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AN ANALYSIS SCHEME FOR LAW FILMS

Stefan Machura†

I. INTRODUCTION

Law films are increasingly attracting the attention of academic teachers and writers.¹ A number of publications deal with issues of film content; some address social effects, some favor films as a means of academic teaching, and other review and criticize prior publications.² There is, however, little literature on the methodology of analyzing law films.³ A law film is defined by Greenfield, Osborn, and Robson in the following terms: “In order to qualify as a law film the following characteristic(s) must be present in some shape or form: the geography of law, the language and dress of law, legal personnel and the authority of law.”⁴ The following scheme might be of general use for law and film scholars. The scheme has been helpful in teaching classes consisting of students of law, criminology, and film science.⁵ Students received copies of this analysis scheme and the different categories were explained to them. Either a film was watched beforehand, as in the seminar “Law and Film,” or short scenes on video were shown as illustrations, as in the lecture “Sociology of Law” and the session “Popular Legal Culture.”

The categories of the analysis scheme do not necessarily all apply to one film. A movie may have only one lawyer as a detailed figure, while the other legal personnel may be painted with a very broad brush. Alternatively, there may be no courtroom

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1. See generally STEVE GREENFIELD ET AL., *FILM AND THE LAW* 1-29 (2001) (discussing the general use of film in the study of law); Paul Mark Sandler, *Raising the Bar—‘Let’s Go to the Movies,’* DAILY REC. (Balt., Md.), July 25, 2003, at 3B.
2. Stefan Machura & Peter Robson, *Introduction*, in *LAW AND FILM* (Stefan Machura & Peter Robson eds., Oxford University Press 2001); see, e.g., GREENFIELD ET AL., *supra* note 1; NICOLE RAFTER, *SHOTS IN THE MIRROR* (2d ed. 2006); RENNARD STRICKLAND ET AL., *SCREENING JUSTICE—THE CINEMA OF LAW* (2006).
3. One exception is MICHAEL ASIMOW and SHANNON MADER, *LAW AND POPULAR JUSTICE* (2004).
4. GREENFIELD ET AL., *supra* note 1, at 24.
5. The author taught such classes at the Ruhr-Universität Bochum and at the Hochschule für Verwaltungswissenschaften in Speyer, both in Germany. He now continues to use the scheme in his seminar at the University of Wales, Bangor.

scene, witnesses, or police. This Article presents the analysis scheme section by section and explains the scheme's categories.

II. ANALYSIS SCHEME

Part I: General Characterization

1. Filmography: Title(s), producer/film distributor, director, country and year, running time, television production or cinema (or both), additional material on the film used by the author (classifier)
2. Film category: fictional series, law-related movies, courtroom films, court series, legal advice shows, documentaries
3. Auteur film: yes or no
4. Commercial, political, or art orientation (primarily or in combination)
5. Time(s) and place(s) of story/plot
6. Criminal or civil case (or labor conflict, administrative, etc.)
7. (Main) constellation of legal dispute, criminal offense
8. Legal procedures shown (mediation, arbitration, litigation, plea bargaining, etc.)
9. Main antagonists (e.g. lawyer-lawyer, defender-prosecutor, judge-lawyer . . .)
10. Kind of court
 - area of specialization: criminal, civil, other, no specialization
 - level of court: first instance, appellate court, national high court, other
 - composition of the court: judge and jury, single professional judge, single lay judge, court of lay judges (numbers, etc.), mixed court with lay and professional judges (composition, etc.), panel of professional judges (numbers, etc.)
 - court architecture: modern, classic, ornamental, symbolism, etc.
 - court appearance and atmosphere: orderly, nasty, loud, crowded, calm, dark, etc.

A film analysis may start with some basic filmographic data. Film titles sometimes vary. For example, the film *The Devil and*

Daniel Webster also appeared under the titles *All Money Can Buy*, *Daniel and the Devil*, and *Here is a Man*.⁶ Sometimes additional material on the film is available and should be mentioned. For example, *The Devil and Daniel Webster* is based on a short story by Stephen Vincent Benet.⁷ Sometimes films must be related to their production history.

