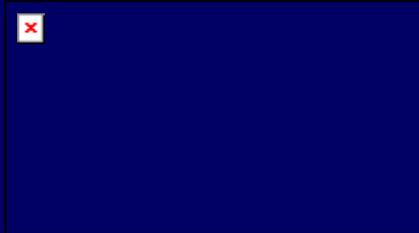


# "Try not to lie" and other helpful advice from



*By Paul Swann and Holly Brady*

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## Introduction



This website was constructed to fulfill a requirement for [Howard Brill's](#) Professional Responsibility class at the [University of Arkansas School of Law](#), Spring 1998. The assignment is to report on the ethics and professional behavior of an attorney presented in a full-length movie — our selection being John Grisham's novel-turned-movie, *The Rainmaker*.

Before entering law school, many law students read *One L: The Turbulent True Story of a First Year at Harvard Law School* by Scott Turow. While that book may accurately depict a law student's experience while in law school in a rather entertaining manner, the novels of John Grisham hold a more captive audience when it comes to the actual practice of law. John Grisham often times paints a seedy picture of the legal profession which is why so many people want to read his books. Like driving by the scene of a traffic accident and rubbernecking, readers are drawn to the character flawed attorneys Grisham so artfully creates. And in a few cases, it is this wayward desire that leads students down the path to the study of law. If you can't beat 'em, join 'em.

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## Rainmaking



As much as lawyers would like to take credit for everything from the rise of western civilization to the invention of sliced bread, the practice of rainmaking has been around for centuries and is not the work-product of some lawyer. Some highly prized members of Indian tribes, and even a con-man here or there, have been practicing rainmaking for generations. These chosen men had the job of bringing on the rain via performing a Raindance. Generally the rainmaker held a very elite place in society since the survival of his entire tribe rested upon his rainmaking ability. With that in mind, you are able to recognize the significance of the modern-day rainmaker. In the business world, a rainmaker is an individual who brings in a lot of money. The rainmaking lawyer is praised because his success is crucial to so many other members of his tribe, er, his firm. If he fails to make rain bring in the deep pocketed clients the firm may well die.

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## The Movie Overview



As the movie opens, Rudy Baylor is fresh out of law school and studying to take the bar exam. Through his class work with legal problems of the elderly, Rudy meets his future landlord, Miss Birdie Birdsong, and the Blacks, who bring him the lawsuit that dominates the movie. The Blacks literally hand him an open and shut case against Great Benefit, a large insurance company - every plaintiff lawyer's dream.

The Black's son, Donny Ray, had leukemia but could have been saved had he gotten a bone marrow transplant in time. The only obstacle to Donny Ray's survival is the insurance company, Great Benefit, which refused to pay for the costly transplant procedure. Great Benefit denies the claim several times, and each denial is grounded on a variety of blatantly bad-faith reasons: Great Benefit claims that the leukemia was a preexisting condition, that Donny Ray is an adult emancipated from his parents, that the policy covered only household members, and alternatively, that bone marrow transplants are experimental. It even sent a letter to the Blacks saying, "You must be stupid, stupid, stupid" for requesting coverage. Donny Ray ultimately succumbs to the leukemia and dies..

Within days of graduating from the Memphis law school, Rudy learns that the firm he planned to go to work for has merged with another Memphis firm. As a result, Rudy has no job. Eventually Rudy is hired by a shady lawyer whose most ethical business development tactics involve soliciting accident victims in the cafeteria of St. Peter's Hospital. Deck Shifflet is a permanent paralegal who has failed to pass the bar exam six times. Deck is assigned to work with Baylor. When their ambulance-chaser employer hastily leaves town with federal officials close at his heels, Rudy and Deck are left to practice on their own.

Once Baylor proceeds with his suit against Great Benefit, he is alarmed to find out that the trial judge and defense attorney were classmates and that so-called justice is just a friendship away. After collusive pretrial settlement efforts, the original judge dies of a heart attack. The replacement judge does not share the same ideology regarding dispensation of justice as the original judge. To Rudy's advantage, the second judge proceeds to functionally act as his co-counsel, all the while violating numerous canons of judicial conduct. But since the judge is helping Rudy to stick it to Great Benefit, his ethical violations are more easily overlooked in the movie.

