

**Screening Justice—
The Cinema of Law**

Screening Justice— The Cinema of Law

Significant Films of Law, Order and Social Justice

edited by

**Rennard Strickland
Teree E. Foster
Taunya Lovell Banks**

William S. Hein & Company
Buffalo, New York
2006

Library of Congress Cataloging in Publication Data

Screening justice—the cinema of law : significant films of law, order, and social justice / edited by Rennard Strickland, Teree E. Foster, Taunya Lovell Banks.

p. cm.

Includes bibliographical references.
ISBN 0-8377-3710-9 (cloth : alk. paper)

I. Justice, Administration of, in motion pictures. I. Strickland, Rennard.
II. Foster, Teree E. III. Banks, Taunya Lovell.

PN1995.9J8S37 2005
791.43'6554—dc22

2005050321

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Printed in the United States of America



This volume is printed on acid-free paper
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DEDICATION

Teree Foster

Carl Selinger

and

Wayne Westling

TABLE OF CONTENTS

Table of Major Films	xv
----------------------------	----

Editors' Introduction

The Cinema of Law: The Magic Mirror and the Silver Screen	xvii
---	------

Rennard Strickland
Taunya Lovell Banks

Bringing Bogie Out of the Courtroom Closet: Law and Lawyers in Film	xxi
--	-----

Rennard Strickland
Philip H. Knight Professor
University of Oregon School of Law

SECTION I: Films of the 1930s and 1940s

1 <i>M</i> (1931) and the Serial Killer's Humanity	3
--	---

Mark V. Tushnet
Carmack Waterhouse Professor of Constitutional Law
Georgetown University Law Center

2 <i>Savage Fronteras and Tribal Boundaries: Chasing Success in Hollywood's Bordertown</i> (1935)	13
---	----

Steven W. Bender
James and Ilene Hershner Professor
University of Oregon School of Law

3 <i>Disorder in the Court</i> (1936): Images of Lawyers and the Three Stooges	25
---	----

Randall Coyne
Maurice H. Merrill Professor
University of Oklahoma Law Center

4 <i>The Grapes of Wrath</i> (1940): Can Justice Be Found on Route 66? ..	35
---	----

Lawrence A. Frolik
Professor
University of Pittsburgh School of Law

5 <i>The Ox-Bow Incident</i> (1943): Justice Denied	51
---	----

Robert L. Felix
James P. Mozingo, III Professor of Legal Research
University of South Carolina School of Law

- 6 Genre, Gender, and Jurisprudence in *Adam's Rib* (1949) 69
 David Ray Papke
 Professor
 Marquette University Law School

SECTION II: Films of the 1950s

- 7 Tonto's Revenge Revisited: *Jim Thorpe—All American* (1951)
 as Seen from the Cutting Room Floor 83
 Rennard Strickland
 Philip H. Knight Professor
 University of Oregon School of Law
- 8 Don't Bogart That Witness: *The Caine Mutiny* (1954) and
 Trial by Jury 97
 Laurence H. Winer
 Professor and Faculty Fellow, Center for the Study of Law, Science & Technology
 Arizona State University College of Law
- 9 *On the Waterfront* (1954): Cheese-Eating, HUAC, and the
 First Amendment 109
 Jeffrey M. Shaman
 St. Vincent de Paul Professor
 DePaul University College of Law
- 10 *The Ten Commandments* (1956)—The Movie:
 Freedom Extolled 123
 Mary Libby Payne
 Retired Judge
 Mississippi Court of Appeals
- 11 Trial as Theater: *Witness for the Prosecution* (1957) 131
 Wayne T. Westling (1943–2001)
 Professor and Elmer Sahlstrom Senior Fellow
 University of Oregon School of Law
- 12 What Price Propaganda? When *The Paths of Glory* (1957) Led
 But to the Pulpit 149
 Robert Barr Smith
 Professor of Law
 University of Oklahoma Law Center
- 13 Why *12 Angry Men?* (1957): The Transformative Power
 of Jury Deliberations 157
 Nancy S. Marder
 Professor
 Chicago Kent School of Law, Illinois Institute of Technology

Table of Contents

ix

- 14 *I Want to Live!* (1958): Federal Judicial Values in Death
Penalty Cases: Rights or Punctuality of Execution? 171
Teree E. Foster (1948–2004)
Dean and Professor
DePaul University College of Law
- 15 “Across the Border—Again?": The Labyrinth of Law in
Orson Welles’s *Touch of Evil* (1958) 197
Cheyney Ryan
Professor, Philosophy Department
University of Oregon
- 16 *Compulsion* (1959): Death As Different 209
Robert W. Bennett
Nathaniel L. Nathanson Professor
Northwestern University School of Law

SECTION III: Films of the 1960s

- 17 *Victim* (1961)—No More! 217
Dominick Vetri
Kliks Professor of Law
University of Oregon Law School
- 18 *Billy Budd* (1962) and Mandatory Sentences 227
Kevin W. Saunders
Professor
Michigan State University College of Law
- 19 *To Kill a Mockingbird* (1962): Lawyering in an Unjust Society . . 239
Taunya Lovell Banks
Jacob A. France Professor of Equality Jurisprudence
University of Maryland School of Law
- 20 *Lord of the Flies* (1963): The Development of Rules
Within an Adolescent Culture 253
Nancy B. Rapoport
Dean and Professor
University of Houston Law Center
- 21 *Man in the Middle* (1964): Unsung Classic of the Warren Court . . 275
Francis M. Nevins
Professor
St. Louis University School of Law

Screening Justice

- 22 Welles and Jones: Kafka's *The Trial* (1962 and 1993) and
Its Legal Significance 291
Leonard V. Kaplan
Mortimer M. Jackson Professor
University of Wisconsin Law School
- 23 *The Fortune Cookie* (1966) and "Whiplash Willie"—The
Image of Lawyers 305
Steven R. Smith
President and Dean
California Western School of Law
- 24 Cool Hand Luke (1967): Rebellion and Illusion 311
Osborne M. Reynolds, Jr.
Maurice H. Merrill Distinguished Scholar and Professor Emeritus
University of Oklahoma Law Center

