



12 ANGRY MEN: ETHICS AND EVIDENCE

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The Scrivener's Quill



Prejudicial To the Administration of Justice

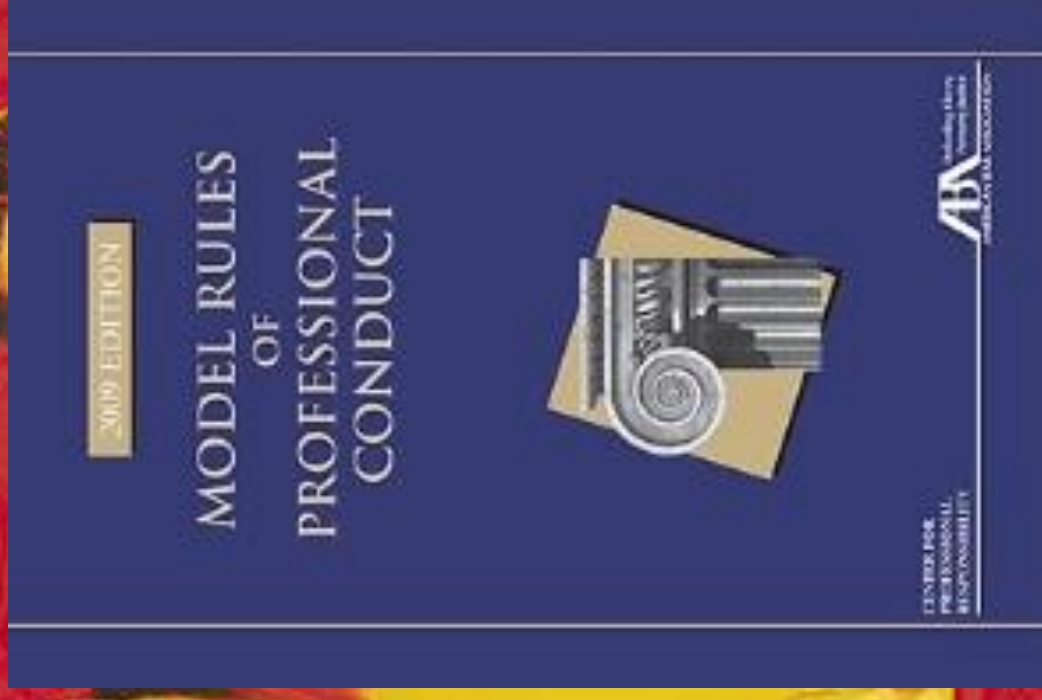
- Procedural
- Evidentiary
- Psychological



Administration of Justice - WI Preamble

[6] As a public citizen, a lawyer should seek **improvement of the** law, access to the legal system, **the administration of justice** and the quality of service rendered by the legal profession.

A lawyer should be mindful of **deficiencies in the administration of justice** and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.



Comments on Wisconsin Rule 20:3.6 - Trial publicity

[3] The Rule sets forth a basic general prohibition against a lawyer's making statements that the lawyer knows or should know will have a **substantial likelihood of materially prejudicing an adjudicative proceeding.**

Recognizing that the public value of informed commentary is great and the likelihood of prejudice to a proceeding by the commentary of a lawyer who is not involved in the proceeding is small, **the Rule applies only to lawyers who are, or who have been involved in the investigation or litigation of a case, and their associates.**



Wisconsin Rule 20:8.4(i)

It is professional misconduct for a lawyer to:

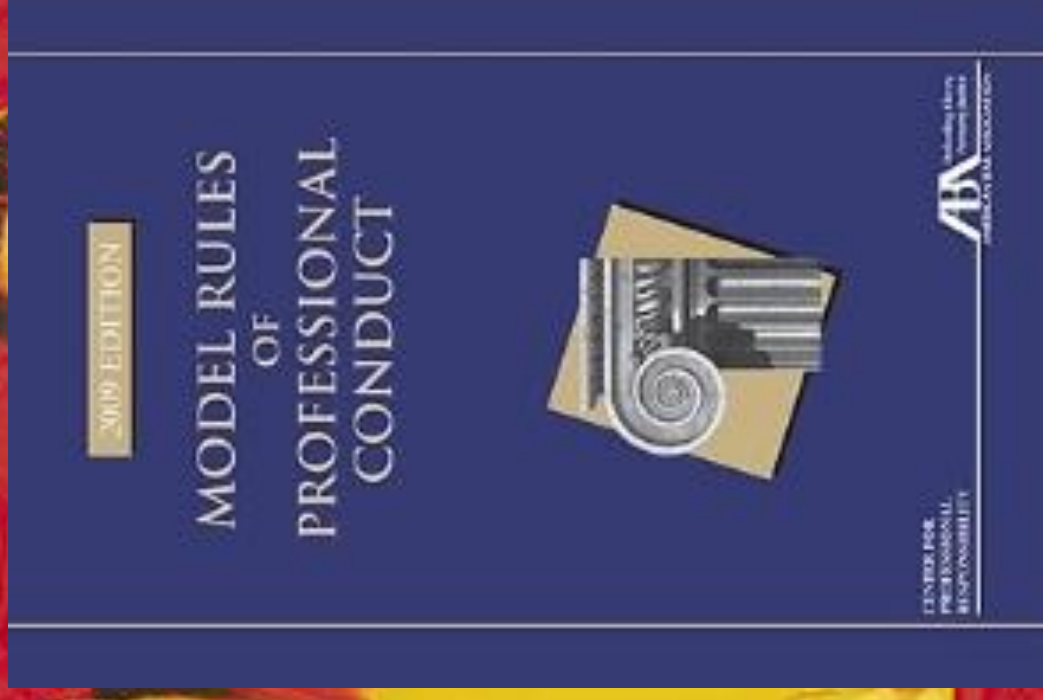
- (i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).



Conduct - Louisiana

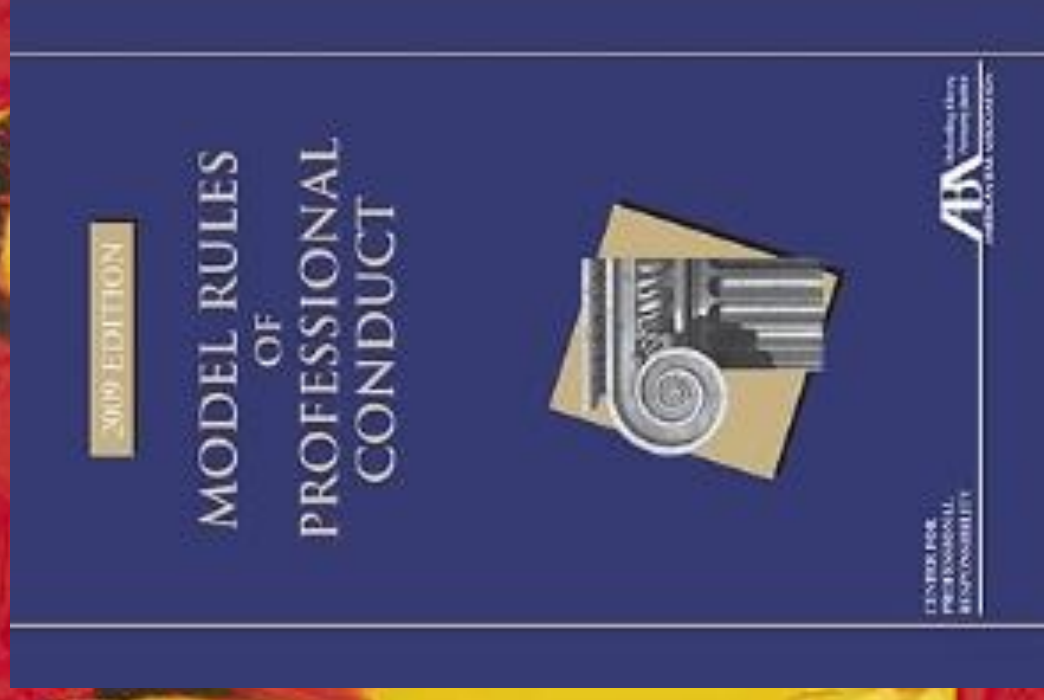
My word is my bond. I will never intentionally **mislead** the court or other counsel. I will not knowingly make statements of fact or law that are **untrue**.