The basic film categories of the scheme are taken from an analysis by Stefan Ulbrich on the frequency of certain programs on German television. They are explained as:

- (i) Courtroom movies, that is, films like Billy Wilder's *Witness For The Prosecution* (1957) in which scenes essential to the story take place in court;
- (ii) Law-related movies, that is, films like Michael Crichton's *Physical Evidence* (1988) that have lawyer protagonists and deal with law and justice but do not have courtroom scenes;
- (iii) Law-related television series like *Perry Mason*, each of whose episodes tells a fictional story about law, lawyers, and justice;
- (iv) Law-related TV series like *Richterin Barbara Salesch* (something like a German counterpart of *Judge Judy*) in which authentic legal conflicts are presented as entertainment;
- (v) Programmes like *Ratgeber Recht* in which real-world lawyers provide information on various legal problems; and
- (vi) Documentary films, including those that exclusively use authentic material and the so-called docudramas like Claus Strobel's *Sechs Schüsse auf einen Minister* (1998) in which dramatized scenes are added.⁸

Sometimes films are coined in the personal style of a notable director or producer. Despite an argument about whether films are a team product rather than that of one man, there is a convention to grant certain film artists the title of "auteur."⁹ Auteur films are expected to express individual intentions and therefore often are not classified as typical genre films.¹⁰ Genre is as much a marketing device as it is a matter of convention: Films sold as

6. LESLIE HALLIWELL, HALLIWELL'S FILM GUIDE 2004, 21 (John Walker ed., 19th ed. 2003).

7. *Id.*

8. Stefan Machura & Stefan Ulbrich, *Law in Film: Globalizing the Hollywood Courtroom Drama*, in LAW AND FILM 117, 119 (Stefan Machura & Peter Robson eds. 2001).

9. Thomas Elsaesser, *Putting on a Show: The European Art Movie* (Apr. 1994), available at http://www.bergmanorama.com/sightsound94_elsaesser.htm (last visited April 27, 2007).

10. *Id.*

courtroom thrillers promise their audiences legal conflicts, suspense, and extraordinary lawyer protagonists. Audiences, in turn, select movies for their genre-typical qualities. Films also vary according to their primary orientation: commercial, political, or art. Certainly, the categories may be combined. For instance, films can have a political message and at the same time be profitable for their producers. Arguably, *Philadelphia* is one such film.¹¹ Films may have one time and place, but there may be a combination. Quite a number of German law films include scenes in the Nazi period and later events in post-war Germany. *Rosen für den Staatsanwalt* (*Roses for the Prosecutor*) opens with scenes of a drumhead court martial.¹² An Allied air raid eventually saves the defendant from the execution, only so that he may later encounter the same prosecutor in a courtroom in the 1950s.¹³ Most law films deal with criminal cases, but there are also other categories, like administrative or labor conflicts. A film may focus on a sensational criminal trial but also have subplots in other areas of law.

Nicole Rafter once wrote that a “justice figure” and an “injustice figure” can be pitted against each other in films.¹⁴

Courtroom films usually include an *injustice figure*, the person responsible for creating or maintaining the gap between justice and man-made law. Most courtroom films also include a *justice figure*, a hero who tries to move man-made law ever closer to the ideal until it matches the justice template.¹⁵

In *The Verdict*, attorney Frank Galvin desperately fights against two evil opponents: the corrupt, biased judge and the heinous lawyer who is defending the doctors charged for medical malpractice.¹⁶

A film analysis also has to describe the type of court involved. Jury trials are very frequent in movies, followed by bench trials with one professional judge. This is not random, given the multitude of U.S. films. Other types of courts appear mainly in Continental European movies. In *Porte Aperte*, for example, the trial is held before an Italian mixed court with a presiding professional judge, an investigative (professional) judge, and a majority of lay assessors.¹⁷ Courts depicted can be specialized

