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Depiction of American Litigation in Movies

Bryson Reeves

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Depiction of American Litigation in Movies

by

Bryson Reeves

A Thesis
Submitted to the Honors College of
The University of Southern Mississippi
in Partial Fulfillment
of Honors Requirements

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ABSTRACT

The legal profession is a crucial institution of American society that impacts the lives of millions of Americans each day. Films act as an agent of socialization that can shape the public's expectations of the legal field and its lawyers. Therefore, this study focuses on the levels of accuracy, impact, and quality of the representations that are found in films portraying the legal profession. It does so through two methods. More specifically, practicing attorneys reviewed film clips and completed a survey indicating their perceptions of the accuracy and impact of film representations. Second, a content analysis was performed to determine the quality of the portrayals of lawyers and the legal profession in modern movies. Previous studies have concluded that these depictions of lawyers or legal procedures are often inaccurate and unfaithful to the legal system of the real world; however, the majority of these studies focus on films from the mid-twentieth century, and so it is unclear if these conclusions apply to contemporary films. This thesis demonstrates that the trend of negative depictions of American litigation in movies has decreased. As for the influence of media depictions, surveyed lawyers argued that films did impact clients and jurors. They felt that films helped reveal aspects of the legal world in some useful ways, but also at times inaccurate or misleading ways.

Keywords: lawyer, litigation, movies, influence, accuracy, film, content analysis

DEDICATION

I dedicate this thesis to my friends, family, and the many faculty and staff at The University of Southern Mississippi who have helped to develop and foster my education in the legal field.

ACKNOWLEDGMENTS

Thank you to the eleven lawyers who took the time out of their busy schedules as practicing attorneys to respond to the survey instrument contained within this thesis; without your help, this thesis would not have been able to achieve the findings that it did.

To Dana Fennell, my thesis advisor, whose expert guidance and support have allowed me to develop the best thesis that I possibly could. Her feedback and contributions represent the heart and soul of this thesis. She has continually reassured me that I am capable and knowledgeable enough to put forth this thesis, and I am forever grateful for the faith that she has put in me throughout this process. To William Newman, my co-thesis advisor and mentor, who has molded and nourished my legal education throughout my years at The University of Southern Mississippi. His efforts, not only on my thesis but also on my development as a legal scholar, have greatly impacted who I am as a student and person, and the lessons and wisdom he has imparted onto me are teachings that I will never forget.

TABLE OF CONTENTS

LIST OF TABLES	viii
LIST OF ILLUSTRATIONS	ix
LIST OF ABBREVIATIONS.....	x
CHAPTER I: INTRODUCTION.....	1
CHAPTER II: LITERATURE REVIEW	3
CHAPTER III: METHODS.....	9
Survey	9
Content Analysis.....	11
CHAPTER IV: RESULTS.....	15
Lawyers’ Perceptions of Media Representations.....	15
Content Analysis of Films	28
CHAPTER V: DISCUSSION AND CONCLUSIONS	42
APPENDIX A: IRB Approval Letter	45
APPENDIX B: Survey Instrument	46
APPENDIX C: Content Analysis	56
REFERENCES	68

LIST OF TABLES

Table 1	14
Table 2	15
Table 3	30
Table 4	33
Table 5	35
Table 6	41

LIST OF ILLUSTRATIONS

Figure 1. Favorite Films.....	17
Figure 2. Film Influence on Clients' Expectations	19
Figure 3. Film Influence on Jurors' Expectations.....	20
Figure 4. Delivery of Opening Statements (<i>Philadelphia</i>).....	22
Figure 5. Delivery of Closing Arguments (<i>A Time to Kill</i>)	22
Figure 6. Jury Selection Voir Dire Examination Process (<i>Marshall</i>).....	25
Figure 7. Expert Witness Voir Dire Examination Process (<i>My Cousin Vinny</i>)	25
Figure 8. Direct Examination Process (<i>To Kill a Mockingbird</i>).....	27
Figure 9. Cross-Examination Process (<i>Young Mr. Lincoln</i>).....	27

LIST OF ABBREVIATIONS

ABA	American Bar Association
IMDb	Internet Movie Database
IRB	Institutional Review Board
SCMBA	South Central Mississippi Bar Association
SPSS	Statistical Package for Social Sciences

CHAPTER I: INTRODUCTION

Film representations of the American legal profession are often negative or unfavorable. Extant literature on this topic indicates that there has been a steady decrease in the quality of these depictions of the legal profession over time (Snead, 2002). This issue is of great importance, because if the American public is steadily being fed a diet of inaccurate or unfavorable depictions of the American legal system as well as the lawyers that comprise it, then this may result in disillusioned encounters between American citizens and the legal system. As the law is a routine and important aspect of our nation's well-being that affects the lives of millions each day, inaccurate Hollywood depictions may result in negative or problematic altercations in the lives of the American public due to their preconceived notions of what to expect in a legal proceeding.

The objectives of this study are to assess the accuracy and impact of classic depictions of lawyers and legal proceedings within Hollywood films, and to analyze the content of contemporary Hollywood film representations to understand if/how lawyers are represented in a negative light. For the first objective, south Mississippi lawyers were asked to discuss how influential they have found films to be on clients and jurors through an online survey methodology; then they watched film clips depicting various aspects of the legal process and assessed their accuracy. Eleven lawyers completed this part of the study. A content analysis was then conducted to address the second objective. Forty-two (42) lawyers across nineteen (19) films of the past three decades were analyzed. Overall, the data reveal that the general American public is being shown a relatively positive representation of the American legal system in most modern films, a trend that is contrary to previous literature. Additionally, most of the polled lawyers indicated that they do

believe these films have an impact on their clients' and jurors' expectations about the law because of the influence of these movies, implying that Hollywood movies encapsulating aspects of the legal profession have at least some effects on how potential clients and jurors of the American public think about or perceive the American legal system.

However, these attorneys did not provide consistent determinations of the accuracy of the representation surrounding lawyers and legal processes. Therefore, this study reveals that depictions of American law in movies appear to be of mixed accuracy (e.g., mixing inaccurate/exaggerated elements for entertainment with accurate depictions); have at least some influence on the perceptions of the legal profession by the American public; and have become more positive within the past three decades.

CHAPTER II: LITERATURE REVIEW

The common theme throughout existing literature is that the legal field has been represented in less than favorable ways in many Hollywood movies (Snead, 2002).¹ Existing studies provide in-depth content analyses that typically discuss the accuracy and inaccuracy of these representations in the films when contrasted to the standard practice of actual American law (Caplow, 1999). These sources indicate that Hollywood's undesirable or inaccurate depictions of American lawyers, litigation, and law have steadily increased throughout the years.

For instance, some sources analyze the actions of the lawyers and the lawyers' core personality traits. Christopher Snead's (2002) thesis project for the University of Tennessee, Knoxville, as well as Tonja Haddad's (2000) law review article, discuss the portrayal of lawyers in a variety of feature films as unethical, corrupt, or immoral. Snead's article looks at the depiction of lawyers in movies over five decades, starting with movies from the 1950s until the late 1990s. The overall conclusion of his thesis is that the depiction of lawyers in the early decades of his research was generally positive, and lawyers were revered as moral role models from the 1950s through the 1960s; however, from the 1970s onwards, lawyers were portrayed in an increasingly negative manner. Throughout his thesis, he referred to many of the latter representations of lawyers as "slimy," "malicious and dirty," and most often simply "bad people" (Snead, 2002, p. 16-18). Comparatively, Haddad's law review article, a study of the unethical and immoral legal practices conducted by the lawyers within Hollywood entertainment,

¹ In this thesis, a distinction will not be made between "films" and "movies."

comes to a similar conclusion that these movies feature lawyers in a substandard fashion. Regarding the analysis of the main protagonist in the film *Liar Liar*, Haddad writes,

This comedy... portrays a blatantly unethical lawyer... His arrogance and nonchalance, coupled with his feigned amiability toward those whom he thinks can get him ahead, are far closer to what most people perceive lawyers to be like than any other lawyer character in a comedy. This movie... likely leaves a lot of heads in the audience nodding affirmatively. (Haddad, 2000, p. 683)

Haddad clarifies in her law review article that this depiction of a lawyer and his legally unethical choices are not limited to just one singular film. The research presented in these articles asserts that these poor and unethical interpretations of lawyers have become commonplace in Hollywood movies.

Other studies find that lawyers are being portrayed poorly and inaccurately in movies, either blatantly or through subtle intricacies woven into the lawyer's character or the film's overarching plot. Stacy Caplow's article, "Still in the Dark: Disappointing Images of Women Lawyers in the Movies" (1999), and David R. Papke's law review, "Cautionary Tales: The Woman as Lawyer in Contemporary Hollywood Cinema" (2003), study how female attorneys are presented across several legal movies in the twentieth century. In Caplow's study, she highlights the high tendency of these characters to be portrayed as competent and capable attorneys but with extreme character flaws that only stem from the fact that these characters are women: "These movies... all send the same basic message: women do not really belong in the legal profession... [the female lawyer] is either suckered by some shyster or in love with the prosecutor, and in any event, cannot truly succeed without the help of a man" (Caplow, 1999, p. 61). Papke's law review

article affirms this notion as he compares the depictions of female lawyers under four categories: a lover, a mother, a daughter, and a sister. In all these categories, the female lawyer is ensnared in the role of pleasing a man, whether defending her father, wanting to fit in with the guys at work, or trying to impress an attractive client (Papke, 2003, p. 492-496). These studies help to convey how Hollywood influences the depiction of the legal profession in its movies. In portraying female lawyers, the gender of the attorney is often depicted as a plot device that ultimately pulls away from a full representation of the profession.

In addition to the physical and social characteristics of lawyers, some sources indicate that on the silver screen, a lawyer's place of employment may be corrupt and damage their reputation. In a law review for the University of California, Los Angeles (UCLA) School of Law, Michael Asimow (2000) focuses on how law firms and the lawyers who work in them are presented in films. Similar to the previous two articles by Snead (2002) and Haddad (2000), Asimow arrives at the conclusion that law firms (and the lawyers employed there) receive adverse treatment when represented in films. He discusses how law firms often serve as antagonists throughout several decades of film, describing some of these firms as being "wholly evil firm[s]" that represent malicious corporations or "money-grubbing poor-people-evicting firms" (Asimow, 2000, p. 17). Regarding the lawyers who work within these firms, they are often characterized as evil, greedy, or deceitful in their commission of unethical acts such as bribery, discrimination against employees, or suppressing evidence (Asimow, 2000). Asimow's research solidifies that law firms are regularly painted with a negative connotation and often fit into the role of film antagonists. Interestingly, Asimow admits that these portrayals, while

negative, are not entirely inaccurate to employment in a real-world law firm. He explains that over-billing, overworking attorneys, and engaging in “dirty but marginally ethical tactics” are prevalent in several big-law firms nationwide (Asimow, 2000, p. 64). The implications of this study seem to be that the adverse treatment of law firms in films is the product of an accurate representation of the unpleasant tactics of lawyers in some law firms outside of these fictional films. It is the classic conundrum of determining if art imitates life or if life is now imitating art due to these unflattering depictions.

Nonetheless, this literature suggests that lawyers are being negatively portrayed in films and movies and have been portrayed as such for a substantial time.

Few studies have investigated the real-world impact and implications that these legal films pose on our American legal system. To begin, Douglas E. Abrams’ article discusses how these film adaptations of the law have been referenced and used in various legal documents and proceedings. “[T]rial and appellate judges often help explain substantive or procedural points, or help embellish the discussion, with references to themes, scenes, or characters from well-known films that have held Americans’ attention” (Abrams, 2019, p. 244). These movies are being used to help explain complex or contested areas of the law to American fellow members of the legal profession as well as ordinary American citizens. Examples of these references include courts citing *12 Angry Men* in relation to what a model juror looks like in the eyes of the law, or a how the main character from the film *My Cousin Vinny* delivers a “masterclass” in a specific legal proceeding (Abrams, 2019, p. 244). In a 2008 article titled “Guilty on All Accounts: *Law & Order’s* Impact on Public Perception of Law and Order,” Podlas examines public perception of law in relation to a popular legal television show, *Law & Order*. While the

main topic of this article is a television show, the overarching findings demonstrate the influence of the media on the viewers with respect to the legal profession. Podlas elaborates that “heavy, long-term exposure to television's recurrent stories and images cultivates in viewers perceptions about facts and values... If [someone] repeatedly sees television judges yell at litigants, [they] will assume that judges yell at litigants” (Podlas, 2008, p. 3).