I will **not abuse or misuse** the law, its procedures or the participants in the judicial process.



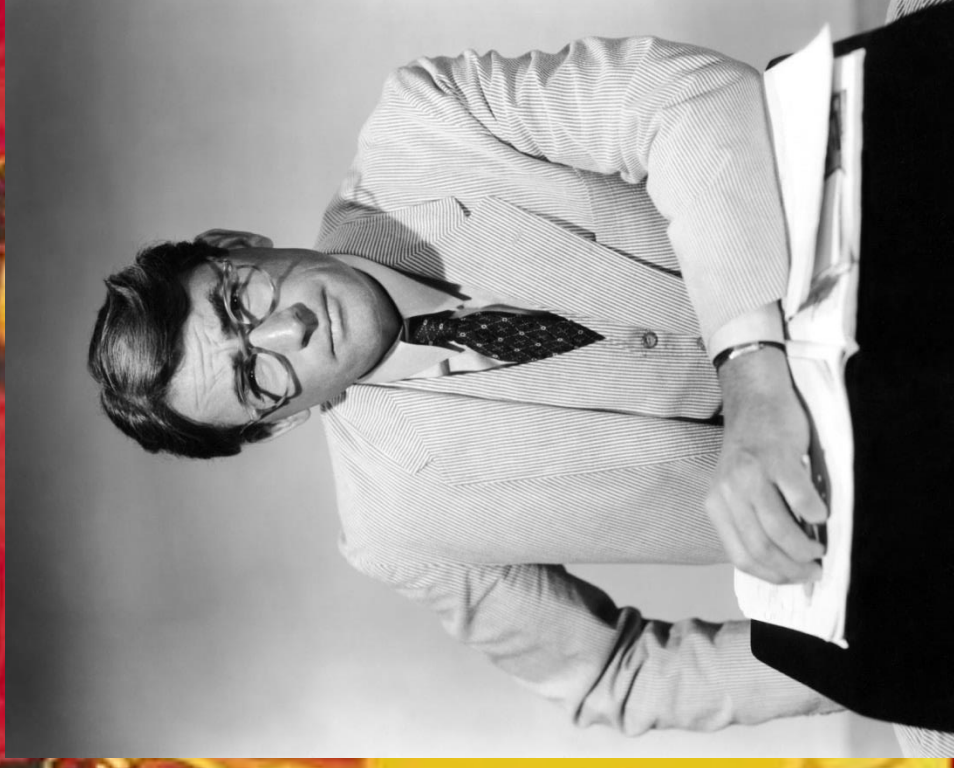
Conduct - Idaho

An attorney's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as attorneys, **we will be mindful of our obligations to the administration of justice**, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful and efficient manner.



To Kill a Mockingbird

Now, gentlemen, in this country, our courts are the great levelers. In our courts, all men are created equal. I'm no idealist to believe firmly in the integrity of our courts and of our jury system - that's no ideal to me. That is a living, working reality! Now I am confident that you gentlemen will review, without passion, the evidence that you have heard, come to a decision and restore this man to his family. In the name of GOD, do your duty. In the name of God, believe... Tom Robinson”



Twelve Angry Men



Twelve Angry Men

- THREE. Somebody's in left field. (*To EIGHT*) You think he's not guilty?
- EIGHT (*quietly*). I don't know.
- THREE. I never saw a guiltier man in my life. You sat right in court and heard the same thing I did. The man's a dangerous killer. You could see it.
- EIGHT. He's nineteen years old.
- THREE. That's old enough. He knifed his own father. Four inches into the chest. An innocent nineteen-year-old kid. They proved it a dozen different ways. Do you want me to list them?
- EIGHT. No.



Twelve Angry Men

TEN (to EIGHT). Well, do you believe his story? EIGHT. I don't know whether I believe it or not. Maybe I don't. SEVEN. So what'd you vote not guilty for? EIGHT. There were eleven votes for guilty. It's not so easy for me to raise my hand and send a boy off to die without talking about it first.



