



PROGRAM MATERIALS

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Real Lessons for Lawyers in the Movies: Lawyer Movies with Teaching Points for Lawyers

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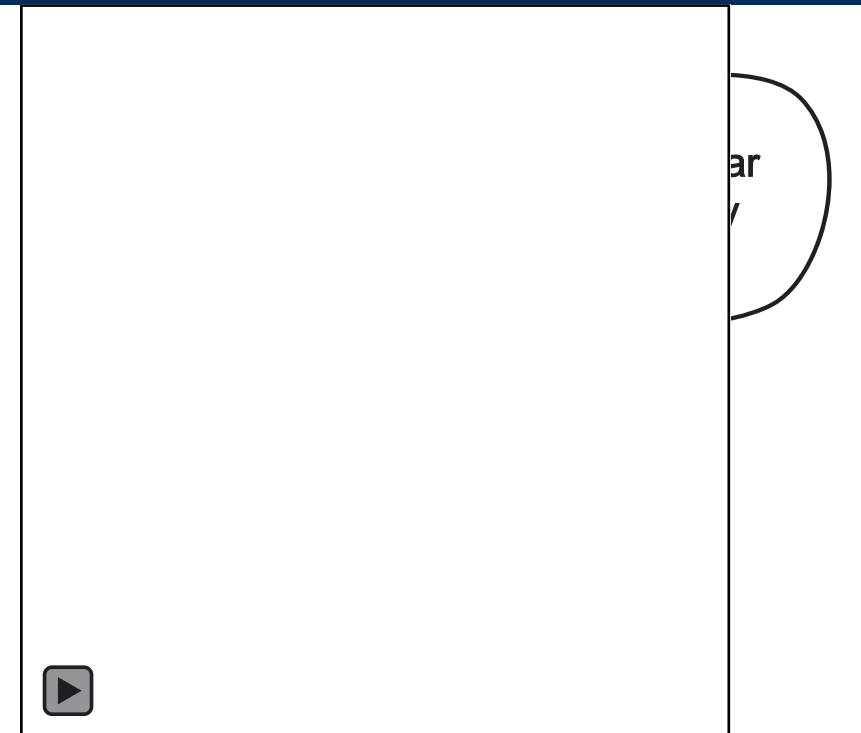
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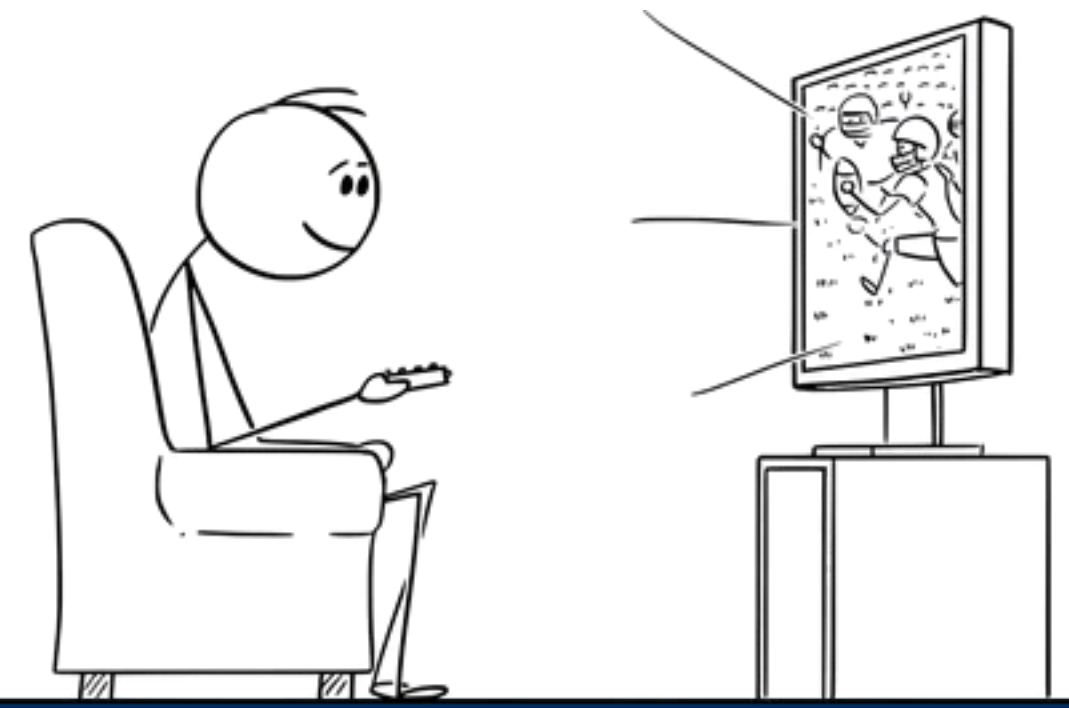
REAL LESSONS FOR LAWYERS IN THE MOVIES

Lawyer Movies with Teaching Points
for Lawyers

With
GUY O. KORNBLUM

What We Can and Cannot Do in This Format – Realistic Learning Expectations





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The Movies Help!

Agenda

1. **Ethics: Where Is the Line Drawn on Client Preparation? *Anatomy of a Murder***
2. **An Opening Statement to the Point: *Philadelphia***
3. **The Direct: Getting the Story Out of Your Client: *To Kill a Mockingbird***
4. **The Direct of an Expert: *The Verdict***
5. **Let the Expert Talk: *My Cousin Vinny***
6. **The Cutting and Disciplined Cross-Examination: *Witness for the Prosecution***
7. **Demeanor on Cross-Exam: *Anatomy of a Murder***
8. **The Theme of the Case: Keep it in Front of the Jury: *The Verdict***
9. **Let's Not Forget we Are a Business *AND* a Profession**

1. Where is the Line Drawn on Client Preparation: *Anatomy of a Murder* ?

ABA FORMAL OPINION 508 (8/2023)

“A lawyer’s role in preparing a witness to testify and providing testimonial guidance is not only *an **accepted professional function; it is considered an essential tactical component of a lawyer’s advocacy*** in a matter in which a client or witness will provide testimony. Under the Model Rules of Professional Conduct¹ governing the client-lawyer relationship and a lawyer’s duties as an advisor, ***the failure adequately to prepare a witness would in many situations be classified as an ethical violation.*** But, in some witness-preparation situations, a lawyer clearly steps over the line of what is ethically permissible. Counseling a witness to give false testimony or assisting a witness in offering false testimony, for example, is a violation of at least Model Rule 3.4(b). The task of **delineating what is necessary and proper and what is ethically prohibited** during witness preparation has become more urgent with the advent of commonly used remote technologies, some of which can be used to surreptitiously “coach” witnesses in new and ethically problematic ways.”

ABA FORMAL OPINION 508 pp. 2 -3

“Some quantum of Client and Witness preparation is appropriate and an affirmative ethical responsibility. **But lawyers ‘must respect the important ethical distinction between discussing the testimony and seeking improperly to influence it.’** There is, in general, a distinction between manipulative conduct during client/witness preparation and active interference with or attempts to influence testimony while a witness is testifying.”

Overall. . . .

“A lawyer’s duty is to extract the facts from the witness, not to pour them into him; to learn what the witness does know, not to teach him what he ought to know.”

In re Eldridge, 82 N.Y. 161, 171 (1880).

The Basic Principle. . .

Lawyers must stay within the boundaries and rules and use common sense to govern themselves by a sense of fairness and propriety.

So, What Is the Ethical Approach?

- Don't lie
- Don't guess
- Answer (only) the question
- Take your time

So, What Is the Ethical Approach?

- What if the perceived favorable witness refuses to meet before testifying?
- What can a lawyer do to persuade the witness to meet?
- Should a lawyer delegate witness preparation to a young lawyer or paralegal?

So, What Is the Ethical Approach?

- What if a witness insists on a story that is not true (e.g. the police report is in conflict)?
- What if a witness insists on being paid?
- Do the rules change for Zoom depositions?