After reviewing these sources of literature, it is clear that previous scholars feel that there is an ongoing trend of the legal profession being poorly represented in films throughout the twentieth century. However, it is hard to determine if this trend in unfavorable depictions has continued throughout the current age of Hollywood films; the bulk of these articles base their analyses on films of the mid-to-late twentieth century. Thus, it is necessary to attempt to bridge the gap between the content analyses of films within the mid-to-late twentieth century in the existing literature, with a content analysis on the depictions of lawyers and the legal processes in cinema within the past three decades. Existing research on the accuracy and impact of film representations on the legal field is limited, however, so further research on this is also necessary.

In this way I am concerned with the accuracy of the legal field in films as well as the ideological messages projected to viewers in films. Following Rafter's (2006) analysis of crime films, movies provide us with “fragments of culture” (p. 10). People then go on to use aspects of these in interaction.

Movies are a source of cultural information, most of which simply rattles around in our heads waiting to be called upon, but some of which feeds into our ideologies and other mental schemata. The schemata in turn interact with the

external world, where we encounter new cultural phenomena (including new movies) that then feedback into our schemata, usually reinforcing but sometimes disconfirming them (Rafter, 2006, p. 10-11).

It is increasingly important that society becomes aware of these processes and how the legal field is represented. This will allow us to alleviate confusion or subsequent catastrophic encounters with the legal system as a result.

CHAPTER III: METHODS

To better understand representations of the legal field in films and lawyers' perceptions of such, two sources of data were utilized. The first section of this chapter describes the survey that was conducted of lawyers in south Mississippi. The second section describes the content analysis of films.

Survey

In order to understand how lawyers view representations of the legal field in the media and their influence, an online survey instrument was distributed to lawyers of the South Central Mississippi Bar Association (SCMBA). As experts, practicing lawyers can judge the accuracy of representations of the American legal system. This study was approved by the Institutional Review Board of The University of Southern Mississippi (see Appendix A).

The survey instrument was placed into a Google Forms document for distribution. It contained a host of closed-ended and open-ended questions. Participants were able to answer the survey anonymously. The first section contained a standard IRB informed consent form and provided contact information (see Appendix B). The survey then asked respondents to discuss the top three movies about the legal field that influenced their career path. After this, participants were asked to rank the level at which they felt jurors' expectations and clients' expectations about lawyers and courtroom proceedings have been influenced by the depiction of lawyers and litigation in movies. They were asked to rank this on a scale of one to four, with one being denoted as "completely non-influential" and four being denoted as "completely influential." Once they made their

selection, respondents were asked to justify and explain their ranking in as much detail as possible.

Following this, respondents were asked to view clips from six different movies made available to them by YouTube that covered six different aspects of a typical courtroom trial: *Philadelphia* (1993) for opening statements, *A Time to Kill* (1996) for closing arguments, *To Kill a Mockingbird* (1962) for direct examination, *Young Mr. Lincoln* (1939) for cross-examination, *My Cousin Vinny* (1992) for the expert witness voir dire process, and *Marshall* (2017) for the jury selection voir dire process. This sample of films was selected based on the following requirements. All movies selected had a Rotten Tomatoes Audience Score that totaled 75% or higher. This was done to ensure that the movies being presented to the respondents were movies that were highly favored by the general public and not just professional critics. In addition to the Rotten Tomatoes Audience Score, each of these films was selected due to their well-known depictions of a particular legal process often seen in a typical American litigation. Of the six films selected for the survey, four of them were listed in an article by the ABA Journal titled “The 25 Greatest Legal Movies” where the ABA polled “12 prominent lawyers who teach film or are connected to the business” to rank the top twenty-five legal movies (Brust, 2008, p. 1). These films were *Young Mr. Lincoln*, *To Kill a Mockingbird*, *My Cousin Vinny*, and *Philadelphia*. Once the respondents viewed each movie clip, they were asked to rank the accuracy of the depiction of the corresponding legal process in the clip as it would be seen in an actual American courtroom on a scale from one to four, with one being denoted as “completely inaccurate” and four being denoted as “completely accurate.” After the respondents made their ranking, they were asked to

justify and explain their ranking in as much detail as possible. The final section of the survey covered the demographics of the respondent. Respondents were asked to specify their age, gender, race, religion, income bracket, and the amount of time they have been practicing law.

The survey instrument was distributed by the SCMBA to its members via a mass email. Members who received the email were told they needed to complete the survey instrument within two weeks. At the conclusion of the allotted time frame on January 17th, 2023, the survey had received six responses. In an attempt to garner more responses, additional personal emails were sent out to some individual members of the SCMBA. At the conclusion of the survey, a total of eleven responses were obtained from practicing lawyers from the SCMBA. The results of the survey instrument are recorded in the Results section of this thesis.

Content Analysis

To evaluate how lawyers have been portrayed in contemporary films from the past three decades, I conducted a content analysis of films. A sample of 42 lawyers from nineteen films involving the legal profession were analyzed. Criteria for inclusion were popular American feature films released between the years 1990-2023. A search was made using the Internet Movie Database (IMDb) advanced search options. Films were required to be listed as a feature film, released between the years 1990 to 2023, and with a User Rating of 7.0 or higher out of 10.0. Additionally, the film had to be based in the United States and spoken in the English language. With respect to keywords, the word “lawyer” was required to be present in the keywords listed under the film, and “court” was required to be mentioned in the plot. All films meeting these criteria were analyzed

except the few films that did not deal with American law, did not have a sufficient duration of interaction with lawyers, or were not available for viewing by a member of the general public. (For example, in the film *The Next Three Days* (2010) which appeared in the search, the only lawyer of the film only appeared on screen for one scene and had minimal significance in the plot of the film making it too difficult to include in the analysis.)

Table 1 shows the name of the films selected for the content analysis, the year in which the film released, and the number of lawyers that were coded in each film. The lawyers that were analyzed in the content analysis were required to be main characters with reoccurring significance to the film's plot; their actions as a lawyer propelled the plot forward. The characters had a name and were present throughout multiple scenes in the film with speaking roles. This resulted in a total of 42 lawyers being analyzed across the nineteen selected films.

A coding sheet was filled out for each lawyer (see Appendix C). The coding protocol recorded each character's demographics, experience, manner of conducting themselves in the legal field, and other characters' perceptions of them. This included analyzing the lawyer's exhibition of personality traits such as responsibility, untrustworthiness, empathy, emotional insensitivity, selflessness, selfishness, arrogance, as well as their goals as a lawyer in the form of orientation towards the law. Lawyers who were deemed to be "justice-oriented" had the prime directive of seeing justice carried out, even if it resulted in an unfavorable outcome for their client; they viewed the law above all else. On the other hand, lawyers who were deemed as "victory-oriented" showed that they only cared about winning a case or receiving compensation for winning, regardless

of their client's guilt or innocence, or the validity of their case. Often, these lawyers were depicted as greedy. Perceptions of these lawyers by other characters of the film, such as clients, other lawyers, judges, or other characters unrelated to the legal profession, were also studied in this content analysis. These perceptions included: expressing positive attitudes towards the lawyer, conveying disparaging or ridiculing remarks about the lawyer, engaging in romantic involvement, expressing frustration or distress, carrying out physical aggression, engaging in criminal victimization, feeling dissatisfaction with their representation, viewing the lawyer as a morally ambiguous individual, or just disliking the lawyer because they are a lawyer. Characters were also coded for their significance in the film's plot. This included observations such as the lawyer's role as a protagonist, antagonist, or neither; the decision of the case of which they were counsel; and if the lawyer had a change of heart about the way they practice law at the end of the film. Upon finishing the content analysis, all the data was transferred into an Excel spreadsheet and further evaluated in SPSS (a statistical software.)

Table 1*List of Films in Content Analysis*

Name of Movie	Year	Number of Lawyers
<i>A Few Good Men</i>	1992	4
<i>Philadelphia</i>	1993	3
<i>A Time to Kill</i>	1996	3
<i>The People vs. Larry Flynt</i>	1996	1
<i>The Insider</i>	1999	2
<i>Runaway Jury</i>	2003	2
<i>Find Me Guilty</i>	2006	2
<i>Fracture</i>	2007	1
<i>Nothing but the Truth</i>	2008	3
<i>My Sister's Keeper</i>	2009	2
<i>Conviction</i>	2010	3
<i>Win Win</i>	2011	1
<i>The Judge</i>	2014	2
<i>Spotlight</i>	2015	3
<i>Bridge of Spies</i>	2015	1
<i>Loving</i>	2016	2
<i>Marshall</i>	2017	3
<i>The Post</i>	2017	1
<i>On the Basis of Sex</i>	2018	3

CHAPTER IV: RESULTS

Lawyers' Perceptions of Media Representations

The following documents the results of the survey distributed to lawyers of the SCMBA. The majority of respondents were females, at least 50 years old or older, had an average income of \$70,000-\$99,999 per year, and had at least twenty years of experience in the legal profession (see Table 2). All respondents were White, and all respondents who provided their religion were a part of some denomination of the Christian faith.

Table 2

<i>Demographics of the SCMBA Respondents</i>		
Variable	Frequency	Percent
<i>Gender</i>		
Male	5	45.5
Female	6	54.5
<i>Race/Ethnicity</i>		
White	11	100.0
<i>Religious Affiliation</i>		
Christian (No Denomination Given)	2	18.2
Methodist	2	18.2
Baptist	1	9.1
Episcopalian	1	9.1
Lutheran	1	9.1
Roman Catholic	1	9.1
Unstated	3	27.3
<i>Annual Income</i>		
\$40,000-\$69,999	1	9.1
\$70,000-\$99,999	5	45.5
\$130,000-\$159,999	2	18.2
\$160,000+	3	27.3
<i>Years Practicing Law</i>		
Little (0-5 years)	1	9.1
Moderate (6-10 years)	2	18.2
Substantial (11+ years)	8	72.7

When asked to list three movies that had the greatest influence on their legal career, (such as films that shaped how they viewed the law, influenced them to practice

law, or influenced them to practice a certain area of law), the respondents designated a total of sixteen different movies as well as two television shows (see Figure 1). (For this question, only nine of the eleven attorneys provided their first pick for a film that had the greatest influence on their legal career, and eight of the attorneys responded with their second and third picks subsequently.) The top two films among these lawyers were *To Kill a Mockingbird* (1962) and *My Cousin Vinny* (1992). When asked to describe why they listed these films as the films that most influenced them, the common themes within the lawyers' responses were that the films displayed what a model attorney should look like (most respondents specifically naming Atticus Finch in *To Kill a Mockingbird*) or provided faithful depictions of what it means to practice American law. One lawyer specifically responded that *My Cousin Vinny* is "fun, but also follows the law well and was a clever, and both ridiculous and not too far version of the truth of practicing the law in the South."

The next two most popular were *Philadelphia* and *Legally Blonde* (2001). These films were frequently mentioned due to their overall enjoyment of the film and the films' messages of lawyers advocating for those who have been wrongfully persecuted. The rest of the films and television shows were only mentioned once, with many responses carrying themes of fighting for the "little guys" in their times of need. One lawyer responded that:

The attorneys in [*A Civil Action*] fought for the little guy - fought until it bankrupted them. They so believed in their cause they mortgaged their own homes to fund the litigation against the chemical companies. I've always been one to side with David against Goliath and I love helping people - helping those who

can't help themselves and assisting them in navigating their way through the minefield that is our legal system.

Ultimately, these results exemplify the positive characteristics of legal films that attorneys found to be influential to them. Lawyers found the most inspiration about their profession when themes of perseverance, advocacy for those in need, or similarity to their daily practices as an attorney, were present in films.

