

VIEWPOINT

Popular Media Paints Unrealistic Portrait of Lawyers (...and what we can do about it)

By Robert A. Clifford

A S A DEVOTEE OF STARTREK, I am a huge William Shatner fan. So it comes as no surprise that when he became a regular on "Boston Legal," I tuned in. I was disappointed, though, to see his character, Denny Crane, fall into the usual trappings of how lawyers today typically are portrayed. He's not the greedy, back-stabbing or manipulative type. He's the partner who's just a flawed genius. From sticking a lit cigar in his ear, to blatantly hitting on female associates or turning down a gay Santa discrimination case because it brings up bitter memories of his kilt-wearing father are far from the reality that I know in law offices across the country.

Having seen "Legally Blonde" with my daughters, I guess the only surprise there was that it took so long for "Legally Blonde 2" to be released. The valley girl who graduates from Harvard Law School and then goes on to win arguments in court and legislation before Congress is a case of plain dumb luck. Again, reality is far removed from this picture.

And how many reality court TV shows does one nation need? As plaintiffs and defendants resolve their disputes on the small screen in less than 10 minutes, it's no wonder that the general public thinks that trials are long and complex. From Judge Judy to Judge Mathis, from People's Court to voting on the outcome of "Law and Order: Special Victim's Unit," the television viewer's outlook at the court system and how lawyers work certainly can become skewed.

One may say, "Get a thicker skin." I have as much a sense of humor as the next guy – but it seems that lawyers get hit more than their fair share. When is the last time you heard a good actuary or veterinarian's joke?

People need to be shown that lawyers serve an important function in our society. We come into their lives generally when a disaster of some sort or another strikes – or perhaps in time to prevent one. Yet, popular culture portrays lawyers as greedy, inept or non-communicative. Look at "Erin Brockovich" who tries to help non-litigious townspeople understand their rights when something very wrong has occurred. She says, "I hate lawyers, I just work for one," in explaining her actions and in gaining the trust of the residents in backing the toxic tort claim. Other movies, like "My Cousin Vinny," as humorous as it may be, includes the running gag of Vinny, a neophyte, substituting himself as an accomplished New York lawyer so that he qualifies to work as trial counsel on his cousin's out of state case. To the end, he dupes the judge. "Liar, Liar" with Jim Carey speaks for itself with an unforgettable title.

The negative public perception of our profession and how it has evolved over the years is intriguing and often self-inflicted. Many of us recall how our parents, relatives and friends yearned for us to become professionals – doctors, accountants or lawyers. But no sooner than we are sworn in and some people seem to be scrubbing their hands after a handshake.

Respect Is There, But Communication Falters

It disturbed me as I opened my own firm. And it continued to bother me when I was elected Chair of the American Bar Association Section of Litigation, heading some 70,000 lawyers in 2001. It was then I personally commissioned a study by Leo J. Shapiro and Associates, a highly respected national research group based in Chicago. Following intense focus groups and telephone interviews across the country, what they found was as much revealing as it was expected:

- Americans believe that law is a solid and respectable career.
- A majority of consumers surveyed who have hired a lawyer express satisfaction with the services provided.
- Consumers surveyed say lawyers are knowledgeable about the law and can help clients navigate through difficult situations.
- Lawyers are thought to apply significant expertise and knowledge to their cases, identify practical solutions and work hard on the client's behalf.

People say we are a litigious society. I am more disturbed by those who need a lawyer but fail to seek one out either from the notion they will be scammed or ignored should they hire one. The study found that people are uncertain how to distinguish a good lawyer from a bad one, dissatisfied with the ways lawyers communicate with them, and confused about how lawyers bill



for their services. Rather than deal with miscommunication or inaccessibility, people would rather not deal with lawyers at all.

Openness Is Key

It becomes apparent, then that the image of lawyers is not just a matter of personal or professional pride. It impacts the public's belief in America's justice system as well as in America itself. It shapes who we are as a profession as much as who we are as a nation.

We live in a time of shifting social perceptions. The recent fascination with the country's legal process speaks to a hunger to understand its workings. We cannot hold these secret. It is through openness and honesty, through communication, that we will instill that trust in others.

The very nature of trials and the legal system is built on openness, a public process. The problem is that the rank-and-file case, which can be of great import, often slips by unnoticed while the media control what cases the public will see and dictates with what the public should be concerned. We must find ways to communicate our message ourselves and not rely upon what catches the fancy of good television or theater.

In this era of accountability, we must take responsibility for the popular portrayals of our profession. We cannot sit idly by blaming screenwriters or novelists whose overactive imaginations only serve to fatten their pocketbooks while Americans, indeed the world, are disillusioned as to what it is that we do. Passivity is out. We must return to the heroic status of Atticus Finch and Perry Mason. Don't knock idealism until you've tried it.

The popular imagination of Americans is carried away by Hollywood fueled by special interests that take relish in capitalizing on the indefensible few frivolous lawsuits that slip through the cracks or large verdicts that are most certainly cut by judges in post trial motions or on appeal, changes which certainly are not reported in the general press. Spilled hot coffee or poodles in microwave ovens do not set the standard for the public's valuation of persons injured by the negligence of others no matter how

much the press would like one to believe.

As the 2001 Leo J. Shapiro study pointed out, we instead must better communicate with our clients and we must better communicate all the good that we do. We are not a profession clogging courts with underserving plaintiffs. We are offering a voice to those who must be heard. We are offering reasonable solutions to those who have been aggrieved. And we offer, at the risk of sounding overly altruistic, the possibility of

sparing other unsuspecting plaintiffs from having the same tragedy befall them.

We must all do our part to improve the faulty image from which we suffer. Now beam me up, Scottie. ■

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