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No Longer Perry Mason: How Modern American Television's Portrayal of Attorneys Shifts Public Opinion

**NO LONGER PERRY MASON: HOW MODERN
AMERICAN TELEVISION'S PORTRAYAL OF
ATTORNEYS SHIFTS PUBLIC OPINION**

Christopher Ryan^{*}

INTRODUCTION

*"A lawyer is basically a mouth, like a shark is a mouth attached to a long gut. The business of lawyers is to talk, to interrupt one another and to devour each other if possible."*¹

*"Doctors are the same as lawyers, the sole difference being that lawyers only rob you, but doctors rob you and kill you too. . . ."*²

*"Woe unto you, lawyers! For ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered."*³

These quotations, while similarly scathing rebukes of the legal profession, are separated by hundreds (in cases, thousands) of years. While many suggest rather emphatically that it was in fact the Watergate scandal that "resulted in the end of the high regard of the law and the beginning of the continuing decline of the lawyer-statesman and the lawyer-social engineer,"⁴ it is much more

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¹ Joyce Carol Oates, *Joyce Carol Oates*, GOODREADS.COM, <http://www.goodreads.com/quotes/306905-a-lawyer-is-basically-a-mouth-like-a-shark-is> (last visited Mar. 20, 2015).

² ANTON CHEKHOV, *IVANOV*, act I, sc. 3.

³ *Luke 11:52* (King James).

⁴ Charles J. Ogletree, Jr., *Personal and Professional Integrity in the Legal Profession: Lessons from President Clinton and Kenneth Starr*, 56 WASH. & LEE L. REV. 851, 853 (1999). See also Dominic Salvatore, *The Rise of Cynicism*, RANT LIFESTYLE, <http://www.rantlifestyle.com/2014/04/24/rise-cynicism/> (April 24, 2014).

difficult to find any evidence of popular opinion showing anything other than contempt for attorneys in general. As Robert Clifford stated in his opening statement in *The Impact of Popular Culture on the Perception of Lawyers*,

The public perception of lawyers has always been out of our hands. Since Shakespeare, indeed as early as the 14th century medieval literary work *Piers Ploughman* about a poor man's quest for spiritual truth, those who shape public opinion have portrayed lawyers as shady characters at best. Even a tombstone in the western part of England reads, "God works wonders now and then—here lies a lawyer, an honest man."⁵

That isn't to say that it was impossible to find a positive voice for the profession somewhere in the annals of history. Abraham Lincoln, known not only for his presidency but also his defense of the legal profession in general, would famously champion the legal practice all the while admonishing those that might do harm to its reputation:

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief. Resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, ra-

⁵ Robert A. Clifford, *The Impact of Popular Culture on the Perception of Lawyers*, 28 LITIG. 1, 1 (2001), available at <http://cliffordlaw.com/news/firm-news/the-impact-of-popular-culture-on-the-perception-of-lawyers>.

ther than one in the choosing of which you do, in advance, consent to be a knave.⁶

Granted Alexis De Tocqueville, in *Democracy in America*,⁷ his famous outsider's peer through the veil of American culture, saw lawyers benevolently as "belong[ing] to the people by birth and interest, and to the aristocracy by habit and taste . . . [thus] they may be looked upon as the connecting link of the two great classes of society,"⁸ yet he also famously lamented that "nothing, on the other hand, can be more impenetrable to the uninitiated than a legislation founded upon precedents."⁹ De Tocqueville went on to opine that "the English or American lawyer resembles the hierophants of Egypt, for, like them, he is the sole interpreter of an occult science."¹⁰ Regardless whether his distaste for the obfuscation of legalese to the population in general remained at the end of his case study on the American democracy, De Tocqueville viewed lawyers as a necessary (and primary) countervailing force against the Tyranny of the Majority.¹¹

While we may have not much more to explain the public opinion of attorneys in centuries long since past than the written words of scholars and statesmen long since deceased, one convenience of the modern world is the public opinion poll. Particularly for the last forty years, multiple agencies like Gallup and Harris have conducted polls of public opinion on a battery of different careers. The data gathered ranges from opinions on the compara-

⁶ Abraham Lincoln, *Notes for a Lecture on Law*, 72 TEX. B.J. 112, 112-13 (2009) ("Abraham Lincoln prepared the [above] remarks, presumably as part of a lecture to young lawyers just starting to practice. The date of the draft is uncertain. Historians and archivists speculate it was composed during the 1850s.").

⁷ ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* (Philips Bradley ed., Harry Reeve trans., 1990) (1835).

⁸ *Id.* at 276.

⁹ *Id.* at 267.

¹⁰ *Id.*

¹¹ See Phil C. Neal, *De Tocqueville and the Role of the Lawyer in Society*, 50 MARQ. L. REV. 607, 607-08 (1967), available at http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2670&context=journal_articles.

tive prestige across several disciplines,¹² to the perceived honesty and ethics in assorted jobs.¹³ In every poll, public perception of attorneys has tumbled dramatically since 1976.¹⁴ While we may not be able to understand why people once felt the way they did about attorneys, we can at least ask pertinent questions about the recent measurable trends. Why would numbers fall from a high of 36% viewing lawyers being jobs with “very great” prestige in 1977 to 22% in 2007?¹⁵ Why would 25% of people view lawyers as having “very high/high” degrees of honesty and ethics in 1976, only to plummet to a record low of 13% in 2009?¹⁶

This paper looks to examine the possible deleterious effects that scripted television has had on the American legal practice. Part I will discuss current trends in opinion; Part II will move into Cultivation Theory and explain how it relates to current opinion of lawyers; Part III will examine the six archetypal attorneys portrayed in television; and Part IV will conclude with a prognosis for the near future of the profession.

I. WHERE ARE WE, AND HOW DID WE GET HERE?

It will come as no surprise to anyone aware of trends of public opinion that lawyers are not thought of in the esteem that they once were. In fact, if one were to go on Amazon.com and

¹² Harris Interactive has maintained decades of varying polls to this tune. *Doctors, Military Officers, Firefighters, and Scientists Seen as Among America's Most Prestigious Occupations*, THE HARRIS POLL, http://www.harrisinteractive.com/vault/Harris%20Poll%2085%20-%20Prestigious%20Occupations_9.10.2014.pdf (last visited Sept. 14, 2014).

¹³ Gallup has data going back to 1976 across numerous professions. *Honesty/Ethics in Professions*, GALLUP, <http://www.gallup.com/poll/1654/honesty-ethics-professions.aspx#3> (last visited Sept. 14, 2014).

¹⁴ *Id.* See also *Doctors*, *supra* note 12.

¹⁵ *Firefighters, Scientists, and Teachers Top List as “Most Prestigious Occupations,” According to Latest Harris Poll*, HARRIS INTERACTIVE, <http://www.harrisinteractive.com/vault/Harris-Interactive-Poll-Research-Pres-Occupations-2007-08.pdf> (Aug. 1, 2007).

¹⁶ *Honesty/Ethics*, *supra* note 13. It should be noted that the popular opinion has started to improve, finding 20% of people viewing lawyers as having “very high/high” ethics in 2013.

input “lawyer jokes” in the books section, over 1500 results will be displayed.¹⁷ To get a more direct response, inputting “why do people hate lawyers?” on Answers.com will yield the colorful response “[p]eople hate lawyers because they’re jealous of how awesome they are.”¹⁸ While this might be endearingly reassuring to anyone in the legal profession, it should be noted that the category in which this explanation was found included the search terms “behavior,” “lawyers,” and “Justin Bieber.”¹⁹ As such, it may be wise to take the compliment with a grain of salt. Perhaps a more cogent and well-articulated response can be found on Yahoo’s Answers page, when queried why people don’t like lawyers:

Well there are several reasons. First, in ever [sic] case, someone loses [sic]. That someone will often blame their lawyer. The people who win usually just feel that justice was done. Second, people's views of lawyers are distorted by popular fiction. They think trials are actually like CSI, that judges and lawyers behave in a fairly arbitrary manner and that decisions are either the result of the fundamental justice of the cause (which is good) or ridiculous technicalities (which is [sic] bad). Generally, if people like lawyers at all, they like the archytype [sic] of the crusading, maverick lawyer, also perpetuated by popular fiction and equally inaccurate—if a lawyer behaved as some popular mavericks on TV do they would be disbarred and be unable to help their clients at all. In truth, lawyers are just people. There are good ones and bad ones, and most are a mixture.²⁰

¹⁷ Book Search for lawyer jokes, AMAZON.COM, <http://www.amazon.com> (enter “lawyer jokes” in search bar; then click “lawyer jokes in Books.”).