Figure 1. Favorite Films

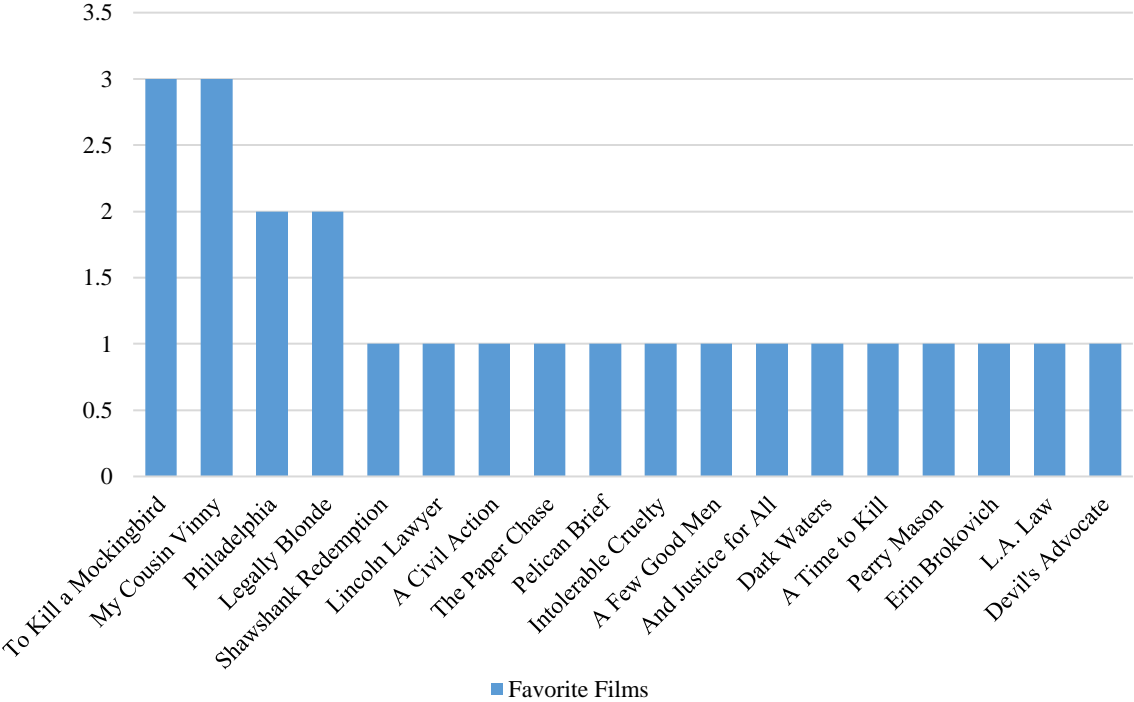


Figure 2 and Figure 3 depict the respondents' answers to how they felt clients' and jurors' expectations of lawyers and courtroom proceedings have been influenced by the depiction of lawyers and litigation in movies. Three of the respondents stipulated that they could not give an honest answer as they practice areas of law where they do not encounter jurors or simply had no knowledge on the topic. However, two of these

respondents still felt that movies were “somewhat influential” on the expectations of jurors despite their lack of knowledge surrounding the topic; the other respondent left the question blank. Any missing survey data is not reflected in the figures. The point of contention between attorneys who felt that jurors and clients were influenced as opposed to them being uninfluenced, is the faith in the ability of jurors and clients to differentiate the overly dramatic depictions from reality.

Most of the respondents felt that films pertaining to the legal profession do have an impact on the expectations of jurors and clients. Many of the respondents felt that jurors came into the courtroom expecting forensic evidence that would not be practical (mentioned by three lawyers), or anticipated that proceedings would be faster and more exciting (mentioned by two lawyers), because of misleading representations of the legal process in film. Another lawyer also argued that negative representations of lawyers have given jurors less trust in the system. In this respondent’s words,

In my experience, jurors try to obey the instructions they are given. But with the availability of social media, TV shows, particularly raising expectations about forensic evidence, and the fact that lawyers seem to be portrayed more often as sneaky or unethical, jurors have a harder time leaving their preconceptions at the door of the courthouse and only concentrating on the evidence presented.

Lawyers shared similar sentiments regarding their clients, where they felt clients expect a show with the dramatic flair seen in courtroom depictions within the movies. Several of the lawyers accentuated how stark the division is between the fantasy depictions on televisions versus the drab reality. As one respondent said, “Clients expect what they see

on television and in the movies. And that is not real life. Much of the law is boring. There are motions and briefs and hearings that are certainly not entertaining.”

Figure 2. Film Influence on Clients' Expectations

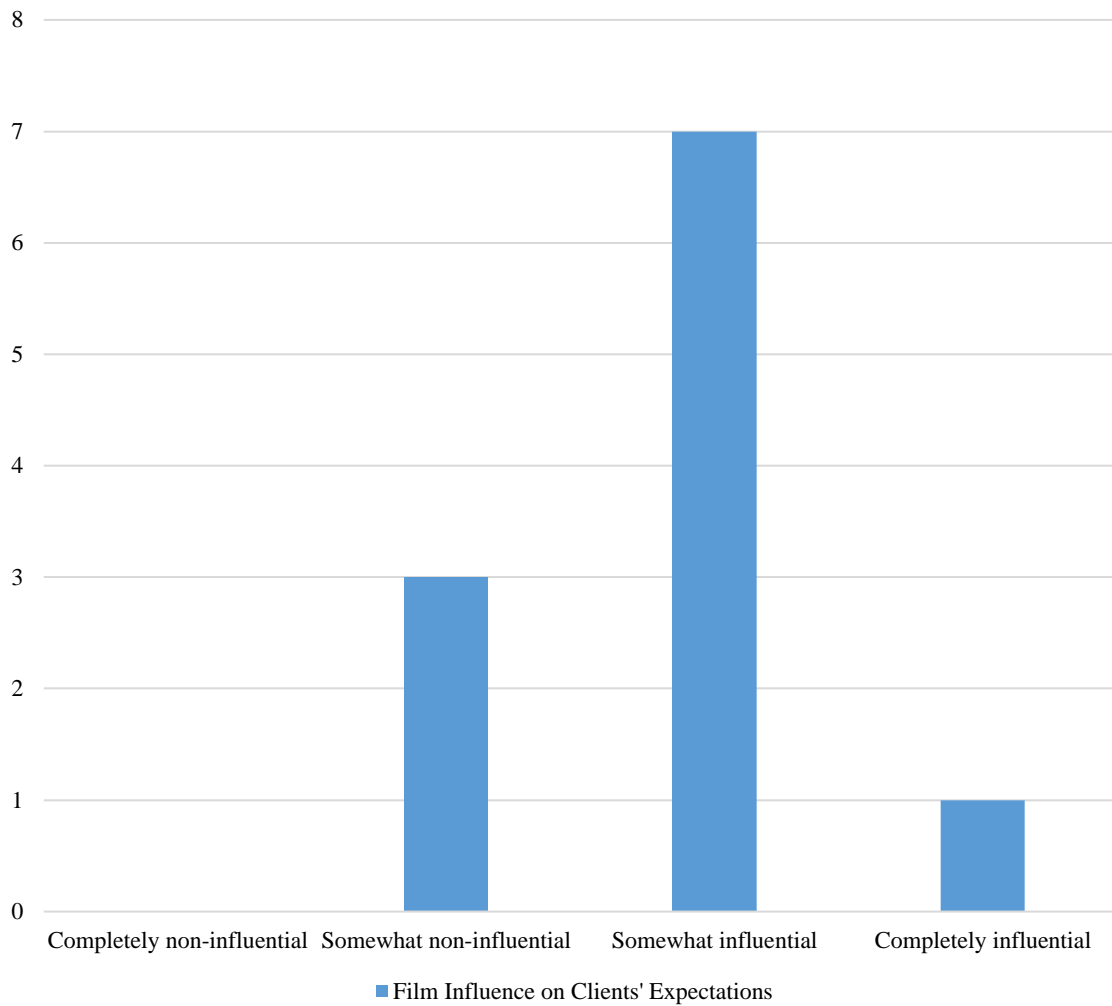
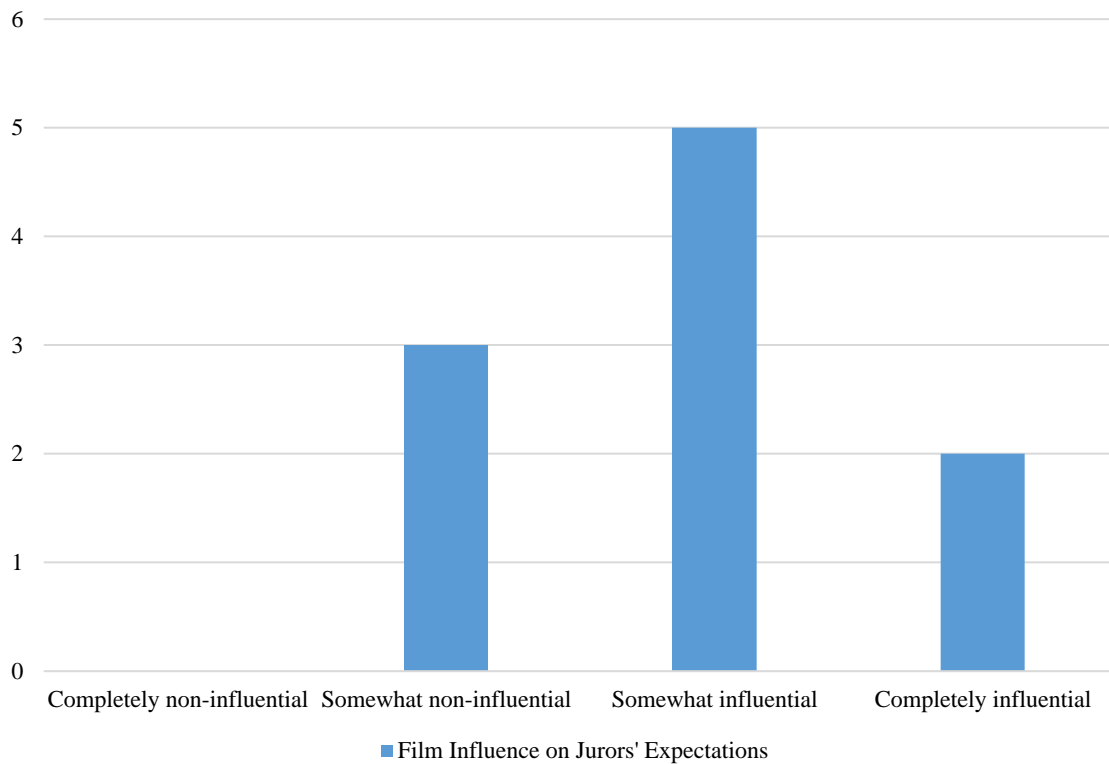


Figure 3. Film Influence on Jurors' Expectations



The next portion of the survey instrument tasked these lawyers with viewing a clip from a legal movie and assessing its accuracy in relation to a typical American courtroom proceeding from “completely inaccurate” to “completely accurate.” Results demonstrate a recurring conflict among respondents between how much weight the procedural aspect (how a procedure appears in a courtroom and if that procedure is done properly) versus the substantive aspect (interactions between characters, questions being asked, the overall content of the dialogue) of a legal process should be given in terms of ranking a clip for its accuracy.

Figure 4 reveals the data from respondents regarding the delivery of opening statements as seen in the film *Philadelphia* while Figure 5 covers the responses to the depiction of the delivery of closing arguments that was shown in *A Time to Kill*. Many

attorneys felt that the depiction of the delivery of opening statements from *Philadelphia* was at least somewhat accurate because of its faithful depiction of the procedural and substantive aspects of the delivery of opening statements as it would appear in a real-world setting. Some attorneys mentioned that in the real world, the content would be “more polished” or go into greater detail than what was delivered in the movie, but the realistic procedural aspect was a major reason for why most attorneys ranked the depiction as accurate. Those attorneys who felt that the depiction was more inaccurate than accurate felt that the substantive aspect was lacking in terms of execution. One respondent elaborated that:

Opening statements are never that short and sweet. Yes, you will want to tell a story in your opening statement - your entire case will have some sort of theme that you will weave in - beginning with your opening statement. But they are typically never that short.

One respondent did not provide a response and claimed that they did not have the knowledge to faithfully answer the question, as they do not practice before a jury.

