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Legal Ethics: Lawyer's Duties to Clients and Client's Rights and the Media - Teaching Legal Ethics Using a Media Studies Lesson Plan

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Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan¹

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I. LESSON PLAN ONE: OVERVIEW OF TOPIC

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: Overview of Topic.

Overview of Lesson Plan: This lesson will have students identify and share their own perceptions of lawyers. Students will explore how movies and television can have significant and possibly lasting effects on the viewer.

Suggested Time Allowance: Sixty minutes.

1. The goal of this course is to provide students with assistance in gaining a basic understanding of legal ethics and to be able to explain the benefits to be gained from the laws and rules of our justice system. This course is designed to be an interactive learning experience encouraging friendly debate, discussion, and new ideas. The format will provide students with the opportunity to recognize the rights and responsibilities protected by the *ABA Model Rules of Professional Conduct*.

Objectives: Through sharing their individual definitions of a lawyer, listing the characteristics and attributes students think a good lawyer should have, and then discussing modern fictional lawyers from television and movies, students will begin to realize that the media has had some influence on their perceptions.

Resources/Materials: *20/20* video clip, which aired on ABC.²

Activities/Procedures:

1. WARM-UP/DO NOW: During the first five minutes of class, ask each student to write his/her definition of a lawyer on a piece of paper.

2. Ask the students to list all of the characteristics or attributes that they think every lawyer should possess (the teacher should write responses on the board). Students should then eliminate those attributes that they believe are not really necessary. Then discuss the following questions:

- How does this list compare with your definition of a lawyer?
- Who are some current fictional lawyers? What do they have in common? How do they represent our society and our standards?
- If we could create a fictional attorney for the twenty-first century, what would his/her attributes and characteristics be (refer to and refine the list of characteristics on the board)?
- What types of problems or issues do you see this twenty-first century lawyer facing?
- How do lawyers in movies and on television represent our society's ethics, values, and problems?

3. Students will watch the clip from the ABC news television program, *20/20*, with Hugh Downs and Barbara Walters.³ The clip is about scary movies and how a new study done by Kristin Harrison, Ph.D. and Joanne Cantor, Ph.D., entitled *Media Psychology, Tales From the Screen: Enduring Fright Reaction in Scary Media*, finds that these films can have lasting effects on a person even into adulthood.⁴

- The segment shows that people have both a mental *and* a physical reaction to these films, as illustrated by the viewer/participant whose

2. On file with author.

3. *Id.*

4. *Id.*

finger temperature dropped seventeen degrees during an especially scary scene.

- Review the statistics from the study:
 1. Ninety percent said that they had a lasting reaction to scary movies seen as children.
 2. One out of four admitted that the fright stayed with them well into adulthood.
 3. Of those studied, one-half reported that they had problems sleeping and eating.
 4. *Jaws*⁵ was voted the scariest movie of all time.
- Discuss what students think of these statistics. For example, “Why do you think *Jaws* was voted the scariest movie of all time when it is not classified as a horror movie?”⁶ “Could it be because it seems to be the most realistic and the most believable or that it could happen to you?”
- Based on this theory, how may the media’s portrayal of attorneys affect one’s perception of them?

Wrap-up: For the next class, assign each student to write an essay about a movie or television lawyer who impressed them, either positively or negatively. The essay should analyze the character’s ethics, motivations, honor, and professionalism as an attorney. Students can also include how they would have handled the character’s situation differently and why.

Handout One: *American Bar Association Model Rules of Professional Conduct, Preamble: A Lawyer’s Responsibilities.*⁷ Ask the students to read it for the next class and to bring it with them to each subsequent class for reference.

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

5. Universal Pictures (1975).

6. *Id.*

7. MODEL RULES OF PROFESSIONAL CONDUCT Preamble (1999). All future textual references and citations to the *ABA Model Rules of Professional Conduct* in this lesson plan shall appear as “MRPC” followed by the rule number.

II. LESSON PLAN TWO: EFFECT OF MOVIES AND TELEVISION ON PUBLIC PERCEPTION

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: Effect of Movies and Television on Public Perception.

Overview of Lesson Plan: This lesson will be a lecture followed by a discussion on research presented in the lecture. The lecture will focus on theoretical and statistical studies on the effect movies and television have on adults and children. Also, the lesson will cover the relevance and importance of the effects of movies and television.

Suggested Time Allowance: Sixty minutes.

Objectives: Students will express their impressions of the research and talk about the underlying issues it could raise.