Ultimately, justice is served. Rudy walks away from his first case a winner, despite the insolvency of Great Benefit. But it is Rudy's departure that leaves the audience with a sense of dismay - it is his dismay with the entire legal profession with which Grisham closes. Leaving the practice of law after only one case, Rudy says, "I will not, under any circumstances, have anything whatsoever to do with the law." Rudy's inauspicious introduction to the practice of law and his desire to abandon it forever are interwoven perhaps even mutually exclusive. For many non-lawyers, this ending may simply substantiate their beliefs that law has become the Babylon of the professions.

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## Ethical Analysis



Grisham portrays both Rudy Baylor and the defense attorneys as courtroom warriors lacking ethical compasses some more than others. As is consistent with Grisham's past character sketches of lawyers, most of the lawyers in *The Rainmaker* are portrayed as immoral, corrupt and downright dirty. The movie panders to the public's negative stereotypes of lawyers without offering any positive or meaningful insights into the legal profession.

The lawyers in *The Rainmaker* conspire to steal each other's cases and breach agreements. Generally speaking, they also have great difficulty keeping their clients

confidences. Among other ethical violations, they engage in criminal wire-tapping of the opposing counsel's telephone.

Rudy's illusions surrounding the noble-calling of the law are shattered when he discovers that virtually every lawyer, at some time in his or her career, violates ethical rules and norms. Sadly, Rudy's career begins to fall off the ethical path very early in the movie. He breaks various rules of ethics because everyone else is doing it, and he is persuaded that he will be competitively impaired if he does not.

The unconventional partnership between himself and Deck is formed and operated in violation of the ethics rules. Rudy enters into contracts with clients before he is admitted to the bar, practices law without a license, assists others in the unauthorized practice of law, solicits clients improperly, and implies to the Blacks that he is able to file suit on their behalf, when, in reality, he is not. The culmination of his lawyerly misdeeds takes place in the scene where Rudy participates in the brutal murder of his married girlfriend's violent husband, then lies to the police about it.

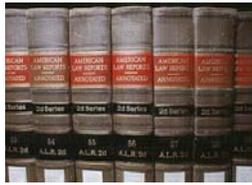
Of all the lawyers in *The Rainmaker*, virtually none manifest any fear of sanctions for their ethical violations in any form—from peers, bar disciplinary boards, or judges. In their efforts to succeed and flourish, they break the rules they know will never be enforced and pay very few penalties to their colleagues or anyone else for doing so. It is in this mood that when the legal community fails to regulate attorney misconduct, Rudy's own individual moral sense likewise fails to rescue him.

You see Rudy, in law school they don't teach you what you need to know. It's all books and theories and these lofty notions of the practice of law as a profession, like between gentlemen, you know. It's an honorable calling, governed by pages of written ethics. Rudy challenges Deck's assertion, "What's wrong with ethics?" Deck replies, "Oh, nothing, I guess. I mean, I believe a lawyer should fight for his client, refrain from stealing money, try not to lie, you know, the basics."

Rudy's ethical downfall in *The Rainmaker* chronicles how tempted, susceptible, and prone each of us is to cut ethical corners and break rules. Depending on your point of view, either Rudy reveals himself to be corrupt under the pressure of practicing law, or the pressure of law practice corrupts him. Regardless of your perspective, Rudy slips easily into the-end-justifies-the-means mentality.

The lesson we are charged with from *The Rainmaker* may be that because of the steadfastness of man's greed, self-interest, and pride, we may not be able to change the world, but we can make things incrementally better by producing and empowering more lawyers like Rudy Baylor. Although he was ethically flawed, he was also a quick learner, skilled problem-solver, and an independent thinker who, at some point in his legal education, was exposed to the notion that there is a professional code of ethics—the consideration of which is a worthwhile endeavor.

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## Miscellaneous



I've included this Mr. Brill just in case you ever run out of material to quiz unsuspecting students on.

[This Day In History](#)

[Links for Rainmaker, The \(1997\)](#)

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## Legal Ethics Sites



[Legal Ethics](#)

[ABA Center for Professional Responsibility](#)

[Legal Ethics and Reform](#)

[Professional Responsibility, Legal Ethics, and Legal Education News](#)

[Harvard Law School Legal Ethics Web Site \(HLSLEWS\) - Rules & Regulations](#)

[Legal Ethics and Legal Costs: The ABA Model Rules and Code](#)

[Rules of Professional Conduct Governing Lawyers. A Typical State \(Idaho 1993\)](#)

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