Figure 4. Delivery of Opening Statements (Philadelphia)

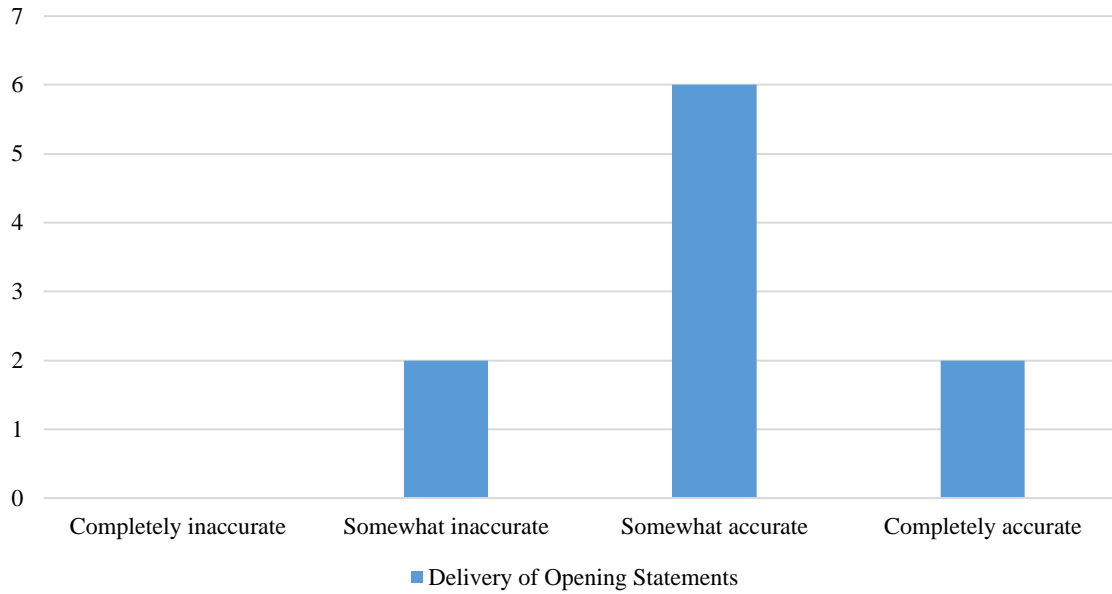
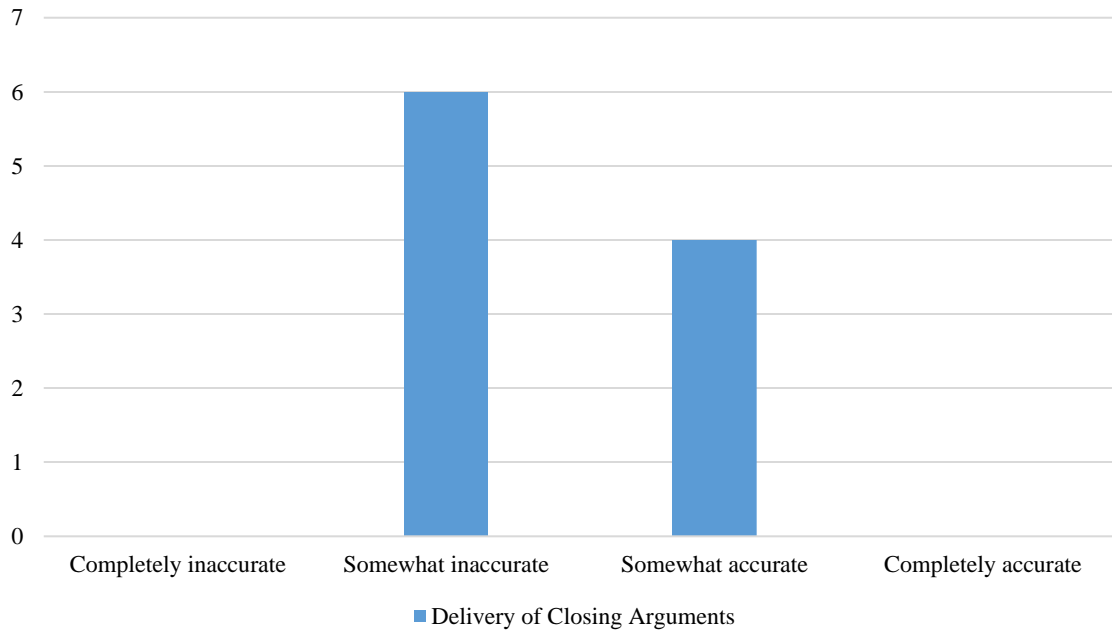


Figure 5. Delivery of Closing Arguments (A Time to Kill)



A Time to Kill's depiction of closing arguments was much more divisive amongst these lawyers as sixty percent of respondents felt that these arguments were somewhat inaccurate and forty percent labeled the depiction as somewhat accurate. This was largely

due to the poor substantive representation of what was said in the closing argument which eight out of eleven (72.7%) respondents felt was the main issue with the process' portrayal. One lawyer stated that, "It was very dramatic and emotional. However, the closing has to bring the facts together in a cogent way, and I do not believe he is successful at doing it. He was certainly able to prejudice the jury." Half of the attorneys that scored the process as accurate felt the content of the closing argument was good, but it wasn't typical of a traditional closing argument; this is in contrast with the other attorneys who labeled the depiction as accurate not because of its content but because of it being procedurally sound. In justifying their ranking, another lawyer stated that, "This is not the typical approach or theme for a closing argument that I've seen, but I have been a part of one trial where this approach - invoking of emotional bias - [was] used by a plaintiff in closing." Again, one respondent left the question blank for the same reason they gave for the *Philadelphia* clip.

Figures 6 and 7 cover perceptions of the next two movie clips: the jury selection voir dire examination process from *Marshall* and the expert witness voir dire examination process in *My Cousin Vinny*, respectively. Relatively all of the attorneys agreed that the content of the jury voir dire process portrayed in *Marshall* was accurate to how it appears in a typical courtroom setting. There was a sole attorney who did not provide a response because they did not feel they had the personal knowledge related to the process to warrant a faithful answer. Again, the discrepancy between a ranking of accuracy and inaccuracy was the prioritization of either substance or procedure. The two attorneys who responded "inaccurate" both felt the content was "spot on," but that the procedure was too atypical to warrant a rating of accurate. The majority of attorneys who ranked the clip

accurately decided that the quality of the content outweighed the atypical nature of the procedure and allowed a ranking of accurate. One attorney summed up the feelings of the attorneys who voted accurate:

This is accurate in that we are always trying to discern the juror's inner workings and thinking about why that would be good or not for our case. I have never had a jury selection where I was allowed to question the potential jurors separately, however.

The clip from *My Cousin Vinny* about the expert witness voir dire examination process was the most divided, with an even split of accurate and inaccurate. Those who claimed the film was accurate found that, while often overdramatic, the actual depictions were faithful to the real-world process: “While the dramatization may seem to make this inaccurate, the voir dire is very well done. The witness was qualified and proved her qualifications by experience.” Another attorney remarked that, “[This clip is] one of the most accurate scenes in legal cinema. I have literally done this at court and qualified a person on a topic on the fly before in a case.” These reasonings, however, seem to contradict the attorneys who ranked it inaccurately; the majority of these attorneys stated that the procedure was just all wrong and needed to be done in advance. It must be noted that another respondent did not answer for the same reason provided in the *Marshall* clip. Still, the procedural aspect of the clip was the most divisive aspect of the clip among those who provided an answer.

Figure 6. Jury Selection Voir Dire Examination Process (Marshall)

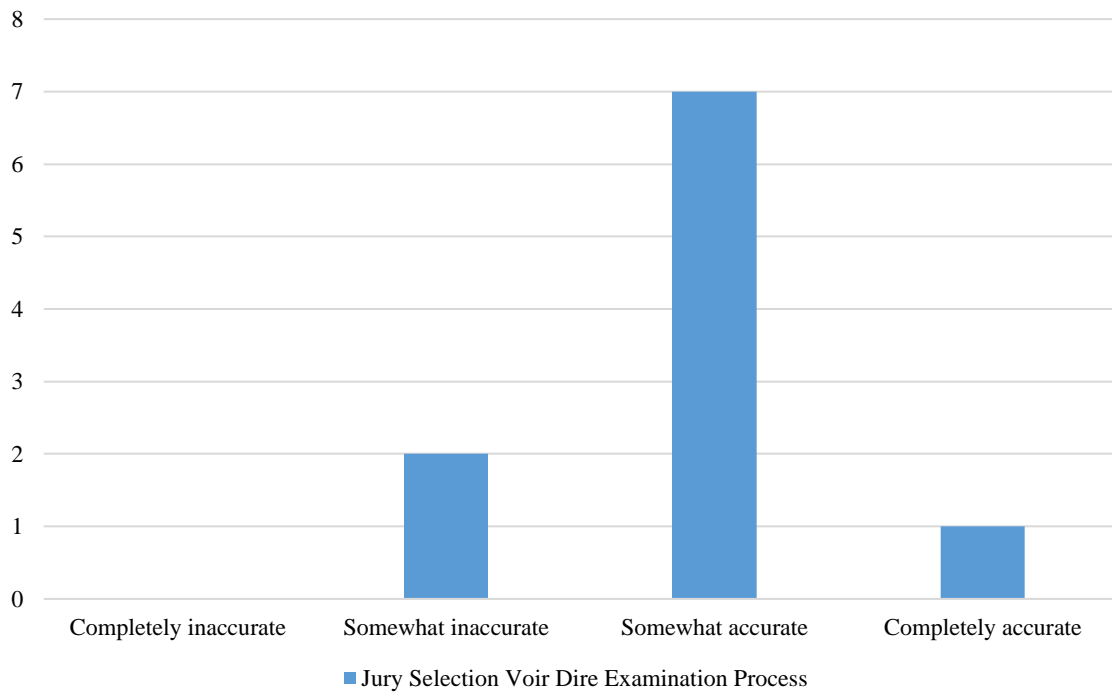
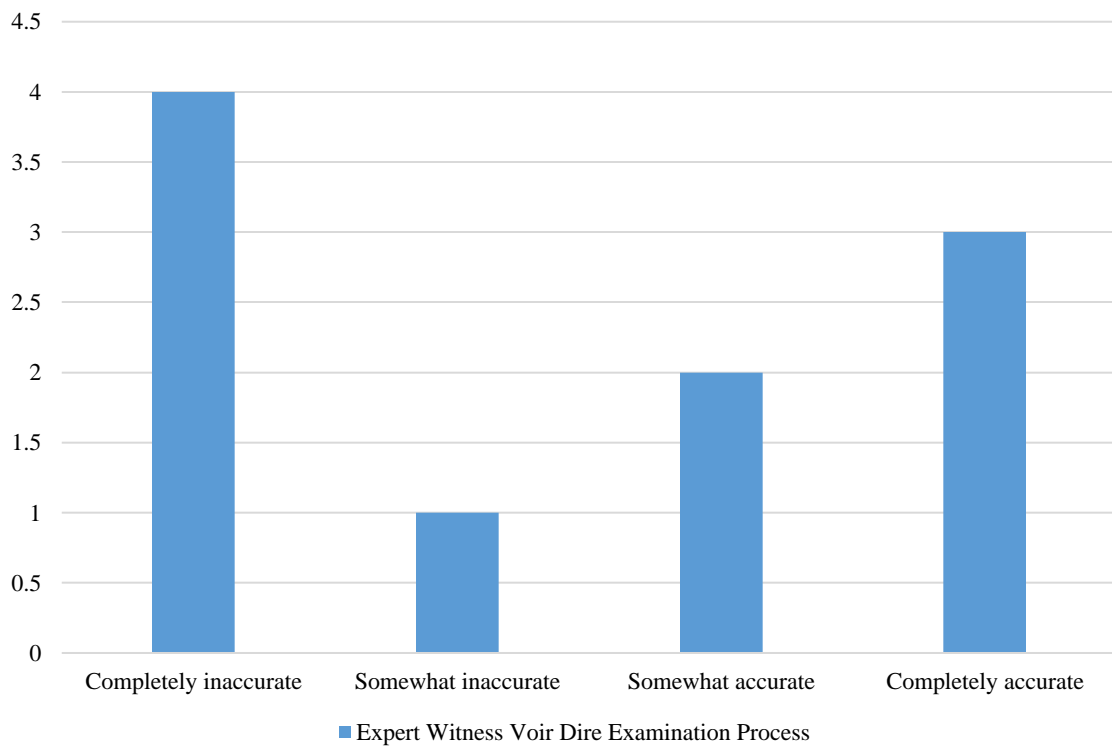


Figure 7. Expert Witness Voir Dire Examination Process (My Cousin Vinny)



The final two legal processes that the respondents were asked to score for accuracy were the direct examination process through *To Kill a Mockingbird*'s portrayal in 1962 and the cross-examination process shown in *Young Mr. Lincoln* (1939); Figure 8 and Figure 9 show these results from the respondents. After viewing the direct examination process depicted in *To Kill a Mockingbird*, many attorneys called out issues with the physical layout of the courtroom, the dramatization, and the atypical nature of how it might look in a modern American courtroom proceeding. However, they all seemed to agree that the content and procedure presented in the clip was enough to warrant a ranking of accurate. The sole attorney who voted inaccurate could not get past how completely atypical the clip was from a normal courtroom proceeding: "There are several things about this scene which are not typical from my experience. The witness sitting in the middle of the courtroom, the way the jury and gallery are situated, and even the fact that a defendant is testifying in a criminal case are all unusual." Therefore, the main issue between scoring the clip accurately or inaccurately was the atypicality of the procedure.