SECTION IV: Films of the 1970s

- 25 A Wealth of Water Law, Not a Drop of Justice: *The Milagro*
Beanfield War (1988) and *Chinatown* (1974) 319
David H. Getches
Dean and Raphael J. Moses Professor of Natural Resources Law
University of Colorado School of Law
- 26 Heroism in the Midst of Tragedy: *Judge Horton and the*
Scottsboro Boys (1976) (TV) 331
Kenneth M. Murchison
James E. and Betty M. Phillips Professor
Louisiana State University Law Center
- 27 *Breaker Morant* (1979) 353
Drew L. Kershen
Earl Sneed Centennial Professor
University of Oklahoma Law Center
- 28 *Kramer vs. Kramer* (1979): Family Law in the Movies 373
Michael Asimow
Professor Emeritus
University of California at Los Angeles School of Law

SECTION V: Films of the 1980s

- 29 Can Labor Law Produce Justice?: *Matewan* (1987),
Norma Rae (1979), and *Shout Youngstown* (1984) 397
Wythe Holt
University Research Professor
University of Alabama School of Law

Table of Contents

xi

- 30 Worst of the Worst: Which, if Any, Circle of Hell: Dostoevsky's
Crime and Punishment (1983) 405
Michael A. Berch
Professor and Director of Admissions
Arizona State University College of Law
- 31 If God Wanted Lawyers to Fly, She Would Have Given Them
Wings: Life, Lust & Legal Ethics in *Body Heat* (1981) 419
John M. Burkoff
Professor
University of Pittsburgh School of Law
- 32 *Zoot Suit* (1981): Realism, Romance and the Anti-Musical—
Film as Social Justice 425
Lenora Ledwon
Professor
St. Thomas University School of Law
- 33 *Gandhi* (1982): The Spirituality of Politics and Suffering 445
Charles R. DiSalvo
Woodrow A. Potesta Professor
West Virginia University College of Law
- 34 The Good Lawyer: *The Verdict* (1982) 455
Richard D. Parker
Paul W. Williams Professor of Criminal Justice
Harvard Law School
- 35 *El Norte* (1983): Immigration Mythology as Crossover Dream .. 465
Michael A. Olivas
William B. Bates Distinguished Chair in Law and
Director, Institute for Higher Education Law & Governance
University of Houston Law Center
- 36 Screening Justice in *The Accused* (1988) 475
Sherri L. Burr
Professor
University of New Mexico School of Law
- 37 Law and Rage in *Do the Right Thing* (1989) 487
Jeffrey L. Harrison
Stephen C. O'Connell Chair and Professor
University of Florida, Fredric G. Levin College of Law
Sarah E. Wilson
Retired Member, Florida Bar

- 38 Kenneth Branagh's *Henry V* (1989) 501
 Michael L. Richmond
 Professor
 Nova Southeastern University, Shepard Broad Law Center
- 39 Dramatizing on Film the Uneasy Role of the American
 Criminal Defense Lawyer: *True Believer* (1989) 515
 Carl M. Selinger (1934-2001)
 Professor
 West Virginia University College of Law

SECTION VI: Films of the 1990s

- 40 *Bonfire of the Vanities* (1990): The Thinking Man's
 Redneck: An Upper Class White Man's Fall from Grace 541
 Joan Vogel
 Professor
 Vermont Law School
- 41 *Reversal of Fortune* (1990), Affirmation of Ambiguity 549
 Stacy Caplow
 Professor and Director of Clinical Education
 Brooklyn Law School
- 42 Will Boys Just Be *Boyz N the Hood* (1991)?—African-American
 Directors Portray a Crumbling Justice System in Urban
 America 563
 Justin P. Brooks
 Inst. Professor, Executive Director Institute for Criminal Defense Advocacy
 California Western School of Law
- 43 *Defending Your Life* (1991): Due Process in the Afterlife 575
 Robert C. Berring
 Walter Perry Johnson Professor and Director, Library
 University of California, Berkeley, School of Law
- 44 Deception and Artifice: *Thelma & Louise* (1991) and the Legal
 Hermeneutic 581
 Shirley A. Wiegand
 Professor
 Marquette University Law School
- 45 *A Few Good (and Angry) Men (and Woman)* (1992) 607
 Robert Eli Rosen
 Professor
 University of Miami School of Law

Table of Contents

xiii

- 46 *Philadelphia* (1993): Law in the City of Brotherly Love 617
By Susan N. Herman
Professor
Brooklyn Law School
- 47 Cold Comfort: Law and Community in Ethan and Joel Coen's
Fargo (1996) 633
Jeanne L. Carriere
Professor
Tulane University School of Law
- 48 Giving Voice to Anger: The Role of the Lawyer in *The Sweet
Hereafter* (1997) 657
Paul A. LeBel
Dean and Professor
University of North Dakota School of Law
- 49 Is Chan Still Missing? An Essay about the Film *Snow Falling On
Cedars* (1999) and Representations of Asian Americans in
U.S. Films 679
Keith Aoki
Philip H. Knight Professor
University of Oregon School of Law
- 50 Whose *True Crime* (1999) Is It, Anyway? (A Meditation on the
Death Penalty) 701
Carole Shapiro
Assistant Professor
Chicago-Kent College of Law, Illinois Institute of Technology

SECTION VII: Films and Readings

- A Dozen and One Nights at the Movies: A Law and Lawyer
Film Festival 723
Selected by: Rennard Strickland
Philip H. Knight Professor
University of Oregon School of Law
- Further Readings on Law, Lawyers and Social Justice:
Narrative Bibliography 727
Taunya Lovell Banks
Jacob A. France Professor of Equality Jurisprudence
University of Maryland School of Law
- Acknowledgments 733
- List of Films Cited 735

