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The Australasian Law Teachers Association (ALTA) is a professional body which represents the interests of law teachers in Australia, New Zealand, Papua New Guinea and the Pacific Islands.

Its overall focus is to promote excellence in legal academic teaching and research with particular emphasis on supporting early career academics, throughout Australasia, in the areas of:

- (a) Legal research and scholarship;
- (b) Curriculum refinements and pedagogical improvements in view of national and international developments, including law reform;
- (c) Government policies and practices that relate to legal education and research;
- (d) Professional development opportunities for legal academics;
- (e) Professional legal education and practices programs.

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**FROM ATTICUS FINCH TO DENNIS DENUTO:  
USING POPULAR MEDIA TO TEACH LEGAL SKILLS &  
ETHICS**

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Law's relationship with literature enjoys a rich history. The Law and Literature movement 'which extols law-related literature and the literary value of legal documents [and] provides a unique perspective on how law and literature are mutually enlightening'<sup>1</sup> has expanded its focus in recent years to extend beyond traditional literature and into popular media generally. In this paper, I describe how I have drawn together a number of filmic resources in order to enhance the teaching of legal skills and legal ethics, both in the context of Practical Legal Training (PLT) and within a Clinical Legal Education program.

Using filmic references to illustrate the nuances of the law's impact upon society is not new. Dorocak wrote that 'many academics suspect that [using literary fiction as a teaching aid] will educate students to real-world situations and consequences in a way that is engaging and fun for both the student and the professor. Professors in the Law have been so experimenting for over twenty years.'<sup>2</sup> Le Brun and Johnstone noted that 'the literature on learning style is considerable and varied'<sup>3</sup> and that 'teachers need to design a range of learning experiences since students do not possess the same repertoire of skills and body of knowledge'.<sup>4</sup> This paper submits the proposition that using filmic references can add substantially and effectively to a law teacher's range of learning experiences which can be offered to students.

Many legal academics have explored the use of film and literature in the teaching of substantive law. In *Law and Pop Culture: Teaching and Learning about law using images from Popular Culture*, Joseph and Mertz commented that '[L]aw professors have been drawn into the area partly because the material seems both too rich and too

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<sup>1</sup> See <<http://www.ucpress.edu/journals/lal/>> at 26 March 2007 University of California Press Journals and Digital Publishing website advertisement for Peter Goodrich, Penelope Pether, Mark Sanders and Richard H. Weisberg (eds) *Law and Literature* (Journal Cardozo School of Law Yeshiva University)

<sup>2</sup> John R Dorocak and E C Purvis, 'Using fiction in courses: Why not admit it?' (Spring 2004) 16(1) *Law and Literature* 65

<sup>3</sup> Marlene Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law* (1994) 77.

<sup>4</sup> Ibid 78.

pervasive to ignore'.<sup>5</sup> A lawyer's ability to exploit a narrative is a critical skill within our adversarial system which renders the protagonists mute unless they are answering specific questions. Litigants are not permitted to speak in a court room, except through the conduit of their lawyers. They are not allowed to tell their story, but only to give information which is deemed 'relevant' within the adversarial system. Witnesses swear to 'tell the truth, the whole truth and nothing but the truth' but only in answer to questions which are asked. The role of narrator is usurped by lawyers. The witness (owner of the story) is not allowed to offer the plot. Meyer says that 'most lawyers operate as storytellers, subjective and passionate voices advocating client stories in a predominantly narrative oral culture'.<sup>6</sup> Meyer describes trial lawyers as 'imagistic storytellers operating in a factually indeterminate and interpretive world far removed from the legally indeterminate world of the appellate court and the law school classroom'.<sup>7</sup> The notion of storytelling is inherently linked to the role of the lawyer. Using stories to illuminate the teaching of legal skills and ethics is a method which law students can readily understand, given that they are already operating in story-telling culture.