11. PHILADELPHIA (TriStar Pictures 1993).

12. ROSEN FÜR DEN STAATSANWALT (Kurt-Ulrich Film/Berlin 1959).

13. *Id.*

14. RAFTER, *supra* note 2, at 136.

15. *Id.*

16. THE VERDICT (Twentieth Century-Fox Film Corporation 1982).

17. PORTE APERTE (Erre Produzioni 1990).

tribunals, like the military court of officers in *Sergeant Rutledge*¹⁸ or courts of general jurisdiction. With regard to the levels of courts, courts of first instance form the bulk of film sites, followed by appellate courts, with national high courts (e.g. *Amistad*¹⁹) appearing very rarely. Filmmakers devote much effort to finding the appropriate court architecture for their story. A nineteenth-century court building with pillars, allegorical figures, paintings of former judges, and the interior of a jury court provides a very different atmosphere compared to a typical 1970s German functional building, where the judge and the parties are sitting at the same table surrounded by blank walls. Symbolism often is an important ingredient in law films. The court scenes, for instance, of *Witness for the Prosecution* arguably would not be as effective had they not been situated within an old English courtroom, furnished for the examination of witnesses and the oral exchange of the lawyers (Picture 1), with a sword hanging above the judge's bench.²⁰ The court appears old-fashioned and loaded with symbols, including the appearance of the court clerks and the judge with his wig, and the benches crowded with lawyers and spectators. The image is almost comical.²¹ This American movie's scene components underline the importance of the trial and at the same moment mock the ritual of English law.

Part II: Characters

1. Lawyers' appearances

- class and lifestyle
- gender
- age
- backstage and/or front stage scenes shown
- career phase ("rookie," old practitioner, etc.)
- educational background (top law school, etc.)
- professional attitude or not (good common sense, etc.)
- economically successful or not as a lawyer
- single practitioner, cooperation with colleagues, part of law firm
- charisma (with regard to law or politics, as a speaker of the community, etc.)

18. SERGEANT RUTLEDGE (Ford Productions, Warner Brothers Pictures 1960). See generally GREENFIELD ET AL., *supra* note 1, at 41–44. Military courts draw their attraction from the clash between military rules, laws, and sometimes political considerations. *Id.*; see also Matthias Kuzina, *Military Justice in American Film and Television Drama: Starting Points for Ideological Criticism*, in LAW AND POPULAR CULTURE 160 (Michael Freeman ed., 2005).

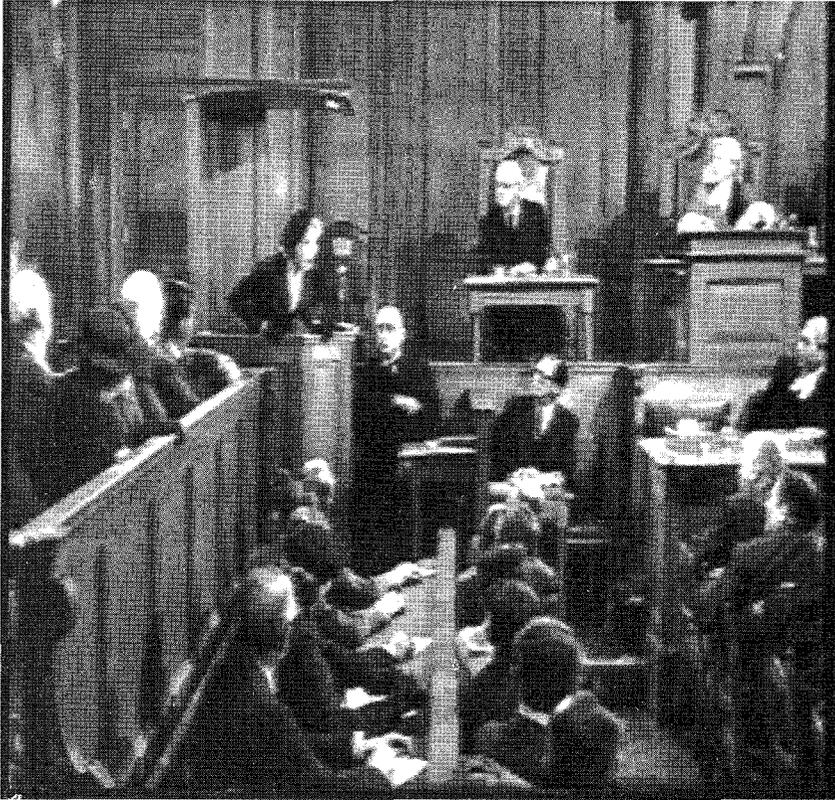
19. AMISTAD (DreamWorks Distribution 1997).

