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TV, films sometimes get it right

Lawyers can enjoy legal-based dramas and comedy if they keep an open mind

We either love them or hate them, but let's admit it — we are fascinated by a movie or TV series depicting courtroom dramas. Take "A Few Good Men," the movie starring Tom Cruise and Jack Nicholson. Is there a litigator alive who doesn't admire the court martial scene where an angry defending lawyer (Cruise) pushes the intimidating Marine colonel (Nicholson), on the stand, to admit he ordered a Code Red resulting in the death of a young Marine — a crime for which other young Marines were charged.

If you've seen the movie, you know there were many legal flaws — well-founded objections that the opposing counsel failed to make, and risky, if unrealistic strategies used in the hearing. Then why do we still love that film?

Because in spite of its faults, or maybe because of them, it seems surprisingly real. Unexpected things do happen in courtrooms. Our opponents sometimes do fail to object. Openings do suddenly present themselves when you have witnesses on the stand.

But the real reason we love this and other films and TV shows about lawyers and courtrooms is because they depict a glamorized view of our own lives, and dramatize over and over the difference made by the rule of law in the hands of a few good lawyers.

We love to second guess the decisions made by fictional

lawyers and tell ourselves that we could have done it better. I remember being so disappointed in "The Untouchables," which was a terrific movie about Prohibition with an unbearably unrealistic courtroom ending.

As the pivotal trial went on, it became clear that the jury had been tampered with. Just as it seemed that the good guys couldn't win, the judge pulled in an alternate jury for the verdict. No lawyer could watch that movie without feeling something between annoyance and anger at the obvious impossibility and switch at the end.

While the "alternate jury" did render an audience satisfying verdict, it was a scene that left most lawyers cold, knowing as we do that it could never happen.

A more realistic verdict was rendered in the award-winning movie, "The Verdict." In it, Paul Newman was a bright, ethical, down-and-out lawyer trying to prove a malpractice case against a corporate giant. The lesson and pleasure of that movie is that the law can still deliver justice for plaintiffs even if their lawyer has seen better days and is seemingly out-powered by big firms and big money.

Often TV and the movies get it pretty close to right.

In the interest of full disclosure, I confess that my daughter is a CBS executive, and one of the shows she covers is "The Good Wife." Not only does the show usually get the courtroom scenes just right, but it also gets the con-

HOLLYWOOD LAW

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text right. It portrays the gamut of judicial talent we all face, as well as the personal idiosyncrasies of individual judges. In one episode, the presiding judge demands that every statement or argument be prefaced with the phrase "in my opinion." When the lawyers forgot to insert that phrase, the judge would interrupt and further confuse the entire proceedings. And the lawyers complied.

We all know that this is the stuff of real life. If the judge wants you there at dawn or dusk, or requires that your exhibits be in old-fashioned three ring binders, or your arguments on disk in a cutting-edge software program, or that you phrase every question

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with a certain preface, good lawyers do whatever is required on behalf of their clients.

What those shows, including the original "L.A. Law," all dramatize oh so well is that the practice of law is also a business and that only the strong survive. What happens in a courtroom is partially a result of how well a firm is organized and managed.

On a lighter note, "My Cousin Vinny," starring Joe Pesci and Marisa Tomei, may have been an award-winning comedy, but it carried some dramatic legal lessons.

Lesson one: Beware of doing favors for relatives in legal trouble. Vinny was a barely admitted lawyer from New Jersey whose cousin was wrongly accused of a homicide. If a stranger called Vinny and asked him to become involved, his responsible answer would have been "No, I am a newbie, not a criminal lawyer, and would be an outsider in that court system." Because it was a relative who asked for help, he said "yes."

The second lesson is that once you say "yes" to a client, the responsibility is yours and the consequences of not being good enough professionally are serious indeed. Vinny woke up to that and to his own best legal instincts just in time. His struggles, while amusing, were instructive. Consider this: You can strategize during the trial itself, and you can find rhythm in a cross examination.

While Hollywood law is creative and sometimes plays fast and loose with legal realities, it can be instructive as well as entertaining when viewed with an open mind. If we take that attitude to the next TV series or movie, we can enjoy some "Continuing Hollywood Education."