Resources/Materials: Lesson Two Lecture: *Effect of Movies and Television on Public Perception: Theories and Statistics*.⁸

Activities/Procedures: Lecture and interactive discussion following the lecture.

1. WARM-UP/DO NOW: During the first five minutes of class, ask students if there is a movie or television program that left a strong impression on them. What was it about the movie or television program that had this effect and why do they think it left such a lasting impression?

2. Lecture: *Effect of Movies and Television on Public Perception: Theories and Statistics*.⁹

3. Topics:

- The effect on children—theoretical and statistical studies.
- The effect on adults—theoretical and statistical studies.

8. See *supra* Appendix A.

9. *Id.*

- The relevance and importance of the effect of television and movies on the public.

4. Students will discuss and review information from the lecture, such as:

- The statistics from the study;
- Students' opinions; and
- Based on this theory, how may media portrayal of attorneys and the legal system influence public perception?

Wrap-up: For the next class, assign each student to:

1. Read Handout Two: Stephen Gillers, *Taking L.A. Law More Seriously*.¹⁰
2. Watch the movie *A Civil Action*,¹¹ directed by Steve Zaillian, starring John Travolta and Robert Duval, based on the true story of attorney Jan Schlichtmann.¹²

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

III. LESSON PLAN THREE: OVERVIEW OF LEGAL ETHICS

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: Overview of Legal Ethics: Lawyers' Duties to Clients and Clients' Rights.

- MRPC 1.2, "SCOPE OF REPRESENTATION."¹³
- MRPC 1.4, "COMMUNICATION."¹⁴

Suggested Time Allowance: Sixty minutes.

Objectives: Students will attain an awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media's portrayal of attorneys.

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10. Stephen Gillers, *Taking L.A. Law More Seriously*, 98 YALE L.J. 1607 (1989).
 11. Paramount Pictures (1998).
 12. *Id.*
 13. MRPC 1.2.
 14. MRPC 1.4.

Resources/Materials:

1. Handout Two: Stephen Gillers, *Taking L.A. Law More Seriously*.¹⁵
2. Students must have already watched the movie *A Civil Action*, directed by Steve Zaillian, starring John Travolta and Robert Duval, based on the true story of attorney Jan Schlichtmann.¹⁶

Activities/Procedures:

1. WARM-UP/DO NOW: During the first five minutes of class, have the students read the brief synopsis of MRPC 1.2 and 1.4 as stated below.
2. Lecture:
 - MRPC 1.2, “SCOPE OF REPRESENTATION,” “[a] lawyer shall abide by a client’s decisions concerning the objectives of representation . . . [including whether to accept a settlement, or whether to enter a plea or testify in a criminal action], and shall consult with the client as to the means by which they are to be pursued.”¹⁷ Even if a client is mentally disabled, the lawyer should still make a reasonable attempt to discuss decisions with them, unless it is an emergency situation.¹⁸
 - MRPC 1.4, “COMMUNICATION,” “[a] lawyer shall keep a client reasonably informed about the status of a matter . . . [and] shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions”¹⁹ It is a lawyer’s duty to provide information sufficient for a client to participate intelligently in decisions concerning his or her representation.²⁰ A lawyer is not ordinarily required to describe legal tactics and strategies in detail with a client, but should fulfill reasonable client expectations.²¹

15. Gillers, *supra* note 10.

16. *A CIVIL ACTION*, *supra* note 11.

17. MRPC 1.2(a).

18. MRPC 1.14(a).

19. MRPC 1.4(a)–(b).

20. MRPC 1.4 cmt. 1.

21. MRPC 1.4 cmt. 2.

3. Students will discuss how MRPC 1.2 and 1.4 pertain to the assigned handout, *Taking L.A. Law More Seriously*,²² and the movie, *A Civil Action*.²³

In *Taking L.A. Law More Seriously*, Arnie Becker, the firm's divorce attorney, goes against his prospective client's goals and hires a private investigator without her knowledge and consent.²⁴ Given the final results of this divorce case, was Arnie wrong in:

- Going against his client's instructions? Why or why not?
- Hiring a private investigator without his client's consent? Why or why not?
- Was Arnie acting in the best interest of his client or himself?
- Putting to one side whether or not he violated the rules, do you feel he was right or wrong?
- How would you have reacted as Arnie's client in this case?

