a successful attorney deals with many personal problems and the one problem that causes major turmoil within his life is finding out that his wife, Cora, has been unfaithful. This is the point

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147 Id.
148 Id.
149 Allegretti, *supra* note 143, at 1107.
151 Id. at 1395
152 Id.
153 Id. at 1395.
154 Id.
155 Id.
156 Bergman, *supra* note 150, at 1395.
157 Id.
where Simon becomes suicidal and loses control of his life.\textsuperscript{158} However when his secretary notifies him of a potential case dealing with the president of a steel company whose son is in serious trouble, Simon chooses to be a problem-centered attorney.\textsuperscript{159} This is how Simon redeems himself, by becoming immediately available for his client.\textsuperscript{160} In crisis, Simon recognizes that that chasing after Cora and her elite society friends is unimportant compared to the personal satisfaction and even the exhilaration of confronting and overcoming challenging legal problems.\textsuperscript{161} This is the point in the film, where Simon has truly redeemed himself through the use of law and discards what he has been falsely valuing through out the practice of law.

Another redemptive lawyering technique is client-centered lawyering.\textsuperscript{162} For an attorney redemption will occur when they focus on their client and form a bond.\textsuperscript{163} This provides an attorney with empathy and becomes morally satisfying.\textsuperscript{164} This image depicts clients as weak and in desperate need of protection.\textsuperscript{165} It suggests the need for lawyers to empathize with clients in order to provide them with the legal help they deserve.\textsuperscript{166} An empathetic lawyer is both professionally happy and morally good.\textsuperscript{167}

The last redemptive lawyering technique is justice-centered lawyering.\textsuperscript{168} This redemptive practice occurs when a lawyer realizes that “the ultimate professional satisfaction

\begin{itemize}
\item \textsuperscript{158} Id. at 1396.
\item \textsuperscript{159} Id.
\item \textsuperscript{160} Id.
\item \textsuperscript{161} Bergman, \textit{supra} note 150, at 1396.
\item \textsuperscript{162} Id.
\item \textsuperscript{163} Id.
\item \textsuperscript{164} \textit{See Philadelphia.} Dir. Jonathan Demme, TriStar Pictures, 1993; Paul Bergman, \textit{The Movie Lawyers’ Guide to Redemptive Legal Practice}, 48 UCLA L. Rev. 1393, 1398 (2001). An example of an attorney in film using this redemptive practice is Joe Miller, in \textit{Philadelphia}. Miller finally overcomes his anti-gay views and discrimination against Andrew Beckett for having AIDS and realizes that this discrimination is intolerable because Miller himself was experiencing discrimination being an African-American.\textsuperscript{164} So Miller was able to relate with Beckett and focused on bringing Beckett justice for the employment discrimination.
\item \textsuperscript{165} Id. at 1396.
\item \textsuperscript{166} Id.
\item \textsuperscript{167} Id.
\item \textsuperscript{168} Id. at 1400.
\end{itemize}
consists of pursing justice.” Justice-centered lawyers usually represent politically powerless clients. Personal satisfaction and moral goodness result from the positions they advocate rather than personal attachments to individuals. “In an ABA survey, only about 16 percent of the respondents indicated that their ability to contribute to the social good satisfied the expectations they had when they became practicing law”. “Of the remaining respondents, about 60 percent were ‘somewhat satisfied’ with their ability to contribute to the social good, and about 25 percent were ‘not at all’ satisfied.”

IV. Attorney Perception in Film Versus Reality

Attorneys in film are viewed in a negative light. Throughout film, the most unscrupulous criminal attorneys represent rich and powerful clients. As portrayed in The Devil’s Advocate, Kevin Lomax deals with a notably wealthy client and will breach several codes of ethics in order to retain this client. In the film, Lomax is talented as an attorney and “he is given a chance to back away from the talent or use it to take him as far as he can go.” Lomax chooses the latter and takes his talents to unethical ends.