TABLE OF MAJOR FILMS

<i>12 Angry Men</i> (1957)	157
<i>The Accused</i> (1988)	475
<i>Adam's Rib</i> (1949)	69
<i>Billy Budd</i> (1962)	227
<i>Body Heat</i> (1981)	419
<i>Bonfire of the Vanities</i> (1990)	541
<i>Bordertown</i> (1935)	13
<i>Boyz N the Hood</i> (1991)	563
<i>Breaker Morant</i> (1979)	353
<i>The Caine Mutiny</i> (1954)	97
<i>Chinatown</i> (1974)	319
<i>Compulsion</i> (1959)	209
<i>Cool Hand Luke</i> (1967)	311
<i>Crime and Punishment</i> (1983)	405
<i>Defending Your Life</i> (1991)	575
<i>Disorder in the Court</i> (1936)	25
<i>Do the Right Thing</i> (1989)	487
<i>El Norte</i> (1983)	465
<i>Fargo</i> (1996)	633
<i>A Few Good Men</i> (1992)	607
<i>The Fortune Cookie</i> (1966)	305
<i>Gandhi</i> (1982)	445
<i>The Grapes of Wrath</i> (1940)	35
<i>Henry V</i> (1989)	501
<i>I Want to Live</i> (1958)	171
<i>Jim Thorpe—All American</i> (1951)	83
<i>Judge Horton and the Scottsboro Boys</i> (1976)	331
<i>Kramer vs. Kramer</i> (1979)	373
<i>Lord of the Flies</i> (1963)	253
<i>M</i> (1931)	3
<i>Man in the Middle</i> (1964)	275
<i>Matewan</i> (1987)	397
<i>The Milagro Beanfield War</i> (1988)	319, 321
<i>Norma Rae</i> (1979)	397, 400
<i>On the Waterfront</i> (1954)	109
<i>The Ox-Bow Incident</i> (1943)	51
<i>Paths of Glory</i> (1957)	149
<i>Philadelphia</i> (1993)	617
<i>Reversal of Fortune</i> (1990)	549

<i>Shout Youngstown</i> (1984)	397, 402
<i>Snow Falling On Cedars</i> (1999)	679
<i>The Sweet Hereafter</i> (1997)	657
<i>The Ten Commandments</i> (1956)	123
<i>Thelma & Louise</i> (1991)	581
<i>To Kill a Mockingbird</i> (1962)	239
<i>Touch of Evil</i> (1958)	197
<i>The Trial</i> (1962 and 1993)	291
<i>True Believer</i> (1989)	515
<i>True Crime</i> (1999)	701
<i>The Verdict</i> (1982)	455
<i>Victim</i> (1961)	217
<i>Witness for the Prosecution</i>	131
<i>Zoot Suit</i> (1981)	425



The Cinema of Law: The Magic Mirror and the Silver Screen

[The] law, wherein, as in a magic mirror, we see reflected, not only our own lives, but the lives of all men that have been! When I think on this magic theme, my eyes dazzle.

—Oliver Wendell Holmes, Jr.

Supreme Court Justice Oliver Wendell Holmes, Jr. saw the law as a “magic mirror” in which all of society was reflected. As we move forward in the 21st century, it is increasingly clear that the law not only reflects but also dominates American life, so much so that Little League outfielders and Olympic skaters turn to the courts to resolve their conflicts. Television has a Court channel, *Celebrity Justice* shows daily, and as many as a half dozen Judge Judy look-alikes resolve “real cases in real courtrooms.” In Civil Law countries the populace has seen so much “American Justice” that they demand a jury trial as they saw in *12 Angry Men* despite no provisions for one in their local law.

As law increasingly dominates media, politics and even playground life, it is important to understand how law is portrayed. The authors and editors of *Screening Justice* believe that today Holmes’s magic mirror is most often understood in terms of what viewers have seen on the Silver Screen and television’s black box. And what they see—and have seen—is more than just courtroom dramas such as *The Verdict* or *The Paradine Case* or television trials from *Law and Order*. Law, order and social justice are a part of film genres as diverse as musicals (*Chicago*), science fiction (*The Day the Earth Stood Still*), biblical epochs (*The Ten Commandments*), animated cartoons (*The Trial of Donald Duck*), documentaries (*Titicut Follies*), westerns (*The Man Who Shot Liberty Valance*), and even medieval romances (*Ivanhoe*) and horror shows (*Son of Frankenstein*).

Screening Justice is a book of more than fifty essays focusing on significant films about law, order and social justice. The editors invited a group of authors, mostly law professors who were interested in film and teaching with it, to make their own selection of a significant film and then write about that film. In many respects, the titles selected are as interesting as the discussions. They vary from Shakespeare and Melville to neo-noirs and romantic comedies. Some titles we would like to have included simply did not interest our authors. The editors also encouraged the authors to approach their writing from a personal perspective. There was no template. The resulting essays vary from the simple retelling of a comic tale to personal remembrances, from highly legalistic case review infused with jurisprudential analysis to application of comparative cinematic theory. Readers will be surprised at some of the idiosyncratic and iconoclastic interpretations that clash with the perceived understanding of many key legal films such as *Paths of Glory* or *To Kill a Mockingbird*.

The idea for this book grew out of a series of exhibitions, programs and workshops as well as the rich body of recently published scholarship on popular culture and law. The Law and Society Association, the Association of American Law Schools, and the American Bar Association section on Professional Responsibility led the way. Pioneering scholars such as Anthony Chase, James Elkins, and Michael Asimow inspired us to think about drawing together the specific film-focused essays that constitute this book. Ed Wade, the anthropologist and art historian, commissioned a law and film exhibition of posters for a comparative showing with Daumier's legal drawings and lithographs at the Philbrook Art Center in Tulsa, Oklahoma. Down in Austin, at the University of Texas School of Law, Roy Mersky organized a symposium, "The Lawyer in Popular Culture," for which David L. Gunn edited the proceedings. The AALS Women and the Law Section sponsored a slide-show, "Beyond the Feather Boa: Lady Lawyers of the Movie World." David Farmer of the DeGolyer Library at Southern Methodist University curated an exhibition looking at westerns, "Indians and the Law."