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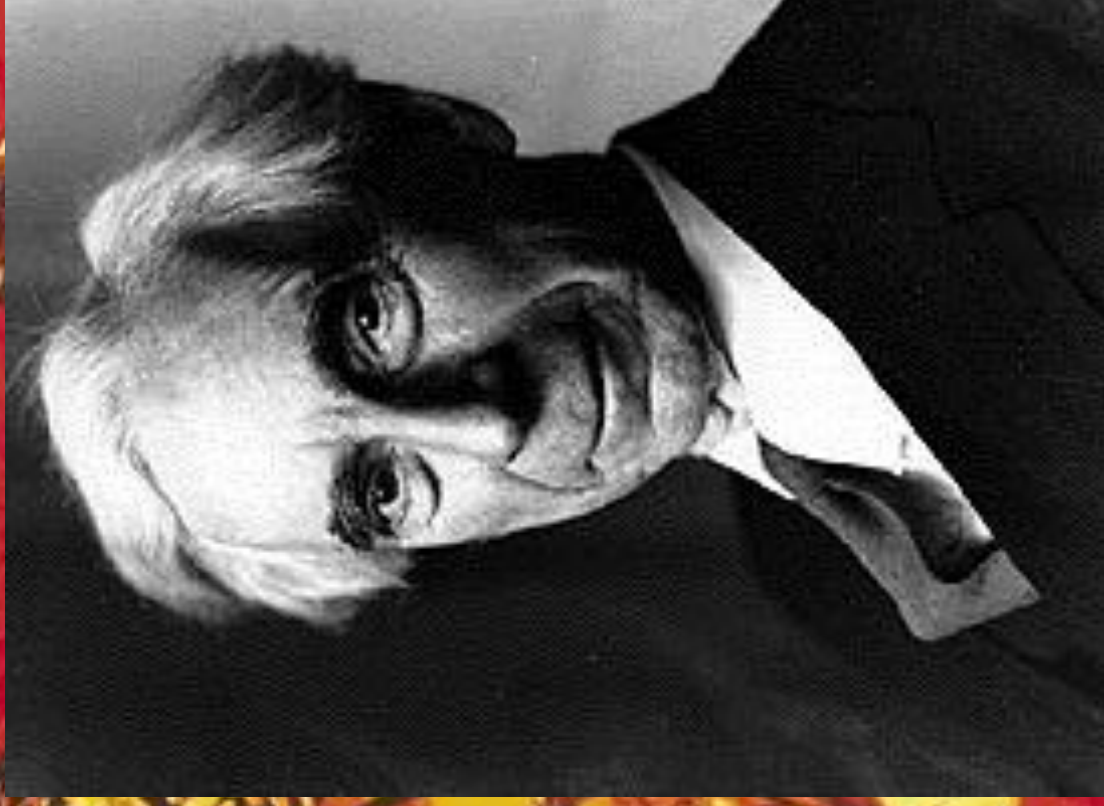
Twelve Angry Men



Twelve Angry Men

“Collective fear stimulates herd instinct, and tends to produce ferocity toward those who are not regarded as members of the herd.”