¹⁸ Web search for why people hate lawyers, ANSWERS.COM, <http://www.answers.com/> (type “Why do people hate lawyers?” into search bar).

¹⁹ *Id.*

²⁰ Web search for why people don’t like lawyers, YAHOO.COM, <https://www.yahoo.com/> (search “How come people don’t people like lawyers”; pick the first question, read the “best answer.”).

While it might be simple to dismiss the argument as shallow or facile, it is worth note that webpages like Answers.com or Yahoo's Answers are the essence of the modern *vox populi*—where else could one find a better barometer of how the average person feels? *Forbes* magazine sought to answer the same question, hypothesizing “[p]eople hate lawyers because they represent the interests of people and corporations without really caring who they are, what they did, what harm they caused, or, how culpable they are.”²¹

Another likely reason is the fact that most lawyers often work behind the scenes, or deal in topics to which the general public is rarely exposed. When the average person does interact with a lawyer, it is usually for a more traumatic reason:

One reason the general public dislikes lawyers is that the most prominent public role of lawyers involves criminal defense, even though only a tiny fraction of all lawyers do that type of work. The public will always blame defense lawyers for helping criminals whom the public fears [sic] and detests [sic]. A second reason is that people most often deal with lawyers during stressful times such as when they are going through bankruptcy, a divorce, or a lawsuit. People naturally tend to blame the lawyers for the miserable and expensive experience (particularly the lawyer on the other side but often their own lawyer as well).²²

Disregarding, for the time being, *why* public opinion has fallen so drastically, it is important to also elucidate *when* it fell. In citing Chris Klein's poll in the *National Law Journal*, Professor Robert F. Blomquist states:

Sadly, the public's trust of American lawyers, in general, and of the civil and criminal justice sys-

²¹ Victoria Pynchon, *It's OK to Hate Lawyers*, FORBES (Jan. 18, 2013, 2:30PM), <http://www.forbes.com/sites/shenegotiates/2013/01/18/its-ok-to-hate-lawyers/>.

²² MICHAEL ASIMOW & SHANNON MADER, *LAW AND POPULAR CULTURE* 62 (2013).

tems, in particular, are at an all-time low. According to an August 1997 National Law Journal article, referencing a 1997 Harris Poll, “lawyers' prestige has plummeted at a pace unmatched by that of other professions during the past 20 years.” This poll suggests that merely “19 percent of the public views the law as a ‘very prestigious’ occupation.” In 1977, the year I graduated from law school, that figure was at thirty-six percent. This seventeen-point drop is “the biggest among occupations in the survey,” which included scientists, physicians, teachers, clergy, engineers, athletes, and business persons, among others.²³

Taking the data another ten years into Professor Blomquist’s future shows a slightly improved landscape for attorneys. In 2007, the percentage of people who viewed lawyers as having a profession of “very great” prestige rose from 19% to 22%.²⁴ Interestingly, lawyers can no longer be said to have had the biggest point drop among occupations in the survey.²⁵ Though lawyers still had roughly a 39% drop in perception from 1977 until 2007, professional athletes still tie them in percent decrease dropping from 26% in 1977 to 16% in 2007.²⁶ Perhaps surprising to no one, bankers now take the biggest drubbing of all. They saw a decrease from the already low 17% in 1977 to a mere 10% in 2007—coming in as the largest disparity in the three decades, with a 41.2% drop.²⁷

Harris Interactive’s 2014 poll provided a more detailed look into the current year’s public perception of occupational prestige, sacrificing a comparative timeline for the ability to see

²³ Robert F. Blomquist, *The Phoenix Project: (Seriously) Renewing Public Trust in the American Justice System*, 44 S.D. L. REV. 41, 43 (1999) (citations omitted).

²⁴ *Firefighters*, *supra* note 15.

²⁵ *Id.*

²⁶ Corso, *supra* note 15.

²⁷ Corso, *supra* note 15. Interestingly enough, this data wouldn’t account for a reflection of public attitude towards such public meltdowns as the Lehman Brothers or AIG.

multiple degrees of perception.²⁸ As of this year, 60% of respondents say that being a lawyer has “more prestige,” compared to 40% that believe it has “less prestige.”²⁹ Of that 60%, 16% believe the legal profession to have a “great deal of prestige,” compared to 44% who responded that it simply “has prestige.”³⁰ In comparison, lawyers are the exact median of the spectrum coming in at eleven places below doctors, with a prestige percentage of 88, and eleven places above real estate broker or agent, with a prestige percentage of 27.³¹

Adding another new feature to the 2014 poll, Harris now includes a separate distribution by age demographic. Millennials (ages 18-37) make up the group that sees attorneys most favorably with a prestige report of 69%; Generation X (38-49) follow with 60%; Matures (69+) with 54%; and Baby Boomers (50-68) bring up the rear with only 52% viewing lawyers as being prestigious.³²

Why would there be such a big disparity between Millennials and Boomers? Some might argue that Millennials are generally more socially progressive, and witness lawyers fighting the injustices they themselves see every day in society. Unfortunately, that view would fail to take into account the idea that other lawyers must then inherently be fighting *against* the change the Millennials seek to foster. Others still may argue, as previously mentioned, that Watergate sparked a breach of faith in the profession that never recovered in Boomers and Matures. The problem with that argument is that Millennials and Generation X-ers have had front row seats to any number of scandals and miscarriages of justice including Whitewater, O.J. Simpson, former Attorney General Alberto Gonzales’s controversial midterm dismissal of U.S. Attorneys, and Casey Anthony.

Maybe there is a simpler explanation. While it would be beyond naive to suggest that it is the *only* factor, perhaps part of

²⁸ Pollack, *supra* note 12.

²⁹ Pollack, *supra* note 12. Athletes, coincidentally, have the same percentages in prestige.

³⁰ Pollack, *supra* note 12.

³¹ Pollack, *supra* note 12.

³² *Id.*

the slow downward spiral of public opinion of the legal profession is the fact that we are living in a society with more Saul Goodmans and less Perry Masons. We have an abundance of Barry Zuckercorns and a dearth of Ben Matlocks. In short, Cultivation Theory may be able to explain this phenomenon.

II. CULTIVATION THEORY: HOW PERCEPTION IS A REFLECTION OF WHAT WE WATCH

Lawyers often are being portrayed in movies, novels, advertising, campaigns, and television shows as greedy, vicious, or just plain foolish. The American public is wrestling with deciphering the difference between fact and this fiction. It is popular to hate lawyers, even to despise them, and certainly to poke fun at them. Sometimes this is achieved under the guise of entertainment, but as the public's perception of what is news and what constitutes entertainment becomes even fuzzier, fiction and fact also become more blurred. What is the difference between the U.S. Attorney General and Joe Pesci in *My Cousin Vinny*? Does the U.S. Supreme Court really operate much differently from Judge Judy? To a great many of the American viewing public, not really.³³

The main premise of Cultivation Theory is that “[t]elevision viewers who say they are exposed to greater amounts of television are predicted to be more likely (compared to viewers who say they are exposed to lesser amounts) to exhibit perceptions and beliefs that reflect the television world messages.”³⁴ Developed by Professor George Gerbner³⁵ in the mid-1960s, Cultivation Theory is an effects-driven hypothesis that seems to never fully be

³³ Clifford, *supra* note 5.

³⁴ W. James Potter, *Cultivation Theory and Research: A Methodological Critique*, in 174 *JOURNALISM MONOGRAPHS* 1, 1 (James W. Tankard Jr. ed., 1994).