The essays selected for this book address a rich and diverse range of issues. We chose to arrange them chronologically rather than by topic since many of the films explore a substantial number of legal and social questions. The editors hope that readers will be inspired to search out the films and view them with essays in hand. The VHS or DVD of most of these films are generally available and can be shown in a classroom setting, sprawled out on a couch at home, or in small gatherings like a book club, the Inns of Court or a bar meeting. The essays, read in conjunction with the

films, provide the basis for thoughtful—and probably heated—discussion of law, order and social justice. There has never been a time in American history when such discussion was more essential to the survival of the republic and the rule of law.

Sadly our editorial colleague Teree Foster did not live to see the publication of *Screening Justice* to which she gave so much time and thought. Even during the demanding days while she was dean at West Virginia and DePaul, Teree devoted boundless energy toward these essays, serving as the primary liaison with Michelle Moore, our remarkable, hard working, and gifted editorial associate. The book is dedicated to Dean Foster and to two other colleagues whom we lost, Wayne Westling and Carl Selinger. Their work, like many of these films, will live on for future generations who want to know more about law, order and social justice.

*Rennard Strickland
Taunya Lovell Banks
May 29, 2005*



Bringing Bogie Out of the Courtroom Closet: Law and Lawyers in Film

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C*asablanca* (1942) is a film of mystery and romance. Warner Brothers cultivated that aura of intrigue not only about the place *Casablanca* but also about the man Rick. His mysterious past is among the reasons *Casablanca* is ranked by general audiences as the most popular American film of all time. Questioning Rick's past seems almost subversive, somehow disloyal, unfair to the memory of Humphrey Bogart. And yet, there is no doubt about it: the mysterious Rick Blaine was a lawyer—a criminal attorney at that!

Rick, surely the most famous cinematic bar owner in history, was also admitted at the bar of justice. Before coming to *Casablanca* for the waters, Rick had been a practicing attorney first in New York City and then in Paris. The old Hollywood studio system was good at doing what it set out to do; in *Casablanca* it sought to obscure the past of the man Bogart immortalized on the screen. And the film did just that! It is absolutely impossible from the film itself to establish Rick's legal credentials. Closeting Rick was a deliberate decision by the film's producers.

The proof that Rick was a lawyer has been buried for more than half a century in yellowing corporate files at Warner Brothers. There it is—in black and white—in the “memorandum of screen development” from Stephen Karnot, dated 12/11/41. Just as the movie audience does not know Rick's legal background, the other film characters—save

one—do not know, either. The studio memo sets forth Rick's past as follows:

Rick Blaine . . . is a taciturn man of mystery to his patrons. . . . Only Rinaldo, French Prefect of Police, Rick's professed friend, knows of his background as a famous criminal lawyer [and of] his abandonment of career and flight into oblivion.

Even after you know that Rick is a lawyer, there are only the slightest ironic hints in the film, a subtle clue or two that might suggest his abandoned profession. Rick, when negotiating the sale of his cafe to Blue Parrot owner Sydney Greenstreet, represents his own interests about as badly as most lawyers do when representing themselves. Rick has also taken up running a bar and restaurant, the lawyer's favorite way to personal bankruptcy. Howard Koch, one of the screenwriters who transformed the script for the unproduced play *Everybody Comes to Rick's* into the Oscar-winning scenario for *Casablanca*, was a Columbia Law School graduate and a member of the New York Bar.

Rick is not the image most Americans conjure up when they think of silver screen lawyers. There are many more famous screen attorneys. For more than a century the motion picture industry has produced courtrooms full of famous and infamous barristers. Cinematic lawyers have shaped the way Americans think about the legal profession. In an exchange between the beautiful young assistant prosecutor and a handsome young partner in an early episode of *L.A. Law* they talk about their lawyer role models. "Like Gregory Peck in *To Kill a Mockingbird* (1962)," he says. And she replies, "No, with me it was Spencer Tracy in *Inherit the Wind* (1960)."

If the legal profession is to comprehend the public view of law and lawyers, American film must be seen as more than a pleasant or even challenging diversion. For the image of the lawyer—indeed even the behavior of lawyers themselves—has been significantly influenced by the magic of the great stereopticon. In fact, it has become so pervasive that the ABA section on Tort and Insurance Practice published a guide for the use of films in teaching professional responsibility to law students. The future impact on both the public and the bar will be far greater with more than ninety percent of American television households equipped with DVD and VCR players. Ours is a visual culture and the moving image on the screen is a primary transmitter, indeed creator, of the culture.

Law is a kaleidoscopic profession. No doubt lawyers have a great many varied images of themselves and of their enterprise. And like the

blind man and the elephant, the image of the profession depends upon whether you are grasping the trunk or the tail. Lawyers themselves live and work in a world of law, courtrooms, conferences, and libraries. For the vast majority of America's non-lawyers the longest, most continuous and sustained association with legal institutions is in the world of film. It is not in the bright light of a line-up, or from the jury box, or even standing before a judge that the average American learns about law. Most Americans know Perry Mason; fewer recognize even the name of William Rehnquist. The television dramatic franchise for *Law and Order* is the longest running and most lucrative of the twenty-first century.

Law dominates American life and culture in ways not even imaginable to our founding fathers and certainly not comprehensible to the vast majority of our fellow inhabitants of this planet. There is continuing truth in Alex de Tocqueville's oft-quoted dictum that in America, sooner or later, all questions become legal ones. It is also true, as critic Garth Jowett has asserted, that film is a democratic art. Thus it is only natural that, in a society like America, the filmmaker and the lawmaker would have both a natural affinity and a jealous distrust.

Most screen lawyers are not as romantic as Rick and most settings are considerably more mundane than Casablanca. Nonetheless, some of the screen's most memorable moments belong to the law. Film and law seem to have been made for each other. Real-life courtroom dramas are themselves highly theatrical. John Waters, the quintessential outlaw moviemaker, notes in his autobiographical observations, *Shock Value: A Tasteful Book about Bad Taste* (1981), that "trials are the most entertaining of all American spectacles, always better than the theater, and except for a few special cases, much more thrilling than the movies."