Finally, most of the attorneys felt that the depiction of the cross-examination process as seen in *Young Mr. Lincoln* was inaccurate because of the laden procedural errors in the cross-examination process. However, the two attorneys who disagreed and ranked the film as accurate felt that the content was either faithful (until the procedural error) or that the content of cross-examinations was hard to rank due to the less restrictive nature of cross-examinations. Procedural inaccuracies, though, were the main reasonings behind this clip's poor scores.

Figure 8. Direct Examination Process (*To Kill a Mockingbird*)

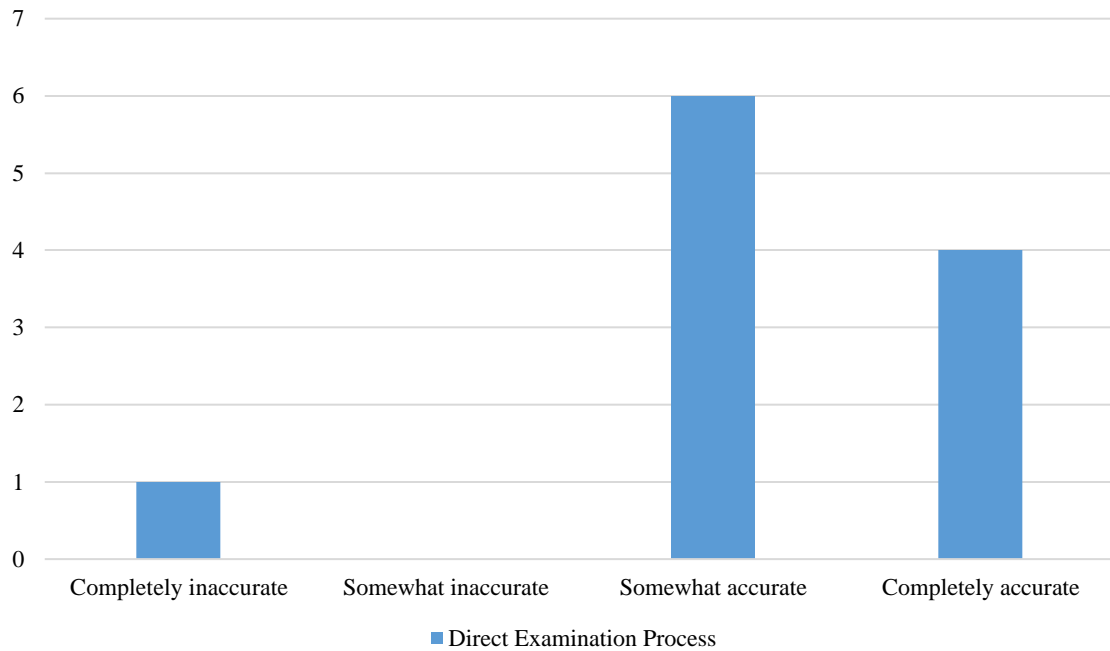
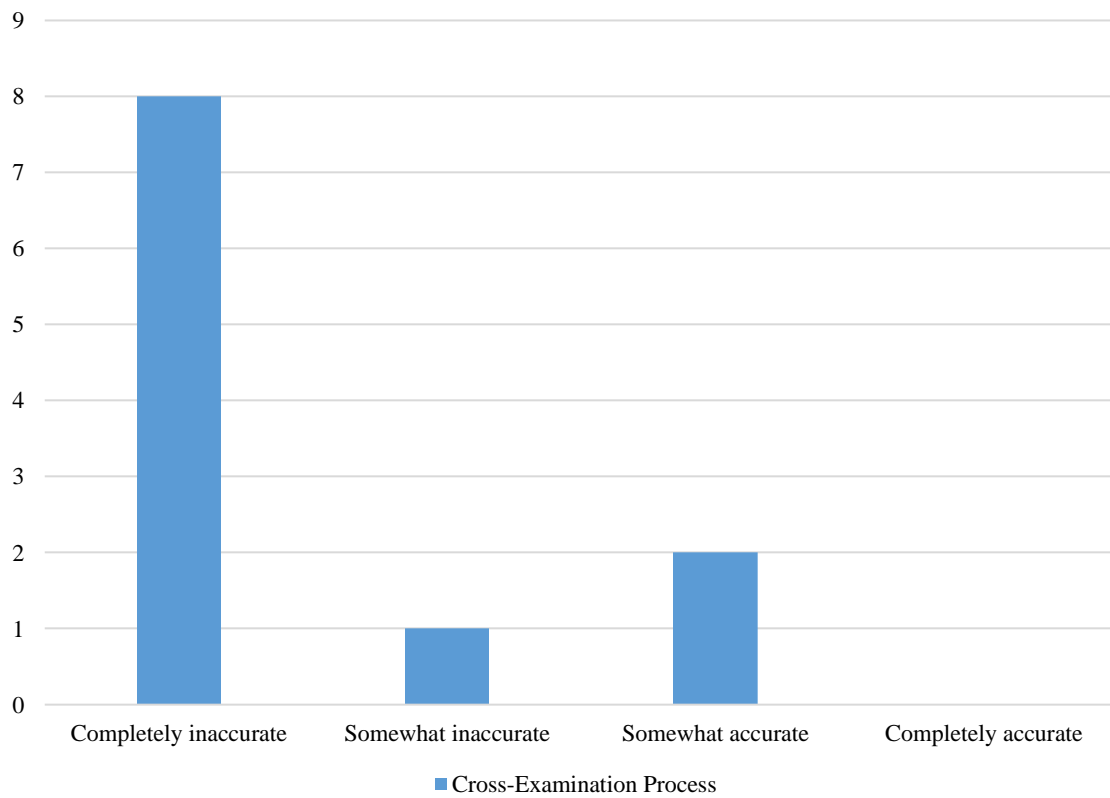


Figure 9. Cross-Examination Process (*Young Mr. Lincoln*)



Content Analysis of Films

The content analysis of popular films depicting lawyers reveals how representations of lawyers' behaviors are complex, and that lawyers are shown as having many positive traits. Forty-two (42) lawyers within nineteen (19) films were analyzed. Table 3 depicts the demographic characteristics of the film characters and information about their experience in law. There was little variation in the physical appearance of attorneys within these films. An overwhelming majority of the lawyers coded in the content analysis were White (92.9%) and male (88.1%). Additionally, just over half of the attorneys were depicted at some point in the film as middle-aged at 57.1%. In a few instances, a film skipped forward in time. Therefore, some lawyers were counted multiple times within the age variable as a result of these time skips. Lawyers were counted multiple times in other variables, more specifically experience, employment status, representation, income, and relationship status – as a result of their changing statuses in these variables throughout the course of a film.

There was much more diversity when it came to areas surrounding the attorney's employment. Most films did not explicitly state where the lawyer worked or how much legal experience they had. Roughly one third of the attorneys practiced criminal law (31.0%), and just over one third represented criminal defendants (38.1%). The area of law in which the attorney routinely practiced was very rarely differentiated from the area of law they practiced throughout the course of the film. The bulk of these lawyers were depicted as having a middle-class income and lifestyle with only 19.0% being portrayed as upper-class or wealthy in relation to the film's plot. The data regarding these depictions of income was based on several factors such as material possessions (nice

suits, fancy cars, large homes), plot devices (such as an overwhelming pile of bills), or spoken lines about income level by and between characters in the film. Finally, most of the lawyers whose relationship status was represented in the film were shown as married with some form of family or children. However, only 11.9% of these families or children were impacted by the lawyer's practice of law as seen in films such as *Marshall*, *Bridge of Spies* (2015), or *A Time to Kill*, where the lawyer's family was attacked or threatened because of the client the lawyer is representing. At several points in the data, some instances are marked "Unclear." For example, if not explicitly stated within the course of the film, it was difficult to say for certain the amount of legal experience an attorney possessed.

Table 3*Description of Lawyers*

Variable	Frequency	Percent
<i>Gender</i>		
Male	37	88.1
Female	5	11.9
<i>Race/Ethnicity</i>		
White	39	92.9
Black	2	4.8
Other	1	2.4
<i>Age</i>		
Younger (26-35 years old)	13	31.0
Middle Aged (36-50 years old)	24	57.1
Older (50+ years old)	8	19.0
<i>Experience</i>		
Little (0-5 years)	9	21.4
Moderate (6-10 years)	4	9.5
Substantial (11+ years)	7	16.7
Unclear	25	59.5
<i>Employment Status</i>		
Government	12	28.6
Law Firm	10	23.8
Solo Practitioner	5	11.9
Unemployed	2	4.8
Unclear	20	47.6
<i>Area of Law</i>		
Criminal Law	13	31.0
Corporate Law	8	19.0
Civil Rights Law	5	11.9
Military Law	4	9.5
Personal Injury Law	4	9.5
Insurance Law	2	4.8
Elder Law	1	2.4
Family Law	1	2.4
Gender Law	1	2.4
Tax Law	1	2.4
Unclear	2	4.8
<i>Differentiation in Area of Law from Film's Plot</i>		
Yes	2	4.8
No	40	95.2

Table 3 (continued)

<i>Representation</i>		
Criminal Defendant	16	38.1
Government/State	9	21.4
Plaintiff	7	16.7
Not Representing a Client	6	14.3
Civil Defendant	5	11.9
<i>Income</i>		
Upper-Class	8	19.0
Middle-Class	34	81.0
Lower-Class	2	4.8
<i>Relationship Status</i>		
Married	15	35.7
Single	5	11.9
Divorced	3	7.1
Unclear	21	50.0
<i>Family/Children</i>		
Yes	15	35.7
No	4	9.5
Unclear	23	54.8
<i>Family Affected by Lawyer's Profession</i>		
Yes	5	11.9
No	10	23.8
Unclear	27	64.3

The personality and social traits of the characters are documented in Table 4.

These results illustrate that many of the attorneys were represented positively. More specifically, most of these attorneys were categorized as “justice-oriented.” Attorneys of this distinction had the prime goal throughout the film to see justice carried out, even if it resulted in an unfavorable outcome for their client; these attorneys viewed the law above all else. Examples of these attorneys include Wendell Rohr from *Runaway Jury* (2003), who consistently fought to have gun laws changed because he believed it was the right thing to do and turned down a bribe that would win him the case with a tampered jury, or Albert Burnside in *Nothing but the Truth* (2008) who offered to work pro bono for his

client who he strongly felt has suffered an injustice. This personality trait is in direct contrast with the few attorneys who were depicted as “victory-oriented,” or attorneys whose prime goal throughout the film was to win their case or receive compensation for doing so, regardless of their client’s guilt, innocence, or the validity of their case; this included the lawyer being depicted as greedy. Examples of victory-oriented attorneys included: Harry Rex Vonner in *A Time to Kill*, who refused to work on a case because he viewed it as an “unwinnable, bleeding-heart, lose-all-my-friends, straight-to-the-gas-chamber” case with no real benefits to him; or Hank Palmer from *The Judge* (2014), who, when asked how he felt knowing all the people he represents are guilty, responded, “It’s fine. Innocent people can’t afford me.”