In *A Civil Action*, when attorney Jan Schlichtmann, played by John Travolta, was offered twenty million dollars to settle by opposing counsel from Beatrice Foods, played by Robert Duval, he turned it down before asking his clients.²⁵ This settlement offer would have covered legal costs and left significant amounts of cash for each family and still left them the right to continue their case against W.R. Grace Co.²⁶ The case against Beatrice was weak and Schlichtmann knew it.²⁷ Given the final results of the case, discuss the following questions:

- Why did Schlichtmann refuse the offer and not consult his clients?
- Did Schlichtmann violate MRPC 1.2 and/or 1.4?
- Putting to one side whether or not he violated the rules, do you feel he was right or wrong?
- How would you have reacted as one of Schlichtmann's clients in this case?

The segment shows that sometimes lawyers must behave a certain way to be within their ethical legal professional responsibilities.

- Discuss the students' opinions based on this theory, on how the media portrayed these two attorneys. Did you like them better for

22. Gillers, *supra* note 10, at 1613.

23. *A CIVIL ACTION*, *supra* note 11.

24. Gillers, *supra* note 10.

25. *A CIVIL ACTION*, *supra* note 11.

26. *Id.*

27. *Id.*

doing what may have seemed right, even if they violated their code of legal ethics?

- o In reality was this behavior really in the best interest of their client?

Wrap-up: For the next class, assign the students to review all material covered up to this point.

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

IV. LESSON PLAN FOUR: CONFLICT OF INTEREST

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: MRPC 1.7, "CONFLICT OF INTEREST: GENERAL RULE."²⁸

Suggested Time Allowance: Sixty minutes.

Objectives: Students will attain an awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media's portrayal of attorneys.

Resources/Materials: Film Clips:

1. *Philadelphia*,²⁹ 1993, Jonathan Demme and Edward Saxon, producers, Jonathan Demme, director, screenplay by Ron Nyswaner. Cast: Tom Hanks and Denzel Washington. Based on a true story.

2. *Class Action*,³⁰ 1991, Ted Field, Scott Kroopf, Robert W. Cort, producers, Michale Apted, director, screenplay by Carolyn Shelby, Christopher Ames, and Samantha Shad. Cast: Gene Hackman, Mary Elizabeth Mastrantonio.

Activities/Procedures:

1. WARM-UP/DO NOW: During the first five minutes of class, ask the students to list what issues they think could be grounds for an attorney

28. MRPC 1.7.

29. TriStar Pictures (1993).

30. 20th Century Fox (1991).

conflict of interest. Briefly discuss where they see the conflict in these issues.

2. Lecture: MRPC 1.7, "CONFLICT OF INTEREST: GENERAL RULE."

A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless . . . the lawyer reasonably believes the representation will not be adversely affected; . . . and the client consents after consultation.³¹

3. Examples:

- In *Class Action*, Maggie and Jedediah both have a conflict of interest as father versus daughter attorneys.³² The story has already shown us the deep conflict and rift in their relationship (play the film clip but stop where the defense's [Maggie's] lead counsel rises and asks the judge to meet in chambers).³³
- Students will discuss:
 1. The conflict of interest portrayed here and what they believe is the legally ethical course to take.
 2. What would they do if they were the son or daughter of Jedediah? Why?
 3. What could be the effect on the clients?
- In *Philadelphia*, Joe Miller, the attorney that Andrew Beckett has asked to represent him, has a personal dislike for gays and is bothered by being around someone who has AIDS (play the film clip).³⁴
- Students will discuss:
 1. Is this a conflict of interest?
 2. Can Joe provide a good prosecution for Andrew? Why or why not?
- At this point, tell those students who have not seen the movie that Joe Miller does take the case and wins it for Beckett.³⁵ Miller is a great advocate for Andrew and they form a friendship.³⁶ How does this relate in assessing conflicts of interest if you were an attorney?

31. MRPC 1.7 (b)(1)–(2).

32. CLASS ACTION, *supra* note 30.

33. *Id.*

34. PHILADELPHIA, *supra* note 29.

35. *Id.*

36. *Id.*

4. Based on the theories shown in these segments:

- How accurate is the media's portrayal of how these attorneys would act in real life?
- Which would you prefer as a client and why?

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

V. LESSON PLAN FIVE: DILIGENCE

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: MRPC 1.3, "DILIGENCE."³⁷

Suggested Time Allowance: Sixty minutes.

Objectives: Students will attain an awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media's portrayal of attorneys.

Resources/Materials: Film Clips.