³⁵ Former Dean of the Annenberg School of Communications at the University of Pennsylvania.

able to overcome its own limitations. Mainly, Cultivation Theory is subject to “the usual criticisms of both content analysis and surveys,”³⁶ ambiguity in measurements,³⁷ the arbitrary nature of “cut points” in analyzing viewer samples,³⁸ justification of television world-views,³⁹ questionable or no scaling in its analysis,⁴⁰ and generally inconclusive results.⁴¹ In spite of all of these criticisms, the theory is still widely discussed and, to an extent, accepted.⁴² In regards to this article, the culmination of this study on television viewing came in the early 1990s when a series of tests were done on hundreds of willing participants regarding views on attorneys.⁴³ The tests centered around Gerbner’s views of the creation of a “symbolic environment,” which “equate[s] television with religion, in that both function socially through the continual repetition of patterns [sic], which define the world and legitimize the social order.”⁴⁴ Pfau et al. (“Pfau”) characterize such internalization as a form of secondary socialization, which helps adults reinforce their often pre-existing worldviews and understand others’ roles in society.⁴⁵ Pfau explains such behavior, stating:

It is through direct experience, or if unavailable, through television, or a combination of direct experience and television, that people come to under-

³⁶ Daniel Chandler, *Cultivation Theory*, ABERYSTWYTH U., <http://visual-memory.co.uk/daniel/Documents/short/cultiv.html> (last visited Sept. 21, 2014).

³⁷ Potter, *supra* note 33, at 4.

³⁸ Potter, *supra* note 33, at 7.

³⁹ Potter, *supra* note 33, at 11.

⁴⁰ Potter, *supra* note 33, at 12 -16.

⁴¹ Gavin Davie, *Cultivation Theory: How Violence Might Affect Us*, MASS COMM. THEORY (March 12, 2010), <http://masscommtheory.com/2010/03/12/cultivation-theory-how-violence-might-affect-us/>.

⁴² Anecdotally, it seems that most applications of Cultivation Theory are centered around debates on violence and sexuality in television. This author believes that, while an attractive lens through which to view sociological reaction to a stimulus, Cultivation Theory has about the same *practical* utility when used in a predictive function as a farmer’s almanac would be in preparing the reader for droughts or hurricanes.

⁴³ Michael Pfau et al., *Television Viewing and Public Perception of Attorneys*, 21 HUM. COMM. RES. 307, 307 (1995).

⁴⁴ *Id.* at 308 (internal citations omitted).

⁴⁵ *See id.* at 309.

stand the nature of attorneys and their work, producing beliefs, feelings, and attitudes about attorneys. People's direct experiences, if available, are the main source of influence, and in those instances when experiences and television images are consonant, people's experiences "resonate and amplify" cultivation patterns. This involves the cultivation process termed "resonance," and explains the way that direct experience and television play off each other, thus reinforcing the social order and power structure.⁴⁶

Unfortunately for the public image of attorneys, a good portion of the cognitively malleable television viewers have little or no first-hand experience with members of the Bar:

Cultivation is an appropriate paradigm to explain the impact of prime-time television depictions of attorneys on the public's perception of attorneys because of an axiom of the theory (which is often ignored in Cultural Indicators studies) that television is the most influential "in cultivating assumptions about which there is little opportunity to learn first-hand and which are not strongly anchored in established beliefs and ideologies." In other words, television programming's depictions are influential mainly in those circumstance in which people have limited opportunity to confirm or deny television's symbolic images firsthand.

Available evidence indicates that most people have limited direct contact with attorneys, at least in comparison to other professionals For example, Bennack indicates that the mass media overshadows direct contact as the dominant source of information about attorneys for most people. His survey of 983 respondents found that "television drama . . . is considered a frequent source of judicial

⁴⁶ *Id.* at 310 (internal citations omitted).

information for no less than 19% of the public.” Macaulay observes that “more people learn about their legal system [and attorney’s work] from television and film than from first-hand experience.”⁴⁷

Pfau goes on to note that the 1980s saw a sharp increase in the depiction of attorneys; further highlighting that one show portrayed them as “rational and smart, [having] perceptions consistent with their success in defending clients and, perhaps more important, as supportive, fair, sociable, and warm images consistent with their efforts to assist and defend the innocent.”⁴⁸ With the increase in legal-themed television came a chance for a new case study in Cultivation Theory. To briefly summarize the test, data was gathered from voluntary responses to a series of telephone and mail surveys reflecting content analysis of prime-time television shows featuring attorneys.⁴⁹ A number of factors were weighed from respondents, such as education level, age, gender, etc., in creating the test and the results were measured against responses from some almost 300 practicing attorneys as well.⁵⁰ Overall, ten dimensions were employed to assess the “attorney persona,” with scale items including:

Propriety, consisting of immoral/moral, wrong/right, and improper/proper; power, comprising poor/wealthy, low/high status, and weak/strong; relational skills, featuring cold/warm, uncaring/caring, and unfriendly/friendly; physical features, including unattractive/attractive, plain/stylish, and unsexy/sexy; presentational skills, consisting of

⁴⁷ *Id.* (internal citations omitted).

⁴⁸ *Id.* at 311. Pfau also states, “[d]uring this period, the concern among the legal community was that television programming was cultivating a misperception of attorneys and the legal process, overemphasizing the defense aspects of a case and vastly oversimplifying attorney tactics.” *Id.* Just how much of that legal community might wish for a return to *those* halcyon days would make for the topic of an entirely different paper. The way attorneys are currently represented on television (as depicted *infra* part IV) is often much more negative for the profession in general. To paraphrase George Bernard Shaw, the two greatest tragedies in life are not getting what you want, and getting it.

⁴⁹ Pfau et al., *supra* note 42, at 316.

⁵⁰ Pfau et al., *supra* note 42, at 316.

rough/smooth, inarticulate, articulate, and unpersuasive/persuasive; character, consisting of selfish/unselfish, bad/good, and dishonest/honest; sociability, comprising gloomy/cheerful, unpleasant/pleasant, and irritable/good-natured; extroversion, featuring tired/energetic, withdrawn/outgoing, and meek/assertive; competence, consisting of unintelligent/intelligent, unqualified/qualified, and incompetent/competent; and composure, including nervous/poised, tense/relaxed, and anxious/calm.⁵¹

At the outset of the study, two hypotheses were posited. The first of which suggested that “network television programming’s depiction of attorneys and the legal profession influence [sic] public perceptions of attorney power, sociability, composure, physical attractiveness, character, and presence, and public perceptions of the proportion of attorneys who are female, young, upper class, and who specialize in criminal law.”⁵² The second hypothesis was that such a depiction would result in a positively skewed perception for traits such as composure, physical appearance, and presence, while producing a negatively skewed perception of character, sociability, and power.⁵³ Perhaps not surprisingly for followers of Gerbner’s school of thought, the patterns of results supported the former hypothesis, including MANOVA and univariate tests, planned comparisons, and correlation matrices.⁵⁴ On the other hand, the data somewhat shockingly did not support the latter hypothesis.⁵⁵ It should be taken into account that television was well past *Perry Mason*’s run, and well before the *Friends*-esque *Ally McBeal*. Glenn Close had yet to show the corrupting nature of power in *Damages*, and *Law and Order* would not entertain us for another several years with its mix of cops and lawyers. Instead, this was a time of *Matlock*, *L.A. Law*, *The Paper Chase*, and *Night Court*. At this time, *Better Call Saul* wouldn’t enter the collective zeitgeist for another quarter of a century.

⁵¹ Pfau et al., *supra* note 42, at 318.

⁵² Pfau et al., *supra* note 42, at 319.

⁵³ Pfau et al., *supra* note 42, at 319.

⁵⁴ Pfau et al., *supra* note 42, at 320-22.

⁵⁵ Pfau et al., *supra* note 42, at 320-22.