Images of lawyers have contributed to social commentary for some time. Honoré Daumier recorded legal history in a series of powerful lithographs depicting 'the great game played in the courts, the pitiful justice...the cunning of the lawyers, the faces, topped by round hats, of the judges in their black gowns, who were usually seated under a painting of the Crucifixion, indifferent to His suffering as to the treatment of the people who came before them'.<sup>8</sup> The popular image of the lawyer has not changed very much since Daumier's time. Today, fictitious lawyers are often depicted as conniving and self-interested, like Frank Galvin in *'The Verdict'*<sup>9</sup> Galvin is an 'ambulance chaser' who hands out his business card at the funerals of people he never

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<sup>5</sup> Paul R. Joseph and Gayle Mertz, 'Law and Pop Culture: Teaching and learning about law using images from popular culture' (May/June 2000), 64(4) *Social Education; Academic Research Library* 206.

<sup>6</sup> Philip N. Meyer, 'Visual Literacy and the Legal culture: Reading Film as Text in the Law School Setting' (1993) 17(1) *Legal Studies Forum*, Volume XVII 74.

<sup>7</sup> Ibid.

<sup>8</sup> Stephen Longstreet, 'Commentary' for *Lawyers and Law Courts: 12 Masterful Prints by Honoré Daumier* (1973).

<sup>9</sup> *The Verdict* (motion picture) 1982, Beverly Hills CA, Twentieth Century-Fox Film Corporation.

knew. Popular media rarely show lawyers in a positive light. Meyer discusses the possibility of contrasting ‘conflicting popular images of the lawyer as detective and truthfinder with the lawyer as postmodern trickster storyteller’.<sup>10</sup> In discussing the concept of professionalism, and what it means to belong to a profession, using fictitious characters provides a basis for the introduction of notions of ethics, self-awareness and self-reflective practice.<sup>11</sup>

Screen lawyers range from Atticus Finch<sup>12</sup> to Fletcher Reede<sup>13</sup> and Alan Shore<sup>14</sup>. There are hundreds of films about lawyers, the legal system, famous cases and fictitious cases.<sup>15</sup> I started using films and excerpts from television programs as a teaching tool after lamenting the lack of good legal training films. Live performances in front of a class go some way towards illustrating lecture content as can having students engage in ‘fishbowl exercises’.<sup>16</sup> Whilst valuable, such exercises are heavily reliant on the acting skills of students and teachers. Nervousness, inattention and apathy detract from their positive aspects. Showing extracts from professionally made films about lawyers and legal systems engages students’ attention in a different way.

References to filmic examples of lawyers in specific situations involving ethical issues (such as Galvin choosing to take a case to trial instead of advising his clients of a generous settlement offer) arguably involve three stages of Kolb’s suggested learning cycle.<sup>17</sup> Firstly, students can learn from their own personal insights<sup>18</sup> into the

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<sup>10</sup> Meyer, above n 6, 74.

<sup>11</sup> These topics form the basis for seminar discussions in the Flinders University Clinical Legal Education program.

<sup>12</sup> Harper Lee, *To Kill a Mockingbird* (1960) made into a feature film directed by Robert Mulligan in 1962.

<sup>13</sup> *Liar Liar* (motion picture) 1997, Los Angeles, Universal City Studios.

<sup>14</sup> *The Practice* (television series, formerly screened by Channel 10 in Australia) 1997, David E. Kelley Productions in association with Twentieth Century Fox Television, see <<http://abc.go.com/primetime/thepractice/about.html>> at 28 February 2007 and *Boston Legal* (television series) 2004, David E. Kelley Productions in association with Twentieth Century Fox Television, see <<http://abc.go.com/primetime/bostonlegal>> at 28 February 2007.

<sup>15</sup> See Kathy Laster, *The Drama of the Court Room* (2000).

<sup>16</sup> Fishbowl exercises involve students performing role plays in front of other students who then offer constructive criticism.

<sup>17</sup> Le Brun and Johnstone above n 3, citing David Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (1984).

