



How Law Works According to *My Cousin Vinny*: "It's Like Building a Carburetor"

By: Mark Lewis

We adore the classic courtroom comedy, *My Cousin Vinny*, for its lighthearted laughs and triumphant finale that frees the hapless college boys falsely accused of murder. Like many funny movies about the law, this one also contains serious lessons for lawyers looking to enjoy a meaningful, ethical life in the law. The big-mouth big-city lawyer, Vincent "Vinny" Laguardia Gambini, learns those same lessons when called to rural Alabama to defend his nephew at trial.

In an early scene, Vinny lands himself in jail for contempt of court during his first courtroom appearance. He enrages the judge by not knowing courtroom procedures, laws or decorum for the arraignment. Refusing to enter his nephew's plea during the arraignment, Vinny only wants to quarrel with the judge about the merits of the case, as he urges the court to see how the arrest was all just a big misunderstanding.

When the judge redirects Vinny to the rules of arraignment, Vinny responds with sarcasm and petulance. It doesn't help that Vinny wears his black leather jacket and matching black pants and boots for his introductory appearance in the small town courtroom. Predictably, the judge loses patience with the wayward, wisecracking Vinny. "Bailiff, take him into custody."

As Vinny later emerges from jail, his whip-smart fiancé, Mona, confronts him with his ignorance about how the legal system works. Vinny reacts dismissively, saying he'll learn procedures, rules and decorum as he goes along. There's nothing to worry about, he reassures Mona, despite that this is his first trial since passing the bar (after five previous attempts) just six weeks ago.

Mona asks again about legal procedure and courtroom decorum, "Didn't they teach you that in law school?"

Vinny says no, they only teach "contracts, precedents, interpretations. Then the firm that hires you, they teach you procedures." Or you go to court to watch, Vinny adds, but who has time to do that in law school.

Mona, like the judge, now loses patience with Vinny. "You don't know what it is you don't know," she scolds.

Trying one last time to explain how the law works, Vinny offers an analogy. "It's a procedure, like building a carburetor," he says.

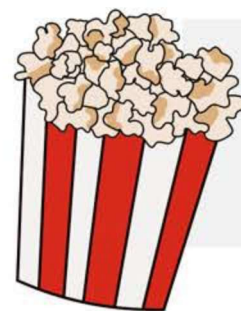
Most of us have never built a traditional carburetor, though we can probably understand Vinny's analogy well enough. Follow the written instructions to build a



working machine that operates efficiently, predictably and reliably. It is a matter of step-by-step application of linear rules to known facts. Simple enough.

Vinny's carburetor might turn out fine, but his analogy to the law quickly breaks down. The carburetor shares little in common with legal practice or proceedings. The law is not a set of instructions or a machine, and even if it were, the rules of procedure alone could not build a useful or fair one. As Vinny will learn, legal practice demands much more than a set of numbered instructions in a manual.

At least three realities point us to this conclusion. First, law is complex and evolving. Second, law is an ethical way of life. Third, law is underwritten by moral and emotional stories. The carburetor instructions share none of these qualities. What's more, treating the law as a set of mechanistic instructions leads to blind adherence. That adherence sacrifices fairness and the chance for justice on the altar of a foolish consistency. Vinny's carburetor admits of only one set of rules to apply to one device for the same outcome every time. The law's wisdom lies in its ability to apply even-handedly to everyone while also bending to fit the factual and moral nuances of each case. This dynamic, fluid nature of the law reminds lawyers to approach legal rules and standards with their larger purposes in mind. Lawyers should strive to know the technical and black letter rules inside-and-out, but they must also actively seek the many places those rules remain soft around the edges or admit various exceptions or simply don't adequately meet the particulars of the case.



This brings us to the inherent ethical dimension of legal practice. At their best, our legal rules and practices foster good manners. When our professional courtesy fails, our trust falters. And then the law breaks down. As Vinny would probably agree, you can build a working carburetor in bad faith, but not a working legal case or argument because the latter depends on the ethical relationships among counsel, clients and courts. The technical rules and procedures mean little without the bedrock goodwill and trust that comes from lawyers collaboratively employing, adjusting or excepting rules when case or occasion requires.

It is this case-by-case nature of law practice that marks the final difference with Vinny's mechanistic carburetor theory of law. Accomplished lawyers see rule-based patterns that repeat themselves in cases. Recognizing those patterns – the ways in which the rules and certain factual scenarios reliably go – leads to efficiency, predictability and, in many cases, fairness. Those are noble goals. But they need not come at the expense of the individual human stories that underlie our clients' cases. Stories carry the emotional and moral weight of our work. Client desires inevitably come into conflict with another. Those conflicts work their way through the narrative prism of the legal system to reach climactic resolution, after which client values and goals may be confirmed or rejected. This narrative resolution is different than the legal one. Whereas the law serves order, fairness and finality, stories serve emotional and moral satisfaction or edification, along with the sense of a proper ending. We need our cases, like our stories, to end by making sense and making life worth living. Simply winning or losing a legal case can't account for a proper story ending. Our failure to explain and, ideally, reconcile these conflicting values can lead to our own cognitive dissonance, not to mention our client's misery.

Vinny ultimately learns these larger lessons as he changes over the course of the movie. He discovers first that legal process isn't simply a set of instructions out of which lawyers mechanistically build cases, like carburetors. Instead, they are more wisely treated as guideposts along the way to fairness, truth and trust among counsel, clients and courts.

Vinny discovers that healthy law practice gravitates around civility. Over the course of the trial, Vinny sheds his wise guy attitude and seeks to genuinely befriend the other attorneys, the judge and court personnel. He likewise treats the witnesses with respect and appreciation. He grows fond of the small town and its people because he seeks to understand them. And, yes, Vinny even begins to have fun practicing law. Under such circumstances the procedural rules become less an object of attention or contention. Rather, they serve as sure anchors for our professional courtesy and benevolence.

Vinny lastly learns that the moral and emotional lives of clients reside in their individual stories, not in the way that the law attempts to fit those stories into legal categories or procedures. Allowing clients space to tell their unique stories can create the conditions for both justice and narrative closure. For Vinny, his nephew's trial was not merely about guilt or innocence, but more fundamentally about the loyalty and sacrifice of family, our common quest for truth, and the goodwill we share with one another in court and life.



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