

A civil action movie reviews examples

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Movie Review: A Civil Action

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Based on a novel of Jonathan Harr, this movie called “ A Civil Action” depicts the story of two lawyers who are at loggerheads—Jan Schlichtmann (John Travolta) and Jerome Facher (Robert Duvall). The issue revolves around the death of 12 children who suffered from leukemia. In this movie, Jan Schlichtmann contends that the death of the 12 children could be attributed to the pollution caused by the two major corporations called W. R. Grace and Beatrice. However, Jerome Facher takes the opposite side, and presents his counterarguments against Schlichtmann that neither the pollution nor its effects could be proven. Facher indicated that his company, Beatrice should be separated from Grace as he rightly perceives that the legal tactics of Grace is flawed.

Jerome Facher is talented, seasoned lawyer who is very much adept about the turnout of the case in every stage. Facher uses all the elements of the court in his attempt to win his case. He studies the facts, witnesses, court system, and his opposition. Sometimes, he offers a huge case even though he is very capable of winning the case. He is a man who understands the realities of law. On the other hand, Jan Schlichtmann, a stubborn lawyer who owns a small law firm, initially declines to represent the aggrieved families. However, he decided to proceed with the case upon learning that he could milk money from the tanneries that caused the groundwater contamination which is associated to the demise of the 12 leukemia patients. Jan declined the \$20 million dollars settlement for he believes that the case is worth more than just the money that is offered. Being taken over by his pride, he insisted

to win the case at all cost. However, Jan made outrageous demands. In the end, Jan disappointed his clients who received a settlement that is less than the initial offer of Facher. According to Facher “ the single greatest liability for a lawyer is pride. Pride has lost more cases than lousy evidences.”

A Civil Action does not present a clear cut villain in the story. There is no black and white in this story. Rather, the story explores the various tones of right, wrong and gray areas in the world of law and order. The movie also depicts the constraints that settlement lawyers have to face when dealing with tough corporate lawyers. The movie also questions what defines a good lawyer? According to Mohr (1999) the true measure of being a lawyer is how you assiduously represent your clients for years despite the stress and how you endure bitter exchanges with the opposing counsel, but still live up to your ethical and moral standards. People may have the impression that justice would have been served to the plaintiffs, if and only if the information from the Yankee Environmental Report and the destruction of evidence was disclosed to Jan. However, the lawyers are required to behave in a manner that is fitting to the ethical codes.

Schlichtmann’s first trial illustrates the issues of legal ethics on the aspect of the duty of competence, division of authority and responsibility between a lawyer-client dynamics to achieve the very purpose of representation. That Schlichtmann challenged the allegation of a persistent provocation of litigation put him in a bad light because he confused the very concept of attorney-client privilege with the duty of confidentiality that are both very essential in ethics (Mohr, 1999).

The attorney-client privilege begs the question when is an attorney acting as

an attorney? An attorney-client privilege must ensure that the closed-door discussion between both parties remains confidential. In this situation, the lawyer ensures to break any embarrassing or legally damaging statements in a subtle way during the initial client conference (Gergacz, 1982).

The duty of loyalty and confidentiality on the other hand suggests that lawyers must serve his client with absolute loyalty. By absolute loyalty, the lawyer must understand all the facts and considers everything to the perspective of his client's shoes to become an effective advocate. The loyalty of the lawyer to the client must be undivided such that all his resources at that particular time that the case is still on-going are all devoted to the best interests of the client. The duty of loyalty is the most important among all the ethical codes. Competence and diligence to the case are the key points that mark an effective advocate. As was previously mentioned, the lawyer's competence is based on how he excellently knows the facts that could be obtained independently. Schlichtmann also failed to identify the defendants in the case that is very important during litigation. The improvement of Schlichtmann's competence as prescribed by the ethical code requires a certain connection with a more experienced lawyer (Mohr, 1999).

It is also common knowledge that a lawyer is responsible in keeping his clients informed about the progress of the case and to explain every detail of the case to the client so that the client could decide rationally about matters that involves case settlement. Because Schlichtmann failed to inform the client about the initial settlement as he took matters in his own on how to go about the case, the client received the amount that is less than what was

initially offered after the court gave its ruling to the case (Mohr, 1999).

Another issue that tackles the morals in the legal profession is the use of false statement of Barbas in the movie. A client does not have a constitutional to falsely testify. If the lawyer has prior knowledge to the client's false deposition, and the client still insists on taking the witness stand, this creates an irreconcilable conflict between the lawyer's duty of loyalty to the client and his duty of honesty to the tribunal (Mohr, 1999).

Ethical issues on legal fees were also shown in A Civil Action. The firm may have been forced to dismiss the case or to settle the case early without their fees from other pending cases. According to Mohr (1999), the fee arrangement is fair and ethical. In American law, a contingent fee is an arrangement where it is the only way to pay for the services of a competent lawyer. What has been violated however is when Schlichtmann paid a referral fee to a lawyer that is working on the same firm. Again, the United States prohibit the payment of a referral fee because this would create a conflict of interest questioning the loyalty of the lawyer to the client.

The duty of confidentiality stems from the duty of loyalty in which the lawyer should not disclose the confidential information of the client and that he should ensure that all communications will stay private in order to avoid having conflict of interest (Mohr, 1999). Such case is also related to the recent squabble between State Attorney Angela Corey and Ben Kruidbos who are going against each other because of the breach in the ethical code of confidentiality. Last February 18, 2014, Derek Gilliam reported that the lawyer filed a counter claim against the charges of disclosure of public information. Kruidbos testified to the court that the lawyer did not disclose

all the information that it was able to gather from the Trayvon Martin's cellphone in George Zimmerman murder case in 2013. As was previously mentioned withholding significant information to the public could affect the credibility of the case. If Corey did withhold the information during the Zimmerman murder and if such act threatens her credibility as a lawyer that she have to terminate her employee after the act of deleting confidential information, then she has to answer to the court.

References

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