The presentation and public opinion of lawyers on television was still roughly high by the time this study was conducted.⁵⁶ Unfortunately, the 1990s and early 2000s were host to a plethora of new television shows that portrayed the legal profession in a manner more worthy of opprobrium than ever before. As the shows premiered with excellent ratings, public polling of attorneys fell. The year 1990 saw 22% of the public as having a high to very high degree of belief that attorneys are honest or ethical.⁵⁷ That number would fall at an average of 1% per year, dropping to 13% in 1999 (half of the high as seen in 1977).⁵⁸ Ever since it reached that particular trough, public belief that attorneys are honest or ethical has made a timid recovery to the tune 20% by 2013.⁵⁹ Though it may seem easy to discount Cultivation Theory's explanation, particularly in light of the expected results versus actual results of Pfau's study, the trend does seem to follow a similar pattern of reputation highs and lows reflecting the legal counterpoints on television. The year 1997 saw such shows as *Ally McBeal* and *The Practice*, juggling the lighter toned comedy about the relationship qualms of the eponymous Ally McBeal with David Kelley's *The Practice*, a "rebuttal to *L.A. Law*. . . and its romanticized treatment of the American legal system and legal proceedings."⁶⁰ Was *Ally McBeal*'s situational comedy enough to compensate for the gritty, ethically gray drama of *The Practice*? Perhaps not, as the public opinion poll for that year had attorneys around 15%—a 2% drop from the previous year.⁶¹ Later, in 2009, *The Good Wife*'s Alicia Florrick was humiliated by her State's Attorney husband's sex and corruption scandal. That same year showcased Jeff Winger in *Community*. As corrupt an attorney as they come, Winger was forced to return to community college after it was discovered that his bachelor's degree wasn't from Columbia the university, but

⁵⁶ *Honesty/Ethics in Professions*, *supra* note 13.

⁵⁷ *Honesty/Ethics in Professions*, *supra* note 13.

⁵⁸ *Honesty/Ethics in Professions*, *supra* note 13.

⁵⁹ *Honesty/Ethics in Professions*, *supra* note 13.

⁶⁰ *The Practice*, WIKIPEDIA, http://en.wikipedia.org/wiki/The_Practice (last visited Oct. 8, 2014).

⁶¹ *Honesty/Ethics in Professions*, *supra* note 13.

Colombia the country.⁶² Also debuting in 2009, *The League* introduced a number of attorneys and their friends involved in a debauched fantasy football league, showcasing some of the funniest, yet crudest and least professional, attorneys in television history.⁶³ That year saw the public opinion drop to a low of 13%, down 5% from the previous year.⁶⁴

While it is always important to remember the fact that correlation does not always imply causation, it is likewise necessary to monitor trends and predict responses where applicable. Does Cultivation Theory provide an accurate predictor of public opinion? Probably not, but relying on a rigid set of statistical charts is rarely definitive when dealing with something as fickle as public opinion. It does, on the other hand, make for an argument worthy of further observation. If time proves that Cultivation Theory is more accurate than Pfau's tests would suggest, why is the public's perception as low as it is? Are attorneys really being depicted as such unethical, immoral brutes that an average of more than a quarter of all people in the United States report that they have low honesty and ethical standards?⁶⁵ If so, the roles attorneys play on television shows may shed some light on the matter.

III. ARCHETYPES OF LAWYERS ON TELEVISION

Whenever attorneys appear on television, it seems that they are seldom given the three-dimensional treatment reserved for the main protagonist or protagonists. Usually, attorneys represent a facet of the public's fears and perceptions, provide a shallow vehicle for plot movement, or provide a foil against which the viewer might compare the protagonist(s). It is due to this superficial treatment of television attorneys that Carl Jung's concept of the

⁶² *Community (TV series)*, WIKIPEDIA, http://en.wikipedia.org/wiki/Community_%28TV_series%29 (last visited Oct. 5, 2014).

⁶³ *The League (TV Series)*, WIKIPEDIA, http://en.wikipedia.org/wiki/The_League (last visited Oct. 6, 2014).

⁶⁴ *Honesty/Ethics in Professions*, *supra* note 13.

⁶⁵ *Id.*

archetype becomes an important tool in scrutinizing public opinion within the confines of Cultivation Theory. The word archetype is a Greek compound word, taken by combining the word *archein*, meaning original or old, with *typos*, which means pattern or model.⁶⁶ Jung believed that cultural roles and ideas are part of our shared and inherited communal ancestry. In laymen's terms, the same general roles and stories have been happening over and over since the beginning of history.⁶⁷ Because of this, we feel justified in our own reinforcements of stereotypes in our personal compartmentalizations. Jung delineated twelve different archetypes that represent the basic human motivations for most purposes.⁶⁸ The same sort of concept can easily be applied to the context of lawyers on television. Although there can realistically be dozens of subdivisions within this section, for purposes of organization and avoidance of overlapping categories, the number of archetypes will be distilled down to six general and inclusive ideas.⁶⁹

A. The Hero

The archetype of the lawyer as the Hero is one that seems almost dated in the modern conversation. In the realm of television lawyers, the Hero is one unblemished by vice. He or she doesn't succumb to temptations, always acts ethically and in a professional manner, and is usually the defender of the weak and disenfranchised. The mantle of the Hero has been best worn by two fictional men: Perry Mason and Ben Matlock. As representatives of the Hero archetype, Mason and Matlock are the subjects of the most attention and reverence among their fictitious legal peers. For example, "[Perry Mason] is mentioned much more often than any

⁶⁶ Carl Golden, *The 12 Common Archetypes*, SOULCRAFT.CO, http://www.soulcraft.co/essays/the_12_common_archetypes.html (last visited Oct. 2, 2014).

⁶⁷ *See Id.*

⁶⁸ *Id.*

⁶⁹ These seven are not intended to be culled from Jung's archetypes. Instead, they are one viewer's explanation for why the public views attorneys the way that they do. If we had an abundance of Heroes (*see discussion infra* Part III.A) on recent television, we may have had a more favorable result in recent opinion polls. However, if we produce more shows with Villains (*see discussion infra* Part III.F), we may see the public opinion fall to new lows.

other TV lawyer by judges (in their opinions), by practitioners (in briefs), and by academics (in law review articles). After Mason there is his ‘modern-day clone [Ben] Matlock’ . . .”⁷⁰ For much of the early twentieth century, the Perry Mason books and television show provided the general public with a window to the esoteric world of criminal law.⁷¹ In fact, Mason stoically summarized the adversarial system in a way that resonates with the public:

Remember that I’m a lawyer. I’m not a judge, and I’m not a jury. I only see that people are represented in court. It’s the function of the lawyer for the defense to see that the facts in favor of the defendant are presented to the jury in the strongest possible light. *That’s all he’s supposed to do.* It’s the function of the district attorney to see that the facts in favor of the prosecution are presented to the jury in the most favorable light. It’s the function of the judge to see that the rights of the parties are properly safeguarded, that the evidence is introduced in a proper and orderly manner; and it’s the function of the jury to determine who is entitled to a verdict. I’m a lawyer, that’s all.⁷²

Closing with the phrase “I’m a lawyer, that’s all,” is emblematic of why Mason was, and still is, such a powerhouse of legal popular culture. Mason has accomplished this by demystifying the profession and humbly shrugging off any prestige that might normally be attributed to it. In zealously representing his clients, Mason would often unmask the real perpetrator—typically in open court. Though he may have been too modest to refer to himself as such, Perry Mason was very well the hero and champion his clients needed.

Matlock, on the other hand, was at the same time more and less relatable to the viewing public. “Ben Matlock is a very expen-

⁷⁰ Ross E. Davies, *The Popular Prosecutor*, 16 GREEN BAG 2d 61, 63-64 (2012) (internal citation omitted).

⁷¹ See Kenneth Lenoir, *The Case of the Esteemed Lawyer*, 76 TEX. B.J. 523, 523-24 (2013).

⁷² *Id.* at 526 (emphasis added) (internal citation omitted).

sive criminal defense attorney who charges \$100,000 to take a case. Fortunately, he's worth every penny as he and his associates defend his clients by finding the real killer."⁷³ On the other hand, "if he or his staff believe strongly enough in the innocence of a client, or if the client is unable to pay immediately (if at all), he will have them pay over time, or will reduce the fee significantly or waive it entirely, albeit reluctantly in some cases."⁷⁴ This tough, but fair, stance on his remuneration helped to cement respect for Matlock in the minds of many who prize self-reliance and strong work ethic in their television role models. Further helping to connect him to the average person, Matlock was known for his penchant for hot dogs, driving American cars, and having a cantankerous attitude.⁷⁵ Similar to Perry Mason, Matlock would often identify the true perpetrator in a dramatic courtroom exchange ultimately securing an acquittal at trial for his client and an arrest for the guilty party.