Other positive traits woven into the majority of the depictions speak to the content of a lawyer’s character. These include displaying responsibility, empathy, and selflessness, which at least half of the attorneys exhibited at some point in the film. However, even the characters that were perceived positively sometimes had disagreeable or unlikeable personality traits. Albert Burnside was depicted as a selfless, empathetic, responsible, and justice-oriented character – yet he constantly displayed arrogance through the way he boasted about his lifestyle as an attorney. Similarly, in *My Sister’s Keeper* (2009), Campbell Alexander displayed the same positive traits that Alan Burnside did, but he arrogantly bragged about his legal accomplishments, such as his ninety-one percent success rate and his claim that he “sued God and won.”

Ultimately, it is clear from the data in Table 4 that, rather than displaying unlikeable characters who may exhibit positive traits as referenced in other sources of literature, these depictions often show flaws in otherwise likeable characters, and that

there are more positive depictions of lawyers within these films than there are negative depictions with respect to how these lawyers are being portrayed to the audience.

Table 4

Personality and Social Traits of Lawyers

Depictions	Frequency	Percent
Justice-Oriented	34	81.0
Responsible	30	71.4
Empathetic	30	71.4
Selfless	21	50.0
Arrogant	13	31.0
Insensitive	9	21.4
Victory-Oriented	6	14.3
Self-Focused	4	9.5
Untrustworthy	3	7.1

Table 5 illustrates how additional characters within the film, such as clients, lawyers, judges, or other characters (i.e., those who are not either a judge, attorney, or client) viewed the lawyers. It is interesting to note that these perceptions of lawyers varied significantly based on that character’s role in the film and who the lawyer chose to defend.

Clients of the film’s attorney generally had more favorable perceptions of the attorney than other types of characters, with roughly over one-third (38.1%) of clients exhibiting positive emotions or perceptions of the attorney such as praise, recommending the lawyer’s services to others, or overall satisfaction towards the lawyer. Note that the bulk of the lawyers within the films represented either the state or government, or a corporate entity that could not adequately perceive or have perceptions of the lawyer; these lawyers and instances are represented as “Not Applicable” in the data.

However, clients did express various negative perceptions of these lawyers, with around one-fifth (21.4%) of clients experiencing frustration or distress with the lawyer. The main reason behind clients exhibiting frustration or distress with the lawyers in these films was due to the client disagreeing with the lawyer's defense strategy or how they were managing the case; this also explains why 7.1% felt overall dissatisfied with the lawyer's representation of their case. Examples of this are present in *Runaway Jury*; the plaintiff felt distressed about the way the proceedings had been going and confided in her lawyer (Wendell Rohr) that she was not confident in their ability to win. On the other hand, the defendant was frustrated with his attorney (Durwood Cable) when he was embarrassed by the plaintiff's attorney upon taking the witness stand and claimed that he was "improperly prepped before taking the stand" by his attorney. This can potentially be explained, however, by the fact that encounters with the legal profession can warrant an excessive amount of distress and frustration on their own. Thus, clients feeling distressed about the litigation process and subsequently channeling that frustration or distress onto their legal counsel should be taken into consideration when viewing the data regarding negative perceptions by clients in Table 5.

Table 5*Perceptions of Lawyers*

Other Characters	Frequency	Percent
<i>Client</i>		
Positive	16	38.1
Romantic	0	0
Disparage/Ridicule	5	11.9
Frustration/Distress	9	21.4
Physical Aggression	1	2.4
Criminalized by Lawyer	0	0
Criminalizes Lawyer	0	0
Underhanded	0	0
Dissatisfied	3	7.1
Dislikes due to Occupation	0	0
Not Applicable	19	45.2
<i>Other Lawyers</i>		
Positive	21	50.0
Romantic	2	4.8
Disparage/Ridicule	23	54.8
Frustration/Distress	15	35.7
Physical Aggression	0	0
Criminalized by Lawyer	0	0
Criminalizes Lawyer	0	0
Underhanded	5	11.9
<i>Non-legal Characters</i>		
Positive	16	38.1
Romantic	12	28.6
Disparage/Ridicule	23	54.8
Frustration/Distress	11	26.2
Physical Aggression	5	11.9
Criminalized by Lawyer	0	0
Criminalizes Lawyer	5	11.9
Underhanded	1	2.4
Dislikes due to Occupation	1	2.4
<i>Judges</i>		
Positive	5	11.9
Romantic	0	0
Disparage/Ridicule	1	2.4
Frustration/Distress	7	16.7
Physical Aggression	0	0
Criminalized by Lawyer	0	0
Criminalizes Lawyer	0	0
Underhanded	0	0

Other lawyers and non-legal characters in the films expressed mixed emotions and behaviors towards the lawyers being coded. Many other lawyers expressed positive emotions (50%) and some even became romantically involved with the lawyers (4.8%). Roughly over one-third (38.1%) of non-legal characters felt positive emotions towards the lawyer, and a little less than one-third experienced some kind of romantic involvement with the attorney (28.6%).

However, the data also reveals that there were overwhelming instances of other lawyers and non-legal characters disparaging or ridiculing the lawyer (54.8%). In addition to these disparaging or ridiculing remarks, other lawyers and non-legal characters were the most likely to experience frustration or distress with the coded attorney at 35.7% and 26.2% respectively. These two groups were also the most likely to commit criminal acts against the lawyer, become physically aggressive with the lawyer, or view the lawyer as underhanded in their practice. There are some interesting patterns that arise when the data are more closely analyzed as to the reasons why these characters could feel such negative emotions towards the attorneys.

In general, most lawyers who had negative opinions about the coded lawyers were members of the opposing counsel. An example of such is seen in *A Time to Kill*, where prosecutor Rufus Buckley diminished protagonist Jake Brigance for his inexperience in the law. When Buckley was told that Brigance is going to defend Carl Lee, Buckley replied “Well, today isn’t even my birthday. Brigance couldn’t tie his own tie without [his mentor].” The second group of attorneys who harbored ill feelings towards the coded attorneys were members of that attorney’s co-counsel, i.e., people working for or with the attorney in question. There were variations as to the reasoning, but the main point of

contention was how the attorney was conducting the case. The most clear example of this comes from *A Few Good Men* (1992), where Daniel Kaffee, JoAnne Galloway, and Sam Weinberg routinely argued about the way each attorney was handling the case; Kaffee referred to Galloway's ideas for their defense strategy as "stupid," and in a separate argument Galloway ridiculed Kaffee, stating, "You know nothing about the law. You're a used car salesman; you're an ambulance chaser with a rank." Another group was attorneys with a grudge against the coded attorneys, who were either bosses of the attorneys who did not care for the way the attorney's actions would reflect on the firm, or other lawyers that did not have a direct connection to a case that the attorney had (not co-counsel or opposing counsel). These attorneys most often didn't like the personality of the attorney or did not agree with the way they practiced law or handled a particular case.

As for non-legal characters, there were several factors as to why non-legal characters perceived lawyers negatively. The most prevalent reason a lawyer was ridiculed or disparaged by a non-legal character was because of their overall personality. Some lawyers who were disparaged or ridiculed by non-legal characters had consistently poor personality traits; of those lawyers, a few were classified as their film's antagonist, and so an unfavorable personality trait may have been the result of their role in the film's plot. A notable example of the lawyers with unlikeable personality traits was Hank Palmer from *The Judge* who was routinely self-centered and a jerk towards fellow attorneys and family members.

Morality was a factor that non-legal characters used to justify various negative feelings they had towards the lawyer. However, in some cases, characters who were deemed to have poor personality qualities or questionable morals by non-legal characters,

were not necessarily represented this way throughout the film or to all characters. For instance, Wendell Rohr from *Runaway Jury* was ridiculed by a character for being too “morally naïve,” asserting that his positive moral compass was going to cost him the case. In another example, in *Spotlight* (2015), the news team constantly ridiculed Eric MacLeish for sitting back and not speaking out about the cases in which he was involved regarding sexual crimes and Catholic priests. However, MacLeish sent out a list of these priests to the news team several years prior. Finally, Jim Donovan of *Bridge of Spies* generated frustration from CIA agents after he altered the terms of the prisoner swap, demanding two American prisoners of war be exchanged for one Russian prisoner. These examples illustrated how non-legal characters often imposed their own sense of morality upon these lawyers despite what might otherwise be considered moral behavior of the coded attorneys.

Social relationships mattered in non-legal characters’ perceptions of lawyers. Negative feelings from non-legal characters were often biased by the characters’ emotions or involvement in the plot. A lot of negativity from non-legal characters was generated through client representation where the non-legal characters held ill feelings towards the lawyer because of their biased resentment towards the client. For example, if a lawyer was criminally victimized by a non-legal character, 80% of the time it was because of the client he or she was representing in the film. This asserts that client representation has a major impact on lawyers in films, both by means of criminal offenses towards the lawyer as well as overall contempt for the lawyer. Two of the lawyers were assaulted because their client was Black (Sam Friedman in *Marshall* and Jake Brigance in *A Time to Kill*). One lawyer had their house shot up because he was

representing a presumed Russian spy (Jim Donovan in *Bridge of Spies*). The settings of some of the films should be noted, as *Marshall* took place during the Civil Rights movement and *Bridge of Spies* during the Cold War. Another lawyer was shot because his client was a pioneer in the taboo pornographic magazine industry (Alan Isaacman in *The People vs. Larry Flynt* (1996)). Further, five out of eleven non-legal characters who exhibited frustration or distress with the lawyer were related to the lawyer in some way, and the source of frustration was usually over a family matter. Examples of this are seen in *My Sister's Keeper* with Sara Fitzgerald constantly battling her family members about her neglect of her other children to focus on her sick child, or in *Conviction* (2010) with Betty Anne fighting with her husband and children over her obsession to release her brother from his wrongful prison sentence.

In regard to judges of a film, not a lot of information was ascertained regarding how the film's judge (if any) felt about the lawyer, but from the films where an emotional interaction between the two was evident, the most prominent emotion towards the lawyer was frustration or distress at a frequency of 16.7%, and the second strongest perception was positive at 11.9%. Films where these judges experienced frustration with the attorneys included *Marshall*, where the judge did not allow Thurgood Marshall the ability to talk in the courtroom or conduct the case on his own (most likely because Thurgood Marshall was Black), or in *My Sister's Keeper* where the judge was disgruntled by Campbell Alexander's emotional support dog disrupting the court.

The last table of data from the content analysis, Table 6, analyzes the lawyer's overall significance and relation to the film's plot. A slight majority of the forty-two lawyers within these films were not depicted as protagonists nor antagonists in the film's

plot and mainly served as side or background characters at 45.2%; the next highest percentage of lawyers were protagonists of the film at 42.9%. Regarding the outcome of the case they were involved in throughout the film, the film's lawyer was most likely to win his or her case at the conclusion of the movie. The data marked "Other" represents the outcomes in which the lawyer may have won one aspect or charge in a case but lost another. An example of this would be the attorneys Hank Palmer and Dwight Dickham from *The Judge*. Hank Palmer received a verdict of not guilty of first-degree murder for his client, but lost the charge of manslaughter; Dwight Dickham, the film's prosecutor, won the inverse of those verdicts. Those two lawyers who were not involved in a case central to the plot of the film were labeled under Not Applicable. Finally, only two lawyers had a significant change in heart about the way that they practiced law. The first is Sam Friedman of *Marshall*, who, despite routinely advocating that he did not want to get involved with the film's central case because he was just an insurance lawyer, eventually switched his practice to civil rights law. The other is Daniel Kaffee of *A Few Good Men*, a lawyer who only sought to get his clients the best plea deal he could without trying the case. At the conclusion of the film, he had a change of heart and devotes his time to conducting the best litigation he could provide for his clients.