Almost from the beginning, trial scenes provided the infant film industry with an ideal setting in which the crude technology of the pioneer cinema could function. As sound came, the limited mobility of the courtroom added to the already attractive elements of filming on a single set; fixed points of sound and lighting combined with apt opportunity for dramatic revelations.

For a century now, law and lawyers have appeared in every imaginable genre of film. Not surprisingly, screen lawyers most frequently appear in crime and criminal dramas. Attorneys, and particularly judges, dominate many tales of western settlement and empire building. "True-life dramas," especially famous, notorious or sensational trials, provide rich opportunities for filmmaking. Screen biographies based on the lives of famous lawyers and jurists are fairly common. The classic

social problem film often turns upon a legal issue or solution; the court-martial is a convenient forum for the greater issues of war and peace. The so-called “woman’s picture” is often entangled with a question of justice. Finally, the screen comedy, particularly the old-fashioned screwball kind, has contributed significantly to our image of law and lawyering. Futuristic or science fiction films often raise questions of justice. A great epic spectacular or even a musical may address legal issues. For example, the Academy Award–winning musical *Chicago* (2002) was earlier a silent film (1927) directed by Frank Urson and produced by Cecil B. DeMille, and then the Ginger Rogers comedy *Roxie Hart* (1942). The best law and lawyer films are about the struggles of mankind, of great men and women and especially of ordinary citizens in extraordinary situations.

Humphrey Bogart’s screen roles illustrate the range of film images of attorneys. The romantic Rick in *Casablanca* was neither Bogart’s first nor last performance at bar. His lawyers reflect the extremes to which the screen has subjected the legal profession. Bogart’s lawyers have varied from a crusading Thomas E. Dewey–like D.A., protecting Bette Davis when she turns state’s evidence in *Marked Woman* (1937) to the crooked mouthpiece who steals tainted money from his co-conspirator James Cagney while Cagney takes the rap in *Angels with Dirty Faces* (1938).

The screen’s view of the dichotomy in the legal profession—of *Society Lawyer* (1939) versus *Criminal Lawyer* (1951)—is no more vividly portrayed than in *Knock on Any Door* (1949). Bogart is forced to resign from his blue chip, silk stocking law firm when he chooses to represent young accused murderer John Derek. Years ago, Bogart had represented Derek’s innocent father and now believes he provided an inadequate defense in the earlier trial. In a classic drama supporting the sociology of the forties and fifties, Bogart himself, the legal profession, and society at large bear the heavy burden for a good boy gone bad because his father’s lawyer was too busy. Appropriately, Bogart’s last screen performance for Warner Brothers is as the lawyer crusading, once again, against the kingpins of the underworld in *The Enforcer* (1951).

An even more striking black-versus-white view of law and lawyers comes out of MGM. No actor has ever, in such a short time, played such contrasting lawyers as did Louis Calhern, the great old workhorse of Mayer’s stable. Both *The Asphalt Jungle* and *The Magnificent Yankee* were released in 1950. Calhern’s crooked lawyer in *The Asphalt Jungle*

masterminded a great caper and was then so disreputable that he double-crossed his partners in crime. An indelible screen image from this film of the early fifties is sleazy lawyer Calhern with Marilyn Monroe, his devastatingly beautiful mistress. Film historians believe the chance for Calhern to recreate his stage role of Oliver Wendell Holmes Jr. in *The Magnificent Yankee* was Metro's reward to a faithful contract player. Certainly, his portrayal of this heroic United States Supreme Court Justice is one of the great idealized portraits of law and lawyers in American life. Seen back-to-back, *The Asphalt Jungle* and *Magnificent Yankee* show the legal profession at its best and worst.

Like Bogart, there are others whose screen ethos has made them ideal cinematic lawyers. Spencer Tracy, Henry Fonda, James Stewart, Gregory Peck, Paul Newman, and Robert Redford have all grown up on the screen as lawyers moving from the green kid just out of law school to the beaten-down, threadbare, struggling hack or the wise and wily senior counselor. Of this group, Spencer Tracy deserves to hold the screen lawyer prize for sustained service at the bar, having started as a young lawyer in *It's a Small World* (1935), sparred with his attorney-wife Katharine Hepburn in *Adam's Rib* (1949), financed from his legal practice the elaborate wedding of daughter Elizabeth Taylor in *Father of the Bride* (1950), and repented of dubious behavior, giving his life to atone, in *The People Against O'Hara* (1951). Toward the end of his career, Tracy brought to the screen an inspired recreation of a fictionalized Clarence Darrow in mortal combat with William Jennings Bryan in *Inherit the Wind* (1960) and the troubled judge presiding over Nazi war crime trials in *Judgment at Nuremberg* (1961).

A superb contrast in the various areas of law can be seen in Paul Newman's society lawyer, a big-firm tax manipulator, in *The Young Philadelphians* (1959), and in his failed slovenly alcoholic ambulance chaser of *The Verdict* (1982). Similarly, Jimmy Stewart's perpetually blushing bridegroom lawyer in *Made for Each Other* (1939) has become not only older but wiser by the time of *Anatomy of a Murder* (1959). Redford similarly goes from the bridegroom associate in *Barefoot in the Park* (1967) to the aging seducer in *Legal Eagles* (1986).

No actor ever felt the impact of the law from more angles than Henry Fonda. He is a struggling frontier barrister in *Young Mr. Lincoln* (1939), a grizzly old special counsel in *The Boston Strangler* (1968), a juryman in *12 Angry Men* (1957), the eloquent everyman cowpoke confronting mob violence and lynching in *The Ox-Bow Incident*

(1943), and the tragically doomed prison escapee in *You Only Live Once* (1937).

Gregory Peck's Atticus Finch in *To Kill a Mockingbird* (1962) is a cinematic high point in the idealized portrayal of a lawyer as guardian of society. Small-town lawyer Finch is the quintessential American attorney. He is the dream that young lawyers hope to achieve and that old lawyers regret having lost. Atticus is an ideal, a standard of aspiration. He is, in so many ways, like a modern Abraham Lincoln, who is the favorite American dream of the country lawyer. Lincoln, himself, has been brought to the screen in films as heroic as John Ford's *Young Mr. Lincoln* (1939) and as poetic as Robert Sherwood's *Abe Lincoln in Illinois* (1940). If lawyers could choose but one film to argue for their role in civilization, surely it would be *To Kill a Mockingbird*.

