

# Law and Lawyers in Popular Film: 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.  
(1841-1935)



Gil Jain

*Legal scholar Rennard Strickland goes to the movies.*

Supreme Court Justice Oliver Wendell Holmes Jr. saw the law as a “magic mirror” in which all of society was reflected. As we move toward 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.

Law dominates American life and culture in ways unimaginable to our founding fathers and certainly incom-

prehensible to the vast majority of our fellow citizens. As the 19th century French social observer Alex de Toqueville noted, in America, sooner or later, all questions become legal ones.

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 live and work in a world of law, courtrooms,

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**by Rennard Strickland**

conferences and libraries, but the vast majority of America's non-lawyers does not learn about the law in the bright light of a line-up or from the jury box or even standing before a judge. The average American's most continuous association with legal institutions is in the world of television and film. Most Americans know Perry Mason; fewer recognize the name of William Rehnquist.

If we are to comprehend the public view of the legal profession in our society, American film must be seen as more than a pleasant or even challenging diversion. Ours is a visual culture, and the image of law and lawyers—indeed even the behavior of lawyers themselves—has been influenced significantly by the magic of the great stereopticon, by the larger-than-life figures on the silver screen.

Over more than nine decades the motion picture industry has produced courtrooms full of famous and infamous barristers who have shaped the way Americans think about the legal profession. In an early episode of TV's "L.A. Law," the beautiful young assistant prosecutor and a handsome young partner discuss their lawyer role models. "Gregory Peck in *To Kill a Mockingbird*," he says. And she replies, "No, with me it was Spencer Tracy in *Inherit the Wind*."

In a democratic society like America, the filmmaker and the lawmaker have a natural affinity and a jealous distrust. Film and law seem to have been made for each other. Some of the screen's most memorable moments belong to the law, while real-life courtroom dramas are themselves highly theatrical. John Waters, the quintessential outlaw moviemaker, notes in his autobiographical observations, *Shock Value* (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 movie-making became more sophisticated, so did the treatment of law. D.W. Griffith's *Mothers and the Law* (1915 conception) became the centerpiece for his monumental spectacular four-part *Intoler-*

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*Serious questions about the actual operation of the legal system, dissatisfaction with the tort system and the all-too-familiar attorney-client-insurance company battle all are bound up in comedies like *The Fortune Cookie*, with Jack Lemmon as the hapless victim and Walter Matthau as his sly lawyer.*

*ance* (1916). 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 provided apt opportunity for dramatic revelations.

A quick glance at the current newspaper ads for films playing on our local screens, cable channels and network television demonstrates the continuing presence of law and lawyers. *Philadelphia* (1993) addresses the question of the rights of a lawyer with AIDS;

*The Pelican Brief* (1993) explores a fictional Supreme Court murder as tied to environmental litigation; *In The Name of The Father* (1993) tells the story of the abuse of justice toward the innocent in Britain's conflict with the IRA; *A Few Good Men* (1992) brings foreign policy and justice into the military courts.

For almost a century now, law and lawyers have appeared in every imaginable genre of film, most frequently, of course, in crime and criminal dra-



mas, but also in tales of western settlement and empire building, "true-life dramas," screen biographies of famous lawyers and jurists, the classic social problem film, the court-martial, the so-called "woman's picture," the screen comedy (particularly the old-fashioned screwball kind), futuristic or science fiction films, the great epic spectacular—even the musical. But 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.

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 Warner Brothers' *Knock on Any Door* (1949). Humphrey Bogart is forced to resign from his blue-chip, silk-stocking law firm when he chooses to represent young accused murderer John Derek. Years before, Bogart had provided an inadequate defense for Derek's innocent father. In a classic drama supporting the sociology of the '40s and '50s, 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.

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. Seen back-to-back, *The Asphalt Jungle* and *The Magnificent Yankee*, both released in 1950, show the legal profession at its worst and best. Calhern's crooked lawyer in *The Asphalt Jungle* masterminded a great caper and is then so disreputable that he double-crossed his partners in crime. But in this case, crime *did* pay for Calhern when Metro rewarded its faithful contract player with the chance to recreate his stage role of the courageous Justice Holmes in *The Magnificent Yankee*, one of the great idealized portraits of the legal system in American life.

There are other actors whose screen ethos has made them ideal cinematic

lawyers: Spencer Tracy, Henry Fonda, James Stewart, Gregory Peck, Paul Newman and Robert Redford. 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* (1936), sparred with his attorney wife Katherine Hepburn in *Adam's Rib* (1949), financed from his legal practice the elaborate wedding of daughter Elizabeth Taylor in *Father of the Bride*

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(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).

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. He is the dream that young lawyers hope to achieve and that old lawyers regret having lost. 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). D.W. Griffith returned to

the law in his last major film *Abraham Lincoln* (1930).

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 Thaddeus J. Loophole in *At The Circus* (1939). In *I'm No Angel* (1933) Mae West brilliantly argues her own case before a judge she attempted to seduce. And 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 chimpanzee.

Comedies like *The Fortune Cookie* (1966) and the more recent *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*. A television sports cameraman (Jack Lemmon) is knocked down on the sidelines at a football game, and his ambulance-chasing, shyster-lawyer brother-in-law (Walter Matthau) pressures him into exaggerating damages. The all-too-familiar lawyer-client-insurance company battle is under way.

The struggle of law and outlaw is central to the movie western. 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.