Activities/Procedures:

1. WARM UP/DO NOW: Review MRPC 1.3, "DILIGENCE," "[a] lawyer shall act with reasonable diligence and promptness in representing a client."³⁸

2. Example: *Class Action* courtroom scene.³⁹ It becomes obvious that Maggie omitted evidentiary information to her associates but leaked it to her father, the opposing counsel.⁴⁰ This resulted in a victory for the plaintiffs, Jedediah's clients (play film clip).⁴¹

37. MRPC 1.3.

38. *Id.*

39. CLASS ACTION, *supra* note 30.

40. *Id.*

41. *Id.*

- It seemed that Maggie violated her duty to the Argo Corporation, her client, by secretly joining forces with her father during the trial.⁴² According to the rules, Maggie is Argo's attorney and, therefore, owes them a duty of loyalty.⁴³ When she finds out the case is a loser, she still had no right to "hand it over" to her father.⁴⁴

3. Based on the above, students will discuss their view of Maggie's actions as an ethical attorney.

- Review terms of MRPC 1.3.
- Discuss what students in Maggie's position would have done.
- What other options did Maggie have? Could she have tried to control the situation when she became aware of it, i.e., advise Argo to settle because of the probability of exposure from future accidents and propose that they take action to cure the defect causing the explosions? Would this have been a better procedure?
- Based on this theory, why do you think the media portrayed the issue in the manner presented? Was it for entertainment value?
- What effect could this have on stereotypes of attorneys?

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

VI. LESSON PLAN SIX: CONFIDENTIALITY

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: MRPC 1.6, "CONFIDENTIALITY OF INFORMATION."⁴⁵

Suggested Time Allowance: Sixty minutes.

Objectives: Students will attain an awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media's portrayal of attorneys.

42. *Id.*

43. *See* MRPC 1.7(b).

44. *Id.*

45. MRPC 1.6.

Resources/Materials:

1. Film Clips:

- *Class Action*, 1991, Ted Field, Scott Kroopf, Robert W. Cort, producers, Michale Apted, director, screenplay by Carolyn Shelby, Christopher Ames, and Samantha Shad.⁴⁶ Cast: Gene Hackman and Mary Elizabeth Mastrantonio.
- *Suspect*,⁴⁷ 1987, Daniel A. Sherkow, producer, Peter Yates, director, screenplay by Eric Roth. Cast: Cher, Dennis Quaid, and Liam Neeson.
- *Primal Fear*,⁴⁸ 1996, Gary Lucchesi, producer, Gregory Hoblit, director, screenplay by Steve Shagan and Ann Biderman, based on the novel by William Diehl.⁴⁹ Cast: Richard Gere, Edward Norton.⁵⁰

2. Handout Three: Final Monologue from the movie *Primal Fear*, "The Real 'Aaron' Emerges" by Ann Biderman & Steve Shagan., from the novel by William Diehl.⁵¹

Activities/Procedures:

1. WARM UP/DO NOW: Review MRPC 1.6, "CONFIDENTIALITY OF INFORMATION."⁵²

A lawyer shall not reveal information relating to representation of a client, unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, . . . except . . . to the extent the lawyer reasonably believes necessary . . . to prevent the client from committing a criminal act that the lawyer believes is likely result in imminent death or substantial bodily harm; or . . . to establish a claim or defense . . . in a controversy between the lawyer and client⁵³

46. *CLASS ACTION*, *supra* note 30.

47. *Columbia TriStar* (1987).

48. *Malofilm* (1996).

49. *Id.*

50. *Id.*

51. See *infra* Appendix B. Ann Biderman & Steve Shagan, *The Real 'Aaron' Emerges*, (visited Feb. 19, 2000) <<http://www.lclark.edu/~ryono/monos/primal.html>>.

52. MRPC 1.6.

53. *Id.*

2. Examples:

- *Class Action* (see Lesson Plan Five above): Discuss how this clip viewed in the last class breaches the duty of confidentiality.⁵⁴
- *Suspect*: Washington D.C. public defender, Kathleen Riley, played by Cher, is assigned to defend a homeless suspect who appears guilty, but cannot communicate because he is deaf and mute.⁵⁵ Dennis Quaid plays Eddie Sanger, a lobbyist who is one of the jurors.⁵⁶ Sanger discovers crucial evidence and contacts Riley outside of the courtroom (play clip—note, this clip will also be referred to in the next lesson regarding illegally influencing a juror).⁵⁷ Eventually Riley succumbs to Sanger's help in solving this case, the two are never found out, and Riley proves her client innocent.⁵⁸
- Discuss:
 1. Given the justice of the outcome, was Riley's conduct acceptable? Why or why not?
 2. Does the fact that Riley told her client what she was doing make it acceptable according to MRPC 1.6?
 3. What, if anything, should Riley have done differently to stay within legal ethical rules?
 4. If that resulted in her client being found guilty was that justice?
- In *Primal Fear*, attorney Marty Vail, played by Richard Gere, is a highly paid hotshot lawyer who takes this case for the publicity.⁵⁹ It is about an altar boy, Aaron, played by Edward Norton, who is accused of murdering a prominent Catholic priest.⁶⁰ It looks like an open and shut case until the accused tells of blackouts and an examining psychiatrist and Vail become convinced Aaron is actually Aaron/Roy suffering from multiple personality disorder.⁶¹ The hardened Vail feels sorry for Aaron/Roy and is convinced he was not responsible for the priest's death.⁶² Marty wins . . . or does he? In this closing scene, Aaron/Roy confesses to the murder after the trial and also admits to the previous murder of his girlfriend.⁶³ Marty is bound by the duty of