20. WITNESS FOR THE PROSECUTION (Edward Small Productions 1957). See Picture 1.

21. *Id.*

- benevolence

Picture 1:



Witness for the Prosecution is an example of the use of court architecture. Christine Helm Vole, played by Marlene Dietrich, is at the witness stand. Source: Still from *Witness for the Prosecution* (Edward Small Productions 1957).

- engagement, bite
 - status recognition (others are treated fairly as persons with full rights)
 - interest in case, people
 - abuse, corruption (pertaining to clients and others with regard to money, sex, and power)
 - adherence to or bending of the law
 - investigates case him/herself like a detective, collaboration with private-eye
 - political orientation (socialist, liberal, conservative, Nazi, etc.)
 - portrayed as justice or injustice figure
2. Public prosecutor, prokuror, or similar
 - class and lifestyle

- gender
- age
- backstage and/or front stage scenes shown
- career phase (“rookie,” old practitioner, etc.)
- educational background (top law school, etc.)
- professional attitude or not (good common sense, etc.)
- successful or not in his/her career as a lawyer
- lone wolf, cooperation with selected colleagues, integral part of state apparatus
- charisma (with regard to law or politics, as a speaker of the community, etc.)
- benevolence
- engagement, bite
- interest in case, people
- status recognition (others are treated fairly as persons with full rights)
- neutrality (if applicable: e.g., German public prosecutors should be neutral, U.S. prosecutors should not)
- abuse, corruption (of other people; with regard to money, sex, power, and political ambitions)
- adherence to or bending of the law
- office work or plays the detective
- political orientation (socialist, liberal, conservative, Nazi, etc.)
- portrayed as justice or injustice figure

3. Judges

- class and lifestyle
- gender
- age
- backstage and/or, front stage scenes shown
- career phase (“rookie,” old practitioner, etc.)
- educational background (top law school, etc.)
- professional attitude or not (good common sense, etc.)
- successful or not in his/her career
- degree of cooperation with other court personnel
- charisma (with regard to law or politics, as a speaker of the community, etc.)
- benevolence
- engagement, bite
- interested in case, people
- status recognition (others are treated fairly as persons with full rights)
- neutrality
- abuse, corruption (of other people; with regard to money, sex, power, and political ambitions)
- adherence to or bending of the law

- regular work or plays the detective
 - political orientation (socialist, liberal, conservative, Nazi, etc.)
 - portrayed as justice or injustice figure
4. Jurors, lay assessors
 - neutrality
 - demographics
 - class and education
 - benevolence
 - engagement, bite
 - interested in case, people
 - adherence to or bending of the law
 - political orientation (socialist, liberal, conservative, Nazi, etc.)
 - degree of activity (passive, intervenes, asks questions and discusses, etc.)
 - portrayed as justice or injustice figure
 5. Paralegals (helpers, secretaries, etc.)
 6. Police
 - fair or unfair
 - bias, corruption
 - professionalism
 - "on the wrong side?"
 - working for "the people" vs. instrument of the powerful
 7. Witnesses (also expert witnesses: psychologists, scientists, etc.)
 8. Defendants, parties
 - helpless vs. able to act
 - active vs. passive
 - sympathetic vs. unsympathetic
 - in opposition to the law and the court or cooperative
 - parties: defendant and plaintiff in opposition or cooperative
 - social characteristics: class, race, and gender

All functional sociological analysis aside, law films in their majority take the stance that the quality of the people determines the quality of the courts. Justice heavily depends on righteous legal professionals. Therefore, the analysis scheme devotes special attention to the film characters, drawing from previous film interpretations and sociological and social-psychological research. Many dimensions of characters are so universal that they apply to lawyers as well as to judges, prosecutors, jurors, or other actors in court.