Commonly attorneys are viewed through a negative light because of their role in the criminal defense system and this role tends to become public. However, “a lawyer’s perception is to represent an accused person by providing the benefit of appropriate process, such as the reasonable doubt rule or the privilege against self-incrimination.” Yet, the public does

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169 Id.
170 Bergman, supra note 150, at 1400.
171 Id.
172 Id. at 1405.
173 Bergman, supra note 150, at 1406.
175 Asimow, supra note 99, at 536.
176 Id.
not share this view, especially when it comes to defending a client criminally.177 “Conclusively, popular culture reflects attitudes and myths that are already deeply rooted in the common psyche.”178 Furthermore in film, lawyers associated with big firms are portrayed as being inherently evil, while solo practitioners are not scrutinized as much.179 The popular perception of big law firms deals with lying, cheating, stealing, and even killing just to make money.180 The young lawyers specifically tend to jump any hurdle with the goal of making money for the partners.181 Lomax in *The Devil’s Advocate* plays this role very well. Hence when film is the platform, law firms and attorneys become the instruments of the devil, such as Lomax.182

Real-life attorneys disengage from their morals frequently and unethical behavior is not just the product of fiction. For example on March 7, 2014 “a California appellate court upheld a trial judge’s finding that what had been billed as watershed liability verdict against Dole Food over pesticide use in Nicaragua was actually the product of a conspiracy by corrupt plaintiff’s lawyers.”183 Additionally, a New York federal judge ruled that the “multi-million dollar judgment against Chevron in 2011 was so tainted by bribery and coercion that it wasn’t worth the paper it was written on.”184 Then in Texas, a prominent class-action injury attorney faces mounting woes because of allegations that he faked thousands of damage claims against BP related to the 2010 Gulf of Mexico oil spill.185 All of these situations deal with attorney moral disengagement and exemplifies how they agree to do anything in order to advance their careers.

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177 Id.
178 Id. at 547.
179 Asimow, supra note 1, at 1356.
180 Id.
181 Asimow, supra note 1, at 1356.
182 Id.
184 Id.
185 Id.
According to Lawyers Weekly, the International Bar Association has found “more than one in five lawyers surveyed have been approached to take part in what they believed could be a corrupt transaction; one in three said they had lost business to corrupt law firms or individuals”\textsuperscript{186} These decisions regarding corruptive practices occur frequently, however attorneys must make the ultimate decision to either cross the line or avoid the line. “Ethics is the moral science of doing less than the law allows and more than the law requires.”\textsuperscript{187} This is the ethical line some attorneys draw during their careers. Consequently, when an attorney adopts “an absolute reliance on professional rules this produces an atmosphere and profession in which the minimum becomes the maximum.”\textsuperscript{188} All attorneys are faced with crossing the line into the unethical world, however the concept of ‘periodic reengagement of morals brings sense of perspective.’\textsuperscript{189}

V. Conclusion

Popular culture’s portrayal on the effects of attorney decision-making has been negative. Once an attorney makes an immoral decision, they experience an internal ethical dilemma. As an attorney, one must be able to grapple with drawing their own ethical guidelines as well as being able to represent clients zealously. But this is very difficult for attorneys in both film and reality. Lomax in the \textit{The Devil’s Advocate} and Simon in \textit{Counsellor At Law} both exemplify how an attorneys suppress individual moral character in order to succeed in the profession. This type of behavior occurs in real life as well. Popular culture, through film specifically portrays the moral disengagement attorneys experience and how this affects their lives. Both Lomax and Simon exemplified moral disengagement throughout their attorney careers and the internal struggle they

\begin{itemize}
\item \textsuperscript{187} Jennings, supra note 34, at 601.
\item \textsuperscript{188} Jennings, supra note 34, at 601.
\item \textsuperscript{189} \textit{Id}.
\end{itemize}
experienced while making immoral decisions. Furthermore, popular culture depicts attorneys through a negative lens and some seek redemption through the use of law.