54. CLASS ACTION, *supra* note 30.55. SUSPECT, *supra* note 47.56. *Id.*57. *Id.*58. *Id.*59. PRIMAL FEAR, *supra* note 48.60. *Id.*61. *Id.*62. *Id.*63. *Id.*

confidentiality on both counts under MRPC 1.6 because Aaron/Roy is not likely to commit a criminal act that Marty “believes is likely to result in imminent death or substantial bodily harm.”⁶⁴

- o Discuss:
 1. The pros and cons of this rule.
 2. The effect on victim’s families.
 3. The effect on attorneys.
 4. The relevance and importance of the effect on the judicial system.

Wrap-up: Students will list the segments viewed up to this point and discuss what impression of lawyers the media’s portrayal of these various attorneys has made on the students.

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

VII. LESSON PLAN SEVEN: DUTY TO REPORT MISCONDUCT & IMPARTIALITY

Course: Legal Ethics: Lawyers’ Duties to Clients and Clients’ Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: MRPC 8.3, “REPORTING PROFESSIONAL MISCONDUCT”⁶⁵ and MRPC 3.5, “IMPARTIALITY AND DECORUM OF THE TRIBUNAL.”⁶⁶

Suggested Time Allowance: Sixty minutes.

Objectives: Students will attain an awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media’s portrayal of attorneys.

Resources/Materials: Film Clips:

1. *Class Action*, 1991, Ted Field, Scott Kroopf, Robert W. Cort, producers, Michale Apted, director, screenplay by Carolyn Shelby, Christopher Ames and Samantha Shad.⁶⁷ Cast: Gene Hackman, Mary Elizabeth Mastrantonio.

64. PRIMAL FEAR, *supra* note 48; see MRPC 1.6(a)–(b).

65. MRPC 8.3.

66. MRPC 3.5.

2. *Suspect*, 1987, Daniel A. Sherkow, producer, Peter Yates, director, screenplay by Eric Roth.⁶⁸ Cast: Cher, Dennis Quaid, Liam Neeson.

3. *A Civil Action*, 1998, Steve Zaillian, director, screenplay and novel by Jonathan Harr.⁶⁹ Cast: John Travolta, Robert Duvall. Based on a true story.

Activities/Procedures:

1. WARM-UP/DO NOW: Review:

- MRPC 8.3, "REPORTING PROFESSIONAL MISCONDUCT," a lawyer who has actual knowledge of a professional conduct violation by another lawyer or judge must report it if the violation raises a substantial question of the lawyer's or judge's fitness to practice or to hold office, unless such information is protected by the confidentiality requirement of MRPC 1.6.⁷⁰
- MRPC 3.5, "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 except as permitted by law . . . or engage in conduct intended to disrupt a tribunal."⁷¹

2. Examples:

- *Class Action*: Maggie does not report her partners in her firm for engaging in conduct involving dishonesty, fraud, or misrepresentation.⁷² They falsified evidence in the deletion of the report in the boxes and boxes of documents, which were detrimental evidence against their client.⁷³
- (Reshow the film clip from lesson five—stop at the part where the defense's [Maggie's] lead counsel rises and asks the judge to meet in chambers).⁷⁴

67. *CLASS ACTION*, *supra* note 30.

68. *SUSPECT*, *supra* note 47.

69. *A CIVIL ACTION*, *supra* note 11.

70. MRPC 8.3(a)–(c). *See also* MRPC 1.6.

71. MRPC 3.5.

72. *CLASS ACTION*, *supra* note 30.

