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| **MY TAKE FEATURE ARTICLE** | | |
| James R. Elkins is a professor of law at West Virginia University College of Law and teaches a course on "Lawyers and Film."                **"**  But what of the law student, still **struggling** to master the basics, acquiring the skills, awaiting admission to the ranks of the profession? What **happens** when law students watch lawyer films?  **"**                                          **"**  But like the "pleasure trap," this **notion** that films are tainted as educational texts by the source of their production deserves critical **scrutiny**, but can be a serious obstacle to careful reading of lawyer films.  **"** | . | The Legal Mind and the Lawyer Film  by James R. Elkins  **W**e are a society of lawyers . . . and lawyer films. Both lawyers and the films depicting them are worth watching. Both lawyers and lawyer films engage us in the serious business of legal culture and in the great social dramas of our time. Lawyer films also, not incidentally, provide entertainment and amusement. The staged, scripted, and often not-so-well acted antics of lawyers are well-known to "courthouse regulars" and fellow lawyers. Now, they are also known through popular culture lawyer films, through nightly television dramas which feature lawyers and through the legal thriller novel genre that has made John Grisham a household name.     Swimming as we are in law and lawyers and their representation in film, I took up the teaching of a "lawyers and film" course to witness firsthand the encounters of those who have set out to be lawyers with the films in which their profession and work are portrayed.     One might expect those well-versed in the law and legal culture to have something important or valuable to say after having encountered themselves in film. And indeed, there is a growing cadre of law professors and legal studies teachers who take film seriously, write academic essays about lawyer films, and are exemplary film critics. But what of the law student, still struggling to master the basics, acquiring the skills, awaiting admission to the ranks of the profession? What happens when law students watch lawyer films?     First, it should be noted that students of law, and indeed, lawyers and law teachers, suffer from some rather serious failings as film critics. Their failing is two-fold: they bring both too little and too much to their efforts to read film. When the law-trained student or lawyer watches a film they are often trying to escape law rather than confront it. Consequently, when they watch lawyer films they assume that the film is for pleasure and not business. The law student tells me, "I watch films for pleasure, indeed, I am taking your course on *Lawyers and Film*, Professor Elkins, simply because I love movies. I don't want to destroy that pleasure by subjecting every film I watch to heavy duty interpretation. I watch lawyer films for fun, for entertainment. I took this course to escape the relentless drumbeat in the traditional law school course, not to re-encounter it in a new guise." I call this the Pleasure Trap. For some viewers of lawyer films, the pleasure and entertainment associated with "movies" simply cannot be overcome -- they never learn how to "read" a lawyer film as a text worthy of study and critical engagement.     The second obstacle, for those possessed of a legal mind and tempted by more social and political awareness, is the knowledge that the film has been produced by the Hollywood film industry, a West Coast money machine, another name for big business. Lawyer films are presented not only for the entertainment of a mass audience, but for the profits that the films create for the film producers and the film industry. The politically savvy student tells me, "Lawyer films are a product of the Hollywood film industry and aren't intended as prescriptions on how to live or practice law. You have to remember these films are made for mass audiences and to generate big money." It's quite true that films are made for money, made by a culture industry, and that much of what we see has the Hollywood stamp prominently displayed on it. But like the "pleasure trap," this notion that films are tainted as educational texts by the source of their production deserves critical scrutiny, but can be a serious obstacle to careful reading of lawyer films.     There is still a third obstacle for the law-trained viewer of lawyer films -- the most serious and pernicious of all -- the "insider knowledge" trap. Law students and lawyers are trained to know something about law and legal procedures, about trials and how they are conducted. While "insiders" often assume they know more than they actually do, when watching lawyer films they know enough to focus on the "legal accuracy" of the film, the legal surface that hides whatever meaning the film might have. I ask the student, what do you see when you watch this film. She replies, "The most obvious thing I notice about this film, and about TV shows involving lawyers, is how inaccurate they are. Lawyer movies don't come even close to reflecting the reality of trial litigation, and they are even worse when it comes to depictions of law and legal procedures. they are most inaccurate, in showing what lawyers actually do." The law-student-insider (and even the knowledgeable film critic) constantly complains and critiques lawyer films for legal inaccuracies and their unrealistic depiction of the legal profession. For these viewers, lawyer films are viewed as failed documentaries; it's the role of the "insider" to keep us informed on how sloppy and stupid it is to try to look for meaning in a Hollywood lawyer film. The film critic steps forth to offer a more informed and enlightened view of correct legal procedure; they argue that lawyer films must be legally realistic about law and lawyers before they can be taken seriously.     Considering these obstacles to critical engagement with a lawyer film, what is one to do? How can those who are law-trained get beyond the "pleasure trap," the "it-came-from-Hollywood" trap, and the "we-lawyers-know-the-law trap"? If we can't get beyond these obstacles, lawyer films offer little more than amusement and entertainment. I argue there is more to lawyer films than meets the jaundiced eye. Might we not become better readers of film, insider and outsider alike, if we had better strategies for watching lawyer films? That strategy includes at least four things to remember:  **A Film Tells a Story**.     