A number of criteria, such as gender, age, class, and the lifestyle of lawyers, serve to clear up the personal background of the film

character. While the age of lawyers varies, they tend to be male, and if they are not portrayed as wealthy, they have a tasteful lifestyle.²² In some films, lawyers are young, and just starting their careers.²³ In American films, an education at an elite law school is often mentioned.²⁴

The professional situation of the characters may also vary: junior lawyers for instance may work in a law firm, judges may stand at the brink of a further promising career, or prosecutors may be isolated within the corrupt surrounding of the bureau. Sometimes law people such as Atticus Finch, in *To Kill a Mockingbird*, are portrayed as having a special professional attitude.²⁵ Sometimes they are gifted with an outstanding feeling for right and wrong, personalizing the good common sense of the people and with a feeling for practical matters, such as Abraham Lincoln in *Young Mr. Lincoln*.²⁶ Sir Wilfrid Robarts, introduced as a famous defender in capital cases in *Witness for the Prosecution*, knows the law well but is effectively fooled by the defendant's wife, who exploits his bad judgment of women.²⁷ A figure may be charismatic because of his or her legal knowledge, feeling for right and wrong, or even as a speaker of the community. A lawyer or judge may adhere strictly to the letter or spirit of the law or may be ready to bend the law where opportune. In *To Kill a Mockingbird*, a disabled man rescued Finch's children by slaying the drunken villain.²⁸ Atticus Finch follows the suggestion of the local sheriff to spare the man the consequences of a correct report of the incident.²⁹ Frank Galvin of *The Verdict* resorts to illegal means to find out the address of a crucial witness.³⁰ In the second version of the movie *Cape Fear*, the catastrophe starts because the lawyer withheld evidence favoring his client.³¹ The plot is altered so that, as Francis M. Nevins has put it:

[W]hat precipitates the nightmare events is the attorney betraying professional ethics in order to keep his sociopath client from going free. Scorsese's film joins the roster of movies which radically condemn the legal system by hinging on acts which are justified dramatically, morally,

22. See, e.g., *THE FIRM* (Paramount Pictures 1993).

23. *Id.*

24. *Id.*

25. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962).

26. *YOUNG MR. LINCOLN* (Twentieth Century-Fox Film Corporation 1939).

27. *WITNESS FOR THE PROSECUTION*, *supra* note 20.

28. *TO KILL A MOCKINGBIRD*, *supra* note 25.

29. *Id.*

30. *THE VERDICT*, *supra* note 16.

31. *CAPE FEAR* (Universal Studios 1991).

indeed every way in the world except under the law.³²

A character of a law film can be depicted as corrupt or as an abuser. The presiding judge's judgment is influenced by a local politician in *Inherit the Wind*, as the trial evokes too much criticism in the press and elections are looming.³³ The political orientation can be an important trait of a protagonist. Affiliation or adherence to fascist or right extremist parties and movements signifies corrupt and evil characters in a number of political films, as in Costa Gavra's *Z*.³⁴ Characteristically, a number of U.S. films deal with the interference of the political into the realm of law. A typical constellation is given in *The Sun Shines Bright*, the second John Ford film about the figure of Judge Priest:

The judge is a Southern Democrat whose morning routine is to have a reveille recalling his days as a bugler in the Civil War in the Kentucky regiment. His political opponent, Horace Maydew, is standing in the upcoming election as judge. He is the local public prosecutor and a member of the Republican Party. Billy Priest's first task is how to deal with an itinerant banjoist, US Grant Woodford
³⁵

Integration into or isolation from its professional surroundings are often characteristic for a figure. Young Harvard graduate Mitch McDeere finds himself in a law firm established by the Mafia in *The Firm*.³⁶ In Italian films, police officers or investigative judges are often isolated within a corrupt department which obstructs their fight against organized and political crime. Less dramatic, but still significant, are portrayals of characters who prefer doing all things alone over cooperating with colleagues. A movie lawyer, judge, or prosecutor usually does not find satisfaction in doing dull paper work and, therefore, tries to investigate him- or herself, doing a detective's job.

Social psychologists, Tom Tyler and E. Allan Lind, argue that fairness is important in interpersonal relations and that institutions and their representatives are judged according to fairness criteria.³⁷

32. Francis M. Nevins, *Cape Fear Dead Ahead: Transforming a Thrice-told Tale of Lawyers and Law*, 24 LEGAL STUD. F. 611, 640 (2000).

