Power can be murder to resist.

A Film by Sydney Pollack

THE FIRM

Paramount Pictures Presents A John Davis/Scott Rudin/Mirage Production A Film by Sydney Pollack Tom Cruise
The Firm follows the main character, Mitch McDeere, as he graduates from Harvard Law School with honors, interviews for an associate position at various prestigious law firms, and during his first few months as a lawyer. Throughout the movie, Mitch is faced with many personal ethical issues, such as balancing work-life demands and drinking on the job, as well as business ethical issues. Each decision Mitch makes, is evaluated and acted upon from a different stage of moral development, according to Kohlberg’s theory and other ethical frameworks.

The Firm portrayed the business environment in a very negative light. The first few scenes show the different law firms offering more money than other firms to entice Mitch to accept their offer of employment. Each deal included more and more benefits, perquisites, and additional money and bonuses. This cast the business environment as a cut-throat competitive and money driven realm of society. Later in the film, after Mitch accepted an associate lawyer position with Bendini, Lambert, & Locke (the law firm), the business environment is further portrayed as corrupt and deceitful. As part of Mitch’s employment offer, he is given a fully-furnished home. However, the firm wire-tapped and bugged the home to monitor Mitch’s personal life, to ensure he and his wife, Abbey, would always act in the firm’s best interests. Finally, it is revealed that only 30% of the firm’s clients are real people, some of the “companies” the firm invests in do not actually exist, and much of the profit the firm received is from money laundering, drug smuggling, and its ties to the Chicago Mob. These ties to the Mob also resulted in the deaths of four attorneys who all attempted to “blow the whistle” on the firm. These are all well-kept secrets from those outside the firm and new associates. After the firm is able to gain an associate’s trust or establish enough coercive power, they are told about the true operations and activities that keep Bendini, Lambert, & Locke in business. All these elements combined present business as a damaged industry.
Multiple business ethics issues were raised in *The Firm*. From Mitch McDeere’s perspective, he was pressured throughout to choose between cooperating with the FBI’s investigation, acting in the best interests of the firm and mob, giving in to his wife and leaving the firm, breaking the confidentiality of the attorney-client privilege, and whistleblowing activities within the firm. From the law firm’s perspective, the partners and associate attorneys knowingly operated unethically. They routinely altered financial documents, accepted money earned illegally, overcharged their clients for legal work, and worked with the Mob to cover up murders of any attorney that tried to leave the firm or report Bendini, Lambert, & Locke to the FBI. Despite the numerous business ethics issues in *The Firm*, the three major dilemmas are Mitch’s decision whether he will help the FBI gather information about the firm, comply with the culture of the firm and the Mob, and if he will uphold his oath as an attorney.

Early in his career, Mitch was contacted by FBI agents who were currently investigating Bendini, Lambert, & Locke. They wanted Mitch’s help with collecting documentation that would help the FBI’s investigation and eventually close the firm and allow the federal government to arrest members of the Chicago Mob. Here, the agents used their coercive power when they told Mitch he could either cooperate with them or eventually be arrested with the other attorneys. Mitch initially began copying files to help indict the firm on counts of money laundering, murder, and falsified financial documents. However, once he understood the risks, such as losing his job, and danger of his wife’s life being threatened, Mitch became much more hesitant to help the FBI. Initially, Mitch acted according to Kohlberg’s fourth stage of development, thereby “obeying the public institutionalized law, and believing that everyone else is equally obligated to obey the law” (Castleberry, April 18, 2009). The whistleblower laws state that one should engage in illegal business practices in order to acquire
enough information for prosecution. Therefore, he was acting in accordance with the law, and believed the firm was liable for the crimes they committed. However, after Mitch assessed the personal risk of reporting the firm, he acted according to Kohlberg’s second stage of development. Mitch was concerned about losing his prestigious job, house, car, and lifestyle. After wavering throughout the course of the film, the issue was finally resolved when Mitch did not provide the FBI with the documents needed to prosecute Bendini, Lambert, & Locke for the charges the government were investigating. Instead, Mitch provided documents proving Bendini, Lambert, & Locke mailed invoices with inflated billable hours to clients, a lesser federal offense, but still punishable under the law. Utilitarianists would argue it is ethical to whistleblow and provide the documents to the FBI regarding all the offenses of the firm, which many would agree is the proper way to resolve this ethical issue.