It is no wonder that Ben Matlock is presented as more of a flawed human. Essentially, the idea of Perry Mason was born in the advent of the modern super hero. The world saw the first of many Perry Mason novels in 1933, to be followed by a fifteen-minute radio show ten years later.⁷⁶ Though he may not have directly influenced Seigel and Shuster's creation of Superman (who appeared five years after the first Perry Mason novel), both Mason and Superman represent the same ideals and virtues. Both were created in a time when the country was reeling from one World War and careening into another, and both were undoubtedly influenced by a need for hope in a country facing the Great Depression. Matlock, a product of the 1980's, was allowed to be more realistic, reflecting a public with a greater scrutiny of the legal realm.

In the end, both Mason and Matlock are remembered as being heroic gladiators of the courtroom. Both are ethically above

⁷³ *Matlock*, IMDB, www.imdb.com/title/tt0090481/ (last visited Oct. 5, 2014).

⁷⁴ *Matlock (TV Series)*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Matlock_\(TV_series\)](http://en.wikipedia.org/wiki/Matlock_(TV_series)) (last visited Oct. 5, 2014).

⁷⁵ *Id.*

⁷⁶ *Perry Mason (radio)*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Perry_Mason_\(radio\)](http://en.wikipedia.org/wiki/Perry_Mason_(radio)) (last visited Oct. 5, 2014).

reproach, and demonstrate the ideals of the Model Rules of Professional Conduct of the American Bar Association. This is the essence of the Hero archetype.

B. The Fool

The second archetype that often arises in television portrayals of attorneys is that of the Fool. The Fool is presented as a bumbling, unprofessional attorney, usually for comic relief. The Fool, by nature, is never the antagonist of the television show and is rarely presented in a show where law is the focal point of the comedy or drama. The best example of the lawyer as the Fool is the character of Ted Buckland in *Scrubs*. The *Scrubs* Wiki page describes Ted as having “clammy hands, a sweaty brow, and a bald head; which are all targets of insults tossed in his direction. Because his life was so depressing, he often thought about killing himself but never mustered the guts. Eventually he became a member of the Brain Trust, but his ineptitude as a lawyer never changed.”⁷⁷ Ted is characterized as having stress-induced dyslexia, is sterile, divorced, and nicknamed the Hospital Sad Sack.⁷⁸ Ted is even a member of an a capella band with the name “The Worthless Peons.” Perhaps the most damning of all is Ted’s own self-castigation. In the episode “My Lucky Day,” Ted is called upon to represent Dr. Elliot Reid after an altercation with a patient.⁷⁹ After Dr. Reid admitted to antagonizing the patient and admitting fault, Ted laments, “Oh, come on! A good lawyer couldn’t win this case!”⁸⁰ In all fairness, Ted should not be representative of attorneys in general. He once admitted, “I’m not what you call a winner... sure I’m a lawyer but that’s only [sic] because I took the bar

⁷⁷ *Ted Buckland*, SCRUBS WIKI, http://scrubs.wikia.com/wiki/Ted_Buckland (last visited Oct. 5, 2014).

⁷⁸ *Id.*

⁷⁹ *My Lucky Day Transcript*, SCRUBS WIKI, http://scrubs.wikia.com/wiki/My_Lucky_Day_transcript (last visited Oct. 5, 2014).

⁸⁰ *Id.*

exam in Alaska and they only have like four laws and most of them are when you can and cannot kill... seals.”⁸¹

Another prime example of the lawyer as the Fool is *The Simpsons*'s Lionel Hutz. Hutz's character lives in an animated world where everyone around him is already a caricature, so it should come as no surprise that lawyers would be equally lampooned. Hutz's incompetence rivals and exceeds Ted's—at least Ted knows what the words “mistrial” and “lawyer” mean.⁸² Comically, Hutz's law firm is named “I Can't Believe It's A Law Firm!” and is known to solicit business by offering “expert shoe repair[s]” and offering free gifts such as a “‘smoking monkey’ doll, a pen that looks like a cigar, an exotic faux-pearl necklace, a business card that ‘turns into a sponge when you put it in water,’ and even an almost-full Orange Julius he once had handy.”⁸³ Hutz is only occasionally shown as the victor in the courtroom, and more often than not solely due to the work of others. The one time he did manage to get a \$100,000 settlement for Bart Simpson in a case, he only gave Bart \$500, keeping the rest for himself and his associates.⁸⁴

As seen with Ted Buckland, the Fool is often presented with an unflattering physique, though this need not always be the case. *Arrested Development*'s Barry Zuckerkorn, played by Henry Winkler, looks to be a textbook example of how an attorney might physically appear. He's well dressed, in above average physical shape, and has no obvious humorous physical abnormalities. Instead of physical humor or sight gags, *Arrested Development*'s creators derive Zuckerkorn's humor from implied sexual perver-

⁸¹ *Favorite Ted Buckland Quotes*, TVFANATIC, <http://www.tvfanatic.com/quotes/characters/ted-buckland/by-rating/> (last visited Oct. 7, 2014).

⁸² *Lionel Hutz*, WIKIPEDIA, http://en.wikipedia.org/wiki/Lionel_Hutz (last visited Oct. 5, 2014). Other demonstrations of his incompetence include representing clients in a lawsuit against a producer for not giving them parts in a play when he himself is cast in that play, failing to notice the fact that his client is French despite the obvious accent, and his slogan: “Cases won in 30 minutes or your pizza is free.” *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

sions,⁸⁵ his high level of incompetence,⁸⁶ and his inappropriately sexual demeanor around his clients.⁸⁷ Though he may appear very statesman-like, once Zuckerkorn speaks it becomes strikingly obvious that he is anything but.

As previously mentioned, the Fool rarely, if ever, shows up in a show about law, and is never the main protagonist. Their role is simply to make us laugh with a mixture of pity and disdain. These Fools are where lawyer jokes originate, and it may be naively optimistic to hope that the general population doesn't believe that their real-world counterparts would actually exist or, at very least, not pass the MPRE.

C. The Everyman

Like the play bearing the same name, the Everyman represents all mankind.⁸⁸ The Everyman is, to a degree, a composite of all the other archetypes and the closest thing to being a complete, three-dimensional character. The Everyman, unlike the Hero, is not without his professional flaws by often failing early on in life before solidifying his role as attorney. Coming with the territory of being most true to life, the Everyman is clearly also the most relatable of the archetypes. The Everyman will never be tragically flawed to the point of no redemption, but will certainly have struggles with which the viewer can empathize. The strength of this

⁸⁵ *Barry Zuckerkorn*, ARRESTED DEVELOPMENT WIKI, http://arresteddevelopment.wikia.com/wiki/Barry_Zuckerkorn (last visited Oct. 6, 2014). Numerous scenes throughout the multiple seasons of *Arrested Development* have Zuckerkorn mentioning everything from frequenting drag clubs, to being arrested for soliciting prostitution, to allegedly breaking into a high school locker room to witness students in states of undress. *Id.*

⁸⁶ *See id.* Zuckerkorn was late to the Bluth family's trial because his own arraignment ran late. Further, when the judge was then reading George Bluth's charges, Zuckerkorn exclaimed that he must have missed that page. He once says that he wants to settle a case because he isn't "super prepared." *See id.*

⁸⁷ *See generally id.* (for example, Zuckerkorn comments on the shape of Lucille's breasts, tells Michael he could kiss him on the balls when their case catches a break, and makes repeated sexual innuendos towards the juvenile characters on the show).

⁸⁸ *See Medieval Sourcebook: Everyman, 15th Century*, FORDHAM UNIVERSITY, <http://www.fordham.edu/halsall/basis/everyman.asp> (last visited Oct. 5, 2014).

character is his ability to change and endure change. As this character is designed to resonate with the average viewer, the actual legal matter presented in these television shows will likely never escape a barebones, rudimentary façade. Part of the charm of the Everyman is in seeing his metamorphosis throughout a longer story arc. As such, you will rarely ever find such a character as a bit part, as it can take many episodes to flesh out such a complicated persona.