Table 6*Film Significance*

Plot Devices		Frequency	Percent
<i>Role in Film</i>			
	Protagonist	18	42.9
	Antagonist	5	11.9
	Neither	19	45.2
<i>Outcome of Case</i>			
	Win	19	45.2
	Loss	6	14.3
	Not Applicable	2	4.8
	Other	15	35.7
<i>Change of Heart Regarding Law</i>			
	Yes	2	4.8
	No	40	95.2

CHAPTER V: DISCUSSION AND CONCLUSIONS

Considering the power of the media, this study aimed to assess the content and impact of representations of lawyers and the legal profession in film. Existing literature suggests that movies often provide distorted and tainted depictions of the legal field and negatively represent those who comprise it. This study finds that, contrary to sources that maintain that the bulk of film lawyers have overwhelmingly negative characteristics, representations of lawyers in contemporary films exhibit a surplus of positive characteristics, either through the way in which they practice law or because of their fundamental character traits.

These representations are complex, however, and lawyers are not represented as universally positive. Other characters sometimes expressed negative emotions towards lawyers, for instance. One reason for this is the way films represented tensions among the different lawyers in the films. The legal profession is often an adversarial profession and seeing opposing attorneys quarreling with one another makes sense not only as a somewhat accurate depiction of the legal profession itself but also in terms of the plot of a film. The protagonists are going to need antagonists or other side characters to dispute with to drive forth the plot. Interestingly, a significant chunk of negative emotions towards lawyers came from members of the same team as the lawyer. One could argue that this is also typical in the legal profession, as multiple lawyers working on the same case are bound to experience stress and/or tension about the best way to proceed with the case. Further, client representation generated tension in the film. For example, characters not involved in the legal profession sometimes expressed ill feelings towards lawyers because of their biased resentment towards the clients that lawyers represented.

Lawyers were also questioned over their morality and personality traits. Here representations of lawyers were diverse. For instance, sometimes the film used morality as a point of tension to highlight the extreme morality of lawyers. As another example, in other cases, lawyers were represented as having some positive as well as some negative personality traits. It must be noted that that the films were focused largely on the stories of White middle-class male lawyers, which reinforces the negative stereotype that Hollywood believes lawyers should be White middle-class men.

These representations are important to analyze because they can shape the way the American public views lawyers, and subsequently impact the way clients and jurors interact with lawyers and the legal system. Relatively limited research has examined this topic. This study asked lawyers to reflect on the issue. Although the sample was limited in size, lawyers themselves were positively impacted by the media to join the legal profession. They particularly admired films where lawyers fought for justice for the underdog. Further, they argued that films do impact clients and jurors. They argued that sometimes clients and jurors believe exaggerated movie depictions that are made for entertainment value. When asked to analyze the accuracy of movies in representing aspects of the legal process, their answers diverged. They found some aspects of these films accurate and other aspects inaccurate. This is evidenced by the results of the clip from *Philadelphia* that deemed the delivery of opening statements in the film procedurally accurate but inaccurate in terms of substance.

Overall, then, representations of the legal profession matter, and they appear to have gotten better over the past three decades. Thus, future research should explore the impact of these more positive representations of the legal field on the American public,

including lawyers, clients, and jurors. It may inspire respect and admiration for the field, as it did for the surveyed lawyers who chose to work in the field. However, it could lead to conflicts, confusion, and disillusionment, for instance when clients misunderstand the limitations of forensic evidence. It is my sincerest hope that this study will serve as the groundwork that paves the way for other scholars to explore these issues.

APPENDIX A: IRB APPROVAL LETTER

Office of
Research Integrity



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NOTICE OF INSTITUTIONAL REVIEW BOARD ACTION

The project below has been reviewed by The University of Southern Mississippi Institutional Review Board in accordance with Federal Drug Administration regulations (21 CFR 26, 111), Department of Health and Human Services regulations (45 CFR Part 46), and University Policy to ensure:

- The risks to subjects are minimized and reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered involving risks to subjects must be reported immediately. Problems should be reported to ORI via the Incident submission on InfoEd IRB.
- The period of approval is twelve months. An application for renewal must be submitted for projects exceeding twelve months.

PROTOCOL NUMBER: 22-501
PROJECT TITLE: Depiction of American Litigation in Movies
SCHOOL/PROGRAM Political Science & Legal Studies
RESEARCHERS: PI: Bryson Reeves
Investigators: Reeves, Bryson~Fennell, Dana~
IRB COMMITTEE ACTION: Approved
CATEGORY: Expedited Category
PERIOD OF APPROVAL: 08-Dec-2022 to 07-Dec-2023

A handwritten signature in cursive script that reads "Donald Sacco".

Donald Sacco, Ph.D.
Institutional Review Board Chairperson

APPENDIX B: SURVEY INSTRUMENT

Depiction of American Litigation in Movies

INFORMED CONSENT

Project Information

Project Title: Depiction of American Litigation in Movies

Principal Investigator: Bryson Reeves

Phone: (228) 860-8981

Email: bryson.reeves@usm.edu

College: Honors

School and Program: The University of Southern Mississippi School of Social Science and Global Studies

Research Description

Purpose: This study will assess how local lawyers feel about how Hollywood portrays lawyers and courtroom proceedings. Your participation in this survey, through assessing the accuracy of the law as depicted in Hollywood movies, will provide valuable support in determining how these movies may or may not impact laypeople's understanding of the American legal system.

Description of Study: You will complete a survey in which you will watch six (6) short clips from different lawyer movies and then rank the accuracy and authenticity of that clip. You will also be asked some questions about the media as well as questions about your work in the legal profession. This survey will take approximately 40 minutes to complete.

Benefits: Your participation will be entirely voluntary. Your participation in this survey, through assessing the accuracy of the law as depicted in Hollywood movies, will provide valuable support in determining how these movies may or may not impact laypeople's understanding of the American legal system.

Risks: There are no foreseeable risks that may derive from participating in this thesis research project.

Confidentiality: This survey is anonymous. Any personally identifiable information will be kept confidential to the extent provided by law.

Alternative Procedures: No alternative procedures will be offered as participation in the thesis research project is entirely voluntary.

Participant's Assurance: This project and this consent form have been reviewed by the Institutional Review Board of The University of Southern Mississippi, protocol #22-501. The Institutional Review Board ensures that research projects involving human subjects follow federal regulations. Any questions or concerns about rights as a research participant should be directed to the Chair of the Institutional Review Board, The University of Southern Mississippi, 118 College Drive #5125, Hattiesburg, MS 39406-0001, (601) 266-5997. Any questions about this research project should be directed to the Principal Investigator using the contact information provided above.

1. CONSENT TO PARTICIPATE IN RESEARCH

I understand that participation in this project is completely voluntary, and I may withdraw at any time without penalty, prejudice, or loss of benefits. Unless described above, all personal information will be kept strictly confidential, including my name and other identifying information. All procedures to be followed and their purposes were explained to me. Information was given about all benefits, risks, inconveniences, or discomforts that might be expected. Any new information that develops during the project will be provided to me if that information may affect my willingness to continue participation in the project. By clicking the box below, I give my consent to participate in this research project. ***If you do not wish to participate in this study, please close your browser now.***

Check all that apply.

Yes, I consent to participate.

Preliminary Questions

Please discuss three movies that have had the greatest influence on your career in the legal field (e.g. shaped how you view the law, influenced you to become a lawyer, and led you to practice a certain area of law).

2. 1. Name of Movie #1

3. 1a. Description of how it influenced you:

4. 2. Name of Movie #2

5. 2a. Description of how it influenced you:

6. 3. Name of Movie #3:

7. 3a. Description of how it influenced you:

Skip to question 8

Preliminary Questions

8. 1. On a scale from 1-4, with 1 being completely non-influential and 4 being completely influential, please select the corresponding number to indicate how much you feel your *clients'* expectations about lawyers and courtroom proceedings have been influenced by the depiction of lawyers and litigation in movies:

Mark only one oval per row.

1 - Completely non- influential	2 - Somewhat non- influential	3 - Somewhat influential	4 - Completely influential
--	--	--------------------------------	----------------------------------

Make
your
selection:

9. 2. Please explain why you chose this score, in as much detail as possible:

10. 1. On a scale from 1-4, with 1 being completely non-influential and 4 being completely influential, please select the corresponding number to indicate how much you feel *jurors'* expectations about lawyers and courtroom proceedings have been influenced by the depiction of lawyers and litigation in movies:

Mark only one oval per row.

	1 - Completely non- influential	2 - Somewhat non- influential	3 - Somewhat influential	4 - Completely influential
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. 2. Please explain why you chose this score, in as much detail as possible:

CLIP ONE:

Please watch the following clip from *Philadelphia*. If you have trouble viewing it in the browser, you can click this link: <https://www.youtube.com/watch?v=nWsRU4r357k>. The context of this scene is that both counsel for the defense and counsel for the plaintiff are providing their opening statements in a case about wrongful termination on the grounds of discrimination. After viewing the clip, please answer the following questions to the best of your ability:

Philadelphia - Opening Statements



<http://youtube.com/watch?v=nWsRU4r357k>

12. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the delivery of opening statements as it exists in a typical American courtroom:

Mark only one oval per row.

	1 - Completely inaccurate	2 - Somewhat inaccurate	3 - Somewhat accurate	4 - Completely accurate
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13. 2. Please explain why you chose this score, in as much detail as possible:

CLIP TWO:

Please watch the following clip from *A Time to Kill*. If you have trouble viewing it in the browser, you can click this link: <https://www.youtube.com/watch?v=bKN1K2He8yg>. The context of this scene is that counsel for the defense is providing his closing argument in a rape trial. After viewing the clip, please answer the following questions to the best of your ability:

A Time to Kill - Closing Arguments



<http://youtube.com/watch?v=bKN1K2He8yg>

14. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the delivery of closing arguments as it exists in a typical American courtroom:

Mark only one oval per row.

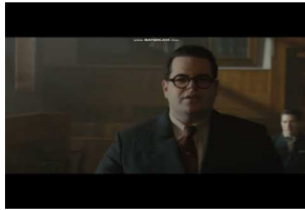
	1 - Completely inaccurate	2 - Somewhat inaccurate	3 - Somewhat accurate	4 - Completely accurate
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

15. 2. Please explain why you chose this score, in as much detail as possible:

CLIP THREE:

Please watch the following clip from Marshall. If you have trouble viewing it in the browser, you can click this link: https://www.youtube.com/watch?v=0_niOt-3vNM. The context of this scene is that both counsel for the defense and the prosecution are conducting the jury selection voir dire examination process in a case set during the Civil Rights movement involving a black man charged with raping a white woman. After viewing the clip, please answer the following questions to the best of your ability:

Marshall - Jury Selection Voir Dire Examination



http://youtube.com/watch?v=0_niOt-3vNM

16. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the jury selection voir dire examination process as it exists in a typical American courtroom:

Mark only one oval per row.

	1 - Completely inaccurate	2 - Somewhat inaccurate	3 - Somewhat accurate	4 - Completely accurate
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

17. 2. Please explain why you chose this score, in as much detail as possible:

CLIP FOUR:

Please watch the following clip from *My Cousin Vinny*: If you have trouble viewing it in the browser, you can click this link: <https://www.youtube.com/watch?v=3nGQLQF1b6I>. The context of this scene is that the witness is being subjected to a voir dire examination by the prosecuting attorney to determine her credibility as an automotive expert. After viewing the clip, please answer the following questions to the best of your ability:

My Cousin Vinny - Expert Witness Voir Dire Examination



<http://youtube.com/watch?v=3nGQLQF1b6I>

18. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the expert witness voir dire examination process as it exists in a typical American courtroom:

Mark only one oval per row.

	1 - Completely inaccurate	2 - Somewhat inaccurate	3 - Somewhat accurate	4 - Completely accurate
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

19. 2. Please explain why you chose this score, in as much detail as possible:

CLIP FIVE:

Please watch the following clip from *To Kill a Mockingbird*. If you have trouble viewing it in the browser, you can click this link: <https://www.youtube.com/watch?v=RH-52B3s6Yk>. The context of this scene is that counsel for the defense, Atticus Finch, is conducting a direct examination of the witness and defendant, Tom Robinson, in a rape trial. After viewing the clip, please answer the following questions to the best of your ability:

To Kill a Mockingbird - Direct Examination



<http://youtube.com/watch?v=RH-52B3s6Yk>

20. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the direct examination process as it exists in a typical American courtroom:

Mark only one oval per row.