Satirical comedies give us a less idealized lawyer. The attorney's professional pomposity is perfect for pricking and nobody did it better than Groucho Marx as lawyer J. Cheever Loophole in *At The Circus* (1939). What a crazy, helter-skelter view of the self-important lawyer! And, of course, in the end Groucho saves the Big Top from bankruptcy while singing "Lydia the Tattooed Lady." In *I'm No Angel* (1933) Mae West argued her own case as her own attorney before a judge she attempted to seduce. This courtroom scene is one the true masterpieces of her comedic art. The antics of lawyer Edward Everett Horton and his fraudulent effort to establish adultery provide the background for *The Gay Divorcee* (1934), the first Fred Astaire and Ginger Rogers vehicle.

What red-white-and-blue-blooded American does not thrill at the thought of the American judicial system in action in *Bedtime for Bonzo* (1951)? District Attorney Jess White (destined to find more permanent employment as a Maytag repairman) and college professor Ronald Reagan (also to go on to other work) plea bargain the fate of the burglarizing chimp. Highlights among lawyer comedies include the slapstick of the Three Stooges in *Disorder in the Court* (1936); the Disney dilemma of our webfooted hero in *Donald Duck on Trial* (1948); the flower-child antics of attorney Peter Sellers in *I Love You, Alice B. Toklas* (1968); the revelation of good-natured lawyer Jack Benny that he can win only by being nasty in *The Meanest Man in the World* (1943); the vaudeville sketch in which Edward Arnold propelled his client from a \$2 fine for littering to death row in *Ziegfeld Follies* (1946); and that wonderfully free-spirited trial at the conclusion of the musical *Oklahoma!* (1955) when Charlotte Greenwood threatens the

territorial marshal with a fabricated tale of his indiscretion. And is there anything sillier than *The Shaggy D.A.* (1976)?

Comedies like *The Fortune Cookie* (1966) and *From the Hip* (1987) raise serious questions about the actual operation of the legal system. Much of the popularly expressed dissatisfaction with the tort system flashes across the screen in *The Fortune Cookie*. Director Bill Wilder tells the tale of Jack Lemmon, the television sports cameraman who is knocked down on the sidelines at a football game, and of Walter Matthau, his ambulance-chasing lawyer/brother-in-law who pressures this plaintiff into exaggerating damages. Thus, an all-too-familiar and popularly perceived lawyer-client-insurance company battle is underway. Matthau won a much-deserved Oscar for his on-target portrayal of the lawyer as shyster.

The struggle of law and outlaw is central to the world of the movie West. The broader American historical myth of a New Eden and of the coming of civilization to a savage land is intimately tied to these same struggles. The words "law," "lawless," "code" and "justice" appear in the titles of hundreds of westerns, particularly the backlot "B" Saturday matinee films of Johnny Mack Brown, Rex Allen, the "Durango Kid," Whip Wilson, Tim Holt, and even Roy Rogers, Gene Autry, John Wayne, George O'Brien, and Hopalong Cassidy. Standards of the cowboy genre include films with titles such as Buck Jones' *Law for Tombstone* (1937) or Johnny Mack Brown's *Oklahoma Justice* (1951). Just a few of the titles tell the story: *Ghost Town Law*, *Gun Law*, *Six-Shooter Justice*, *Men Without Law*, *Law of the Range*, *Lawless Range*, and *Beyond the Law*.

All of the elements of law and order in the settlement myth come together in John Ford's underrated masterpiece *The Man Who Shot Liberty Valance* (1962). Jimmy Stewart as Ransom Stoddard is the young lawyer come west to Shinbone with law books in a valise. John Wayne as Tom Doniphon is the old hand ready with a gun, standing alert to protect his girl and even the greenhorn lawyer against the likes of Lee Marvin as Liberty Valance. In the opening scene Valance has stopped the stage, robbed the passengers, and then to show his contempt for Stoddard actually tears the pages from his law books. In the final showdown, of course, it is Wayne with his gun who prepares the way for the election of the new United States senator, Ransom Stoddard, known forever as "The Man Who Shot Liberty Valance." As the newspaperman notes when the aged senator tries to set the record straight, "This is the

West and when the legend becomes fact, we print the legend: Law and lawyers are central to that legend.”

The world of film *noir* or the dark cinema is inhabited with as disreputable a bunch of lawyers as ever flickered across the screen. Some of these attorneys are scheming and corrupt, like Calhern in *The Asphalt Jungle* (1950), others are the weak pawns of powerful, devastating femme fatales like Barbara Stanwyck who dominates Kirk Douglas in his very first film *The Strange Love of Martha Ivers* (1946). From works like *The Lady from Shanghai* (1948), through the neo-*noir* classic *Body Heat* (1981), the lawyer uses and is used in a world which is dark, bitter, and doomed. The lawyer both acts and is acted upon but seems always trapped by forces and fates which suggest the inevitability of defeat. These powers of moral corruption have rarely been more chillingly combined than in the story of John Garfield’s ambitious lawyer in *Force of Evil* (1948).

Race, the great and haunting issue of American civilization, has tested law and lawyers on the screen just as it continues to test every fiber of American society. *To Kill a Mockingbird* (1962) is, in the final analysis, about how law and lawyers deal with justice and race. Similarly, *Intruder in the Dust* (1949) places Faulkner’s lawyer Gavin Stevens in the center of an exploding racial crisis. Hollywood’s reflection of society’s cowardice, fear, and ambivalence on the hard questions of race surfaced in Twentieth Century Fox’s cutting of John Ford’s *Judge Priest* (1934). In the version Fox ultimately released, Will Rogers seems to be the classic Southern benevolent bigot while old Steppin Fetchit comes across as the worst of the shuffling stereotypic black clowns. Unfortunately, the sensitive motion picture Ford believed he created cannot be reconstructed because after their editing Fox executives destroyed the film negatives. Ford later remade the picture as *The Sun Shines Bright* (1953) because in the earlier version Fox had excised the pivotal and humanizing scene in which Judge Priest saves the black man from lynching. Whatever his presidential record on civil rights, the actor Ronald Reagan stood up as the battling Southern liberal district attorney fighting the Ku Klux Klan in *Storm Warning* (1951).