— Bertrand Russell, Unpopular Essays



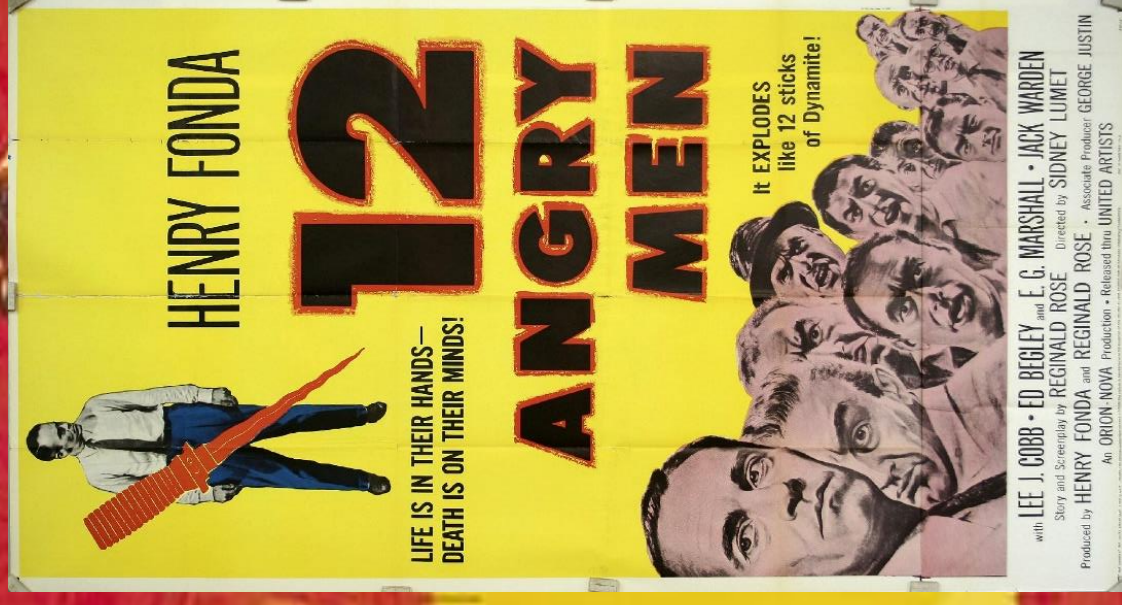
Twelve Angry Men

“It's very hard to keep personal prejudice out of a thing like this. And no matter where you run into it, prejudice obscures the truth.”



Twelve Angry Men

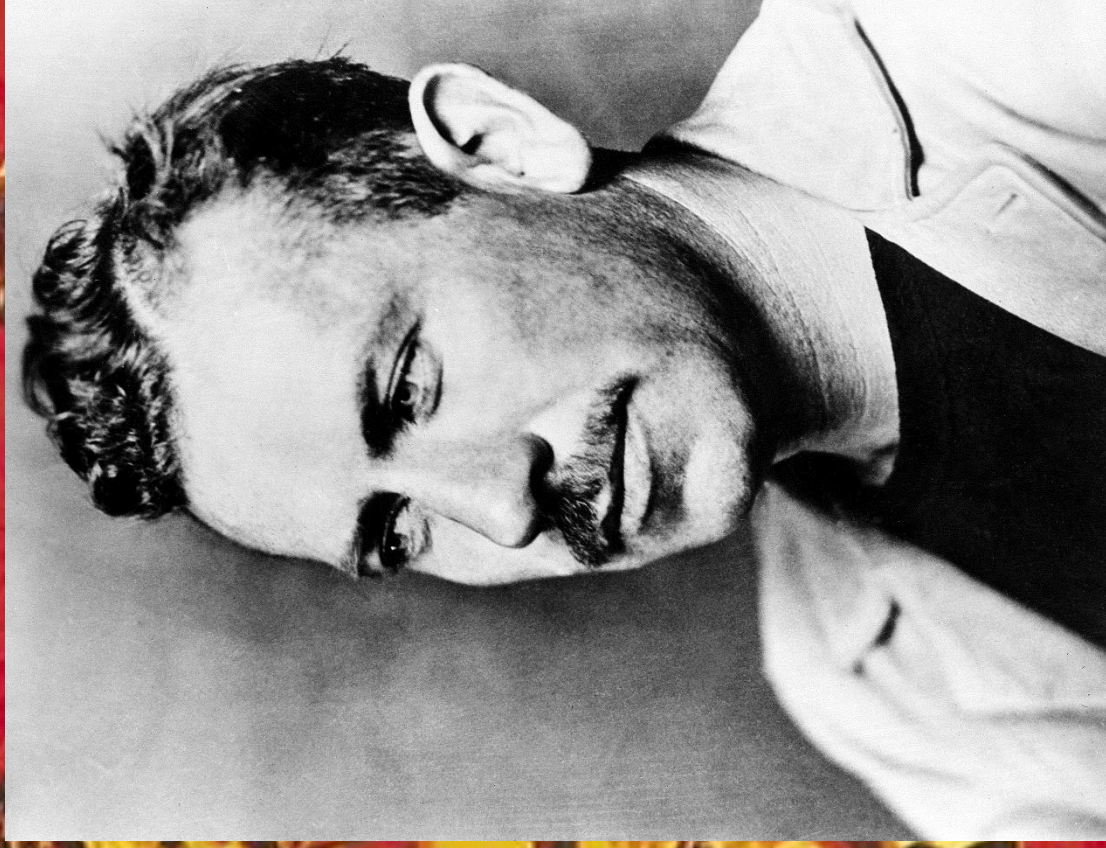
EIGHT. I don't want to change your mind. I just want to talk for a while. Look, this boy's been kicked around all his life. You know, living in a slum, his mother dead since he was nine. That's not a very good head start. He's a tough, angry kid. You know why slum kids get that way? Because we knock 'em on the head once a day, every day. I think maybe we owe him a few words. That's all.



