

# BACK STORY

## FILM REVIEW

### “FLASH OF GENIUS” – LAW ON FILM

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#### “Flash of Genius” Movie Analysis

“Flash of Genius,” inspired by a New York Times article of the same title, is based on the true story of Bob Kearns – the man who invented the intermittent windshield wiper and then took on Ford Motor Company in a 12-year legal battle over the rights to his own invention.

From the beginning, Kearns (Greg Kinnear) is painted in broad strokes of pure white: a family man, a churchgoer, a college professor eagerly doling out lessons on ethics to his engineering students and amiably turning invention into a family affair. His dreams for his future and of a family business are brutally derailed when the automotive giant steals his invention and cuts him out of the picture. Why? Because they thought they could. It turns out that, in Robert Kearns, they picked the wrong man to swindle. But if there is one thing this film tells us, it is that fighting the good fight isn’t easy. Kearns loses his job, his wife and nearly his sanity while relentlessly pursuing his justice. The struggle is not pleasing to watch (and seems at moments to be playing out in real time).

As one character tells our obsessed hero about halfway through the film, “it’s only a windshield wiper.” This being the case, how much can we really care? By the time Kinnear works his way into the courtroom, channeling an everyman sincerity that vintage Jimmy Stewart would have been proud of, the answer is, quite a bit. The strength of “Flash of Genius” is undeniably in its leading man. Kinnear plays this eccentric obsessive with an endearingly righteous indignation. “You aren’t easy to like,” Kearns’ attorney (Alan Alda) tells his stubborn client; fortunately for us, Kinnear is – enough so that even after Kearns’ poor beleaguered wife has given up on him, most viewers haven’t.

None of us are strangers to how this sort of story plays out: you know how it goes, you sense the inevitable betrayal coming well before it does and the final outcome is no mystery, but the question of Kearns’ sacrifice provides a slight cerebral twist. In spite of his victory for the “everyman,” one still has to wonder: just what was lost to claim that victory, and was it really worth it? It isn’t a question the movie answers. Instead, the film celebrates the spirit of a person like Kearns, while clearly demonstrating why most of us don’t actually want to be that person ourselves.

#### “Flash of Genius” and the Law

At one point in the movie, Alan Alda’s character explains, “I don’t want you to worry that this is going to take over your time or your life, because that’s my job. That is why I went to law school.” Regardless of whether it actually

happened that way, the point is clear: lawyers can and do serve several purposes. Among them, lawyers not only provide legal guidance and experience, they also help shoulder the agonizing burden that lawsuits can impose. Yet, when Kearns and his lawyer arrive at an impasse, Kearns (and, reluctantly, his family) pursues a patent infringement lawsuit without the help of legal counsel. The movie showed some, but not all, of the stresses on Kearns and his family. However, two hours is not nearly enough time to catalogue the impacts that Kearns’ struggle had on his life or his family. Moreover, the movie ends in a monumental victory against Ford Motor Company. Yet, as lawyers know, lawsuits of this magnitude rarely end after trial – this one was no exception.

Just like his personal history, Kearns’ battle against Detroit “has a complex and tortured procedural history.”<sup>1</sup> The movie portrayal of Kearns’ fight against Ford may serve as an inspiration to pro per litigants, but what followed should serve as a warning. The appellate history of Kearns’ lawsuit against Ford, like the similar lawsuits later filed against Chrysler and General Motors, involved years of litigation and dozens of trial and appellate court opinions. The result of those cases is a digest of jurisprudence, reflecting how badly Kearns needed competent legal counsel. Kearns’ lack of legal experience (and perhaps his challenging personality)<sup>2</sup> resulted in severe sanctions for various reasons, including his disobedience of court orders,<sup>3</sup> failure to properly manage litigation,<sup>4</sup> and filing frivolous appeals.<sup>5</sup> As one court noted, “[a]lthough Kearns is a well-educated and intelligent person, his pro se filings in this case unfortunately reflect an unfamiliarity with and an unawareness of some of the basic tenets and requirements of our federal judicial system.”<sup>6</sup>

“Flash of Genius” serves as a brilliant story of justice and perseverance, but the lengthy epilogue of litigation presents an equally illuminating example of why lawyers are sometimes needed to secure and protect rights in the complex field of the law. **NL**

1 *Kearns v. Wood Motors, Inc.* (Wood Motors II), No. 96-1314, 1997 U.S. App. LEXIS 791, at \*1-2 (Fed. Cir. Jan. 17, 1997).

2 *Kearns v. Chrysler Corp.*, 32 F.3d 1541, 1551 n. 11 (Fed. Cir. 1994) (“The fact that Kearns has fired several of his attorneys and attempted to conduct massive multiple suits pro se may be relevant to his dilemma.”).

3 *Kearns v. General Motors Corp.*, No. 98-1036, 1998 U.S. App. LEXIS 5956, at \*2-7 (Fed. Cir. Mar. 24, 1998).

4 *Kearns v. Wood Motors, Inc.* (Wood Motors I), No. 78-70642, slip op. at 2 (E.D. Mich. Jan. 28, 1994).

5 *Keenan v. Kearns*, No. 95-1481, 1996 U.S. App. LEXIS 8438, at \*7 (Fed. Cir. Mar. 28, 1996) reported in table format at 106 F.3d 422.

6 *Wood Motors II*, 1997 U.S. App. LEXIS 791, at \*9.