<sup>18</sup> *Ibid* 79.

scenes which they are required to watch. It is natural that different students will have different reactions to the events they see portrayed on the screen. They can either write about these insights (in an essay or a reflective journal, or in response to specific questions) or discuss them in class. Secondly, Kolb observed that students learn by watching, listening and considering different perspectives.<sup>19</sup> In a narrative involving lawyers, the dramatic tension required to create a cinematic experience is derived from the two opposing points of view within the adversarial system which is depicted. A consideration of the various perspectives (eg. of opposing clients and opposing lawyers) provides useful raw material for a broader discussion of substantive issues. Finally, Kolb's notion of abstract conceptualisation (learning by planning, theory development, ideas and the use of logic)<sup>20</sup> is evident in students' analysis of questions like 'How might that have been done differently?' or 'Would this have worked in our local system?'

Joseph and Mertez<sup>21</sup> point out that 'popular culture portrayals of the legal system are rarely "accurate" in the literal sense' and that '[w]hile some depictions are truly awful, many others are remarkably good, and very useful in teaching and learning about law'.<sup>22</sup> Meyer argues that 'filmic text can provide a laboratory for sensitising students to, and for the analysis of, oral and visual storytelling techniques in a legal culture that is, in significant part, a subset of larger popular storytelling culture'.<sup>23</sup>

There are various ways of showing films in lectures. One suggestion is to show one film, a little at a time, at regular intervals across a whole topic. It has long been established that the minds of adult learners start to drift after about twenty minutes, and that 'breaking up' any lecture is critical to maintain concentration.<sup>24</sup> Showing portions of one or more films can provide a useful break between segments of a

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Joseph and Mertez, above n 5, 206.

<sup>22</sup> Ibid 207.

<sup>23</sup> Meyer, above n 6, 79.

<sup>24</sup> See David Newble and Robert Cannon, *A Handbook for Clinical Teachers* (1983); See also David Newble and Robert Cannon, *A Handbook for Teachers in Universities and Colleges: A Guide to Improving Teaching Methods* (1989) cited in Le Brun and Johnstone above n 3, 260.

course. Alternatively, portions of several different films can be used, whether as examples of something not to do, an exemplary model, or a model for discussion. Visual material can also be useful to start a class, or a new topic, or to provide students with something to reflect on, in anticipation of a discussion at the next session.

I use film for these major teaching areas:

- 1) Concepts of professionalism: Images of lawyers and the justice system.
- 2) Communication with clients
- 3) Ethics
- 4) Dealing with the media
- 5) Negotiation skills
- 6) Access to justice issues

This paper deals with the first three of those topics.

**I THE IMAGE OF LAWYERS AND THE JUSTICE SYSTEM IN SOCIETY:  
CONCEPTS OF PROFESSIONALISM**

One of the aims of a Clinical Legal Education program is to facilitate independent student learning and to encourage self-reflective professional practice. Two of the expected learning outcomes in my clinical program are that students will be able to articulate a realistic understanding of the role of law and lawyers in society and display an appreciation of issues surrounding the access that people and organisations have to justice. I find filmic references particularly useful to demonstrate images of lawyers in society and thereby to encourage reflective practice.

The image of the lawyer as a member of an elite profession, removed from the lives of those he represents, greedy for money and uncaring towards those who pay his bills (like Daumier's lithographs) is an archetype of screen narrative. In '*The Verdict*'<sup>25</sup>,

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<sup>25</sup> *The Verdict*, above n 9.

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one character says of all lawyers, 'You're a bunch of whores'. Students can be asked to comment on this.

'*Liar Liar*'<sup>26</sup> commences with a child telling his class about his dad's job:

Child: My dad is a liar.

Teacher: A liar? Oh, I'm sure you don't mean he's a liar!

Child: Well, he wears a suit and goes to court and talks to the judge.

Teacher: Oh, I see! You mean he's a lawyer!