33. INHERIT THE WIND (United Artists 1960).

34. *Z* (Office National pour le Commerce et l'Industrie Cinématographique 1969).

35. GREENFIELD ET AL., *supra* note 1, at 152.

36. THE FIRM, *supra* note 22.

37. See Tom R. Tyler & E. Allan Lind, *Procedural Justice*, in HANDBOOK OF JUSTICE RESEARCH IN LAW 65, 65 (Joseph Sanders & V. Lee Hamilton eds., 2001).

Considerable literature supports this assumption.³⁸ Fair procedures are earmarked by unbiased decision-makers who carefully gather relevant information.³⁹ The parties should have the opportunity to present their positions, and the proceedings should comply with social morality.⁴⁰ In order to appear fair, an authority figure has to appear both benevolent and neutral, has to respect the status of parties as equally entitled citizens, and has to allow parties to state their views.⁴¹

Law films often deal with drowning unfairness and issues of the morality of the protagonists.⁴² Three black and white films may serve as examples. At first, the viewer of *The Sun Shines Bright* may think that the Confederate veteran, Judge Priest, will sentence the young black banjoist US Grant Woodford, who is accused of vagrancy.⁴³ Investigating the case, Priest asks Woodford to play his banjo, and Woodford chooses to play “Yankee Doodle.”⁴⁴ The judge’s servant intervenes anxiously and advises him to change to the Confederate’s song, at which time the judge joins in and the locals frenetically fall in with Priest playing his horn.⁴⁵ Having won Priest’s benevolence, Woodford is not sentenced, but sent out of court to look for paid work in the cotton fields.⁴⁶ In *The Devil and Daniel Webster*, lawyer-politician Webster is fooled by the devil into accepting any American judge and jury to decide the case of a farmer who promised his soul to the devil in exchange for seven years of material wealth.⁴⁷ If Webster fails to convince the jury, the devil will collect his soul.⁴⁸ Webster’s adversary calls a jury of the dead climbing out of hell: historical villains, traitors, and murderers.⁴⁹ During the trial, every move of Webster is

38. See generally STEFAN MACHURA, FAIRNESS UND LEGITIMITÄT 81–87 (Baden-Baden 2001); Stefan Machura, *Introduction: Procedural Justice, Law and Policy*, 20 LAW & POLICY 1 (1988).

39. See Tom R. Tyler & E. Allan Lind, *A Relational Model of Authority in Groups*, in 25 ADVANCES IN EXPERIMENTAL SOCIAL PSYCHOLOGY 115, 140–43, 147 (Mark P. Zanna ed., 1992).

40. See TOM R. TYLER, WHY PEOPLE OBEY THE LAW 119 (1990); Gerald S. Leventhal, *What Should Be Done with Equity Theory? New Approaches to the Study of Fairness in Social Relationships*, in SOCIAL EXCHANGE: ADVANCES IN THEORY AND RESEARCH 27, 41–42 (Kenneth J. Gergen, Martin S. Greenberg & Richard H. Willis eds., 1980).

41. See Tyler & Lind, *supra* note 39, at 140–43, 147.

42. See Stefan Machura, *Procedural Unfairness in Real and Film Trials: Why Do Audiences Understand Stories Placed in Foreign Legal Systems?*, in LAW AND POPULAR CULTURE 148, 148–49 (Michael Freeman ed., 2005).