Twelve Angry Men

“Try to understand men. If you understand each other you will be kind to each other. Knowing a man well never leads to hate and almost always leads to love.”

— John Steinbeck



Twelve Angry Men

TEN. I don't mind telling you this, mister. We don't owe him a thing. He got a fair trial, didn't he? You know what that trial cost? He's lucky he got it. Look, we're all grownups here. You're not going to tell us that we're supposed to believe him, knowing what he is. I've lived among 'em all my life. You can't believe a word they say. You know that.

NINE (to TEN very slowly). I don't know that. What a terrible thing for a man to believe! Since when is dishonesty a group characteristic? You have no monopoly on the truth—THREE (interrupting). All right. It's not Sunday. We don't need a sermon.

NINE. What this man says is very dangerous—

Twelve Angry Men

“Scriptures, n. The sacred books of our holy religion, as distinguished from the false and profane writings on which all other faiths are based.”

— Ambrose Bierce,
The Unabridged
Devil's Dictionary



Twelve Angry Men

TWO (timidly). Oh. Well ... (Long pause) I just think he's guilty. I thought it was obvious. I mean nobody proved otherwise.

EIGHT (quietly). Nobody has to prove otherwise. The burden of proof is on the prosecution. The defendant doesn't have to open his mouth. That's in the Constitution. The Fifth Amendment. You've heard of it.

TWO (flustered). Well, sure, I've heard of it. I know what it is. I ... what I meant ... well, anyway, I think he was guilty.



Twelve Angry Men

TEN (loud). Just a minute. Here's a woman who's lying in bed and can't sleep. It's hot, you know. (He gets up and begins to walk around, blowing his nose and talking.) Anyway, she looks out the window, and right across the street she sees the kid stick the knife into his father. She's known the kid all his life. His window is right opposite hers, across the el tracks, and she swore she saw him do it.