73. *Id.*

74. *Id.*

- Ask the students if they think Maggie has violated MRPC 8.3. Why or why not? If so, what should she have done?
 - After this discussion, start the video again and watch the scene in the judge's chambers between the lead counsel for the defense and the prosecution.⁷⁵ In this scene the defense counsel tries to convince the judge that Maggie and Jedediah created a conspiracy and should be sanctioned by the court.⁷⁶ Then Jedediah points out the illegalities on the part of Maggie's firm and how, given her position, she acted ethically and upheld the law by her actions.⁷⁷
 - After viewing this short portion continue the discussion by having students discuss their reactions and feelings about this ethical process.
 - *Suspect*: As seen in the film clip from Lesson Six, Kathleen knowingly communicates and works with a juror on the defense of her client.⁷⁸ Have students discuss what they think a real attorney in Kathleen Riley's situation would do.
 - *A Civil Action*: The judge is portrayed as influenced and biased in favor of Robert Duval's character, the esteemed lawyer of Beatrice Foods.⁷⁹ This seems to be accepted without considering alleging judicial misconduct (class discussion).
3. Students will summarize/discuss:
- In what way has learning the MRPC changed the student's perception of the fictional lawyers?
 - Has learning the MRPC changed the student's perception of real lawyers?
 - Based on this course, what is the relevance and importance of the effect of television and movies on the public?

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

75. *Id.*

76. *Id.*

77. CLASS ACTION, *supra* note 30.

78. SUSPECT, *supra* note 47.

79. A CIVIL ACTION, *supra* note 11.

VIII. LESSON PLAN EIGHT: FINAL ASSIGNMENT—MOCK TRIAL

Course: Legal Ethics: Lawyers' Duties to Clients and Clients' Rights and the Media—Teaching Legal Ethics Using a Media Studies Lesson Plan.

Subject: Final Assignment—Mock Trial role-play.

Overview of Lesson Plan: As their final assignment each student group will present their own mock trial depicting the malpractice trial of one of the fictional attorneys studied in this class.⁸⁰

Mock Trial: The Final Assignment is to be done in groups of 4–6 students.

- One Prosecutor.
- One Defendant (Attorney).
- One Defense Attorney.
- One Judge.
- Witnesses (optional).

Suggested Time Allowance: Fifteen to twenty minutes per group.

Objectives: Students will attain an increased awareness and understanding of legal ethics rules and will be able to discuss the pros and cons of the media's portrayal of attorneys.

Putting Fictional Attorneys on Trial

A mock trial is a valuable experience in many ways. One purpose is to get students to collect and examine evidence concerning the charge(s) against a fictional attorney. Through role-playing students will experience firsthand how it feels to be a participant in the courtroom and to be bound by the MRPC. Students will also increase their knowledge in specific areas of law, courtroom procedures, roles of courtroom participants, and how conflicts are resolved.

While learning the details of trial process and procedures, students will also have to use:

- strategic thinking;
- problem analysis;

80. This is based on an idea by Dr. Daniel Chandler, University of West Virginia.

- questioning skills;
- listening skills;
- oral presentation skills;
- preparatory skills; and
- organizational skills.

Charges: That the defendant (attorney) did violate one or more of the MRPC. Choose one of the movie or film examples we studied in class. The client's attorney from that particular scene is being charged with malpractice in his/her representation of his/her client.

Group members should begin to collect evidence by the next to last class. The teacher will be available to discuss and advise students on the status of such material as evidence. Use the MRPC handed out in class for additional legal reference.⁸¹

There will be a formal mock trial after which each of the nonparticipating members of the class will be the jury and vote on the verdict based on the evidence presented during the trial.

The group will consist of the following:

- One Prosecutor;
- One Defendant (Attorney);
- One Defense Attorney; and
- One Judge.

Witnesses: Some will be lawyers and others will be potential witnesses. Each group will have a maximum of twenty minutes to present their case. All Trials will proceed in the following order:

- Prosecution—Brief opening statement.
- Defense—Brief opening statement.
- Prosecution calls and examines their witnesses.
- Defense cross-examines Prosecution's witnesses.
- Defense calls and examines their witnesses (which can be the Defendant).
- Prosecution cross-examines Defense's witnesses.
- Prosecution—brief closing statement.
- Defense—brief closing statement.
- Participants leave the room while the jury votes on the verdict.

81. If you have access to a law library or site for prior relevant case law, suggest that too.

- Participants are called back into the room and told the verdict.
- The jury explains what factors brought them to their verdict.