43. See THE SUN SHINES BRIGHT (Republic Pictures 1953).

44. See *id.*

45. See *id.*

46. See *id.*

47. THE DEVIL AND DANIEL WEBSTER (William Dieterle Productions 1941).

48. *Id.*

49. *Id.*

accompanied by negative responses from the judge.⁵⁰ The jury appears to be totally biased.⁵¹ Only by vigorous pleading is Webster able to win over the jurors for his case, the case of individual liberty.⁵² In *Sergeant Rutledge*, the court tribunal's presiding judge is outed as a plunderer from the Civil War when his troops invaded the South.⁵³ In a hearing break, the officer-tribunal retires to a backroom to amuse themselves with a poker game, obviously able to put aside any thought about the tragedy underlying the trial.⁵⁴

Film lawyers have to be specially engaged in their case. In *Philadelphia* for instance, African-American attorney Joe Miller overcomes his homophobic reflexes and throws himself into the fight of Andrew Beckett's anti-discrimination case.⁵⁵ An aggressive "bite" often becomes a measure for the individual legal professional. This trait is allowed to be shown by the defense attorney of the innocent as well as by her reckless prosecutor. Although not painted in full as a character, Miller's antagonist, a female lawyer representing the law firm accused of firing Miller in fear of his H.I.V. disease, is portrayed as a cunning champion of the courtroom theatre.⁵⁶ Although restricted by their role during a running hearing, jurors are expected to actively participate in the deliberation.⁵⁷ The sportsman juror in *Twelve Angry Men* represents the disinterested person, and juror number 8 represents the active ideal,⁵⁸ like the gentleman farmer in the mixed court of *Porte Aperte*.⁵⁹

Paralegals appear in a number of law films, with *Erin Brockovich* as the prime example.⁶⁰ She deserves full status as the main character in this movie. More often, paralegals do not carry a story on their own. In the German television-lawyer films of the *Anwalt Abel* series,⁶¹ the attorney's secretary performs various helping tasks, but does not reach the same level of autonomy as Erin Brockovich. In many films, paralegals are only featured as unimportant extras in scenes. Where they are crucial, the

50. *Id.*

51. *Id.*

52. *Id.*

53. SERGEANT RUTLEDGE, *supra* note 18.

54. *Id.*

55. PHILADELPHIA, *supra* note 11.

56. *Id.*

57. See GREENFIELD ET AL., *supra* note 1, at 167.

58. TWELVE ANGRY MEN (United Artists 1957).

59. PORTE APERTE, *supra* note 17.

60. ERIN BROCKOVICH (Columbia Pictures 2000).

61. ANWALT ABEL (TV-60 Filmproduktion 2001).

categories for lawyers may apply. Erin Brockovich may even serve as a role model for female lawyers.⁶²

The police often appear in a subordinate role in trial films and films about lawyers. Police officers are not always shown as complex figures and may simply rush across the screen. This is, however, enough time to leave an impression on the viewer. In quite a number of films police appear “on the wrong side” of the story. Police in *Sacco e Vanzetti* brutally suppress Unionists and Communists using excessive force.⁶³ Here also is a simple story about the police being on the side of the wealthy ruling class.⁶⁴ Torture also causes the wrongful conviction of innocent Irish people in *In the Name of the Father*.⁶⁵ In other movies, criminals have bribed the police. Racism causes injustice in some films. Police may appear fair or unfair to certain categories of people. They may be portrayed as professional in their actions or as a bunch of incompetent individuals destroying the evidence. In some law films, police officers are major protagonists, as in the Italian movie *La Scorta*, where carabinieri do not only protect a judge against the Mafia, but also get involved in sub-plots within the law enforcement agencies.⁶⁶

Almost no trial film can pass without the examination of witnesses. Their prejudice or other actions against (but also in favor of) the “right” party can be essential to the story. Expert witnesses like scientists, psychologists, and sometimes sociologists, are a special class.⁶⁷ *The Verdict* shows the plaintiff’s attorney desperately seeking a medical expert who testifies against two high-level physicians.⁶⁸ Depictions of witnesses often employ stereotypes to entertain the audience. Examples include the elderly German woman who does not know how to behave before an English court of law in *Eight O’ Clock Walk*;⁶⁹ the Freudian-style psychiatrist in *The Caine Mutiny Court Martial* who does not control his hands when speaking—just like the suffering captain about whom he is giving an expert opinion.⁷⁰ Sometimes the portrayal of witnesses is among the most remarkable scenes of a film. In *Sergeant Rutledge*, director John Ford portrays a dignified older black sergeant who impressively counters an attack by the racist prosecutor.⁷¹ From the very start of the interrogation, the