How Do You Get Them to Tell their Part of the Story?

- Establish rapport – essential, determine limits of willingness to cooperate.
- How does the witness communicate?
- Can they explain so a court and jury understand.?
- Demeanor should be as a teacher – avoid arrogant or dismissive

Should You . . . ?

- Review a witness's statement with that witness?
- Review other witness's statements?
- Show the witness photos?
- Help the witness recollect the facts to bridge gaps?
- Generally, inform the witness what will take place, and how to approach without improperly influencing testimony?

Permissible Activities. . .

- Reminding the witness of the oath they take
- Emphasizing the importance of telling the truth
- Explaining that telling the truth can include a truthful answer of, “I do not recall” or “I don’t know”

Permissible Activities. . .

- Explaining case strategy and procedure, including the nature of the testimonial process or the purpose of the deposition and trial testimony.
- Suggesting proper attire and appropriate demeanor and decorum.
- Providing a context for the witness' testimony.

Permissible Activities. . .

- Inquiring into the witness' probable testimony and recollection.
- Identifying other testimony that is expected to be presented to explore the witness' version of events in light of that testimony.

Permissible Activities. . .

- Reviewing documents or physical evidence with the witness including using documents to refresh a witness's recollection of the facts.
- Identifying lines of questioning and potential cross-examination.

Permissible Activities. . .

- Suggesting a choice of words that might be employed to make the witness' meaning clear.
- Telling the witness not to answer a question until it has been completely asked.
- Telling the witness not to elaborate on volunteer information or opinion.

Permissible Activities. . .

- Emphasizing the importance of remaining calm and not arguing with the questioning lawyer.
- Telling witnesses to testify only about what they know and not guess or speculate.

Permissible Activities. . .

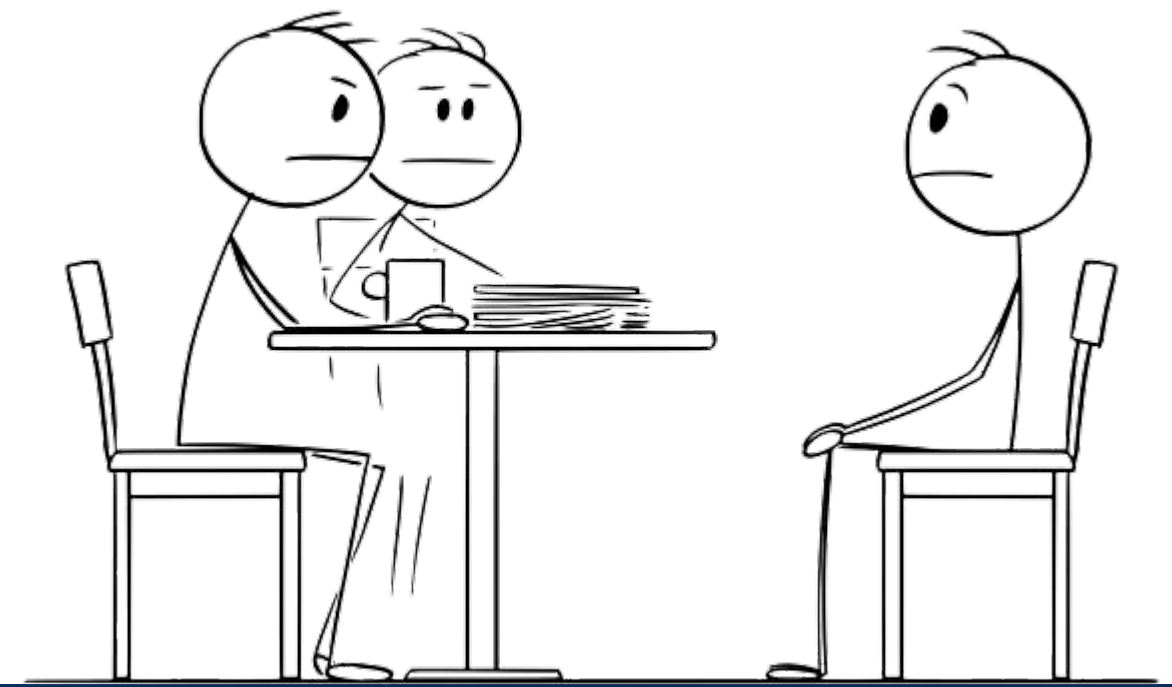
- Familiarizing the witness with the idea of focusing on answering the question, *i.e.* not volunteering information.

Anatomy of a Murder

In the Upper Peninsula of Michigan, small-town lawyer Paul Biegler, a former **district attorney** who lost his re-election bid, spends most of his time fishing, playing the piano, and hanging out with his **alcoholic** friend and colleague Parnell McCarthy and sardonic secretary Maida Rutledge. One day, Biegler is contacted by Laura Manion to defend her husband, US Army Lieutenant Frederick "Manny" Manion, who has been arrested for the murder of innkeeper Bernard "Barney" Quill. Manion does not deny the murder, but claims that Quill raped his wife. Even with such a motivation, getting Manion cleared of murder would be difficult, but Manion claims to have no memory of the event, which suggests he may be eligible for a defense of **irresistible impulse**—a version of a **temporary insanity** defense.



GUY O. KORNBUM
A PROFESSIONAL LAW CORPORATION



2. An Opening Statement to the Point: *Philadelphia*

Philadelphia

Andrew Beckett is a senior associate at Philadelphia's law firm Wyant, Wheeler, Hellerman, Tetlow, & Brown. He conceals his homosexuality and his status as an AIDS patient from others in the office. A partner in the firm, Walter Kenton, notices a lesion on Beckett's forehead. Although Beckett attributes the lesion to a racquetball injury, it indicates Kaposi's sarcoma, an AIDS-defining condition.

During the 10 days given for a case assigned to him, Beckett tries to hide his lesions by staying home from work. He finishes the paperwork for this the night before the statute of limitations for the case ends, bringing it to his office and leaving instructions for his assistants to file it the following day. However, he receives a call the next day asking for the paperwork, which cannot be found, and is informed that there are no copies on the computer's hard drive. His paperwork is finally located in an alternative location and is filed with the court at the last moment. Beckett is called to a meeting the morning afterwards where the firm's partners fire him.

Philadelphia

Beckett believes someone deliberately hid the paperwork to give the firm an excuse to do so and that the termination is a result of his AIDS status and his sexuality. He asks ten attorneys to represent him in suing the firm for wrongful dismissal, the last of whom is African-American personal injury lawyer Joe Miller, whom Beckett previously opposed in a different case. Miller appears uncomfortable that a man with AIDS is in his office. After declining to take the case, Miller immediately visits his doctor to find out if he could have contracted the disease. The doctor explains that the routes of HIV infection do not include casual contact.

Unable to find representation from another lawyer, Beckett feels compelled to act as his own attorney. While conducting research at a law library, Miller sees Beckett at a nearby table. A librarian approaches Beckett and says that he has found a case of AIDS discrimination for him. As others in the library begin to stare uneasily, the librarian suggests Beckett go to a private room. Seeing parallels in racial discrimination, Miller approaches Beckett, reviews the material he has gathered, and agrees to take the case.

Philadelphia



So, What are the Points You Need to Cover?

- Recognizing jury service – Ok, but pause and . . .
- “So, what is this case about?”
- The “opening within and opening”
- Components
- Logical so jury track and retains chronology
- Summarizing: Planting the Case Story.

3. The Direct: Getting the Story Out of Your Client: *To Kill a Mockingbird*

To Kill a Mockingbird

The story, told by Jean Louise "Scout" Finch, takes place during three years (1933–35) of the Great Depression in the fictional town of Maycomb, Alabama, the seat of Maycomb County. Scout, who is six years old at the beginning of the book, lives with her older brother Jeremy, nicknamed Jem, and their widowed father Atticus, a middle-aged lawyer. They also have a black cook, Calpurnia, who has been with the family for many years and helps Atticus raise the two children.

