



“A Lawyer Walks Into a Bar...”

An unique look at those who would be lawyers on the road to passing the bar.

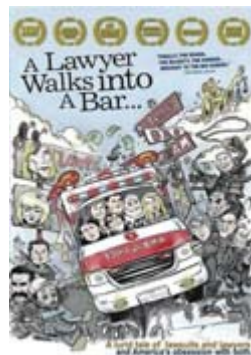
BY RICHARD A. FRIEDLING

“The first thing we do is kill all the lawyers”
 – William Shakespeare
 Henry VI, part 2, Act IV, scene 2

Part documentary of the trials and tribulations of taking the California State Bar Exam, part cautionary tale about the present state of legal practice in our litigious society, *A Lawyer Walks Into a Bar...* begins with a befuddled deponent witnessing the imminent coming to blows by his lawyer and opposing counsel, after which the credits roll over a camera’s-eye view (that is, an implied lawyer’s eye-view) of a speeding ambulance.

Shakespeare’s famous quote from *Henry the VI* (see above) is repeated at the outset, and, as usual, without the context (a musing by an infamous villain about his vision of Utopia as having no lawyers to prosecute him for his crimes.) Both the quote and the ambulance neatly summarize the commonly accepted clichés about lawyers. Interspersed throughout this entertaining documentary are brief comments by a variety of lawyers and non-lawyers alike.

For example, comedian Eddie Griffin (“What do you call a lawyer up to his neck in cement? Not enough cement”); legal writer Scott Turow, trial lawyers Alan Der-showitz and Mark Lanier, defense attor-



ney Robert Shapiro’s distinction between legal and moral justice (“In the O.J. Simpson case, I believe we got legal justice”); Court TV’s Nancy Grace. All of the people appearing in the film at-

tempt to isolate the major criticisms and virtues of the American legal system, along with the public’s perception of law and lawyers.

So, given the fact that the public rates the trustworthiness of lawyers below that of used-car salespeople, and that roughly half of the attorneys currently practicing law in California would choose another vocation – *any* vocation – rather than being an attorney, if they had the opportunity to do to it all over again, why do people still want to become lawyers?

The “rub”

Ay, that’s the rub. The nucleus of the film, about which the rest of the documentary orbits, is a sometimes funny, but more often touching, look at Loyola University School of Law graduates: Cassandra, Megan and Tricia; Sam, a 2005

Loyola graduate who already failed the bar once; Magda, a graduate of the People’s College of the Law, and Don (“it’s personal – between me and the State Bar”) Baumeister, a 1980 graduate of Western College of the Law, who will be sitting for the Bar for the 42nd time. We follow these people from graduation or other endeavors, through the grueling studying, the taking of the exam to the nerve-wracking wait for results. Their stress is palpable, especially when a server overload delays the online viewing of results.

From the slightly overconfident to the already-inured-to-failure-but-still-trying, the impact on both the individuals and on their families is the best part of the film, as well as the portion with which all of us will most readily identify.

While we follow the candidates’ preparations for taking the Bar, interspersed throughout the film are discussions of one of the standard “frivolous” lawsuits that “tort reform” advocates frequently cite: the McDonald’s coffee case. That was where 79-year-old Stella Liebeck sued McDonald’s when she burned herself with hot coffee. (*See* http://en.wikipedia.org/wiki/Liebeck_v._McDonald's_Restaurants.)

Members of a local baseball game audience – you know, just plain “Amurricans” – give other examples of frivolous lawsuits, such as a woman who sued be-



cause Pepsi failed to include a warning on their soda cans that shaking the can might result in a burst of liquid, or the California Angels being sued for sex discrimination over a Mother's Day promotion. Batting for the defense is Marc Angelucci, a self-styled "civil rights attorney." In reality, Angelucci is a construction lawyer who also represents The National Coalition of Free Men, the organization that sued various nightclubs for sex discrimination for hosting "ladies' nights."

Bad cases make bad law

Everyone knows the aphorism that bad cases make bad law – what *A Lawyer Walks Into a Bar* . . . could use is more balance. Bad dough makes bad bread; bad diagnoses make for bad medicine (and occasional deaths.) The bad practice of any profession is to be avoided, but the practice of any profession is an eternal compromise between competing interests in the context of the times in which they are practiced.

Some commentators in the film are allowed a few moments to state the plaintiff's view. They point out that because of plaintiffs' lawyers, cars now have seat belts and safety glass and that other social progress has been made possible only in the crucible of the courtroom.

That is contrasted with snippets of the proliferation of warning labels resulting from product liability lawsuits (a vagi-

nal spray warning that it is *for external use only*, so don't try mixing it with Jose Cuervo.) Conspicuously – and maybe unforgivably – omitted in any part of the film is mention of the entire civil rights legal movement. There is precious little frivolity in the works of the Southern Poverty Law Center or the NAACP.

Law, more than any other profession except journalism, functions in relation to the marketplace of ideas. If not self-regulating, it should be regulated. One man's "frivolous" lawsuit is another's denial of the constitutional right to an impartial forum for a redress of grievances. The founders recognized, even if we occasionally forget it, that the best way to regulate speech is with more speech – not with enforced silence, whether couched as "tort reform" or otherwise.

If there are too many lawyers (the chief argument in the film for that position being actor and, I guess, legal pundit Robert Wagner's observation that there are 800,000 lawyers in the U.S.: "four times as many as in the rest of the world"), then the marketplace will regulate their number.

A snapshot

A Lawyer Walks Into a Bar . . . wasn't intended to be a dispassionate examination of the state of the practice of law in America. Instead, it succeeds as a vivid, gritty and entertaining snapshot of both the legal profession and those who would

become part of it. It is less of an exposé along the lines of *Roger and Me* than an episode of *Survivor: Ontario* (Ontario, CA is where the candidates sat for this bar exam.) As the applicants describe their struggles with the California State Bar Exam, its impact on their lives, how their self-esteem is at stake in passing or failing and the overall stress of such an unnatural endeavor (the nation's hardest bar exam, lasting three days, testing 14 subjects and with a 39 percent pass rate in the year the film was made), all California attorneys will certainly appreciate one thing: we passed!

A Lawyer Walks Into a Bar is entertaining and fun to watch. However, if you are a practicing lawyer, it is hard to resist the desire to warn the applicants about the dangers of getting that for which one wishes. (Available on DVD at <http://www.amazon.com/Lawyer-Walks-Into-Bar/dp/B000UEWBGW> or [Netflix.com](http://www.netflix.com)) Official Web site at <http://www.alawyer-walksintoabar.com/home.html>.)



Friedling

Richard (Rick) Anker Friedling is an attorney with the Law Offices John A. Guthrie in Pleasanton, California. He has been practicing for over 16 years in the areas of civil rights and family law.