Activities/Procedures:

1. WARM-UP/DO NOW: During the first five minutes of class, review the order of appearance for the groups and review the above procedural outline.
2. Following the presentations, have a final group discussion/summary on the effect of television and movies on public perception of attorneys. Discuss:
 - Television and movies' effect on children.
 - Television and movies' effect on adults.
 - The relevance and importance of the effect of television and movies on the public.
 - The relevance and importance of the effect of television and movies on lawyers.

Wrap-up: Ask the students how this course has affected their view of the media and attorneys.

Evaluation & Assessment: Students will be evaluated based on their oral/written definitions and participation in classroom discussions.

IX. APPENDIX A: LESSON TWO LECTURE

Effect of Movies and Television on Public Perceptions: Theories and Statistics by Elaine D. Papas

Many studies have been conducted to prove that movies and television programs, at the very least, influence the public's perception in a variety of ways.⁸² In this presentation, we will examine long-term studies done by: Professor George Gerbner, Ph.D., dean of the Annenberg School of Communications at the University of Pennsylvania;⁸³ the American Psychological Association (the "APA") studies on children and television

82. See generally NATIONAL INSTITUTE OF MENTAL HEALTH, TELEVISION AND BEHAVIOR: TEN YEARS OF SCIENTIFIC PROGRESS AND IMPLICATIONS FOR THE EIGHTIES, SUMMARY REPORT VOL. 1 (1982) [hereinafter TELEVISION AND BEHAVIOR].

83. See generally GEORGE GERBNER & N. SIGNORIELLI, ANNENBURG SCHOOL OF COMMUNICATION, VIOLENCE PROFILE, 1967 THROUGH 1988-89: ENDURING PATTERNS (1990) (on file with author).

violence;⁸⁴ and some brief excerpts from media sources themselves. However, because there are so many outside, uncontrollable and immeasurable influences on each child and adult, it is not yet possible to reach an absolute scientific conclusion one way or another about the media's effect on the viewer.

Writer/director George Lucas seems to have summed up the debate in an analysis that is acceptable to all views, "I've always tried to be aware of what I say in my films, because all of us who make motion pictures are teachers—teachers with very loud voices."⁸⁵ Mr. Lucas uses mythology in a futuristic setting to teach children age-old lessons that seem to be disappearing from our culture—the triumph of good over evil, the importance of believing and striving toward what you feel is right, that friendship and caring are important for everyone, that when you step outside yourself to help another you will discover you have found the way to life's greatest treasures—compassion and love.

In our exploration as a society of the various aspects of the psychology and sociology of television viewing, one of our foremost studied concerns is the issue of a correlation between television and violence. The most quoted and referenced is the long-term study done by Professor George Gerbner mentioned above.⁸⁶ Dr. Gerbner's studies have shown that children's television shows contain about twenty violent acts each hour and also that children who watch a lot of television are more likely to think the world is a mean and dangerous place.⁸⁷ They found that children often behave differently after watching violence on television.⁸⁸ Even cartoons seem to have a negative effect if they contain a lot of aggressive and violent acts.⁸⁹ Those children who tend to watch the violent action cartoons, regardless if portrayed in a humorous manner, were more likely to "hit out at their playmates, argue, disobey class rules, leave tasks unfinished, and were less willing to wait for things than those who watched the nonviolent programs."⁹⁰

Researchers have been taking these studies out of the controlled and confined laboratory setting and conducting real-life field studies. Leonard Eron, Ph.D. and his associates at the University of Illinois, found that children who watched many hours of violence on television from the ages of four to eleven years old, had a tendency to show a higher level of aggressive behavior

84. A.C. Huston et al., AMERICAN PSYCHOLOGICAL ASSOCIATION, BIG WORLD, SMALL SCREEN: THE RULE OF TELEVISION IN AMERICAN SOCIETY (1992) (on file with author).

85. George Lucas, Irving Thalberg Award Acceptance Speech (Mar. 30, 1992) (on file with author).

86. GERBNER & SIGNORIELLI, *supra* note 83.

87. *Id.*

88. *Id.*

89. TELEVISION AND BEHAVIOR, *supra* note 82.

90. Huston, *supra* note 84.

when they became teenagers.⁹¹ Dr. Eron observed these children until they reached thirty-years old, and found that those who were arrested and prosecuted for criminal acts as adults had watched a lot of television when they were around eight years old.⁹²

The APA and the National Institute of Mental Health have compiled studies on the subject from their own outside researchers that support Professor Gerbner's findings.⁹³ In summary, the psychological research has shown three major effects of seeing violence on television:

- 1) "Children may become less sensitive to the pain and suffering of others;"⁹⁴
- 2) "Children may become more fearful of the world around them;" and⁹⁵
- 3) "Children may be more likely to behave in aggressive or harmful ways toward others."⁹⁶