Jem and Scout befriend a boy named Charles Baker Harris, nicknamed Dill, who visits Maycomb to stay with his aunt each summer. The three children are terrified, yet fascinated, by their neighbor, the reclusive Arthur "Boo" Radley. The adults of Maycomb are hesitant to talk about Boo, and many of them have not seen him for many years. The children feed one another's imagination with rumors about his appearance and reasons for remaining hidden, and they fantasize about how to get him out of his house.

To Kill a Mockingbird

After two summers of friendship with Dill, Scout and Jem find that someone is leaving them small gifts in a tree outside the Radley place. Several times the mysterious Boo makes gestures of affection to the children, but, to their disappointment, he never appears in person. One day, Boo's elder brother appears and abruptly encloses the hiding place where Boo had left carved figurines and trinkets for the children.

Judge Taylor appoints Atticus to defend Tom Robinson, a black man who has been accused of raping a young white woman, Mayella Ewell

To Kill a Mockingbird



To Kill a Mockingbird: Was the Client/Witness Prepared?

- Was the witness/client prepared?
- How did he handle the examination?
- Where did he flater?
- Where was he successful?
- This is a dramatic illustration but

4. The Direct of an Expert: *The Verdict*

The Verdict

Once-promising attorney Frank Galvin is an alcoholic ambulance chaser. As a favor, his former partner Mickey Morrissey sends him a medical malpractice case which is all but certain to be settled for a significant amount. The case involves Deborah Ann Kaye, who was left comatose after choking on her own vomit when she received general anesthesia during childbirth at a Catholic hospital. The plaintiffs, Kaye's sister and brother-in-law, intend to use the settlement to pay for her care.

A Catholic diocese representative offers Galvin \$210,000 (equivalent to \$576,000 in 2024^[5]). Deeply affected by seeing Kaye, Galvin declines and states his intention to try the case, stunning the defendants and the judge. While preparing for trial, Galvin encounters divorcée Laura Fischer in a bar, and they become romantically involved.

The Verdict

Galvin experiences several setbacks. His medical expert disappears, and a hastily arranged substitute's credentials are challenged. Nobody who was in the delivery room is willing to testify that negligence occurred. The hospital's attorney, Ed Concannon, has a large legal team that is masterful with the press. Kaye's brother-in-law angrily confronts Galvin after Concannon's team tells him of the settlement offer that Galvin rejected.

Witness for the Prosecution



5. Let the Expert Talk: *My Cousin Vinny*

My Cousin Vinny

While driving through Alabama, New York college students Bill Gambini and Stan Rothenstein stop at a convenience store, where Bill absentmindedly pockets a can of tuna. After they leave, the store clerk is found robbed and murdered, and the boys are pulled over and arrested. At the police station, Bill assumes he has been caught shoplifting and confesses, leading to his being charged with murder in the first degree and Stan as an accessory.

Lacking the money for a private attorney, Bill calls on his cousin, Vinny Gambini, a personal injury lawyer from Brooklyn, who agrees to take the case. Unbeknownst to them, Vinny has only just passed the bar after multiple failed attempts and has no trial experience. He travels to Alabama with his fiancée, Mona Lisa Vito, to defend the boys.

My Cousin Vinny: The Expert Testifies, but . . .



Your Expert Testifies

- How do you present the complexities of the subject so the jury understands?
- What ground work and introduction to the area should you cover?
- How do you present without ‘talking down’ to the jury?
- How do you approach in a court trial? How does the approach change if it does?

6. The Cutting and Disciplined Cross Examination: *Witness for the Prosecution*

Witness for the Prosecution

Senior barrister Sir Wilfrid Robarts is nearing retirement after a heart attack. He agrees to defend Leonard Vole, despite Nurse Plimsoll's objections and Sir Wilfrid's doctor having warned against taking stressful criminal cases. Leonard is accused of murdering Emily French, a wealthy, childless widow who fell in love with him and named him as the main beneficiary in her will. Despite the evidence, Sir Wilfrid believes his client to be innocent.

Sir Wilfrid speaks with Leonard's German wife, Christine, whom he finds cold and self-possessed; she provides a not entirely plausible alibi. He is later shocked when Christine is called to give evidence against Leonard as a prosecution witness. While a wife cannot be compelled to testify against her husband, it is revealed that her marriage to Leonard is invalid, as she was already married to another man, Otto Helm, still alive and living in Germany.

Witness for the Prosecution

She states that she never loved Leonard, and her conscience compels her to tell the truth. She explains that she had a marriage ceremony with Leonard, a Royal Air Force sergeant serving in Berlin's British occupation zone, solely to escape from Soviet-controlled territory to the West. According to her testimony, Leonard arrived home after the time of the murder and confessed that he had killed Mrs. French.

While fearing his client will be convicted and sentenced to hang, Sir Wilfrid is unexpectedly contacted by a woman who offers to sell him letters written by Christine to a lover named Max. The handwriting is genuine, and the woman has a legitimate reason for providing the letters: her lover attacked and disfigured her face.

Witness for the Prosecution

During cross examination, Sir Wilfrid reads the letters, which disclose a conspiracy between Max and Christine to frame Leonard. The jury acquits Leonard. Sir Wilfrid's uneasiness proves justified when Christine, brought into the courtroom to protect her from the departing crowd, explains how she won the acquittal. After Sir Wilfrid had previously told Christine that a jury would not believe a loving spouse's alibi, she posed as a hateful, double-crossing wife.

She also wrote letters to a non-existent lover (Max) and impersonated the disfigured woman who gave Sir Wilfrid the letters to discredit her own testimony. Christine loves Leonard, but knew he was guilty. Christine told the truth about the murder in the witness-box: Leonard did confess to her. Sir Wilfrid is outraged, but the law of double jeopardy prevents any renewed prosecution of Leonard.