We enjoy and take pleasure in films because they are carefully (if not always thoughtfully) crafted stories. Film stories are compact and are peopled with vivid (often unforgettable) characters, characters given to saying interesting things, living in and leaning against the work, habits, and culture of their situations and settings. We aren't likely to understand lawyer films unless we learn more about stories, and how they work, and how we are prepared and disabled in working with them.  **Stories Introduce Us to Conflict and Its Resolution**.     If we could live free of conflict, tension and the great polarities, we'd have little reason for stories and the film industry would be as endangered as the small family farmer. Conflict is central to drama, drama to story, and story to life. Our lives are connected to lawyer films by the reverse path of story, drama, and conflict. To understand the stories in our lives and our films, we need a better understanding of conflict. Lawyer films play in and with the conflict and tension represented in the "great opposites": good & evil, order & disorder, status quo & progress, hate & love, friendship & betrayal. We need to know all we can about the tension between the forces that induce conflict both in our culture and in our own psyches. Lawyers are stuck working with conflict, making a living from it, and need more understanding of it than they sometimes have.  **The Care For Character**.     The pleasure of film watching comes, in part, from our ability and human need to identify with others. The central characters of film are meant to be liked and disliked, to engage and to repel us. We find characters in film attractive because they face great trials (or smaller versions of the great ones) and do so in ways that are instructive and dramatically compelling. We identify with film characters because they have burdens to bear, threats to confront, obstacles to overcome -- they are asked to learn something about themselves and their worlds. We, too, are confronted with similar tasks and there is the hopeful notion (sometimes a false one) that by seeing the film character learn we, too, have learned something about ourselves.     There is something odd, peculiar and wonderful about the knowledge we come to possess about film characters. We know what the character looks like, often enough where she lives, what kind of furniture she has in her bedroom, the kind of car she drives, her marital and family situation, where she works, whom she works with, what kind of work she does, how she is regarded by her coworkers, her relationship with her boss, how the boss is regarded by the workers, and the various tensions and conflicts in her work. I know more about a film character than I do my fellow teachers who share the hallway of the law school where I teach.     We learn enough about film characters, at least when portrayed in anything other than a one-dimensional fashion, to become involved in their lives. We begin to care about the film's characters, we want things to turn out well for a particular character (and less well for another), we want a character to get what he or she wants or needs or desires because of what we have learned about them and because we care. We want the characters with whom we identify to vanquish their foes (and slay the dragon). We want for film characters what we want for ourselves.  **A Film is an Education**.     James Boyd White, a law professor who also teaches literature and the Greek classics, says, "I read for an education. . . ." [Milner S. Ball & James Boyd White, A Conversation Between Milner Ball and James Boyd White, 8 Yale. J. L. & Hum. 465, 476 (1996)]. We viewers of lawyer films might puzzle over the possibility that we watch a lawyer film for an education as well as for entertainment. If you want to be a better student of lawyer films, you might ask: What kind of education does this film make possible? What kind of knowledge of lawyers, the legal profession, and the world does the film offer? What view of the world and lawyers and law does this film make possible that is not found in the daily legal world I occupy as student of law or lawyer, or as a citizen who must deal with a culture so saturated by law?     There are good reasons to be interested in lawyers and their work. Unlike the film viewer trapped in conventional responses to lawyer films, we might study these films as well-crafted dramas laden with meaning, offering views of the world, of law and of lawyers of benefit to even the most hardened insiders. The problem, of course, is that legal insiders are blinded by the previously discussed conventions that surround our engagement with "movies" and by the powerful defense mechanism that protects the insider's ego by focusing on legal accuracy and fidelity rather than meaning and critical perspective . We law-trained insiders have a need to be loved more than understood. With an ego invested in legal culture, and love hard to come by, we become notoriously poor readers of lawyer films.  **References**     I teach a course on "Lawyers and Film" and try to work on the matters raised here with my students. The course web-site can be found at: <http://mentalsoup.net/jelkins/lawyersfilm.shtml>     In trying to teach the "Lawyers and Film" course, I have searched the world of "film theory" and "film studies" for strategies on how to work with the ideas presented in this column. I have found little guidance in these sources. In contrast, I find that the more accessible, relevant, and useful source of ideas for teaching my students is the work of screenwriters and screen-writing consultants. Screen-writing people know that films are stories and are better prepared and willing to talk about stories than are film theorists. (Film studies, still securing its place in the world of academia, follows the theorists rather than those devoted to stories.) I recommend: Robert McKee, Story: Substance, Structure, Style, and the Principles of Screenwriting (New York: HarperCollins/ReganBooks, 1997) and Christopher Vogler, The Writer's Journey: Mythic Structure for Writers (Studio City, CA.: Michael Wiese Productions, 2nd ed., 1998).     There are several web-resources worth pursuing:  Bill Johnson's [Essays on the Craft of Dramatic Writing](http://www.teleport.com/~bjscript/)  Melanie Anne Phillips & Chris Huntley's [Dramatica: A New Theory of Story](http://heartcorps.com/dramatica/dramatica_theory_book/table.html)  Ken Sane's essay, [Contemporary Storytelling: Tales of Life Way After the Fall](http://www.transparencynow.com/exile2.htm) (and the other interesting work on [Transparency](http://www.transparencynow.com/index.html))  A Jungian analyst, Donald Williams, and his essay, [The Narrative Impulse: Telling Stories](http://www.cgjung.com/articles/dwtellin.html), from a larger work-in-progress, The Educated Heart.  **Would you like to to comment on this article? 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