Twelve Angry Men

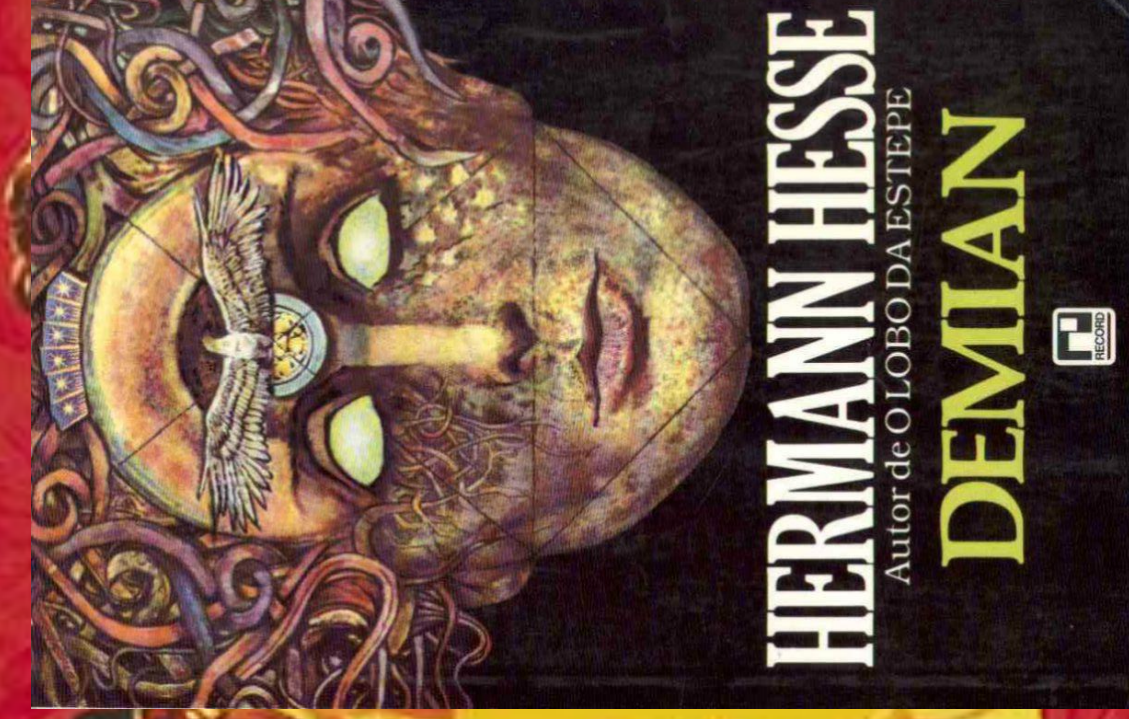
THREE. You're right. It's the kids. The way they are—you know? They don't listen. (Bitter) I've got a kid. When he was eight years old he ran away from a fight. I saw him. I was so ashamed. I told him right out, "I'm gonna make a man out of you or I'm gonna bust you up into little pieces trying." When he was fifteen he hit me in the face. He's big, you know. I haven't seen him in three years. Rotten kid! You work your heart out . . . (Pause) All right. Let's get on with it. (Looks away, embarrassed.)



Twelve Angry Men

“If you hate a person,
you hate something in
him that is part of
yourself. What isn't
part of ourselves
doesn't disturb us.”

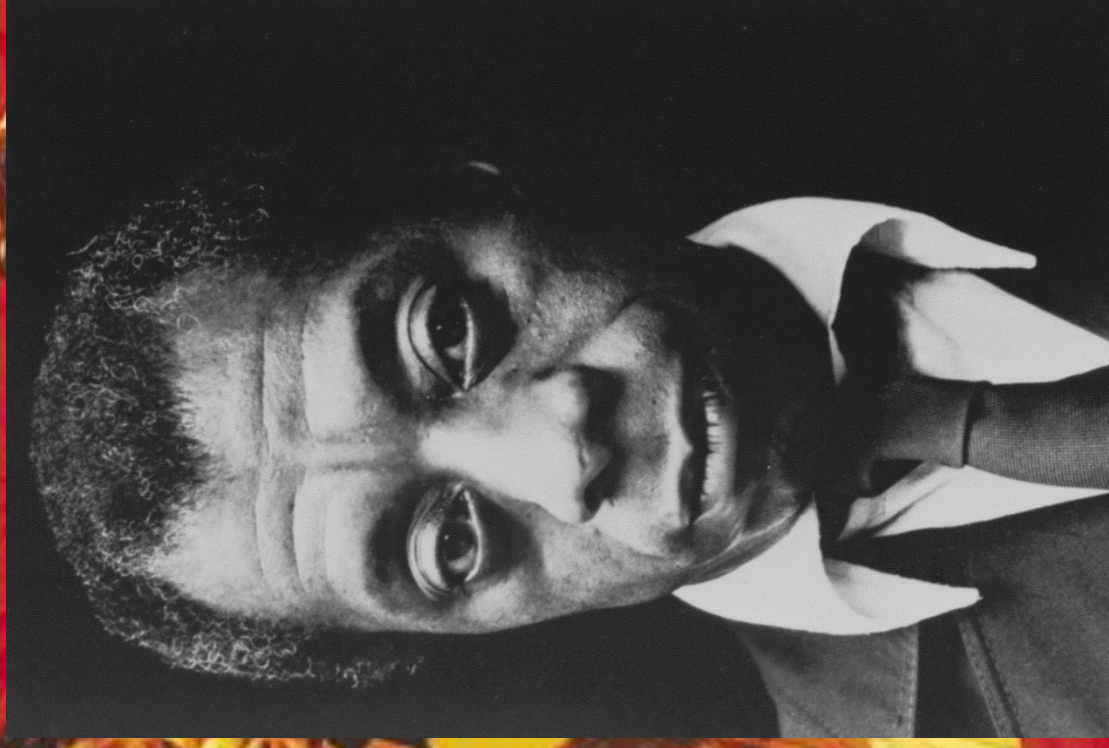
— Hermann Hesse,
Demian: Die
Geschichte von Emil
Sinclairs Jugend



