

Atticus Finch: A Model for Lawyers

by Matthew D. Harper, on behalf of the Toledo Bar Association Professionalism Committee

A few days ago, my youngest daughter asked me what my favorite movie was. To my surprise, I could not settle on an answer. A few days later, my son asked me the same question, and I immediately answered—*To Kill a Mockingbird*, the movie adaptation of Harper Lee’s novel about small-town lawyer



Atticus Finch and his battle against racism. I have watched the movie many times, always moved by his quiet heroism. As I turned to writing this article, I thought we could all benefit from a few reflections on Atticus.

Society generally perceives real-life lawyers to be the same as those characterized on television or in movies. Lawyers can be portrayed as impossibly perfect, always knowing exactly what to do. Lawyers can also be portrayed as greedy, uncaring mercenaries. Lawyers can be portrayed as simply arrogant and abrasive. For real lawyers, none of those characterizations mean anything. We are not perfect. And we really are not greedy, uncaring, arrogant, or purposely abrasive. So we cannot find inspiration or guidance in such characters. Atticus, however, can give us both. While idealized to be sure, Atticus can still show us what being a lawyer can, and should, look like. This article considers just a few of his lessons.

First, according to Miss Maudie (Atticus’s neighbor), “Atticus Finch is the same in his house as he is on the public streets.” Atticus refused to change his character for the role he fulfilled at the time. He did not behave one way in

court, but another way in private. We should heed his lesson. We cannot let the pressures of practicing law lure us into professional behavior that we do not condone in private. We are called upon to

advocate our client’s position to the fullest extent of the law, but nothing requires a lawyer to treat the other party (or the other party’s lawyer) with anything less than dignity and respect. Our professional actions must mirror our private values of common respect and decency. Notably, doing so does not weaken our representation: It strengthens it.

Second, other parties’ or lawyers’ actions cannot change our resolve on the first point. Atticus set out to vigorously defend Tom Robinson in the face of tremendous public opposition and abuse. Yet, Atticus never used others’ poor behavior to justify poor behavior on his part. In one memorable scene, Bob Ewell, Tom Robinson’s accuser, spits in Atticus’s face. Atticus takes out a handkerchief, wipes his face, and walks away. None of us would think less of Atticus if he dropped Ewell to the ground with a quick right hook, yet we should learn from Atticus’s example. We may not be spat upon, but we will deal with parties or lawyers whose behavior and tactics are less than stellar. Or, we may represent clients who are unpopular. When that happens, we have a choice. We can engage in a misguided game of tit for tat.

Or, we can choose to act professionally regardless. We should choose the latter.

We need not let others get away with bad acts. Atticus would never do that either. But, he would handle the issue correctly. He would address it factually, not emotionally. He would appeal to the law, not vengeance. His goal would be advancing his client’s interest, not soothing his bruised ego.

Third, and perhaps most important, Atticus sought to understand others. Atticus told Scout, “You never really understand a person until you consider things from his point of view – until you climb into his skin and walk around in it.” We would do well to practice this lesson often. At its core, the practice of law involves people and their problems. Both are of almost infinite variety. Too often, lawyers presume to know what motivates the people or what would adequately solve their problems. Doing so leads to, at best, incomplete understandings on both points. Before reaching a conclusion, we would do well to climb into the other person’s skin and walk around in it. We should look at things the way they would. We should listen more and talk less. If we do so, we may be surprised at how much we accomplish.

To be clear, I am no Atticus. I forget these lessons too often. Yet, as Atticus said, “Simply because we were licked a hundred years before we started is no reason for us not to try to win.” So, I keep trying. Like much of life, the journey is as important as the destination. Atticus provides us guideposts for the journey. I hope each of us can find a little more of him along the way.