It is interesting that another widely accepted study published on June 17, 1996, also comes from the University of Pennsylvania.⁹⁷ The difference from Professor Gerbner's study is that this one is from the Annenberg Public Policy Center, where it was conducted by Marle-Louise Mares, Ph.D. under the direction of Kathleen Hall Jamieson.⁹⁸ This short-term study, *Positive Effects of Television on Social Behavior: A Meta-Analysis*, was also conducted with children.⁹⁹ This research does not try to negate Professor Gerbner's findings, but rather takes a different approach suggesting that if and when it is used to transmit pro-social content, television can have positive effects on children.¹⁰⁰ The study found that children exposed to pro social content have more positive social interactions, show more altruistic behavior and self-control, and have less stereotyped views of others.¹⁰¹ Dr. Mares went on to state that the effects of pro-social content are often strongest when viewing is combined with

91. LEONARD ERON & L. HUESMANN, ANNALS OF THE NEW YORK ACADEMY OF SCIENCES, ADOLESCENT AGGRESSION AND TELEVISION, 319-31, 347 (1980) (on file with author).

92. *Id.*

93. TELEVISION AND BEHAVIOR, *supra* note 82. Huston, *supra* note 84.

94. GERBNER & SIGNORIELLI, *supra* note 83.

95. *Id.*

96. *Id.*

97. MARIE-LOUISE MARES, PH.D, ANNEBERG PUBLIC POLICY CENTER, POSITIVE EFFECTS OF TELEVISION ON SOCIAL BEHAVIOR: A META-ANALYSIS (1996).

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.* at 19.

discussion.¹⁰² The effects were strongest for pre-school and grade school children and diminished in adolescents.¹⁰³

Interestingly, not one of the shows mentioned in the April 1999 *Life Magazine* cover story, *The Shows That Changed America: 60 Years of Network Television*, is about lawyers—no *Perry Mason*,¹⁰⁴ no *Matlock*,¹⁰⁵ and no *L.A. Law*.¹⁰⁶

And so the debate continues . . . is it art imitating life or life imitating art?

X. APPENDIX B: HANDOUT 3

What a debut this was

The Real “Aaron” Emerges

written by Ann Biderman & Steve Shagan, from novel by William Diehl

Aaron/Roy: Well, good for you, Marty. I was going to let it go, you was lookin’ so happy just now I was thinkin’, mmmm . . . I-but to tell you the truth, I’m glad you figured it ‘cause I have been dying to tell you! Ha! I just didn’t know who you’d want to hear it from, Aaron or Roy or Roy or Aaron . . . well I’ll let you in on a little secret. A sort of client-attorney privilege type of secret, y’know what I mean—it don’t matter who you hear it from—it’s the same story! [Stutters as Aaron did] I-I’d-I-ju-just had to kill Linda, Mr. Vale, tha-that cunt just go what she deserved. But . . . cuttin’ up that son-of-a-bitch Rushman? That was just a fucking work of art. Ahaha.

Martin Vale (Richard Gere): You are good, you are really good.

Aaron/Roy: Yeah, I did get caught though, didn’t I? Mmm.

Vale: So there never w-there was a never a Roy?

Aaron/Roy: Jesus Christ, Marty! If that’s what you think I am disappointed in you—I don’t mind telling you. There never was Aaron, Consellor. Come on, Marty! And that whole thing about “Act like a man!” Jessus, I knew exactly what you wanted from me, it was like we was dancing, Marty!

Vale: [leaving the cell] Guard.

102. MARES, *supra* note 97, at 17–19.

103. *Id.*

104. *Perry Mason* originally aired on ABC.

105. *Matlock* originally aired on NBC.

106. *L.A. Law* originally aired on NBC. See Todd Brewster, *The Show That Changed America: 60 Years of Network Television*, LIFE MAGAZINE, April 1999, at 71–86.

Roy: Oh, come on, don't be like that, Marty. We did it, man we fucking did it! We're a great team you and me. You think I could have done this without you? You're feelin' a little angry here 'cause you're startin' to feel for ol'Aaron, I can understand that. Y'know, love hurts, Marty, what can I say? Hey! I'm just kiddin', bud, didn't mean to hurt your feelings. What else was I supposed to do? **[shouting]** Now you're gonna thank me down the road 'cause this is gonna toughen you right up, Martin Vale! Do you hear me? That's a promise!!

[Eds note: Thanks to Amy for transcribing this monologue, kudos and immense thanks go to her]

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