Twelve Angry Men

“I imagine one of the reasons people cling to their hates so stubbornly is because they sense, once hate is gone, they will be forced to deal with pain.”

— James Baldwin,
The Fire Next Time



Twelve Angry Men

FOUR. We're missing the point here. This boy—let's say he's a product of a filthy neighborhood and a broken home. We can't help that. We're not here to go into the reasons why slums are breeding grounds for criminals. They are. I know it. So do you. The children who come out of slum backgrounds are potential menaces to society.

TEN. You said it there. I don't want any part of them, believe me.

(There is a dead silence for a moment, and then FIVE speaks haltingly.)

FIVE. I've lived in a slum all my life—

TEN. Oh, now wait a second!

FIVE. I used to play in a back yard that was filled with garbage. Maybe it still smells on me.



Twelve Angry Men

“No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”

— Nelson Mandela,
Long Walk to Freedom



Twelve Angry Men

EIGHT. No. I'm saying that it's possible that the boy lost the knife and that someone else stabbed his father with a similar knife. It's possible.

(FOUR flips open the knife and jams it into the table.)

FOUR. Take a look at the knife. It's a very strange knife. I've never seen one like it before in my life. Neither had the storekeeper who sold it to him.

(EIGHT reaches casually into his pocket and withdraws an object. No one notices this. He stands up quietly.)

FOUR. Aren't you trying to make us accept a pretty incredible coincidence?

EIGHT. I'm not trying to make anyone accept it. I'm just saying it's possible.



Twelve Angry Men

THREE (shouting). And I'm saying it's not possible. (EIGHT swiftly flicks open the blade of the switch-knife and quickly jams it into the table next to the first one. They are exactly alike. There are several gasps and everyone stares at the knife. There is a long silence.) THREE (slowly, amazed). What are you trying to do? TEN (loud). Yeah, what is this? Who do you think you are? FIVE. Look at it! It's the same knife! FOREMAN. Quiet! Let's be quiet! (They quiet down.) FOUR. Where did you get it? EIGHT. I got it last night in a little junk shop around the corner from the boy's house. It cost two dollars. THREE. Now listen to me! You pulled a real smart trick here, but you proved absolutely zero. Maybe there are ten knives like that, so what? EIGHT. Maybe there are.

Twelve Angry Men

EIGHT (to FIVE). Do you think he lied?

(FIVE can't answer immediately. He looks around nervously.)

FIVE. I ... I don't know.

SEVEN. Now wait a second. What are you, the guy's lawyer? Listen, there are still eleven of us who think he's guilty.

You're alone. What do you think you're going to accomplish? If you want to be stubborn and hang this jury he'll be tried again and found guilty, sure as he's born.

EIGHT. You're probably right.

SEVEN. So what are you going to do about it? We can be here all night.

NINE. It's only one night. A man may die.



Twelve Angry Men

THREE (shouting). Well, you're not going to intimidate me! (They all look at **THREE**.) I'm entitled to my opinion! (No one answers him.) It's gonna be a hung jury! That's it!

EIGHT. There's nothing we can do about that, except hope that some night, maybe in a few months, you'll get some sleep.

FIVE. You're all alone.

NINE. It takes a great deal of courage to stand alone.

(**THREE** looks around at all of them for a long time. They sit silently, waiting for him to speak, and all of them despise him for his stubbornness. Then, suddenly, his face contorts as if he is about to cry, and he slams his fist down on the table.)

THREE (thundering). All right!