Perhaps the character that best encapsulates the Everyman is Marshall Eriksen from the comedy *How I Met Your Mother*. Marshall is portrayed as charming, emotional, charismatic, superstitious, and innately kind.⁸⁹ At the same time, he is also commonly shown to be flighty, have occasional substance abuse problems, cry easily, be emotionally vulnerable, and occasionally cross the line from boyishly charming to childish.⁹⁰ Fortunately, these characteristics are what endear him to audiences. Again, Everyman characters will have numerous failures in their personal and professional life, and Marshall is no exception. He has an awkward childhood, is dumped by his fiancé, is initially unable to get a job working for an environmental law firm, struggles with student loan debt, buys a house with a crooked foundation, has a series of soul-deadening corporate jobs with cruel bosses, and is ultimately disappointed with the environmental firm for whom he finally ended up employed.⁹¹ *How I Met Your Mother* finally ends with a projection into the future, where a hard-fought campaign finally sees Marshall as a Supreme Court Justice for the Supreme Court of New York.⁹² More so than his skill for lawyering, Marshall is renowned for his character as a friend. At its heart, *How I Met Your Mother* never attempts to be a show about the law. It doesn't shy away from the fact that it is a show about relationships—both good and bad. The fact that such a widely loved character is an

⁸⁹ See *Marshall Eriksen*, HOW I MET YOUR MOTHER WIKI, http://how-i-met-your-mother.wikia.com/wiki/Marshall_Eriksen (last visited Oct. 5, 2014).

⁹⁰ See *id.*

⁹¹ See *id.*

⁹² *Id.*

attorney bodes well for the future of public perception, should other television shows follow suit.⁹³

D. The Tragically Flawed

The fourth archetype explored in this paper is the Tragically Flawed attorney. While this person may be virtuous, almost to the point of the Hero, some major flaw, either one of character or of specific previous misdeeds, becomes their defining trait. The curse of the Tragically Flawed is that their flaw is inescapable. Though progress may be made, they will always be marked with a stigma that they bear, either quietly internalized or public and obvious to all. The tragedy of their flaw can be of any nature such as a dangerous habit, romantic indiscretion, important lie or sin of omission, or even an inability to deal with the pressures of the job. The Tragically Flawed are often larger than life, presented with problems and opportunities not often experienced by the average viewer. Due to this, they are one of the least relatable of the archetypes, even if they are one of the most likeable. These characters are usually present more in dramas than comedy shows, and the subject matter more often than not is actually directly related to the law.

Of the many subcategories within the Tragically Flawed, *Suits*'s Mike Ross is most true to form since his flaw is compound in nature. Early in his life, Ross's parents were killed in an accident.⁹⁴ Eleven-year-old Ross then witnessed an attorney pressure his grandmother into taking a settlement for a paltry sum considering the loss of life, and develops what may be considered an unhealthy attitude towards the law that will greatly impact his adult life.⁹⁵ Mike possesses an eidetic memory which he later uses to take the LSATs for other people as a living, only to get caught

⁹³ There are any number of online quizzes and memes about Marshall that demonstrate his popularity as a character. One of the best is the *18 Reasons Why You Want Marshall Eriksen From "How I Met Your Mother" To Be Your Best Friend*, found at <http://www.buzzfeed.com/mwiggins/18-reason-why-you-want-marshall-eriksen-to-be-your-iau3>.

⁹⁴ *Mike Ross*, SUITS WIKI, http://suits.wikia.com/wiki/Mike_Ross (last visited Oct. 6, 2014).

⁹⁵ See generally *Id.*

doing so and expelled from college and denied access to Harvard.⁹⁶ Through a serendipitous meeting with Harvey Specter, a partner in one of the biggest firms in New York, Ross secures a job as a legal associate with the secret that not only did he never pass the bar but he also never attended law school in the first place.⁹⁷ This secret becomes much of the impetus behind Mike Ross's struggle; it affects his love life, personal life, and certainly professional life.⁹⁸ As un-relatable as Mike's situation might be to the common viewer, *Suits* is widely popular show, consistently pulling in an average of over 2 million viewers an episode.⁹⁹

Olivia Pope, the main protagonist of *Scandal*, is perhaps even more divorced from the viewing public—yet is even more popular.¹⁰⁰ Pope maintains a small, boutique crisis management firm with an extremely competent staff of attorneys, detectives, and other operatives that handle her clients' cases, though not always within the confines of the law. Pope's tragic flaw (so prominent as to inspire the title of the show) is her secret affair with the President of the United States of America. Though there are no shortages of other scandals present in the show, this emotional vulnerability of Pope's oftentimes overshadows the career of an otherwise powerful and reasonable woman. Though she may be in a situation far removed from the average person, a Google search of "do people identify with Olivia Pope" reveals almost 400,000 results, including such results as "Channeling your inner Olivia Pope," "White women tell me they want to BE Olivia Pope," and "5 Ways to Be More Like Olivia Pope." All proof that though viewers may be worlds apart from television characters, they can still see themselves in those characters' struggles.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *See Id.*

⁹⁹ *USA Network TV Show Ratings*, TV SERIES FINALE, <http://tvseriesfinale.com/tv-show/usa-network-tv-show-ratings-33445/> (last updated Mar. 20, 2015). *Suits* remains the #1 show on the USA network, taking the lion's share of the key 18-34 demographic. *Id.*

¹⁰⁰ *Scandal*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Scandal_\(TV_series\)#Ratings](http://en.wikipedia.org/wiki/Scandal_(TV_series)#Ratings) (last visited Oct. 6, 2014). *Scandal* maintains an increasing viewership, going from an average of 8.7 million viewers in the first season to 11.99 million in the third. *Id.*

E. The Shyster

The Shyster is all that is negative about the legal profession. If the Hero was the superego of law and the Everyman was the ego, then the Shyster would certainly be the id.¹⁰¹ This archetype is marked by a complete lack of ethics and general disregard for the lives and condition of those around them. To refer to the Shyster as a textbook sociopath would be accurate but also an incomplete diagnosis. The Shyster is often presented as being very successful, particularly in their professional life, and usually has a very lucrative practice (often a solo one, as they don't work well with others). While the Fool may be fodder for the typical lawyer joke, the Shyster is the reason they exist. Shysters are the go-to negative image of the corrupt, dishonest, money-grubbing attorney, providing little to no benefit to society while profiting immensely for themselves. They are not necessarily evil or cruel, though they are strictly immoral and selfish. Such a character is usually not the protagonist, though *Better Call Saul* will shortly change this dynamic.¹⁰²

Speaking of *Better Call Saul*, no one could better represent the Shyster than Mr. Goodman himself. Saul plays fast and loose with the law, often extorting money from his clients and employing hired goons to do his dirty work as needed. Perhaps the best anecdotal evidence that Saul Goodman is the ideal Shyster is that he wasn't even born Saul Goodman. He changed his name from James McGill to Saul Goodman so as to attract Jewish clients who "want a member of the tribe."¹⁰³ There are even questions as to whether Goodman even went to law school. Although the locations in *Breaking Bad* are actual places, Goodman's office is

¹⁰¹ Hey—you got your Freud in my Jungian analysis!

¹⁰² *Better Call Saul* is a spin-off show of the wildly popular drama *Breaking Bad*. *Better Call Saul* will premiere fall of 2014 and has already been picked up for a sophomore season. "Better Call Saul" Spoilers, *Renewal News: What Can Fans Expect?*, INQUISITR (Apr. 6, 2015), <http://www.inquisitr.com/1986725/better-call-saul-spoilers-renewal-news-what-can-fans-expect/>.