Many of the best films about law were rooted in real cases or actual incidents. Dramatic conflicts as in the Dreyfus case have appeared again and again in critically praised films such as *The Life of Emile Zola* (1937) and the lesser *I Accuse!* (1958). Maxwell Anderson’s *Winterset* (1936), the popular poetic verse rendition of a Sacco-Vanzetti-like drama, was lifted almost directly from stage to screen, bringing to Holly-

wood experienced New York actors who were prepared to handle the difficult dialogue. Films such as *Inherit the Wind* (1960), *Witness for the Prosecution* (1957), *The Night of January 16th* (1941), *Rope* (1948), and *The Magnificent Yankee* (1950) originated on the stage. Others such as *12 Angry Men* (1957) were first performed on television. The epic historical dimension of the stage drama *A Man for All Seasons* (1966) translated into a truly great film which raises fundamental questions about law and the law's servants.

Films recognize that in law there is both formal and informal authority. Fritz Lang captured this in the classic *M* (1931), his transcendent view of the ambivalence of justice in Germany between the wars. Peter Lorre, the tragic child-murderer, is cornered by criminals of the underworld who bring him to trial in their own way and on their own terms. Val Lewton's *Bedlam* (1946) is an equally satisfying depiction of the ironic turning of justice. Boris Karloff, as the sadistic head of the infamous English asylum, is tried by inmates including Anna Lee, who has been falsely committed by Karloff. The question of the law, and what law is, troubles the trapped passengers in Alfred Hitchcock's *Lifeboat* (1944). John Hodiak asks: "Whose law? We're on our own here. We can make our own law!"

Not surprisingly, the broadest jurisprudential questions come to the screen in the filming of important literary works. Not often successful films, either artistically or financially, the classics nonetheless ask significant questions about law. The dilemma is there on the screen in Herman Melville's *Billy Budd* (1962), and the film of William Golding's *Lord of the Flies* (1963) raised the frightening specter of the origins and enforcement of law. Ronald Coleman made lawyer Sidney Carton truly heroic in *A Tale of Two Cities* (1935); there was something magical about Lillian Gish's Hester in the silent adaptation of Nathaniel Hawthorne's *The Scarlet Letter* (1926). One wishes that *The Brothers Karamazov* (1958) could have been more lively, but the ultimate questions of the Grand Inquisitor are still shattering.

Women and minorities as lawyers are not as new to the screen as might be suspected. In fact, there were probably more women lawyers on the screen in the thirties than there were in the courtroom. And yet, the portrayal was tragically stereotypic. *The Lady Objects* (1938) is the "lady lawyer" film at its most absurd. It is a sort of combination musical, gangster, and romance film in which, as the one-sheet advertising poster proclaims, "a man [is] on trial for his life with his wife [as] his mouth-piece." The message was as sexist as it was mixed. A promotional card

for *The Lady Objects*, distributed to theaters to be displayed in the lobby, contained the following confession of the lawyer wife: "Gentlemen of the jury! If my husband murdered this other woman . . . I am to blame! I've been a success as a lawyer . . . but a failure as a wife." Is it any wonder that women must still struggle against such images? Another film of this time which featured a female lawyer is Claire Trevor's *Career Women* (1936) which proclaimed in the one-sheet, "All I Wanted Was Love and Now They Want to Hang Me!"

Adam's Rib (1949) was probably the best of the Tracy/Hepburn comedies and presents a woman as a lawyer who is the equal of her lawyer husband. As the ending reveals, it is still a product of the times. As early as *Bordertown* (1935) the Hispanic lawyer came to the screen but hardly in a flattering profile. With few exceptions, early black attorneys were the intellectual and moral equivalents of Amos and Andy's Lawyer Calhoun. Black lawyers have been subject to the same screen indignities as white attorneys in films like *Action Jackson* (1988) about a Harvard Law School graduate who takes law into his own powerful fists. By contrast, the young black lawyer in *A Soldier's Story* (1984) is bright, sensitive, and determined.

With the present law school enrollment hovering around fifty percent men and fifty percent women, the screen has found the attorney a glamorous role for rising female stars and aging superstars. Most actresses have had a turn at the counselor's table. Included are: Glenn Close, *Jagged Edge* (1985); Debra Winger, *Legal Eagles* (1986); Lucie Arnaz, *Second Thoughts* (1983); Ellen Barkin, *The Big Easy* (1986); Goldie Hawn, *Seems Like Old Times* (1980); Cher, *Suspect* (1987); and Mary Kay Place, *The Big Chill* (1983). Many of these roles must have been as embarrassing to the actress as to the legal profession. A few have been funny in the best tradition of the old slapstick comedy and others have been gripping, even touching. On the whole, even the thirties may have been better times for the cinema's women at the bar. It is hard to imagine even poverty-row quickie producers turning out anything as tasteless, stupid, and insulting to men, women, and assorted racial groups including the American Indian as *Second Thoughts* (1983). More recently *Legally Blonde* (2003) has given Reese Witherspoon a chance to bring the "lady lawyer" and female student into the twenty-first century.

Law students and law professors have not escaped from harsh and comic treatment. The most widely known drama of the law school is *Paper Chase* (1973) for which John Houseman won the best supporting

Oscar as Professor Kingsfield. Ronald Coleman's professor in *The Talk of the Town* (1942) makes it to the United States Supreme Court, but only after Cary Grant and Jean Arthur expose him to a screwball comedy treatment of the human side of justice. Even earlier, Edward G. Robinson played a law school dean who becomes a public prosecutor to rid his city of corruption in *I Am the Law* (1938). *Joy in the Morning* (1965) is a romantic but hard-edged story of a struggling law student and his young wife. *Diary of a High School Bride* (1959) is a typical domestic drama about a law school husband and his teenage wife. A not-so-typical story is *J.D.'s Revenge* (1976), a black horror melodrama in which the body of law student Lou Gossett is possessed by a dead gangster's vengeful spirit. The entertaining *To Race the Wind* (1980) follows a blind student through Harvard Law School and the passage of his bar examination.