The innuendo is that the words 'liar' and 'lawyer' are interchangeable, reflective of the dubious position that lawyers hold in current society. This also provides the basis for a discussion about the role of lawyers in the justice system.

Not all movie lawyers are portrayed in a negative light. John Mortimer's '*Rumpole of the Bailey*'<sup>27</sup> prefers poetry to pageantry. Dennis Denuto in '*The Castle*'<sup>28</sup> is not a sharp-talking shark from a sophisticated city firm, but a suburban sole practitioner. The scene of him alone in his office at night, dictating a letter which he then types himself, shows him to be as much a 'battler' as his client, who is fighting a compulsory acquisition order. The character of Lawrie, the Queen's Counsel who offers to run the case *pro bono*, probably did more for the reputation of lawyers than any other legal character since Atticus Finch.<sup>29</sup> I like to ask students who their favourite fictitious legal role models are, and why.

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<sup>26</sup> *Liar Liar*, above n 13.

<sup>27</sup> *Rumpole of the Bailey* (television series 1, London, Thames Television Limited based on books by John Mortimer) 1978. There are further series also.

<sup>28</sup> *The Castle* (motion picture) 1997, Melbourne, Working Dog Productions.

<sup>29</sup> Lee, above n 12. Much has been written about Atticus Finch, the protagonist in Harper Lee's *To Kill a Mocking Bird*, especially after Gregory Peck's cinematic interpretation of the character. This paper does not purport to add to the existing body of literature on that topic, but rather to explore how images of lawyers have developed since that film was made.

## **II COMMUNICATION WITH CLIENTS, INCLUDING INTERVIEWING SKILLS AND CROSS-CULTURAL ISSUES**

Meyer and Cusick point out that ‘our law students are increasingly visually literate. They are visual and aural learners as well’.<sup>30</sup> Meyer and Cusick have written about how first year law students ‘desire and manifest a psychological readiness for narrative understandings of criminal law that can be readily “rationalised” and justified pedagogically in terms of developing their lawyering skills’.<sup>31</sup> I contend that final year students who are on the cusp of entering legal practice also manifest a psychological readiness to apply their knowledge of legal skills and ethics to filmic narrative context, particularly in the context of client interviewing.

Most interviews shown between lawyers and their clients in films provide examples of how not to conduct interviews. Students who have already learned about interviewing techniques enjoy the opportunity to analyse and ‘pick the mistakes’ from a fictional scenario as a means of reviewing interview techniques. Le Brun and Johnstone assert that ‘[e]xplaining is one of the major skills in lecturing’ and that it is important to ‘pitch our explanation at an appropriate level’.<sup>32</sup> Le Brun and Johnstone suggest using a narrative or anecdotal approach to explain or illustrate important points. Using a screen narrative or anecdote provides an effective means of explanation.

Interview skills are an essential component of both the PLT program and Clinical Legal Education. In the latter, an essential learning outcome is that students must be familiar with a range of practical legal skills, especially interviewing, drafting, letter writing and other client communication techniques. Within the PLT program, students must demonstrate their competency in preparing for an interview, conducting an interview, ensuring that the client and lawyer have both obtained all the information

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<sup>30</sup> Philip N. Meyer and Stephen L. Cusick, ‘Using Non-Fiction Films as Visual Texts in the First Year Criminal Law Course’ (2003-2004) 28 *Vermont Law Review* 895.

<sup>31</sup> *Ibid* 896.

<sup>32</sup> Brun and Johnstone, above n 3, 263 citing George A. Brown and Madeleine Atkins, *Effective Teaching in Higher Education* (1990).

which they wanted from the interview and ensuring that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is to take.

In both programs, I teach the philosophy of client-centred practice,<sup>33</sup> the antithesis of which is demonstrated by Horace Rumpole's paternalistic interview technique. It is often by showing negative examples, that the message is conveyed, such as in '*Rumpole and the Alternative Society*',<sup>34</sup> where Rumpole makes it clear to his client that it is his job to make all the decisions. Client-centred practice is not on his agenda.