¹⁰³ *Saul Goodman*, BREAKING BAD WIKI, http://breakingbad.wikia.com/wiki/Saul_Goodman (last visited Oct. 6, 2014).

adorned with a law diploma from the University of American Samoa, a university that doesn't exist in the real world.¹⁰⁴

Though Goodman barely maintains a thin veneer of respectability, *Arrested Development's* Maggie Lizer flaunts her dishonesty. When she first meets Michael Bluth, she introduces herself saying, "I'm Maggie Lizer. As in 'Maggie lies her ass off.'"¹⁰⁵ The comic irony in Lizer is that she pretends to be blind in order to overcome the evidentiary shortcomings in her cases, her ability as a student and later as a lawyer,¹⁰⁶ and also to elicit sympathy from the judge and jury.¹⁰⁷ Lizer, in an unbelievably brash and flippant act, even names her blind dog Justice, and perpetuates the notion that *he* is *her* seeing-eye dog.¹⁰⁸

Perhaps the most frustrating aspect of the Shyster is that they never seem to get their comeuppance. Saul Goodman is left alive after the finale of *Breaking Bad* and has made millions off of his work with Walter White.¹⁰⁹ Maggie Lizer, through a series of flukes, is temporarily blind in court and hit in the head with a thrown bible when Michael Bluth attempts to prove that she can in fact see.¹¹⁰ When her vision recovers, she proclaims it was a miracle, thanks to the power of the bible.¹¹¹ It is this view of lawyers that does the most pervasive damage to the reputation of the legal profession particularly because it is so entertaining.

¹⁰⁴ *Id.*

¹⁰⁵ *Maggie Lizer*, ARRESTED DEVELOPMENT WIKI, http://arresteddevelopment.wikia.com/wiki/Maggie_Lizer (last visited Oct. 6, 2014).

¹⁰⁶ *Id.* (showing that Lizer cheated on the LSAT and the Bar by pretending to be blind and secretly reading from the proctor's answer sheet).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Saul Goodman*, *supra* note 101.

¹¹⁰ *Maggie Lizer*, *supra* note 103.

¹¹¹ *Transcript of "Justice Is Blind"*, ARRESTED DEVELOPMENT WIKI, http://arresteddevelopment.wikia.com/wiki/Transcript_of_Justice_Is_Blind (last visited May 17, 2015).

F. The Villain

In the world of modern television, the lawyer as the Villain is even more of a retired trope than the Hero. As real world people are seldom defined by black-and-white or good-versus-evil, so also are our modern analogs on television. Though the lawyer as the Villain will occasionally come up in television series, those series are often fantastic in nature, exhibiting some element of the supernatural. The best examples are the firm of Wolfram & Hart from the show *Angel*, or Mr. Gold from *Once Upon a Time*. Wolfram & Hart brag to have been part of the inquisition, the Khmer Rouge, and other historical atrocities, and whose “Senior Partners are unspecified demons from a hell dimension, [and the] firm keeps a team of ninja assassins on retainer, has an in-house blood sacrifice division, and makes their associates sign employment contracts that keep their souls billing hours from the afterlife.”¹¹² Mr. Gold, literally the alter ego for storybook villain Rumpelstiltskin, constantly uses his dark magic to kill and generally make everyone’s lives miserable in Storybrook.¹¹³

Perhaps the closest modern television comes to an actual antagonistic Villain is The Lawyer from *It’s Always Sunny in Philadelphia*. Though The Lawyer, who remains nameless in the show as a plot device due to the crass and bullish attitudes of the Paddy’s Pub Gang, may initially be seen as just another attorney, through provocation The Lawyer eventually embraces any chance he can get to thwart the Gang’s plans.¹¹⁴ While it could be seen that the Gang themselves are the real villains of the show, The Lawyer does everything he can to harass them ranging from tricking the gang into signing a contract which gives him all the profits

¹¹² Sean McGilvray, *6 Most Evil Attorneys Ever*, LEGAL GEEKERY (June 10, 2009) <http://legalgeekery.com/2009/06/10/6-most-evil-attorneys-ever/>.

¹¹³ See generally *Rumpelstiltskin*, ONCE UPON A TIME, <http://abc.go.com/shows/once-upon-a-time/cast/rumpelstiltskin> (last visited Mar. 23, 2015). It should be noted that, even though labeled a villain within the show itself, Gold does seem to be able to be redeemed (and quite often is on the brink of redemption). See *id.* However, Gold never fully embraces redemption, always keeping some vile secret or plotting another murder. See *id.*

¹¹⁴ *The Lawyer*, IT’S ALWAYS SUNNY WIKIA, http://itsalwayssunny.wikia.com/wiki/The_Lawyer (last visited Oct. 6, 2014).

from their patents (even including a restraining order in the same contract!), to representing a family that Frank Reynolds is trying to force out of a home he bought in a short sale, and even representing Maureen Ponderosa in her divorce from Dennis pro bono “because he hates Dennis and the Gang.”¹¹⁵

Outside of genre-specific fantasy pieces and eccentric sitcoms, true Villains are vastly outnumbered by Shysters and other morally questionable attorneys. Real life attorneys are rarely ever really evil and neither are their depictions on television. So then, what’s the prognosis for the legal reputation as we enter the fall lineup of 2014?

IV. CONCLUSION

As fall 2014 television kicks off, we are treated to a plethora of new shows about law and lawyers. One thing is painfully obvious about the new legal lineup—we are treated almost exclusively to new shows that feature lawyers and the law in a much less than favorable light. *A to Z* presents us with the character of Zelda, described as a “no-nonsense¹¹⁶ lawyer who was raised by a hippie mother and carries a rebellious streak.”¹¹⁷ While the over-used trope of the career-oriented, no-nonsense attorney may have been done successfully in the past, IGN’s review states that the show is a comedy “*abysmally* without laughs.”¹¹⁸ Zelda is shown as a character who has no interest in love, though the premise of the show suggests that she will indeed eventually grow as a person. Unfortunately, IGN posits that the show will likely be cancelled before any real character growth might be observed.¹¹⁹ The likelihood that she will develop into another Marshall Eriksen Every-

¹¹⁵ *Id.*

¹¹⁶ Fun challenge—find a review of this show that excludes this term. The first five pages visited that mention the show use the exact wording.

¹¹⁷ *A to Z (TV series)*, WIKIPEDIA, http://en.wikipedia.org/wiki/A_to_Z_%28TV_series%29 (last visited Oct 7, 2014).

¹¹⁸ Max Nicholson, *A to Z Pilot Review*, IGN.COM (Aug. 18, 2014) <http://www.ign.com/articles/2014/08/18/a-to-z-pilot-review>.

¹¹⁹ *Id.*

man, therefore, is slim and she will likely be left the one-dimensional workaholic.¹²⁰

The next new show, *Bad Judge*, takes the Fool paradigm and applies it to a disheveled, albeit good intentioned, member of the bench. *TV Guide*'s review refers to *Bad Judge* as "a toxic concoction of smarm and schmaltz that urges Kate Walsh . . . to mug and vamp shamelessly as a carefree municipal-court jurist who's a mess, a drunk and pretty much a bad girl under the robe."¹²¹ The review concludes: "*Bad Judge* is the sort of bad TV show that makes you despair the future of comedy."¹²² Though Walsh's character may be good at heart, her antics can only serve to damage the viewer's opinion of legal practitioners.

Better Call Saul will not premiere until February of 2015, but will likely present a very similar character to Saul Goodman's role in *Breaking Bad*. While this spinoff takes place six years prior to the events of *Breaking Bad*, it is unlikely that the viewer will see any change in Goodman's character other than a possible front row seat to his descent to the repugnant lows to which the viewer was already accustomed.

Perhaps the best attempt at creating a three-dimensional character this television season is ABC's *Cristela*. *Cristela* is a sitcom about a young Hispanic girl in her sixth year of law school, facing harsh reality of taking an unpaid internship and living with three generations of her extended family.¹²³ Though the show does feature a legal atmosphere, the central premise is really based more on multiculturalism and its implications in society than on law.¹²⁴

¹²⁰ Hardly a giant blemish on the face of the legal profession, but having one more character that seems like a less emotionally functioning lawyer won't help the legal community's reception.

¹²¹ Matt Roush, *New Season Reviews: Gracepoint, A to Z, Bad Judge; Also, a Bitter-Sweets Bones*, TVGUIDE.COM (Oct. 2, 2014 at 9:51 AM) <http://www.tvguide.com/News/New-Season-Reviews-1087761.aspx>.

