

CHICAGO LAWYER®

CLIFFORD'S NOTES

I have watched my fair share of legal television shows. As unrealistic as many may appear to be, my favorite TV lawyer remains Denny Crane, portrayed by William Shatner, on "Boston Legal."

Somehow in one hour the firm could solve numerous legal battles, and it always included Denny and Alan Shore (James Spader) smoking their cigars on the firm's outside deck with a shot of whiskey to celebrate another win.

Certainly, Denny was known for his eccentric antics at times, but it was his creative approach to problems and his fearlessness to which I identified. Now there is a plethora of legal TV shows including a remake of "Perry Mason" on HBO, which has quickly become another of my favorites.

If one examines the ethics of what the average viewer sees these TV lawyers do in a courtroom and out, it really is far from what would be allowed under the Rules of Professional Conduct as well as professionalism and civility expectations. Generally a lawyer can spot at least one ethical error in each show where, not only are there no consequences for one's actions, but oftentimes the attorney is congratulated for "good lawyering."

Although these shows for entertainment and not legal instruction, this certainly skews the public's perception of lawyers and the standards of conduct to which everyone must abide, not to mention harm the attorney-client relationship of expectations. Every year Gallup conducts a poll on the honesty/ethics of various professions — lawyers show a slight increase but still rank relatively low in the 2018 latest poll with about one-fifth of those polled viewing lawyers as honest.

I decided that the 14th Annual Clifford Law Offices Continuing Legal Education Program would deal with "Legal Ethics and Professionalism of Your Favorite TV Shows, Yada, Yada." For "Seinfeld" fans, this will discuss how they confronted a legal issue or two. The American Bar Association recently published an article as the top ethical issues lawyers confront today and the Clifford Law Offices' all-star panel will try to examine some of these programs during the two-hour webinar. ("How to Avoid 10 Common Ethics Pitfalls," David L. Hudson, Jr., ABA Journal, June 1, 2020.)

On Feb. 18 from 2:30-4:30 p.m., I will moderate a panel consisting of Jayne Reardon, executive director of the Illinois Supreme Court Commission on Professionalism; Professor Cynthia Fountaine, former dean and now professor at Southern Illinois University School of Law and a Senior Fulbright Scholar; and 19th Judicial Circuit Judge Daniel B.



FICTION VS. REALITY

Learn how law differs on TV than in real courtrooms

By **BOB CLIFFORD**

Shanes Chair of the Illinois Judicial College.

We will look at hypotheticals taken from various television shows — from "Better Call Saul" to the more recent "All Rise." Competency, zealous representation of a client, attorneys' fees, knowledge of technology, preparing and examining witnesses are some of the issues we will look at through the eyes of professionals, not script writers.

During my more than 40 years as an attorney, I'm still amazed at what I would see in a courtroom. Now with remote proceedings, I continue to be surprised at how lawyers try to covertly circumvent rules and sometimes even court orders in the name of zealously representing their clients. It is a lawyer's duty to their clients, to the justice system and to the public to be officers of the court and hold high standards in mindfully carrying out their ethical obligations. But when the purpose is merely for the win — and not to see that justice is carried out — then the system fails.

Do programs such as the one that Clifford Law Offices sponsor serve as a helpful reminder to lawyers about their duties so that they are discouraged from intentionally flouting or even unwittingly disregarding the Rules of Professional Conduct? I would like to think so.

It is a tribute to the bar associations who regularly hold CLE programs for free as a benefit of membership dues to offer programs, including in

ethics and professional responsibility, to help uphold the high standards the profession created. And including diversity/inclusion and wellness also showed a forward-thinking state in the need for lawyers to keep these issues uppermost in their minds in their daily practices.

Practicing law has become more difficult in the pandemic, so much so that the Illinois Supreme Court Commission on Professionalism launched a "Reimagining Law" video series, asking for lawyers, law students, academics and judges to tell the public one change that they would like to see going forward as we adjust to a new normal.

"What have you learned while sheltering in place? How can we enable more equitable, effective and efficient resolution of problems and disputes? How could the impact of current events lead to long-term, positive changes in the profession?" These are just some of the questions that they are asking for in a 20-30 second video that can serve to inform all of us.

If you have the time, you can register for "Legal Ethics and Professionalism of Your Favorite TV Shows, Yada, Yada" to learn how you can avoid what you see on television. [CL](#)

Bob Clifford is the founder of Clifford Law Offices. He practices personal injury and regularly handles complex damage cases.
rclifford@cliffordlaw.com