

# ***An Ethical Analysis of Attorney Behavior in:***

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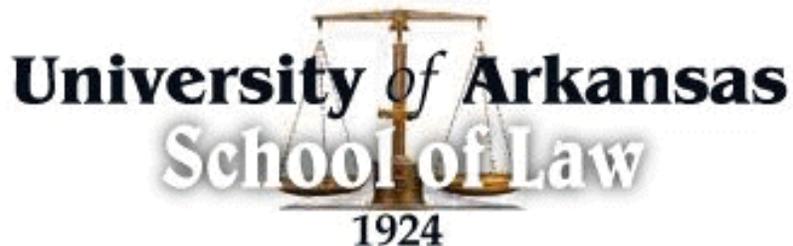
## ***THE CLIENT*** ***A CREATIVE APPROACH***

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**Cast: Susan Sarandon, Brad Renfro, Tommy Lee Jones, Mary-Louise Parker,  
Anthony LaPaglia, J. T. Walsh, Anthony Edwards, Ossie Davis**

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**A class project for Professor Howard Brill's Professional Responsibility Class at the**



**MOVIE PLOT:**

The Client is a drama about an 11-year-old boy, Mark Sway, who witnesses the suicide of an attorney who worked for the mob while playing in the woods with his brother. Before dying, the attorney tells Mark about his client killing a U.S. Senator and where his body is located. Mark's little brother witnessed the suicide as well and is hospitalized after going into a coma as a result of what he saw. The boys' mother, who is penniless and overwhelmed by life in general, is now at the end of her rope and turns to various narcotics to help her deal with life. Mark is eventually hunted down by the mob's hit man who threatens to kill him and his family if he breathes one word of what the attorney told him to anyone. In desperation and out of fear for his and his families life, Mark walks downtown and becomes "The Client" of a local female attorney, Reggie Love, that he hires for \$1 good faith money.

To pry information from Mark, a self-serving, ruthless U.S. Attorney for the F.B.I., Roy Foltrigg, harasses, threatens and eventually jails Mark to try to get him to talk while violating many rules of professional responsibility along the way. Not trusting anyone, but wanting to protect himself, his mother and brother, Mark is forced to decide whether or not to form a true, trusting alliance with his attorney. He eventually commits his trust to her and an emotional bond develops between them in their flight from both sides of the law.

### **MY APPROACH TO THIS ASSIGNMENT:**

I have chosen to take this film and write short "newspaper" articles about the various attorneys and their ethical behavior in the film. These articles have been prepared in a fictional way but are based on the actions in the film.

**[ARTICLE 1: Behavior of "The Reverend" Roy Foltrigg  
US Attorneys Office Violates Rules of Professional Responsibility in the  
Questioning of 11 year old Mark Sway](#)**

**[ARTICLE 2: Behavior of Reggie Love  
No Immunity Request by Local Attorney Could Lead to possible Sanctions](#)**

## **BONUS MATERIAL**

### **The Best Ethics Sites on the Web**

<http://www.legaethics.com/> Premier legal ethics site

<http://www.law.cornell.edu/ethics/> Cornell's excellent legal ethics site

<http://www.findlaw.com/01topics/14ethics/index.html> Ethics resources from Findlaw

<http://www.llrx.com/courtrules/> Court Rules from llrx.com

## **CONCLUSION AND OTHER OBSERVATIONS**

This movie was obviously presented in a manner that pretty much ignored the rules of professional responsibility as well as the consequences for violating them. Not only are the main two character attorneys, (Roy Foltrigg & Reggie Love) seen openly violating rules but so are smaller characters in the film. There is one scene that takes place in the hospital where Mark Sway's younger brother is being kept where an attorney is at the hospital hounding injured patients to hire him to file a lawsuit. This right here is a stereotypical job at all attorneys and blatantly ignores the violation of the Rules of Professional Responsibility Rule 7.3

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### ***RULE 7.3(a) DIRECT CONTACT WITH PROSPECTIVE CLIENTS***

***(a) A lawyer shall not by in-person or live telephone contact solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.***

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**Further, the viewer only sees more bad behavior by the key attorneys in trying to get themselves out of trouble by blackmailing one another to avoid further discipline and embarrassing press coverage. There is only one mention in the entire movie of this behavior being wrong and that comes in the scene where Reggie Love blankmails Roy Foltrigg and the other US attorneys. What this movie illustrates in my opinion is that attorneys have no regard for the rules of ethics and even when they know they are violating these rules, they have no worries. These types of movies tend to give us in the profession a bad reputation and definitely sends the wrong message about the importance of responsibility and ethics in our profession. Every attorney in this film is displayed at least one time committing lawyer misconduct as set forth in Rule 8.4.**

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### **RULE 8.4 MISCONDUCT**

**It is professional misconduct for a lawyer to:**

**(a) Violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;**

**( violated by all of the attorneys on both sides in this film)**

**(b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;**

**(committed by Ms. Love in trying to over protect her client)**

**(c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;**

**(again all lawyers in the film are seen at least once violating this rule)**

**(d) Engage in conduct that is prejudicial to the administration of justice;**

**(Ms. Love's wonderful portrayal of taking off with her 11 year old client and not informing the police)**

**(e) State or imply an ability to influence improperly a government agency or official; or**

**(Again, Ms. Love)**

**(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.**

**(At times, in the one in court hearing, it appears Ms. Love is trying to tip the Judge into trying to decide in her favor because of their past friendship.)**

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**The bottomline is this film does nothing for the advancement of legal ethics on our workplace. There is no reality to what happens to attorneys who violate the Rules of Professional Responsibility to get their way. There is no punishment in this movie, only the typical John Grisham happy ending where both attorneys end up liking each other professionally and telling each other "how good" of a job each other did. In doing so, the average citizen does not realize the rules of professional conduct we must adhere to in our profession and I for one, believe this does our profession an injustice and was truly dissapointed in this film for that reason.**