¹²² *Id.*

¹²³ See Hank Steuver, *Fall TV 2014*, THE WASHINGTON POST (Sept. 19, 2014), <http://www.washingtonpost.com/wp-srv/special/entertainment/2014-fall-tv-shows/#cristela>.

¹²⁴ *See id.*

Still, any positive depictions will help the aggregate image, so *Cristela* is a welcomed addition.

Finally, this September also saw the premiere of *How to Get Away with Murder*, a dark look into life at a highly unrealistic law school.¹²⁵ The irony of *Entertainment Weekly*'s review of its introductory episode is that it claims "*Murder* wants us to re-evaluate our assumptions about people, and because it's a show about a brilliant, complicated woman of color, that's especially important."¹²⁶ Unfortunately, the only assumption that the show may lead people to believe is that attorneys, and law students, are more morally vacant than previously observed.¹²⁷ Not only are all of the students particularly cutthroat and ethically dubious, but the faculty is that special blend of aloof and immoral that translates to excellent drama but poor professional image.

In summation, though the reputation of the legal profession has been on an admittedly anemic course correction, the ill will garnered by the new season of television might be enough to see another decline in public opinion. Of the five new shows to prominently display legal professionals, only one, or at most two, present them in what can be considered a positive light. If, as the tired old joke states, 100 lawyers at the bottom of the ocean is "a good start," this season's television lineup can be considered the polar opposite and as potential inspiration for further tasteless jokes at the expense of an otherwise noble profession.

ADDENDUM

The 2014-2015 television season was incredibly volatile for legal-related television shows. Partially due to the success of *How to Get away with Murder*, ABC can claim the lion's share of the

¹²⁵ See Melissa Maerz, *How to Get Away with Murder*, ENTERTAINMENT WEEKLY (Jan. 17, 2015, 5:04 PM), <http://www.ew.com/ew/article/0,,20855916,00.html> .

¹²⁶ *Id.*

¹²⁷ *See id.*

coveted upscale young adult market.¹²⁸ Of the top fifteen shows for the season, ABC's programming made up seven of them, with *How to Get away with Murder* ranked at number seven.¹²⁹ It was ranked the number one new drama, with over four million viewers average per episode.¹³⁰ Not one to neglect capitalizing on its success, ABC quickly renewed its freshman legal drama for another season, confidently displaying a promotional video for season two before even making the announcement that it had been renewed.¹³¹

Not every show has fared as well—*A to Z* was quickly and quietly cancelled after a lackluster freshman outing.¹³² Adding to that, not only was *Bad Judge* cancelled, it was done so amidst bad ratings *and* under protest.¹³³ The Miami-Dade chapter of the Florida Association of Women Lawyers claimed the protagonist was depicted as “unethical, lazy, crude, hypersexualized and unfit to hold such an esteemed position of power [as judge].” The portrayal ruffled more than a few feathers, particularly with the FAWL:

The group provided several examples of the unethical depiction, including the judge having sex with an expert witness in her chambers just minutes after he testified in her courtroom, and the judge commenting on a male lawyer's tight pants.

¹²⁸ Amanda Kondology, *Season to Date: ABC Leads with Upscale Adults 18-49*, TV BY THE NUMBERS (Apr. 8, 2015), <http://tvbythenumbers.zap2it.com/2015/04/08/season-to-date-abc-series-lead-with-upscale-adults-18-49/386570/>.

¹²⁹ *Id.*

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¹³¹ Kimberly Roots, *How to Get away with Murder Renewed for Season 2 “of Insanity,” Promo Touts*, TV LINE.COM (Feb. 7, 2015, 7:33 a.m.), <http://tvline.com/2015/02/27/how-to-get-away-with-murder-season-2-renewal-htgawm/>.

¹³² See Emma Jones, *Bad Judge and A to Z Just Got Cancelled*, CINEMA BLEND, <http://www.cinemablend.com/television/Bad-Judge-Z-Just-Got-Cancelled-68152.html> (last visited May 16, 2015).

¹³³ Debra Cassens Weiss, “*Bad Judge*” Show Is Cancelled After Lawyer Group Protests, ABA JOURNAL (Nov. 4, 2014, 12:08 p.m.), http://www.abajournal.com/news/article/bad_judge_tv_show_is_canceled_after_lawyer_group_protests/.

“A misogynist who believes that women in power cannot control their sexuality, their bodies and their professional or personal conduct would have their views endorsed by this show,” the letter read.¹³⁴

Sadly, the excellent *Cristela*'s fate is still uncertain.¹³⁵ In spite of increasingly well-received sitcom's success, ABC has yet to confirm a second season. Fortunes are much better for standout *Better Call Saul*, which has outperformed expectations and quickly earned renewal.¹³⁶ *Better Call Saul* was not just a quick cash-in on the fame of *Breaking Bad*—in many ways it eclipsed the quality of its predecessor by telling a compelling story without much of the slow-paced episodes that plagued early episodes of its sister-series. The fact of the matter is, *Better Call Saul* wove a story dealing with the implications of ethics in the legal profession and in life in general and did so in a way that most viewers will be unaccustomed to seeing. Though followers of *Breaking Bad* are familiar with Saul Goodman as the perpetrator of legal shenanigans, it was refreshing to see how what can conceivably be seen as a legitimately good—if flawed—man explore a three-dimensional growth encompassing a dark and thought-provoking back story. Saul Goodman originally went by the name of Jimmy McGill, and lived in the shadow of his older brother, Chuck.¹³⁷ Jimmy was far from perfect, completing his school online and not passing the bar on his first try.¹³⁸ His story, however comes closer to a tragically flawed version of the everyman. Jimmy McGill, though beginning as a petty conman, eventually tried to bring his career around—and was

¹³⁴ *Id.*

¹³⁵ Kayla Hawkins, *Will There Be “Cristela” Season 2? ABC Has Remained Quiet, but This Series Has More Than Earned Another 22 Episodes*, <http://www.bustle.com/articles/76942-will-there-be-cristela-season-2-abc-has-remained-quiet-but-this-series-has-more-than> (last visited May 16, 2015).

¹³⁶ “*Better Call Saul*” Spoilers, *Renewal News: What Can Fans Expect?*, INQUISITR (Apr. 6, 2015), <http://www.inquisitr.com/1986725/better-call-saul-spoilers-renewal-news-what-can-fans-expect/>.

¹³⁷ See Rick Morris, *Better Call Saul: Jimmy McGill—Making Elder Law Interesting Since 2002!*, Not Just Another TV Site (Mar. 24, 2015), <http://notjustanotherTVsite.com/2015/03/24/better-call-saul-jimmy-mcgill-making-elder-law-interesting-since-2002/>.

¹³⁸ *See id.*

thwarted by his very own brother in the end.¹³⁹ Though after only one, albeit great, season, there still remains much to transition this character from lovable sob-story Jimmy McGill to slick talking Saul Goodman, audiences are presented with a much more rounded look at the legal profession in creator Vince Gilligan's world.

The past year has been mostly a triumph for the law in terms of television. The atrocious *Bad Judge* has been relegated to the far corners of the public psyche, while *Better Call Saul* allowed audiences to finally see the ins and outs of what was ultimately a modern day character piece not terribly far removed from Miller's *Death of a Salesman*. The consequences of bad behavior were readily visible—Jimmy McGill wasn't able to con his way into the big firm. Even with hard work, McGill's success wasn't a guarantee.

It is unreasonable to believe that the viewing public will judge the legal profession in terms of what they see in shows like *How To Get away with Murder*, as even within that particular world, the story arc is both harrowing and uncommon for the respective characters. Instead, those shows are more an idle curiosity that simply happens to have a legal backdrop to heighten the drama and remove the plot from what could have been a more mundane environment. In conclusion, when the public declines to watch poorly created and written shows, they thankfully go away. With a little luck, the remaining dramas will be remembered not as depictions of what can be expected in dealing with the legal profession, but rather excellent character pieces that take place under extraordinary circumstances.

¹³⁹ *See id.*

