

Session 24 Movie: “Reversal of Fortune”

Some questions to think about as we watch the movie:

- (1) Does every accused criminal deserve a competent defense attorney, no matter how heinous the crime he or she is accused of, and no matter how evident his or her guilt?

(Consider Alan Dershowitz’s dream, in which he must decide whether or not to accept Hitler as a client: “I’d take the case. And then I’d kill him.”

Alan Dershowitz went on to help defend O.J. Simpson. In later interviews, he noted that while the Code of Professional Responsibility precludes lawyers from publicly stating their opinions about the guilt or innocence of a client, and he claimed to know no more about the case than the average outside observer, if he had been on the jury in the civil trial, he would “probably have voted the way the jury voted.”

Dershowitz has said that “believing in the innocence of my client is not a relevant factor in deciding which cases to take.”¹

- (2) Consider these two questions:

- a. Should every client, no matter how morally repugnant, have competent defense attorney?
- b. You’re a competent defense attorney. Should you be willing to accept any client, no matter how morally repugnant?

How do these questions differ? Should they be given different answers?

(Consider Dershowitz’s argument with his student Minnie. After he insist that everyone – even Claus von Bülow deserves a competent defense, she agrees, but asks why they – Dershowitz and his students – should be the ones to provide it...)

- (3) How commonplace is the moral predicament Dershowitz and his fellow lawyers face in this case? This movie concerns a sensational murder amidst the rich and famous (of course – otherwise Hollywood would never have dramatized it!). But focusing on a murder trial like this one may obscure how commonplace some of these and related issues are for lawyers working within an adversarial system, even (or perhaps especially) in civil cases...
- (4) Finally, although it won’t be our concern next week, you might think about what constitutes “reasonable doubt”.²

¹ Court TV interview with Alan Dershowitz, June 9th, 1999.

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