In '*Rumpole and the Honourable Member*'<sup>35</sup> Rumpole's client has been charged with rape. Rumpole wants to interview him in the absence of his wife. His patronising attitude towards the client's wife is an example of how not to conduct an interview. Later in the same scene, another barrister enters the room. Notwithstanding the seriousness and delicacy of the information the client is having difficulty providing, Rumpole makes no attempt to prevent the interruption. Empathy is not in his vocabulary.

For an illustration of empathy, we need go no further than Atticus Finch's memorable line: 'You never really understand a person until you consider things from his point of view... Until you climb inside of his skin and walk around in it.'<sup>36</sup>

On the other hand, students can be asked to comment on whether Fletcher Reede in '*Liar Liar*'<sup>37</sup> takes empathy too far when he meets a client in a matrimonial dispute involving her 'seven single acts of indiscretion'. Reede is prepared to do and say whatever it takes to win this case. His client is willing to perjure herself. Winning the case will be a positive strategic step in his career ladder. This provides the nexus with

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<sup>33</sup> See Stephen Ellman, 'Lawyers and Clients' 34 (1987) *UCLA Law Review* 717; Richard Wasserstrom, *Lawyers as Professionals – Some Moral Issues* (1975) 5 *Human Rights Quarterly*, 1; David Binder and Susan Price, *Client Centred Counselling* (1989) 35, 272.

<sup>34</sup> *Rumpole and the Alternative Society* in *Rumpole of the Bailey*, above n 27.

<sup>35</sup> *Rumpole and the Honourable Member* in *Rumpole of the Bailey*, above n 27.

<sup>36</sup> Lee, above n 12.

<sup>37</sup> *Liar Liar*, above n 13.

the film's narrative theme. Reede's son's birthday wish that his father not be able to lie for a whole day comes true. Losing the case appears to be inevitable. Lawyers appear to only win if they lie and cheat. Only by not lying, can this lawyer redeem himself as a human being. The script does not involve any element of ethical behavior or any mention of professional conduct rules. Students can be asked to discuss:

- What ethical issues are involved here?
- What action should this lawyer take to comply with the professional conduct rules?

In the first interview with his clients, Galvin in *'The Verdict'*<sup>38</sup> sits on his desk, convincing them to pursue their case for which he will charge a contingency fee. His manner of talking and the advice he gives provide an example for a discussion about paternalistic versus client-centred interviewing.<sup>39</sup> Later, during the trial, when his tearful client asks him if he has 'other tactics' which he can use, he tells her that he does, but walks away, leaving her shattered and confused. 'How might he have handled that better?' can open the discussion about empathetic communication.

For comic relief, Fletcher Reede gives an example of what **not** to say to a client (even if one might be tempted). A client has been accused of a crime and calls for advice. Reede grabs the telephone and yells, 'Stop breaking the law asshole'!<sup>40</sup> The teaching benefit in showing such an excerpt arises from discussing **why** it is funny, and what the consequences of this breach of several professional conduct rules might be.

I usually have a number of students who were born or who have lived in countries other than Australia, and many speak languages other than English, so their overall understanding of potential language difficulties is strong. To re-enforce the notion of the difficulties faced by clients who might not speak English or whose grasp of English is not satisfactory in a legal context, I show students what it feels like not to

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<sup>38</sup> *The Verdict*, above n 9.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Liar Liar*, above n 13.

understand every word that is being said. There are some excellent filmic resources dealing with cross-cultural issues in legal practice.<sup>41</sup> There is a trial scene in 'Midnight Express'<sup>42</sup> conducted entirely in Turkish. Watching this scene, one soon develops a sense of what it must be like to be involved in a trial where you cannot understand the language. Students can be invited to discuss the sense of alienation and helplessness which is conveyed in this scene.

