

Unequal Justice

A review of the film



The Lincoln Lawyer

(2011)

Brad Furman (Director)

Reviewed by

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Law is dull. For every minute of courtroom testimony, lawyers spend hours on motions, discovery documents, and filings too tedious to mention. By replacing pretrial litigation paperwork with murder, attempted rape, breaking and entering, bribery, ethically questionable romance, and blackmail threats against family and friends, *The Lincoln Lawyer* will never be accused of accurately representing the legal world. Yet, just as *A Time To Kill* (Matthew McConaughey's first starring role) mixed courtroom drama with social commentary, *The Lincoln Lawyer* uses a titillating tale of sex and power to offer ethical lessons for legal and psychological professionals alike.

Most courtroom dramas contain the suspense of the courtroom itself, employing surprise witnesses, shocking last-minute evidence, and brief and riveting closing arguments. *The Lincoln Lawyer* follows this formula on all counts. Just as scholars have researched the "CSI effect" on juror perception of forensic science (for an excellent overview, see Byers &

Johnson, 2009), researchers should further explore how Hollywood portrayals of trials bias jurors who may not comprehend the tedium and duration of actual trials (see Clover, 1999, for more on how juries are portrayed in film).

In fact, few cases even make it to trial in the real world. Galanter (2004) performed an extensive examination of court trends and found that whereas the number of criminal defendant dispositions in U.S. district courts each year more than doubled between 1962 and 2002, the number of criminal trials each year had plummeted by 30 percent, a trend that likely continued in the past decade.

The Lincoln Lawyer offers its share of courtroom drama, but the most dramatic scenes transpire outside of the courtroom. McConaughey plays lawyer Mick Haller, a defender of drug addicts, motorcycle gangs, and anyone who can pay his retainer fee. The titular *Lincoln* refers not to the former president but to Mick's luxurious Town Car, in which he is driven around by a Black chauffeur. Mick loves to showcase himself as a rich White man to his clients, a trait he soon loathes in his new client, the wealthy Louis (Ryan Phillippe).

After brief introductions to Mick's clientele (who all serendipitously play major roles later), the film devolves into a "did he or didn't he?" story line of whether Louis brutally attacked a prostitute or whether the prostitute lured in Louis, framed him, and pressed charges to gain part of his considerable wealth. Although that question is resolved quickly and predictably, it is the interplay between Mick, Louis, and a previous client that gives the film its depth and suspense and poses the legal and ethical questions that will be of interest to legal scholars and professionals.

Which is worse: a client trying to deceive everyone around him into thinking he is innocent or an attorney who deceives clients into thinking he cares about more than money? At one point in the film, Mick recommends to a likely innocent Latino youth to accept life in prison rather than face the possibility of the death penalty. Mick frames this as necessary because the young man's case is weak, but it seems just as likely that Mick wants the case closed quickly so he can continue more profitable ventures that require less work.

Mick slowly develops a moral compass as the film progresses, but it is the dichotomy of two clients claiming to be innocent that offers the film's strongest lessons. If Mick cared more about his clients, would he be able to tell which one is actually innocent and which one is trying to deceive him? Decades of psycholegal research have examined whether people can accurately predict deception, and the answer is that people usually cannot. Kassin and Fong (1999) found that not only are observers bad at distinguishing between truthful and deceptive suspects but that observers trained to recognize verbal and nonverbal deception cues performed worse than those without training. Alarming, the trained observers felt more confident about their decisions.

Much psycholegal research presents police officers as the bad guys, with experiments examining forced confessions and biased lineups. *The Lincoln Lawyer* bucks this trend, presenting the police and prosecutors as people trying to do the right thing, while Mick's legal representation poses the larger ethical quandaries. This is not to say that research

should stop investigating the negative impact of false confessions, biased lineups, and the pitfalls of eyewitness and ear-witness testimony. For example, Kassin et al. (2010) should be commended for their excellent article on police-induced confessions, which concluded with a recommendation to mandate the recording of all interrogations. Instead, it is a comment on the relative dearth of psycholegal research on attorney misconduct.

When not in service (or is it disservice?) to his clients, Mick is a playboy, getting drunk with his friend, investigator Frank (William H. Macy), and romancing the prosecutor (Marisa Tomei). It is disappointing that the film falls into the common plotline of a defense attorney/prosecutor relationship. It is a lazy way to present the age-old ethical debate of how defense attorneys can sleep at night knowing they are trying to keep criminals on the street and how prosecutors can sleep at night knowing they might put innocent men behind bars.

Also disappointing is how the film fails to use its strong supporting cast. Tomei, Macy, Frances Fisher, and Josh Lucas all act effectively, but their roles never extend beyond one-note attempts to give Mick's character additional ethical hurdles to overcome. Bryan Cranston, an Emmy Award winner for his brilliant performance in *Breaking Bad*, is particularly wasted in the role of a stereotypical police officer in a tangential subplot.

Luckily for the filmgoer, the strength of the film relies on McConaughey's shoulders, and he provides a strong performance, believable as an attorney who must rectify his ethical mistakes. More than 80 percent of the nation's critics have given *The Lincoln Lawyer* a positive review as of March 11 (http://www.rottentomatoes.com/m/lincoln_lawyer), with most reviews complimenting McConaughey's performance as his best in years.

Yet, while accurate, this is not a powerful compliment for a man whose last five years included the embarrassing bastardization of Charles Dickens's classic *A Christmas Carol* called *Ghosts of Girlfriends Past*, as well as *Fool's Gold* and *Surfer, Dude*. The last two films, respectively, seemed to be made solely so McConaughey could show off his muscular physique and his ability to smoke marijuana, two qualities McConaughey also showcased when police arrested him for getting high while naked and then dancing around with bongo drums. Hopefully, McConaughey hired a lawyer who cared more about his clients and committed fewer ethical violations than did Mick Haller.

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doi:10.1023/A:1022330011811

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