Witness for the Prosecution

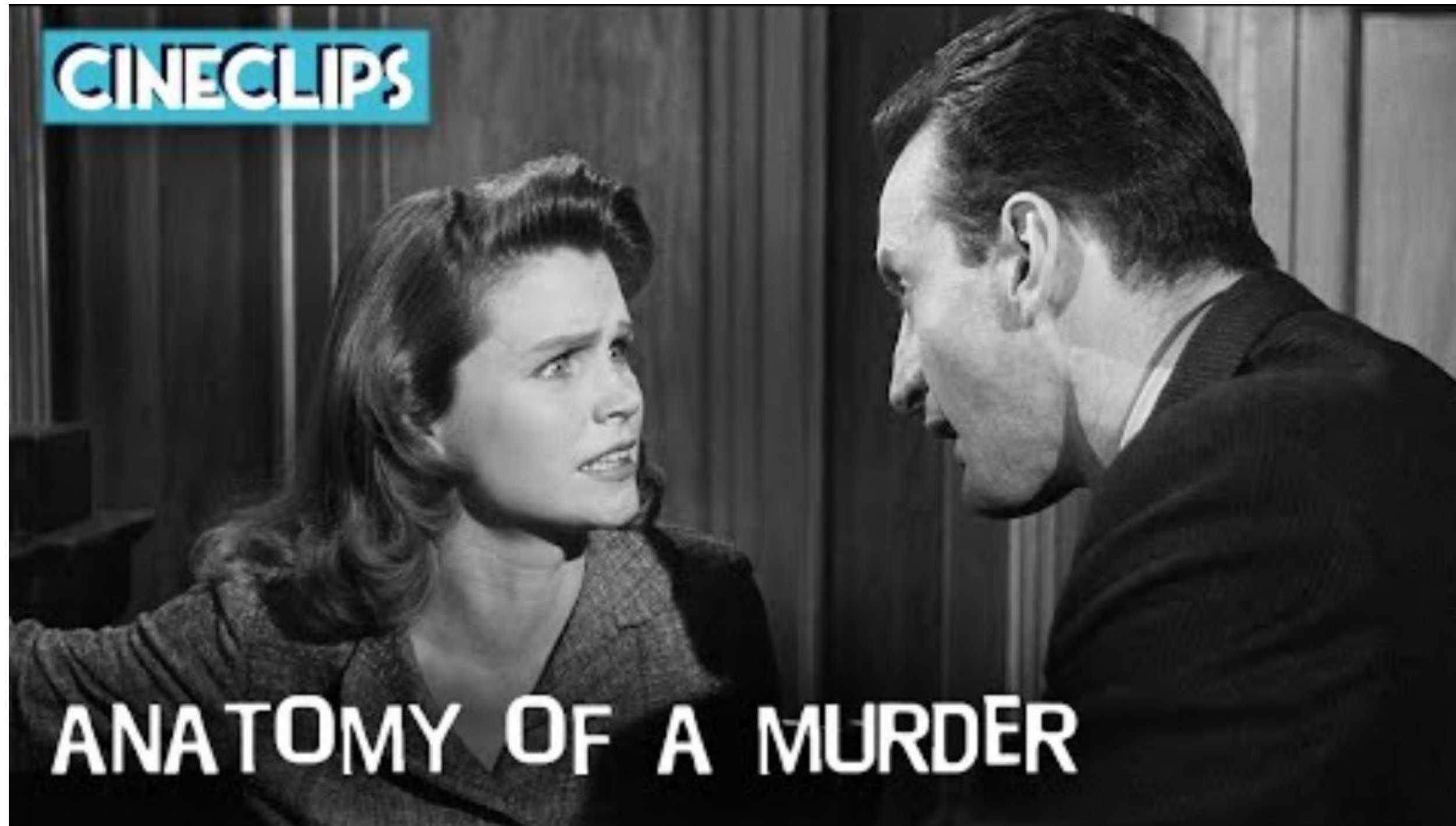


Components of the Disciplined Cross

- “No questions, Your Honor”?
- Constructive (Hitchhiking)?
- Professor Younger’s ‘Ten Commandments.
- Keep a Tight Leash on Witness!
- Moving to Strike Non-Responsive Answers?
- Can You Add to the Story?
- Arguing Your Case (without arguing with the witness).
- Testifying Using Your Questions.

7. Demeanor on Cross -Exam: *Anatomy of a Murder*

Anatomy of a Murder



The Verdict Closing Overview. . . .

- Is this the right approach?
- If so, where does it fit in?
- How do you present without ‘talking down’ to the jury?
- Should you do this in a court trial? Is, how does the approach change if it does?

8. The Theme of the Case; Keep it in Front of the Jury: *The Verdict*

The Verdict



The Verdict Closing Overview. . . .

- Is this the right approach?
- If so, where does it fit in?
- How do you present without ‘talking down’ to the jury?
- Should you do this in a court trial? Is, how does the approach change if it does?



These principles and guidelines are helpful
BUT it is still up to the *lawyer* to learn the
fundamentals *and apply them* !

9. Let's Not Forget We Are A Business *AND* a Profession

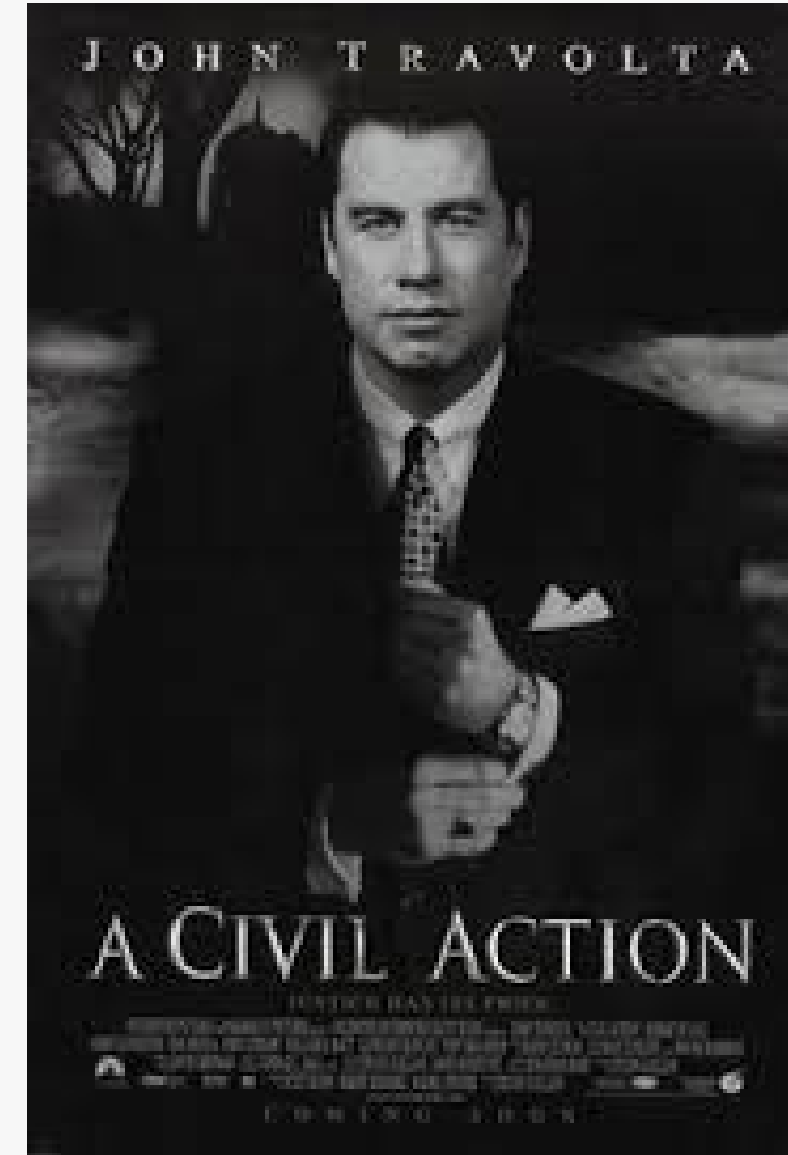
Civil Action



Two Movies to Watch . . .



The Rainmaker



A Civil Action

Your Tasks!

Tell 'em what your gonna tell them

Tell 'em

Tell 'em what you told 'em!

REAL LESSONS FOR LAWYERS IN THE MOVIES

Lawyer Movies with Teaching Points
for Lawyers

With
GUY O. KORNBLUM

SUMMARY OF OUR MOVIES¹

Anatomy of a Murder

A 1959 American [legal drama](#)^[2] film produced and directed by [Otto Preminger](#). The screenplay by [Wendell Mayes](#) was based on the 1958 novel of the same name written by [Michigan Supreme Court Justice John D. Voelker](#) under the [pen name](#) of Robert Traver. Voelker based the novel on a 1952 murder case in which he was the defense attorney.^[3]

The film stars [James Stewart](#), [Lee Remick](#), [Ben Gazzara](#), [Eve Arden](#), [George C. Scott](#), [Arthur O'Connell](#), [Kathryn Grant](#), Brooks West (Arden's husband), [Orson Bean](#), and [Murray Hamilton](#). The judge was played by [Joseph N. Welch](#), a real-life lawyer famous for dressing down [Joseph McCarthy](#) during the [Army–McCarthy hearings](#). It has a musical score by [Duke Ellington](#), who also appears in the film. It has been described by Michael Asimow, UCLA law professor and co-author of *Reel Justice: The Courtroom Goes to the Movies* (2006), as "probably the finest pure [trial movie](#) ever made".^[4]

In 2012, the film was selected for preservation in the United States [National Film Registry](#) by the [Library of Congress](#) as being "culturally, historically, or aesthetically significant".^{[5][6][7]}

Plot

In the [Upper Peninsula of Michigan](#), small-town lawyer Paul Biegler, a former [district attorney](#) who lost his re-election bid, spends most of his time fishing, playing the piano, and hanging out with his [alcoholic](#) friend and colleague Parnell McCarthy and sardonic secretary Maida Rutledge.