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 Valence* (1962). John Wayne as Tom Doniphon is the old hand, ready with a gun, standing alert to protect his girl and even the greenhorn lawyer (Jimmy Stewart as Ransom Stoddard) against

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the likes of Lee Marvin as Liberty Valence. In the final showdown, of course, Doniphon's gun prepares the way for the election of the new U. S. Senator Stoddard, known forever as "The Man Who Shot Liberty Valence." 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."

The world of film *noir* or the dark cinema is inhabited with as disreputable a bunch of lawyers as ever flick-

ered across the silver screen. Some of these attorneys are scheming and corrupt, like Calhern in *The Asphalt Jungle*, others are the weak pawns of powerful, devastating femmes fatales like Barbara Stanwyck, who dominates Kirk Douglas in his very first film, *The Strange Love of Martha Ivers* (1946). From works such as *The Lady from Shanghai* (1948), through the neo-*noir* classic *Body Heat* (1981), the lawyer uses and is used in a world that is dark, bitter and doomed.

Race, the great and haunting issue

of American civilization, has tested the law and lawyers on the screen just as it continues to test every fiber of American society. 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. Unable to reconstruct the sensitive motion picture he believed he had created because Fox destroyed the excised film negatives, Ford later remade the picture as *The Sun Shines Bright* (1953).

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 Hollywood experienced New York actors who were prepared to handle the difficult dialogue.

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: Herman Melville's *Billy Budd* (1962), William Golding's *Lord of the Flies* (1963 and 1992), Charles Dickens' *A Tale of Two Cities* (1935), Nathaniel Hawthorne's *The Scarlet Letter* (1926).

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 '30s than there were in the courtroom. Yet the portrayal was tragically stereotypic. *The Lady Objects* (1938) is the "lady lawyer" film at its most absurd, a sort of combination musical-gangster-romance. 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 still must struggle against such images?

*Adam's Rib*, probably the best of the Tracy-Hepburn comedies, presents a woman as a lawyer who is the equal of her lawyer husband. But the ending 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 'n Andy's Lawyer Calhoun. 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 55 percent men and 45 percent women, the screen has found the attorney a glamorous role for rising lady stars and aging superstars: Jessica Lange, *Music Box* (1989); Mary Steenburgen, *Philadelphia*; Glenn Close, *Jagged Edge* (1986); Luci Arnaz, *Second Thoughts* (1983); Ellen Barkin, *The Big Easy* (1986); Goldie Hawn, *Seems Like Old Times* (1980); and Cher, *Suspect* (1987). Many of these roles must have been as embarrassing to the actress as to the legal profession.

Law students and law professors have not escaped 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 U.S. 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).

Movies—especially social 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-'60s film version of alienation, just as his impotent barrister seeking the service of Rita Moreno in *Carnal Knowledge* (1971) is a man of the '50s seen through the eyes of the early '70s. *The Court-Martial of Breaker Morant* (1979) may

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*Spencer Tracy deserves the screen-lawyer prize for sustained service at the bar, says Strickland, one of his last portrayals being one of his best, as a fictionalized Clarence Darrow battling William Jennings Bryan in Inherit the Wind.*

be about an Australian in the Boar 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 '80s filmmaker introduced the crisis of the "biological clock" of lawyer Mary Kay Place in *The Big Chill*. Film historians have detailed the '50s consensus psychology in *Twelve Angry Men* and the '40s view of juvenile crime in *Knock On Any Door*. Film-time and real-time came

together in the fall of 1981 when Sandra Day O'Connor was named to the U.S. Supreme Court just as Jill Clayburgh's *First Monday in October* (1981), about the first woman on the high court, was being released.

The contemporary 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 with titles like *Dirty Harry* (1971), *Death Wish* (1974), *Victims* (1982), *And Justice for All* (1979) and *The Star Chamber* (1983). The original version of *Cape Fear* (1962) is a thoughtful and disturbingly violent enactment of the dilemma of the lawful lawyer, Gregory

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*Abraham Lincoln, the ideal country lawyer, has been a favorite of movie makers, from D. W. Griffith's last major film, Abraham Lincoln, to John Ford's heroic Young Mr. Lincoln to Robert Sherwood's poetic Abe Lincoln in Illinois.*


Peck, driven to violate the law by the unrelenting savagery of Robert Mitchum, whom he had sent to prison. The human dimensions of this film make Peck's seemingly inevitable choice of violence truly devastating.

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 particularly were offended at the cavalier misuse of the rules of evidence, the

patently absurd conduct of James Mason and his 12 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 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 by Brian Donlevy as a corrupting destroyer of the downtrodden, and the backroom lawyers who protect the criminal and betray the law itself. 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. And one must not forget that it is the judge with his eye to the ballot box and his heart to his grandchildren who admits the evidence.

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 Thaddeus J. Loop-holes inevitably seize the screen, understandably overshadowing the lawyer who reads abstracts, files wills and defends shoplifters. As Justice Holmes reminded us, law is a reflection of our society, and it is nowhere reflected in larger and bolder relief, with all its strengths and weaknesses, than in the magic mirror of the silver screen. 



**ABOUT THE AUTHOR:** *The OU College of Law's Rennard Strickland—teacher, legal scholar, collector of art and motion picture memorabilia, lecturer on painting and film—maybe seeing fewer movies in 1994. In addition to his day job as director of the OU Center for the Study of American Indian Law, Strickland is serving on-campus as a member of the University's presidential search committee and off-campus as president of the prestigious Association of American Law Schools.*