Movies—especially social justice dramas about law and lawyers—are, like all of us, products of a specific time. Jack Nicholson's drunken philosophical lawyer in *Easy Rider* (1969) is a late-sixties film version of alienation, just as his impotent barrister seeking the service of Rita Moreno in *Carnal Knowledge* (1971) is a man of the fifties seen through the eyes of the early seventies. *Breaker Morant* (1979) may be about an Australian in the Boer Wars but it is informed and inspired by the experiences of the Vietnam era. The somber black and white feature *Trial* (1955), centered on the defense of a Mexican boy accused of a murder-sex crime, is a McCarthy era anti-communist drama questioning the balancing of individual interest in favor of a larger party cause in the use of a legal defense fund. An eighties filmmaker introduced the crisis of the "biological clock" of lawyer Mary Kay Place in *The Big Chill* (1983). Film historians have detailed the fifties consensus psychology in *12 Angry Men* (1957) and the forties view of juvenile crime in *Knock On Any Door* (1949). Film-time and real-time came together in the fall of 1981 when Sandra Day O'Connor was named to the United States Supreme Court just as Jill Clayburgh's *First Monday in October* (1981) about the first woman on the high court was being released.

The current sense of the failure of criminal justice and the alienation of the middle classes was apparent on the movie screen before it was reflected at the ballot box. *Dirty Harry* (1971) is probably the most visible but certainly not the most violent of the reactions against the public perception of "turn 'em loose justice." Titles like *Death Wish* (1974) and *Victims* (1982) convey the anger and hostility of these dramas. In a more specifically legal setting are films like . . . *And Justice*

for All (1979) in which attorney Al Pacino fights against the horrors of a legal system in which the ends of justice seem lost. The *Star Chamber* (1983) chronicles the perceived failures of courts which let loose guilty criminals on mere technicalities and the even greater dangers when officers of the law surrender to lawlessness. *Cape Fear* (1962) is a thoughtful and disturbingly violent enactment of the dilemma of the lawful lawyer versus the lawless outlaw. In this film, Gregory Peck is driven to violate the law by the savagery of Robert Mitchum whom he has earlier sent to prison. The human dimensions of this film make Peck's seeming inevitable choice of violence truly devastating. The film provides a brutal contrast with *To Kill a Mockingbird* which was released in the same year. *Cape Fear* (1991) is even more brutal but telling under the direction of Martin Scorsese.

Courtroom films are notoriously inaccurate. Critics and lawyers who see these errors generally pass them over in the name of dramatic license. Occasionally the mistakes are so irritating and grossly in error that the profession rises up. Sidney Lumet's highly acclaimed film *The Verdict* (1982) was at the center of such serious attacks from the bar. Attorneys were particularly offended at the cavalier misuse of the rules of evidence, the patently absurd conduct of James Mason and his twelve associates, and the hero Paul Newman's own less than ethical behavior. The concern was not that the screen must portray all lawyers as pure, or the legal system as incorruptible, but that the arena in which the struggles take place ought at least reasonably to reflect the way the law itself operates.

In conclusion, let us look at contrasting movie images of a lawyer as shyster and a lawyer as savior. A pair of classic films released in 1947, *Kiss of Death* and *Miracle on 34th Street*, represent the extremes of the screen lawyer. *Kiss of Death* is remembered as the *noir* classic in which Richard Widmark laughingly pushed Mildred Dunnock in her wheelchair down a flight of stairs. And yet the real villains of *Kiss of Death* are District Attorney D'Angelo, played as a corrupting destroyer of the downtrodden, and the backroom lawyers who protect the criminal and betray the law itself. These lawyers are at best an extremely dirty gray. The ethical failure of Brian Donlevy as the district attorney sets into motion the tragic and escalating dilemma of ex-con Victor Mature. In *Miracle on 34th Street*, bachelor lawyer John Payne saves Edmund Gwenn's Santa Claus, restores little Natalie Wood's faith, and marries her mother, the beautiful Maureen O'Hara. And all of this occurs because as Kris Kringle's attorney, Payne gets introduced into evidence in Santa's

sanity hearing several tons of Santa's mail which the U.S. Post Office delivers to the courtroom.

In truth, most lawyers are neither Santas nor sadists. Much of the everyday life of the American attorney is not the stuff of which dreams are made; the real world lawyer is rarely the subject of cinematic drama. In a society dominated by the mass media, the Atticus Finches and J. Cheever Loopholes inevitably seize the screen, understandably overshadowing the lawyer who reads abstracts, files wills, and defends shoplifters.

The legal profession, indeed, the organized bar itself, ought to be about the business of supporting the production of vivid and interesting accounts of the world of law and lawyering. The profession needs first-rate, highly accurate portrayals of the important real-world work of the American lawyer. The last thing we need is chauvinistic lawyer propaganda trumpeting a message that the world is getting better and better because in America the lawyer is our most important product.

Production of honest, entertaining, and exciting films is possible; there could even be an audience, particularly through educational television. It is not accidental that the most gripping—indeed the most disturbing and energizing—documentaries of the postwar era are the work of Frederick Wiseman, a lawyer turned cinema master. The commercial film is not able to be so honest. Without documentary film, the lawyer in the mind's eye will no doubt remain a bizarre combination of Groucho Marx, Gregory Peck, and Mae West.

One of the reasons for the extremely low-level image of the legal profession today is that too many lawyers like Humphrey Bogart's Rick have closeted their humanity and are reluctant to reveal this side of their professional as well as personal life. Rick says, "I stick my neck out for nobody." We love Rick and we love the movie *Casablanca* precisely because that is not so—and we know that it is not so.