One day, Biegler is contacted by Laura Manion to defend her husband, US Army Lieutenant Frederick "Manny" Manion, who has been arrested for the murder of innkeeper Bernard "Barney" Quill. Manion does not deny the murder, but claims that Quill raped his wife. Even with such a motivation, getting Manion cleared of murder would be difficult, but Manion claims to have no memory of the event, which suggests he may be eligible for a defense of [irresistible impulse](#)—a version of a [temporary insanity](#) defense. It is strongly implied that Manion is faking

¹ Taken from Wikipedia.

insanity, having been guided to it as a potential defense by Biegler. Biegler's folksy speech and laid-back demeanor hide a sharp legal mind and a propensity for courtroom theatrics that keeps the judge busy maintaining control. However, the case for the defense does not go well, especially as local district attorney Mitch Lodwick is assisted by high-powered prosecutor Claude Dancer from the Attorney General's office.

Furthermore, the prosecution tries at every instance to block any mention of Manion's motive for killing Quill. Biegler eventually manages to get the rape of Laura Manion into the record and Judge Weaver agrees to allow the matter to be part of the deliberations. During [cross-examination](#), Dancer insinuates that Laura openly flirted with other men, including the man she claimed raped her.

Psychiatrists give conflicting testimony to Manion's state of mind at the time that he killed Quill. Dancer says that Manion may have suspected Laura of cheating on him because he asked her, a [Catholic](#), to swear on a [rosary](#) that Quill raped her.

This raises doubt as to whether the act was consensual.



Brooks West (left) and [James Stewart](#) (right) face one another, as [George C. Scott](#) (center) looks on

Quill's estate is to be inherited by Mary Pilant, whom Dancer accused of being Quill's mistress. McCarthy learns that Pilant is Quill's daughter, a fact she is anxious to keep secret since she was born out of wedlock. Biegler, who is losing the case, tries to persuade Pilant that Al Paquette, the bartender who witnessed the murder, may know if Quill admitted to raping Laura and is covering it up, either because he loves Pilant or out of loyalty to Quill. Through Pilant, Biegler is unable to get Paquette to testify on behalf of Manion.

During the trial, Laura claims that Quill tore off her underwear while raping her; the underwear was not found where she alleged the rape took place. Pilant, previously unaware of any details of the case, hears this during the trial and then tells Biegler and later testifies that she found the panties in the inn's laundry room the morning after the alleged rape. Biegler suggests Quill may have attempted to avoid suspicion by dropping the panties down the [laundry chute](#) located next to his room. Dancer tries to establish that Pilant's answers are founded on her jealousy. When Dancer asserts forcibly that Quill was Pilant's lover and that Pilant lied to

cover this fact, Pilant shocks everyone by stating that Quill was her father. Manion is found not guilty by reason of insanity. After the trial, Biegler decides to open a new practice, with a newly sober McCarthy as his partner.

The next day, Biegler and McCarthy travel to the Manions' [trailer park](#) home to get Manion's signature on a [promissory note](#) which they hope will suffice as [collateral](#) for a desperately needed loan. It turns out the Manions have vacated the trailer park, the superintendent commenting that Laura Manion had been crying. Manion left a note for Biegler, indicating that his flight was "an irresistible impulse", the same justification Biegler used during the trial. Biegler states that Mary Pilant has retained him to execute Quill's estate; McCarthy says that working for her will be "[poetic justice](#)".

Phidelpia

Andrew Beckett is a senior [associate](#) at Philadelphia's law firm Wyant, Wheeler, Hellerman, Tetlow, & Brown. He conceals his homosexuality and his status as an [AIDS](#) patient from others in the office. A partner in the firm, Walter Kenton, notices a lesion on Beckett's forehead. Although Beckett attributes the lesion to a racquetball injury, it indicates [Kaposi's sarcoma](#), an AIDS-defining condition.

During the 10 days given for a case assigned to him, Beckett tries to hide his lesions by staying home from work. He finishes the paperwork for this the night before the [statute of limitations](#) for the case ends, bringing it to his office and leaving instructions for his assistants to file it the following day. However, he receives a call the next day asking for the paperwork, which cannot be found, and is informed that there are no copies on the computer's hard drive. His paperwork is finally located in an alternative location and is filed with the court at the last moment. Beckett is called to a meeting the morning afterwards where the firm's partners fire him.

Beckett believes someone deliberately hid the paperwork to give the firm an excuse to do so and that the termination is a result of his [AIDS status](#) and his sexuality. He asks ten attorneys to represent him in suing the firm for [wrongful dismissal](#), the last of whom is African-American personal injury lawyer Joe Miller, whom Beckett previously opposed in a different case. Miller appears uncomfortable that a man with AIDS is in his office. After declining to take the case, Miller immediately visits his doctor to find out if he could have contracted the disease. The doctor explains that the [routes of HIV infection](#) do not include casual contact.

Unable to find representation from another lawyer, Beckett feels compelled to [act as his own attorney](#). While conducting research at a law library, Miller sees Beckett at a nearby table. A librarian approaches Beckett and says that he has found a case of AIDS discrimination for him. As others in the library begin to stare uneasily, the librarian suggests Beckett go to a private room. Seeing parallels in [racial discrimination](#), Miller approaches Beckett, reviews the material he has gathered, and agrees to take the case.

As the case goes to trial, the partners of the firm take the stand, each claiming that Beckett was incompetent and that he had deliberately tried to hide his condition. The defense repeatedly point out Beckett brought AIDS upon himself via willing gay sex with strangers and is therefore not a victim. To demonstrate Kenton would recognize the lesion as a symptom of AIDS-related illness, his former co-worker Melissa Benedict—who contracted AIDS [after a blood transfusion](#)—is brought in to testify. She mentions how his facial expressions showed discomfort around her because of it. Kenton denies recognizing Beckett's lesion, and insists Benedict was an innocent victim due to the transfusion, unlike Beckett. To prove that the lesions would have been visible, Miller asks Beckett to unbutton his shirt while on the witness stand, revealing that his lesions are indeed visible and recognizable as such. Throughout the trial, Miller's homophobia slowly disappears as he and Beckett bond from working together.

Beckett collapses and is hospitalized after Charles Wheeler, the partner he most admired, testifies against him. Another partner, Bob Seidman, confesses that he suspected Beckett had AIDS but never told anyone and refused to let him discuss it, which he deeply regrets. During Beckett's hospital stay, the jury votes in his favor, awarding him back pay, damages for pain and suffering, and [punitive damages](#), totaling over \$5 million. Miller visits the visibly frail Beckett in the hospital after the verdict and overcomes his fear enough to touch Beckett's face. After the family leaves the room, Beckett tells his lover Miguel Alvarez that he is "ready". At the Miller home later that night, Miller and his wife are awakened by a phone call from Alvarez, who tells them that Beckett has died. A memorial is held at Beckett's home, where many mourners, including Miller and his family, view home movies of Beckett as a happy child.

To Kill Mockingbird

The story, told by Jean Louise "Scout" Finch, takes place during three years (1933–35) of the [Great Depression](#) in the fictional town of Maycomb, [Alabama](#), the [seat](#) of Maycomb [County](#). Scout, who is six years old at the beginning of the

book, lives with her older brother Jeremy, nicknamed Jem, and their widowed father [Atticus](#), a middle-aged [lawyer](#). They also have a black cook, Calpurnia, who has been with the family for many years and helps Atticus raise the two children.