Beginning with the interview process, there was a distinct culture within the firm. The employees appeared to be a close-knit unit with a high level of trust and respect for each other. Everyone who entered the firm passed the bar exam, were compensated at very high levels, and never left the firm. However, what was not clear to Mitch initially is that those who tried to leave the firm were “mysteriously” murdered and the bodies were never recovered. The Department of Justice finally informed Mitch that the firm finds bright law school graduates, entices them with everything he had already been given, coerces them into situations that can later be used as blackmail, bug their home, and wiretap their phone lines in an effort to gain their undying trust and loyalty (rooted in fear) before revealing the firm has strong links to the Chicago Mob and engages in a wide variety of illegal business practices. Mitch considers continuing along the typical path of associate attorneys and initially does so. His wife claims he is only doing it because he is trying to make up for his financially tough childhood and his desire
to provide more for his wife and future children. Here, Mitch is following a strict act deontological line of thinking. He does not consider the rules or consequences for his actions. Rather, he is doing as he pleases and achieving his own goals and dreams. As previously mentioned, Mitch does not continue on with the firm. Instead, he uncovers falsified invoices to clients, which he turns over to the FBI. Afterwards, he leaves the firm and moves out of the city to start his own small law firm on the east coast. Again, this issue should have been resolved with him reporting all the wrongdoings he was aware of to the FBI, thereby ceasing as much illegal activity as possible.

Once Mitch passes the Bar exam, he takes an oath to uphold his position with the highest of standards and maintain the confidentiality of the attorney-client privileges. Nearly immediately after accepting the position as associate attorney he is asked to break confidentiality. Since the firm works for the Chicago Mob he is required by his oath to not disclose any information shared with him outside a court of law by the Mob. However, he does so with his brother, wife, his “whistleblower assistant”, as well as other characters in the film. None of these instances led to the firm ceasing their illegal business with the Mob or other inappropriate and unethical behaviors. Therefore, by Mitch sharing this information with others and breaking the oath, demonstrates he acted “impartially to those affected by his decision” (Castleberry, April 25, 2009). This is noted by Kohlberg’s sixth stage of moral development. Mitch broke the oath but did so through his own self-chosen principles. This decision should have been resolved by not sharing information about the Chicago Mob to anyone unless they were directly involved in reporting the crime to the federal government. This thinking is in alignment with an utilitarian point of view as well as Kohlberg’s fourth stage of moral development, where what is ethical is dictated through law.
Overall, this activity helped to understand Kohlberg’s stages and other ethical frameworks in a practical setting. It clearly demonstrated the processes of ethical decision making and how a person arrives at their decision. It also highlighted how this can change depending on circumstances. Also, this activity, through The Firm, demonstrated how toxic power and authority can be to individuals, groups, and society. Bendini, Lambert, & Locke intentionally coerced new employees to gain their loyalty and continued devotion to the firm. They did so hoping the individuals would not report them to investigators and the government. These acts of exploitation only furthered the harm to the general public. The Chicago Mob was empowered in their drug dealing and money laundering; Bendini, Lambert, & Locke continued to offshore money and corrupt young lawyers; some of the best and brightest graduating lawyers were forced into a lifestyle of unethical, immoral, and illegal acts. These actions would only serve to do greater harm in the future if they were not reported and ceased. Through this activity, it is even more apparent how important and dangerous whistleblowing can be. The average citizen may believe crime happens on the streets. This film communicated that wrongdoing is everywhere; “I [Mitch] went to Harvard and you [his brother] went to jail, and we are both surrounded by crooks” (The Firm, 1993).

Works Cited