Similarly, '*Johnny Belinda*'<sup>43</sup> depicts a trial of a deaf mute girl accused of murder. The scene of her giving evidence through an interpreter is somewhat tainted from Hollywood gloss but does provide a starting point for discussion about working with interpreters. This is strongly linked to the learning outcome of the PLT program to identify and appropriately deal with verbal, non-verbal and cross-cultural aspects of lawyer-client communication.<sup>44</sup>

### **III ETHICS**

Within the Practical Legal Training program, a major learning outcome for students is that students must demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.<sup>45</sup> Entry level lawyers are also required to competently identify any relevant ethical dimension of a particular situation and take action which complies with professional ethical standards in that situation.<sup>46</sup> In the Clinical Legal Education program (which is separate from the PLT program) students discuss the importance of legal ethics and professional conduct, and are required to display via their own behaviour a proper ethical and professional attitude. They must also recognise, appreciate, explain and analyse the dynamics of the various relationships that can arise in a practical legal setting.

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<sup>41</sup> See, eg, *Cross-Cultural Communication in Legal Practice, Issues and Strategies* (video recording) (University of Western Sydney, 2001).

<sup>42</sup> *Midnight Express*, 1978, Hollywood CA, Columbia Pictures.

<sup>43</sup> *Johnny Belinda* (DVD recording from the stage play by Elmer Harris) 2006, Los Angeles, Warner Bros.

<sup>44</sup> See *Australasian Professional Legal Education Council (APLEC) Competencies* (2002) 20, <[http://www.aplec.asn.au/aplec/dsp\\_resources.cfm](http://www.aplec.asn.au/aplec/dsp_resources.cfm)> at 26 March 2007.

<sup>45</sup> *Ibid* 16.

<sup>46</sup> *Ibid*.

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Professional Conduct Rules form the basis of any discussion about legal ethics, and cover topics ranging from lawyers' relations with other members of the profession (Rumpole provides some excellent examples) to dealings with clients.<sup>47</sup> Rule 21 of the South Australian Rules of Professional Conduct and Practice ('S.A. Professional Conduct Rules') states:

A practitioner, in all of the practitioner's dealings with other practitioners, must take all reasonable care to maintain the integrity and reputation of the legal profession by ensuring that the practitioner's communications are courteous and that the practitioner avoids offensive or provocative language or conduct.<sup>48</sup>

Ethical issues in films create dramatic tension. For law students, they provide examples to discuss and analyse. In *'The Verdict'*<sup>49</sup>, Galvin makes a bogus telephone call to a witness in order to locate her and persuade her to give evidence in a trial. In *'Hell Has Harbour Views'*,<sup>50</sup> the protagonist breaches client confidentiality by talking to the press. Alan Shore in *'Boston Legal'*<sup>51</sup> and *'The Practice'*<sup>52</sup> faces ethical issues in every episode. Issues such as legal professional privilege, a lawyer's duty to act in the client's best interest, a lawyer's duty to the court, communicating with another practitioner's client, avoiding conflicts of interest and integrity of evidence are all areas which can be brought to life with filmic examples.

Le Brun and Johnstone stress that providing relevant examples of topics raised in lectures is an important way of enabling students to retain information.<sup>53</sup> One of the most commonly raised ethical issues is: 'How can you act for someone if you know

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<sup>47</sup> Ibid.

<sup>48</sup> *The South Australian Rules of Professional Conduct and Practice*, The Law Society of South Australia, 1 March 2003 Based upon the Model Rules of Professional Conduct and Practice of the Law Council of Australia <<http://www.lssa.asn.au/>> at 26 March 2007.

<sup>49</sup> Above n 9.

<sup>50</sup> *Hell Has Harbour Views* (telemovie 2005, Australian Broadcasting Corporation based on novel by Richard Beasley) 2001.

<sup>51</sup> Above n 14.

<sup>52</sup> Above n 14.