Jem and Scout befriend a boy named Charles Baker Harris, nicknamed Dill, who visits Maycomb to stay with his aunt each summer. The three children are terrified, yet fascinated, by their neighbor, the [reclusive](#) Arthur "Boo" Radley. The adults of Maycomb are hesitant to talk about Boo, and many of them have not seen him for many years. The children feed one another's imagination with rumors about his appearance and reasons for remaining hidden, and they fantasize about how to get him out of his house. After two summers of friendship with Dill, Scout and Jem find that someone is leaving them small gifts in a tree outside the Radley place. Several times the mysterious Boo makes gestures of affection to the children, but, to their disappointment, he never appears in person. One day, Boo's elder brother appears and abruptly encloses the hiding place where Boo had left carved figurines and trinkets for the children.

Judge Taylor appoints Atticus to defend Tom Robinson, a black man who has been [accused of raping](#) a young white woman, Mayella Ewell. Although many of Maycomb's citizens disapprove, Atticus agrees to defend Tom to the best of his ability. Other children taunt Jem and Scout for Atticus's actions, calling him a "[nigger](#)-lover". Scout is tempted to stand up for her father's honor by fighting, even though he has told her not to. One night, Atticus faces a group of men intent on [lynching](#) Tom. Scout, Jem, and Dill unexpectedly show up, and Scout inadvertently breaks the [mob mentality](#) by recognizing and talking heart-to-heart to a classmate's father, causing the would-be lynchers to disperse.

Atticus does not want Jem and Scout to be present at Tom Robinson's trial. No seat is available on the main floor, but the Rev. Sykes, the pastor of Calpurnia's church, invites Jem, Scout and Dill to watch from the [colored balcony](#). Atticus establishes that Mayella Ewell and her father, Bob, are lying. It is revealed that Mayella made [sexual advances](#) toward Tom, resulting in her being beaten by her father. The townspeople refer to the Ewells as "[white trash](#)" who are not to be trusted, but the jury convicts Tom regardless. Jem's faith in justice is badly shaken. Atticus is hopeful that he can get the verdict overturned, but Tom cannot look at him in the face before being led away. Within 24 hours of the town's attempt to lynch Tom and the close of the trial, it is reported that Tom had tried to escape from prison. He was shot and killed.

Despite Tom's having been convicted and killed, Bob Ewell ends up feeling humiliated by the events of the trial. Atticus explains that he destroyed Ewell's last

shred of credibility. Ewell vows revenge, spitting in Atticus' face, trying to break into the judge's house and [menacing](#) Tom Robinson's widow. Finally, when Jem and Scout are walking home on a dark night after a school pageant, Ewell violently assaults Jem. Jem suffers a fractured arm and is knocked unconscious in the struggle, but amid the confusion, someone comes to the children's rescue. The mysterious man carries Jem home, where Scout realizes that he is Boo Radley.

Sheriff Tate arrives at the Finch home, after having discovered Ewell dead from a knife wound. Atticus believes that Jem was responsible, but Tate is certain it was Boo. The sheriff tells Atticus that in order to protect Boo, he will report that Ewell simply fell on his own knife during the attack. Boo asks Scout to walk him home, and she readily agrees. After she says goodbye to him at his front door, he disappears, never to be seen again by Scout. While standing on the Radley [porch](#), Scout imagines life from Boo's perspective.

The Verdict

Once-promising attorney Frank Galvin is an alcoholic [ambulance chaser](#). As a favor, his former partner Mickey Morrissey sends him a [medical malpractice](#) case which is all but certain to be settled for a significant amount. The case involves Deborah Ann Kaye, who was left comatose after choking on her own vomit when she received [general anesthesia](#) during childbirth at a [Catholic hospital](#). The [plaintiffs](#), Kaye's sister and brother-in-law, intend to use the settlement to pay for her care.

A Catholic [diocese](#) representative offers Galvin \$210,000 (equivalent to \$576,000 in 2024^[5]). Deeply affected by seeing Kaye, Galvin declines and states his intention to try the case, stunning the defendants and the [judge](#). While preparing for trial, Galvin encounters divorcée Laura Fischer in a bar, and they become romantically involved.

Galvin experiences several setbacks. His [medical expert](#) disappears, and a hastily arranged substitute's credentials are challenged. Nobody who was in the delivery room is willing to testify that negligence occurred. The hospital's attorney, Ed Concannon, has a large legal team that is masterful with the press. Kaye's brother-in-law angrily confronts Galvin after Concannon's team tells him of the settlement offer that Galvin rejected.

In chambers, Judge Hoyle has a heated exchange with Galvin and threatens him with [disbarment](#). Galvin dismisses Hoyle as a "[Bag Man](#)" for the local political machine and "a [defendant's judge](#)" who "couldn't hack it" as a lawyer. Hoyle

denies Galvin's motion for a [mistrial](#) and threatens to have him arrested. Galvin storms out.

Galvin notices that Kaye's admitting nurse, Kaitlin Costello, filled out a form which included the question, "When did you last eat?" Galvin tracks down Costello in [New York City](#) and travels there to request her testimony. While Laura arranges to meet Galvin in New York, Morrissey finds a check from Concannon in her handbag and realizes she is Concannon's spy. Morrissey also travels to New York and informs Galvin of Laura's betrayal. Galvin confronts her in a bar and strikes her, knocking her to the floor. On the flight back to Boston, Morrissey suggests moving for a mistrial due to Concannon's ethics violation, but Galvin decides to continue the trial.

In her courtroom testimony, Costello says she wrote on the admitting form that Kaye ate a full meal one hour before arriving at the hospital. On cross-examination, an incredulous Concannon asks how she can prove this. Costello reveals that her superiors coerced her into changing the form from "1" to "9", but before doing so, she made a [photocopy](#) which she brought to court. Concannon objects that for legal purposes, the original document is presumed to be correct; however, Hoyle unexpectedly reserves judgment. Costello further testifies that the [anesthesiologist](#) later confessed he had failed to read her admitting notes and administered general anesthesia, which is dangerous for someone who ate only one hour prior. When the anesthesiologist realized his error, he threatened to end Costello's career unless she changed the form.

After Costello's testimony, Concannon again objects on the grounds that the original admitting document has precedence. Hoyle agrees and declares Costello's testimony [stricken from the record](#). Afterward, a diocese lawyer praises Concannon's performance to the bishop, who asks "Did you believe her?", and is met with embarrassed silence.

Despite feeling his case is hopeless, Galvin gives an impassioned [closing argument](#). The jury finds in favor of the plaintiffs, and the foreman asks whether the jury can award more than what was sought. Hoyle resignedly replies they can. As Galvin is congratulated outside the courtroom, he glimpses Laura watching him from across the atrium.

That night, a drunk Laura drops her whiskey glass, drags her telephone towards her, and dials Galvin's office number. Galvin is sitting with a cup of coffee. He moves to answer the call but changes his mind and lets it ring.

My Cousin Vinny

While driving through Alabama, New York college students Bill Gambini and Stan Rothenstein stop at a convenience store, where Bill absentmindedly pockets a can of tuna. After they leave, the store clerk is found robbed and murdered, and the boys are pulled over and arrested. At the police station, Bill assumes he has been caught shoplifting and confesses, leading to his being charged with [murder in the first degree](#) and Stan as an [accessory](#). Lacking the money for a private attorney, Bill calls on his cousin, Vinny Gambini, a [personal injury lawyer](#) from Brooklyn, who agrees to take the case. Unbeknownst to them, Vinny has only just [passed the bar](#) after multiple failed attempts and has no trial experience. He travels to Alabama with his fiancée, Mona Lisa Vito, to defend the boys.

Vinny convinces the trial judge, Chamberlain Haller, that he is an experienced New York attorney practicing under the alias Jerry Callo. Haller, however, repeatedly finds him in [contempt](#) for his attire, attitude, and lack of courtroom decorum, leading to several brief jail sentences. The prosecuting district attorney, Jim Trotter III, presents a strong but circumstantial case, calling multiple witnesses who implicate Bill and Stan in the murder. Vinny declines to [cross-examine](#) these witnesses during the [preliminary hearing](#), alarming the defendants. Stan subsequently fires Vinny and retains the [public defender](#), John Gibbons.