	1 -	2 -	3 -	4 -
	Completely	Somewhat	Somewhat	Completely
	inaccurate	inaccurate	accurate	accurate
Make your selection:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

21. 2. Please explain why you chose this score, in as much detail as possible:

CLIP SIX:

Please watch the following clip from *Young Mr. Lincoln*. If you have trouble viewing it in the browser, you can click this link: <https://www.youtube.com/watch?v=oBVNwMNsVzE>. The context of this scene is that counsel for the defense, Abraham Lincoln, is conducting a cross-examination of a critical witness in a murder trial. After viewing the clip, please answer the following questions to the best of your ability:

Young Mr. Lincoln - Cross-Examination



<http://youtube.com/watch?v=oBVNwMNsVzE>

22. 1. On a scale from 1-4, with 1 being completely inaccurate and 4 being completely accurate, please select the corresponding number to indicate how accurately you feel the film portrays the cross-examination process as it exists in a typical American courtroom:

Mark only one oval per row.

1 - Completely inaccurate	2 - Somewhat inaccurate	3 - Somewhat accurate	4 - Completely accurate
---------------------------------	-------------------------------	-----------------------------	-------------------------------

Make
your
selection:

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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23. 2. Please explain why you chose this score, in as much detail as possible:

Demographic Questions

In this final section, you will be asked to answer basic demographic questions.

24. 1. Please provide your age:

25. 2. Please provide the gender that you identify as:

26. 3. What is your race/ethnicity? Select all that apply:

Check all that apply.

- Asian
 Black
 Latinx/Latino
 Native American or Pacific Islander
 White
 Other: _____

27. 4. Please provide your religious affiliation, if any:

28. **5. Please select your annual income:**

Mark only one oval.

- \$0 - \$39,999
- \$40,000 - \$69,999
- \$70,000 - \$99,999
- \$100,000 - \$129,999
- \$130,000 - \$159,999
- \$160,000+
- Other: _____

29. **6. How many years have you been practicing law?**

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Google Forms

APPENDIX C: CONTENT ANALYSIS

Coding Sheet

Name of Film: _____

Name of Attorney: _____

Character's Demographics

1. What is the gender of the lawyer?

- a. Male 1
- b. Female 2
- c. Other 3

2. What is the race/ethnicity of the lawyer?

- a. Asian 1
- b. Black 2
- c. Latinx/Latino 3
- d. Native American or Pacific Islander 4
- e. White 5
- f. Other: _____ 6

3. In which age group does the lawyer reside?

- a. Young (character looks youthful and seems to be just out of law school; 26-35) 1
- b. Middle-Aged (character looks to be in the middle portion of their life; they don't seem super youthful, but don't have a massive amount of wrinkles/white hair, may be balding or losing hair; 36-50) 2

- c. Old (character has white hair or wrinkles, clearly discernible they are in their old age; 50+) 3

Character's Background

1. How much experience as an attorney does the lawyer have?

- a. Little to no experience/fresh out of law school (0-5 years as an attorney) 1
- b. Moderate experience (6-10 years as an attorney) 2
- c. Substantial experience (11+ years as an attorney) 3

2. What is the lawyer's employment status? Mark all that apply (1 = Yes, 2 = No)

- a. Unemployed
- b. Employed as a solo practitioner
- c. Employed at a law firm
- d. Employed for the government
- e. Other: _____

3. What area of law does the lawyer normally practice?

- a. _____

3b. Does this area of law differ from the area of law they practice in the central plot of the film (i.e. are they normally a tax attorney, but due to the film's plot, they need to represent a criminal client?)

- a. Yes 1
- b. No 2

4. Who does the lawyer represent in the film? Mark all that apply. (1 = Yes, 2 = No)

- a. A Civil Defendant
- b. A Criminal Defendant
- c. A Plaintiff
- d. The State/Government
- e. Other: _____

5. How is the lawyer's income level depicted? Mark all that apply. (1 = Yes, 2 = No)

- a. Upper-class/wealthy depiction (This may include the lawyer driving a fancy car, wearing designer suits, living in a fancy/nice home, etc.; earning lots of money/being wealthy is central to the lawyer's character/film's plot)
- b. Middle-class/average income depiction (This may include the lawyer driving a modest car, average attire, etc.; the lawyer is depicted as an average American, and their income may not be central to their character/the film's plot)
- c. Lower-class/poor depiction (This may include the lawyer driving a beat-up/old car, living in a run-down home, owning one nice suit and otherwise unappealing attire, etc.; being poor/struggling to make ends meet is central to the lawyer's character/film's plot)

6. What is the lawyer's relationship status? Mark all that apply. (1 = Yes, 2 = No)

- a. Single
- b. Dating
- c. Married
- d. Divorced
- e. Widowed
- f. Other: _____

7. Does the lawyer have children/family?

- a. Yes 1
- b. No 2
- c. Other: _____ 3

7b. If Yes, does the lawyer's practice of law affect their relationship with their children/family?

- a. Yes 1
- b. No 2

7c. If Yes, explain: _____

Character Depictions

1. How is the lawyer depicted to the audience of the film? Mark all that apply, and if marked, explain reasoning below. (1 = Yes, 2 = No)

- a. Lawyer is responsible and reliable (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer demonstrates timeliness, dependability, and trustworthiness) 0

- b. Lawyer is untrustworthy (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer lies, is manipulative, and/or otherwise takes advantage of others' trust) 1
- c. Lawyer is empathetic (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer cares about the feelings of others and how their actions may affect others)
- d. Lawyer is emotionally insensitive (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer negatively impacts the emotions of others)
- e. Lawyer is selfless (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer acts to help others whether or not they receive any form of benefit or compensation)
- f. Lawyer is self-focused (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer only acts in accordance with his/her own self-interest; they are self-absorbed)
- g. Lawyer is "justice-oriented" (the lawyer's prime goal throughout the film is to see justice carried out, even if it results in an unfavorable outcome for their client; they view the law above all else)
- h. Lawyer is "victory-oriented" (the lawyer's prime goal throughout the film is to win their case and/or receive compensation for doing so, regardless of their client's guilt/innocence or the validity of their case; this may include the lawyer being depicted as greedy)

- i. Lawyer is arrogant/cocky (on multiple occasions/throughout the majority of the movie/or as a central component of the plot, the lawyer is depicted as being boastful of their accomplishments as a lawyer or overly confident in their case; they may rub their status as a lawyer in the faces of others)

Perceptions of the Character by Other Characters

1. How do the lawyer's client(s) interact with or perceive the lawyer? Mark all that apply. (1 = Yes, 2 = No)

- a. Client has a positive attitude toward the lawyer (examples of a positive attitude toward the lawyer may include praising/thanking the lawyer for his work, recommending the lawyer to other characters, complimenting the lawyer, exhibiting physical characteristics such as smiling when speaking to/about the lawyer, they are overall satisfied with the way the lawyer is representing them, etc.)
- b. Client disparages/ridicules lawyer (examples may include insulting the lawyer, sneering/jeering at the lawyer when talking to the lawyer or when they come up in conversation, physical characteristics of disgust or contempt such as frowning or eye-rolling when talking to/about the lawyer, etc.)
- c. Client is romantically affectionate towards the lawyer
- d. Client exhibits frustration/distress towards the lawyer
- e. Client is physically aggressive with the lawyer
- f. Client is criminally victimized by the lawyer

- i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- g. Client criminally victimizes the lawyer
 - i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- h. Client views the lawyer as underhanded in their practice of law (examples may include the client viewing the lawyer as shady/suspect, comments about the way the lawyer practices law/lawyer's work ethic, suspicion as to the legality of his actions, etc.)
 - i. If marked, explain: _____
 - ii. If marked, is this a deciding reason in why they selected this lawyer to represent them?
 - A. Yes
 - B. No
- i. Client is dissatisfied with the lawyer regarding the way the lawyer handled their case (i.e. they lose the case and blame the lawyer, they don't think the lawyer is doing a good job representing them, they attempt to have the lawyer sanctioned/punished for the way they handled their case, etc.)
- j. Client dislikes the lawyer not because of the lawyer personally, but because the client has an aversion to lawyers/the practice of law/the government in general

- k. Not Applicable (the lawyer's client is the State/another entity that has no human client, or does not represent a client that is central to the plot of the film during the film)

2. How do other lawyers interact with or perceive the lawyer?

- a. Other lawyers have a positive attitude toward the lawyer (examples of a positive attitude toward the lawyer may include praising the lawyer for his work, recommending the lawyer to other characters, complimenting the lawyer, exhibiting physical characteristics such as smiling when speaking to/about the lawyer, etc.)
- b. Other lawyers disparage/ridicule the lawyer (examples may include insulting the lawyer, sneering/jeering at the lawyer when talking to the lawyer or when they come up in conversation, physical characteristics of disgust or contempt such as frowning or eye-rolling when talking to/about the lawyer, etc.)
- c. Other lawyers are romantically affectionate towards the lawyer
- d. Other lawyers exhibit frustration/distress towards the lawyer
- e. Other lawyers are physically aggressive with the lawyer
- f. Other lawyers are criminally victimized by the lawyer
 - i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- g. Other lawyers criminally victimize the lawyer
 - i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____

- h. Other lawyers view the lawyer as underhanded in their practice of law (examples may include other lawyers viewing the lawyer as shady/suspect, comments about the way the lawyer practices law/lawyer's work ethic, suspicion as to the legality of his actions, etc.)
 - i. If marked, explain: _____

3. How does the judge of the film interact with or perceive the lawyer?

- a. Judge has a positive attitude toward the lawyer (examples of a positive attitude toward the lawyer may include praising the lawyer for his work, recommending the lawyer to other characters, complimenting the lawyer, exhibiting physical characteristics such as smiling when speaking to/about the lawyer, etc.)
- b. Judge disparages/ridicules lawyer (examples may include insulting the lawyer, sneering/jeering at the lawyer when talking to the lawyer or when they come up in conversation, physical characteristics of disgust or contempt such as frowning or eye-rolling when talking to/about the lawyer, etc.)
- c. Judge is romantically affectionate towards the lawyer
- d. Judge exhibits frustration/distress towards the lawyer
- e. Judge is physically aggressive with the lawyer
- f. Judge is criminally victimized by the lawyer
 - i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- g. Judge criminally victimizes the lawyer

- i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- h. Judge views the lawyer as underhanded in their practice of law (examples may include the judge viewing the lawyer as shady/suspect, comments about the way the lawyer practices law/lawyer's work ethic, suspicion as to the legality of his actions, etc.)
 - i. If marked, explain: _____

4. How do other characters unrelated to the law interact with or perceive the lawyer?

- a. Other characters have a positive attitude toward the lawyer (examples of a positive attitude toward the lawyer may include praising the lawyer for his work, recommending the lawyer to other characters, complimenting the lawyer, exhibiting physical characteristics such as smiling when speaking to/about the lawyer, etc.)
- b. Other characters disparage/ridicule the lawyer (examples may include insulting the lawyer, sneering/jeering at the lawyer when talking to the lawyer or when they come up in conversation, physical characteristics of disgust or contempt such as frowning or eye-rolling when talking to/about the lawyer, etc.)
- c. Other characters are romantically affectionate towards the lawyer
- d. Other characters exhibit frustration/distress towards the lawyer
- e. Other characters are physically aggressive with the lawyer
- f. Other characters are criminally victimized by the lawyer

- i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- g. Other characters criminally victimize the lawyer
 - i. If marked, explain (was it a violent/aggressive crime, was it frequent, etc.): _____
- h. Other characters view the lawyer as underhanded in their practice of law (examples may include other characters viewing the lawyer as shady/suspect, comments about the way the lawyer practices law/lawyer's work ethic, suspicion as to the legality of his actions, etc.)
 - i. If marked, explain: _____
- i. Other characters dislike the lawyer not because of the lawyer personally, but because the character has an aversion to lawyers/the practice of law/the government in general

Character's Film Significance

1. Is the lawyer a protagonist or antagonist in the film's story?

- a. Protagonist 1
- b. Antagonist 2
- c. Neither 3

2. Does the lawyer win their case at the end of the film?

- a. Yes 1
- b. No 2

c. Not Applicable (the lawyer is not actively in the film's central court case during the course of the film) 3

d. Other: _____ 4

3. Does the lawyer have a “change of heart” about the way they practice law throughout the course of the film?

a. Yes 1

b. No 2

3b. If Yes, explain: _____

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