



MASSACHUSETTS SCHOOL OF LAW at ANDOVER
FILM AND THE LEGAL PROCESS

FINAL EXAMS 2005-2012

SAMPLE QUESTIONS

Your grade will be determined by how well you use specific examples (scenes, quotes, etc.) from the course films and from the course readings in your answers to the following questions.

- You don't need to spend time recapping the story of the films; you can assume I am familiar with the plot.
- Refer to the course book, Law and Popular Culture, using LPC and the page number.
- You can refer to the course readings by author and page number; you do not need to write full citations.
 - Examples:
 - The word “just” implies a moral dimension encompassing true relief. (Rosenbaum, p. 18).
 - *The Verdict* is a classical Hollywood narrative. (LPC, p. 48).
- You do not need to refer to outside films or perform additional research to complete this exam, but you may reference other material if you feel it is particularly helpful.

1. In *Before the Law* at pg. 351, Jerome Frank writes of our adversarial system, “Many lawyers maintain that the ‘fight’ theory and the ‘truth’ theory coincide.” Do they coincide? Use at least four course films, and readings where appropriate, to illustrate your view.

2. Why has the Socratic method long been considered an effective, and perhaps the most effective, method for training lawyers? In your view, is this method beneficial or harmful to the development of lawyers in training? Your discussion should be informed by *The Paper Chase*, the readings on legal education, and other films where appropriate.

3. *Wil Roper*: So, now you would give the Devil himself the benefit of law.

Thomas More: Yes, what would you do? Cut a great road through the law to get after the Devil?

Wil Roper: Yes. I'd cut down every law in England to do that.

Thomas More: Oh. And when the last law was down, and the Devil turned 'round on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to coast, man's laws, not God's, and if you cut them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

What does this exchange say about More's view of the law and the purposes it serves? Contrast More's view of the law with those of Kafka, D'Errico, and Kropotkin (the readings from *Before the Law*).

4. In his analysis of *Minority Report*, Friedman writes, "When Anderton becomes a criminal in the eyes of the state, he finally understands that the nature of truth always remains subjective, vulnerable to manipulation and abuse." While several films we have watched illustrate this concept, they have tackled it in different ways. Explain Friedman's point using at least four films and address the potential legal implications of this idea.

5. Professor Menkel-Meadow writes that lawyers have come to be considered the bellwether of American morality. Do you agree or disagree? Support your answer by examining three of the attorney characters we have discussed this semester.

6. Is law best considered a service profession or a calling? Hint: One of the readings on *The Verdict* says it is and should be a calling. One of the readings on *The Rainmaker* says that it is a mistake to think of the law as a calling. Which approach to law might remedy some of the problems with the practice of law each of those films illuminates?

7. James Elkins writes:

It sometimes helps me to understand a lawyer film to think of the Law itself as a character in the film, sometimes a minor one, sometimes one that must share the spotlight with human characters, sometimes looming over them as a spectral presence. . . .

If Law is a character then we must describe how it acts and what it represents. One way we do this is by asking: How does Law speak? Who speaks for Law? These questions get complicated by the fact that Law rarely speaks in a single voice. So, we might reframe the questions and ask: In what ways does Law speak? And if different characters represent different ways for the Law to speak, does this mean that the Law speaks in different voices?

Choose two course films and describe what kind of character Law plays in those films. How does the multiplicity of legal voices get represented and worked out in the two films you have chosen?

8. Jerome Frank writes of our adversarial system, “Many lawyers maintain that the ‘fight’ theory and the ‘truth’ theory coincide.” Do they coincide? Use at least four course films, and readings where appropriate, to illustrate your view.

9. Is Atticus Finch a heroic lawyer? Why or why not?

10. We have seen five defense attorneys so far this semester: Thomas (*Breaker Morant*), Biegler (*Anatomy of a Murder*), Finch (*To Kill a Mockingbird*), Drummond (*Inherit the Wind*) and Rolf (*Judgment at Nuremburg*).

- a. Describe how each defense attorney relates to the law and how each film dramatizes each relationship.
- b. Who would you choose to defend you and why?
- c. Who would you choose as your professional role model and why?