Vinny's inexperience leads him to attempt tricking Trotter into sharing evidence, until Lisa informs him that he can legally obtain it through [discovery](#). She also encourages him to begin interviewing the witnesses, which he proceeds to do. Lisa grows frustrated with Vinny, reminding him of his promise to marry her once he wins his first case, and fearing that day may never come. At the same time, Vinny is eager to prove himself to his mentor, Judge Malloy, who had persuaded him to pursue a career in law.

During the trial, Gibbons's nervousness and severe stutter undermine Stan's defense. Meanwhile, Vinny adopts an aggressive but perceptive questioning style that steadily discredits Trotter's witnesses. He uses his newfound knowledge of the cooking time of [grits](#) to show that one witness's timeline of the crime is inaccurate. He then challenges the others by questioning their ability to positively identify the suspects due to obstructions in their sightline and impaired vision. Impressed, Stan promptly rehires Vinny to represent him.

The next day, Trotter calls a surprise witness, [FBI](#) analyst George Wilbur. Wilbur testifies that tire tracks at the crime scene match those of the boys' 1964 [Buick](#)

[Skylark](#), though Vinny gets him to admit the tires are among the most common in the United States. Haller then orders a lunch recess and denies Vinny's request for a full-day continuance to prepare a rebuttal. Exhausted from lack of sleep, strained by Haller's hostility, and fearing he will lose the case, Vinny lashes out at Lisa when she tries to help. Soon after, however, he realizes that one of her photographs, showing the tire marks at the scene, may help the case.

Vinny compels a reluctant Lisa to testify as an expert witness, drawing on her family background in auto repair and her encyclopedic knowledge of cars. Examining the photograph, Lisa explains that only the 1963 [Pontiac Tempest](#), which resembles a Buick Skylark, could have made the tire tracks, due to its [independent rear suspension](#) and [Positraction](#). Vinny recalls Wilbur to the stand, who confirms Lisa's testimony, simultaneously discrediting his own. The sheriff then testifies that, at Vinny's request, he identified two men fitting Bill's and Stan's description who were arrested in Georgia while driving a stolen Pontiac Tempest, and were carrying a gun matching the murder weapon. With the prosecution's case dismantled, Trotter moves to have all charges dismissed.

Bill, Stan, the sheriff, Trotter, and Judge Haller congratulate Vinny on his success. As he and Lisa drive away, she reveals that she persuaded Judge Malloy to vouch for Vinny's fictitious "Jerry Callo" résumé. The couple then resume bickering over their long-delayed wedding plans.

Witness for the Prosecution

Senior [barrister](#) Sir Wilfrid Robarts is nearing retirement after a [heart attack](#). He agrees to defend Leonard Vole, despite Nurse Plimsoll's objections and Sir Wilfrid's doctor having warned against taking stressful criminal cases. Leonard is accused of murdering Emily French, a wealthy, childless widow who fell in love with him and named him as the main beneficiary in her will. Despite the evidence, Sir Wilfrid believes his client to be innocent.

Sir Wilfrid speaks with Leonard's German wife, Christine, whom he finds cold and self-possessed; she provides a not entirely plausible alibi. He is later shocked when Christine is called to give evidence against Leonard as a prosecution witness.

While a wife cannot be [compelled to testify against her husband](#), it is revealed that her marriage to Leonard is invalid, as she was already married to another man, Otto Helm, still alive and living in Germany. She states that she never loved Leonard, and her conscience compels her to tell the truth. She explains that she had a marriage ceremony with Leonard, a [Royal Air Force sergeant](#) serving in

Berlin's [British occupation zone](#), solely to escape from [Soviet-controlled territory](#) to the West. According to her testimony, Leonard arrived home after the time of the murder and confessed that he had killed Mrs. French.

While fearing his client will be convicted and [sentenced to hang](#), Sir Wilfrid is unexpectedly contacted by a woman who offers to sell him letters written by Christine to a lover named Max. The handwriting is genuine, and the woman has a legitimate reason for providing the letters: her lover attacked and disfigured her face. During cross examination, Sir Wilfrid reads the letters, which disclose a conspiracy between Max and Christine to [frame](#) Leonard. The jury acquits Leonard.

Sir Wilfrid's uneasiness proves justified when Christine, brought into the courtroom to protect her from the departing crowd, explains how she won the acquittal. After Sir Wilfrid had previously told Christine that a jury would not believe a loving spouse's alibi, she posed as a hateful, double-crossing wife. She also wrote letters to a non-existent lover (Max) and impersonated the disfigured woman who gave Sir Wilfrid the letters to discredit her own testimony. Christine loves Leonard, but knew he was guilty. Christine told the truth about the murder in the witness-box: Leonard did confess to her.

Sir Wilfrid is outraged, but the law of [double jeopardy](#) prevents any renewed prosecution of Leonard.

Leonard reveals he is having an affair with a much younger woman and intends to abandon Christine. He smugly states that though Christine will be tried for [perjury](#), he and she are now even, having saved each other's lives. A devastated Christine grabs a knife and fatally stabs Leonard. As she is taken into custody, Sir Wilfrid decides to further delay his retirement to defend Christine.

Lessons from the Movies for Trial Lawyers

By Guy O. Kornblum

I am not the first to do this – look to movies about the law which portray trial or trial related scenarios and which provide examples for lawyers in a litigation or a practice involving dispute resolution of either what to do or what to avoid. Nonetheless, it is irresistible for me to dive into the reservoir of movies to find examples of movies which provide teaching points for “real life” examples from which lawyers in these specialties or contemplating these areas of practice can learn.[1] While these are examples with a dramatic flair, they do resemble real practice scenarios that are real or so close to reality that they have teaching and learning value for those in our practice. So here goes.

The Ethics of Preparing a Client to Testify

This example comes from one of what I believe are the two best lawyer movies, “Anatomy of a Murder” [2] (the other is “To Kill a Mockingbird”) James Stewart plays a small town lawyer and former DA who failed to be reelected. He now is in private practice and seems to have time on his hands. He is asked to defend Ben Gazara who is charged with killing a man who his wife (Lee Remick) claims raped her. Gazara found out from his wife what happened. He then takes his gun and finds the killer and shoots him dead. He is arrested and charged with murder. His wife contacts Stewart and arranges a meeting at the jail with her husband. Stewart meets Gazara to discuss how Gazara will respond to the charge. He reviews the choices all of which are rejected except one. Stewart’s counsel is an interesting portrayal of the approach Gazara could take to a potential “insanity” defense. Is his counsel in a scene in the movie an inquiry into Gazzara’s possible defense or is he coaching him as to how he should portray the facts so he could be found not guilty by reason of insanity?. See the movie and answer the question: Did Stewart’s counsel cross the line of preparation, or is it “ethical”?

https://youtu.be/JTnF14D8_-l?list=RDCMUC3gNmTGu-TTbFPpfSs5kNkg

A Comment on a Plaintiff Personal Injury Practice

An entertaining and interesting dramatic portrayal of a plaintiff’s personal injury practice is “The Verdict,” with Paul Newman as Frank Galvin, an aging lawyer in a solo personal injury practice in Boston. He takes on a challenging medical practice case against a Catholic hospital in Boston involving a young woman who chokes on her own vomit while given general anesthesia during child birth and is rendered comatose This is a chance for Frank to resurrect his declining practice. The defendant is represented by a large law firm whose lead counsel is played by James Mason. The cast includes Jack Warden as Frank’s investigator, and Charlotte Rampling as his girlfriend. There are several interesting storylines including the ethics of dealing with experts. An excellent movie with acting that you would expect from this case of stars.

<https://www.youtube.com/watch?v=28VoDrN9dF8>

How a Trial is Conducted

Another good choice with courtroom drama is “Philadelphia.”