<sup>53</sup> Brun and Johnstone, above n 3, 264.

she is guilty?' An example of this is in '*Rumpole and the Alternative Society*'.<sup>54</sup> Rumpole suspects that the client is going to confess to her guilt, and cautions her not to tell him any more. Ignoring his warning, she confesses, and then Rumpole tells her that he can no longer act for her. The client sees this as a betrayal. For the law student, this plot point in the narrative is a critical ethical issue.

The S.A. Professional Conduct Rules state that:

15.2 A practitioner whose client in criminal proceedings confesses guilt to the practitioner but maintains a plea of not guilty:

15.2.1 may cease to act, if there is enough time for another practitioner to take over the case properly before the hearing, and the client does not insist on the practitioner continuing to appear for the client;

15.2.2 in cases where the practitioner continues to act for the client:

- a) must not falsely suggest that some other person committed the offence charged;
- b) must not set up an affirmative case inconsistent with the confession;
- c) may argue that the evidence as a whole does not prove that the client is guilty of the offence charged;
- d) may argue that for some reason of law the client is not guilty of the offence charged; or
- e) may argue that for any other reason not prohibited by (a) and (b) the client should not be convicted of the offence charged.<sup>55</sup>

The class can be asked, 'What would Rumpole have to do if he had this situation here and now'?

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<sup>54</sup> Above n 27.

<sup>55</sup> Above n 48, 14.

Aspects of professionalism include the topic of acting for the repugnant client. Students find this concept easy to comprehend in theory, but often confusing to deal with in practice, especially in a clinical legal education setting. Using film can help to personalise this dilemma. Such discussions can be extended by looking at the converse view: What about acting for a client whom you perhaps like too much?

In 'The Paradine Case'<sup>56</sup>, a successful barrister (Keane) acts for a woman who is accused of murdering her husband. Keane falls in love with her, and she encourages his infatuation. Obsessed with his client, Keane's personal feelings cloud his objectivity. Can he continue to act in the best interests of his client in this situation? The class might be asked to discuss this in the context of Rule 1.1 of the S.A. Professional Conduct Rules: 'A practitioner must act honestly and fairly, and with competence and diligence, in the service of a client'.<sup>57</sup>

Keane encounters great personal conflict upon realising that there is another man in his client's life. His strategy for securing an acquittal goes awry when she refuses to denounce her lover. The class might also be asked to discuss whether the lawyer's lack of objectivity because of his feelings for the client puts him in a position of conflict of interest contrary to Rule 9 of the S.A. Professional Conduct Rules which states: 'A practitioner must not, in any dealings with a client... allow an interest of the practitioner...to conflict with the client's interest'.<sup>55</sup>

An innovative method of assessment which I use is to ask students to watch a film or television program of their choice and then write a commentary about the ethical issues involved.

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<sup>56</sup> *The Paradine Case* (motion picture) 1947, Hollywood CA, Selznick International Productions.

<sup>57</sup> Above n 48, 5.

<sup>55</sup> Ibid 9.

<sup>56</sup> As advocated by Le Brun and Johnstone, above n 3, 97.

#### **IV CONCLUSION**

The aim of the paper is to demonstrate that using short excerpts from films and television programs can provide an effective method of illustrating ideas, techniques and rules in a means other than via black and white words on a page, or relying on the lecturer to provide anecdotes and examples.

Using films as visual aids in order to achieve learning objectives is not restricted to depicting good examples or the 'right way' to conduct ethical legal practice. Storytelling transcends generation and cultures. Everyone is naturally attracted to stories (including lawyers, law students and law teachers!) and as the culture of law is essentially a narrative one, the use of fictional narrative to enhance teaching methodology is a natural progression. The use of filmic narrative to illustrate technical legal issues or to commence a discussion about ethics or client communication techniques is one more possible tool in our practical legal skills tool box. It is also an effective example of creating a learning environment which promotes meaningful, self-centred learning.<sup>56</sup>