Fearing it would compromise his career, lawyer Andrew Beckett (Tom Hanks) hides his homosexuality and HIV status at a powerful Philadelphia law firm. But his secret is exposed when a colleague spots the illness's telltale lesions. Fired shortly afterwards, Beckett resolves to sue for discrimination, and the film portrays how his lawyer, Denzel Washington pursues the case. There are scenes involving various aspects of the lawyer's practice, including client intake, evaluating the legal issues, and trial practice. The cast is excellent with Antonia Banderas and Jason Robards. A tense and compelling story is portrayed in a close to realistic way.

<https://www.philo.com/player/player/show/U2hvdzo2MDg1NDg4OTk2NDg0NTMyMDM>

There are so many interesting stories involving lawyers, but these three are my favorites since they are at least close to a real-life portrayal of the practice of law with, of course, a good bit of dramatic license. Other more dramatic and recent movies include: "A Few Good Men" (<https://play.google.com/store/movies/details?id=E7g-Alz2krU&pli=1>), "The Rainmaker" (<https://www.youtube.com/watch?v=OFvAwozGnmg>). "The Lincoln Lawyer" (<https://www.youtube.com/watch?v=IFwE3UgCMIk>), and "A Civil Action" (<https://www.imdb.com/title/tt0120633/>). If you want an exhaustive list and discussion of lawyer movies, see the article cited in footnote 2.

[1] See, e.g., L. Banks, *Civil Trials: A Film Version*, 85 Fordham L. Rev. 1969; R. Strickland, "Bringing Bogie Out of the Courtroom: Law and Lawyers in Film," chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://media.law.wisc.edu/m/gq4zw/gargoyle_20_4_2.pdf.

[2] <https://www.imdb.com/title/tt0052561/> https://en.wikipedia.org/wiki/Anatomy_of_a_Murder. See also, T. Bank, *Civil Trials: A Film Illusion*, 85 Fordham L.Rev. 1969.

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10 Legal Movies All Lawyers Should See

By Raymond T (Tom) Elligett Jr., Esquire | March 1, 2026

In over 100 years of cinema there are hundreds of movies with legal scenes or themes. In Greta Garbo's last silent film, *The Kiss* (1929), she is on trial for killing her husband. Her defense counsel (and former lover) avows his faith in her innocence—"a faith greater than that of lawyer to client." Maybe ethical rules were different in 1929 in France?

I use film clips in the appellate practice class at Stetson University College of Law, a fertile source for preservation of error examples and other lessons. Most of the students—and younger lawyers in our Inn—are unfamiliar with even the more recent movies on this list. That

the judge stops by Finch's house to ask him to defend Tom Robinson, a Black man wrongfully accused of assaulting a white woman in Alabama. Great performances abound, including a silent but significant first film appearance by Robert Duvall.

The Verdict (1982) stars Paul Newman as an alcoholic lawyer representing the parents of a young brain-damaged mother in a Boston medical malpractice case. He is opposed by a cadre of lawyers led by actor James Mason. The film is rife with ethical violations (which begin before trial), questionable evidentiary rulings, failures to preserve, contempt warranting rants, and a nonsensical legal case cite, suggesting if there was a lawyer involved in filming, the lawyer was missing that day.

Inherit The Wind (1960) was directed by Stanley Kramer and based on the 1955 play. It is a fictionalized depiction of the Scopes monkey trial, which took place in Dayton, Tennessee, in 1925. It was the only prosecution for teaching evolution in violation of a state law, repealed in 1967. Spencer Tracy plays Henry Dummond, who represents Clarence Darrow. The special prosecutor is named Matthew Harrison Brady—the fictionalized version of former presidential candidate William Jennings Bryan—and portrayed by Fredric March. Courtroom scenes include jury selection and Tracy calling opposing counsel March to the stand as an expert on the Bible after the court excludes the scientific experts Tracy had planned to call.

My Cousin Vinny (1992) is another Alabama trial with actor Joe Pesci defending his cousin and a friend for the murder of a convenience store owner. Fred Gwynne plays an excellent old school judge (he may not be correct, but he is never in doubt). Marisa Tomei won the Academy Award for Best Supporting Actress and among other things shows how one could be an expert witness based on experience—in her case automotive expertise.

Witness for the Prosecution (1957) is a celluloid version of the 1953 Agatha Christie play. Charles Laughton plays a senior barrister defending Leonard Vols, played by Tyrone Power, who is being prosecuted for murdering an older woman he befriended after she names him in her will and is killed. Marlene Dietrich gives a tour de force performance as “the” witness. Laughton displays some courtroom “tricks,” and like most of the films on the list, this one comes with a surprise ending. And yes, the lawyers and judges wear wigs.

Marshall (2017) depicts Thurgood Marshall early in his career, defending a Black chauffeur accused of raping his white woman employer in 1941 Connecticut. Actor Chadwick Boseman (who died in 2020), portrays Marshall as a skillful trial lawyer with excellent instincts. This is another of several films on this list that have dramatic demonstrations during the trial.

Philadelphia (1993) won an Academy Award for Best Actor for Tom Hanks as a lawyer who sues his elite law firm, claiming he was fired when it became apparent he had AIDS. This was an early mainstream film dealing with such issues. Denzel Washington portrays a personal injury

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IRVING YOUNGER'S 10 COMMANDMENTS OF CROSS EXAMINATION

1. Be Brief

Be brief, short and succinct. Why? Reason 1: chances are you are screwing up. The shorter the time spent, the less you will screw up. Reason 2: A simple cross that restates the important part of the story in your terms is more easily absorbed and understood by the jury. You should never try to make more than 3 points on cross-examination. Two points are better than three and one point is better than two.

2. Use Plain Words

The jury can understand short questions and plain words. Drop the 50 dollar word in favor of the 2 dollar word. "Drive you car" instead of "operate your vehicle."

3. Use Only Leading Questions

The law forbids questions on direct examination that suggest the answer. The lawyer is not competent to testify. On cross-examination the law permits questions that suggest the answer and allows the attorney to put his words in the witnesses' mouth. Cross-examination, therefore, specifically permits you to take control of the witness, take him where you want to go, and tell your important point to the jury through the witness.

Not asking controlled leading questions leaves too much wiggle room. What happened next? I would like to clear up a couple of points you made on direct? These questions are the antithesis of an effective cross-examination. Any questions which permit the witness to restate, explain or clarify the direct examination is a mistake.

You should put the witness on autopilot so that all of the answers are series of yes, yes, yes!

4. Be Prepared

Never ask a question that you do not know the answer to. Cross is not a fishing expedition in which you uncover new facts or new surprises at the trial.

5. Listen

Listen to the answer. For some, cross-examination of an important witness causes stage fright; it confuses the mind and panic sets in. You have a hard time just getting the first question out, and you're generally thinking about the next question and not listening to the answer.

6. Do Not Quarrel

Do not quarrel with the witness on cross-examination. When the answer to your question is absurd, false, irrational contradictory or the like; Stop, sit down. Resist the temptation to respond with “how can you say that, or how dare you make such an outrageous claim?” The answer to the question often elicits a response, which explains away the absurdity and rehabilitates the witness.

7. Avoid Repetition

Never allow a witness to repeat on cross-examination what he said on direct examination. Why? The more times it is repeated, the more likely the jury is to believe it. Cross-examination should involve questions that have nothing to do with the direct examination. The examination should not follow the script of the direct examination.

8. Disallow Witness Explanation

Never permit the witness to explain anything on cross-examination. That is for your adversary to do.

9. Limit Questioning

Don't ask the one question too many. Stop when you have made your point. Leave the argument for the jury.

10. Save for Summation

Save the ultimate point for summation. A prepared, clear and simple leading cross-examination that does not argue the case can best be brought together in final summation.

Summarized from The Art of Cross-Examination by Irving Younger. The Section of Litigation Monograph Series, No. 1, published by the American Bar Association Section on Litigation, from a speech given by Irving Younger at the ABA Annual Meeting in Montreal Canada in August of 1975.