62. See GREENFIELD ET AL., *supra* note 1, at 139.

63. SACCO E VANZETTI (Italnoleggio 1971).

64. *Id.*

65. IN THE NAME OF THE FATHER (Universal Pictures 1994).

66. LA SCORTA (Insituto Luce 1993).

67. See, e.g., SUSPECT (Tri-Star Pictures 1987).

68. THE VERDICT, *supra* note 16.

69. EIGHT O’CLOCK WALK (British Aviation Pictures 1954).

70. THE CAINE MUTINY COURT MARTIAL (CBS 1988).

71. SERGEANT RUTLEDGE, *supra* note 18.

prosecutor tries to draw the credibility of the witness into question.⁷² The sergeant replies that the reason he does not know his birth date is that he was born as a slave.⁷³

Cooperation or hostility between the parties of a trial can be important features. The lawyers may work together peacefully to move a case along. Cooperation may also be found between the presiding judge and lawyers. Even in films in the adversary setting of an English or U.S. court, the lawyer can find the judge's support during the trial. For example, the judges in *Witness for the Prosecution*, *A Few Good Men*, and *Young Mr. Lincoln* support lawyers in procedural matters.⁷⁴ Even more significant is the cooperation in countries with an inquisitorial system. Here, it is expected that judges and the parties' lawyers work together to establish the "truth" to a case.

The parties to a trial can play a part in different ways. In *Le Procès*, based on Franz Kafka's novel, the accused is nothing but a helpless victim in a bureaucratic treadmill.⁷⁵ Philadelphia's Andrew Beckett finds himself the legal precedent on which to build his claim, before he, suffering from a deadly disease, becomes dependent on his legal representative.⁷⁶ The innocent subject certainly appears different from the guilty man in the eyes of viewers. Parties may be in strong opposition to the courts and the world of law or may try to cooperate. In *Erin Brockovich*, for example, the title figure has to invest a lot of energy to overcome suspicion against lawyers and against the idea of filing a civil case.⁷⁷

Part III: Narrative

1. Short summary of the story
2. General approach (intention of film): satirical, authenticity, comedy, political partisanship, identification with main figure(s), social problem film, thriller, drama, etc.
3. Degree of Americanization (description, aspects):
 - legal system and culture, "American style"
 - national legal system and culture (as in the country of the spectator)
 - authentic national legal system and culture for the place of

72. *Id.*

73. *Id.*

74. *A FEW GOOD MEN* (Columbia Pictures 1992); *WITNESS FOR THE PROSECUTION*, *supra* note 20; *YOUNG MR. LINCOLN*, *supra* note 26.

75. *LE PROCÈS* (Paris-Europa Productions 1962).

76. *PHILADELPHIA*, *supra* note 11.

77. *ERIN BROCKOVICH*, *supra* note 60.

the story

4. Role of media in the story
 - neutrality
 - sensationalism
 - to the advantage of the good figures of the film, or “on the wrong side”
5. Ordinary folks, “the people,” neighbors, the public
 - neutrality
 - sensationalism
 - to the advantage of the good figures of the film, or “on the wrong side”
 - supporting the rule of law or illegal actions
6. Portrayal of the law
 - law in the books, law in action, natural law, divine law
 - law as an instrument of oppression or as an instrument for “the good”
 - law in accordance with good common sense or artificial lawyers’ law
 - nearness to what the “good” figures in the story think is right
 - ultimately in the hands of lawyers, the courts, judges, politicians, the rich and powerful, or in the hands of the people, or the jury
 - message (a good idea to use law in a dispute, etc.)
7. The end of the story: “good end,” “supportive to a sense of justice,” disappointing, or desperate

A short summary of the film’s story can be done in a few lines. Sometimes the general approach or intention of a film, be it satirical or “authentic,” is not a question of lesser importance. The post-war German film *Rosen für den Staatsanwalt* may serve as an example. Its topic, the inclusion of Nazis into the ranks of state officials, proved very provocative in the 1950s, when many wanted to forgive and forget.⁷⁸ Director Manfred Staudte only managed to complete the film by turning the original, grimly political script into a comedy.⁷⁹ This may have even contributed to the critical effect of the film. When some “good” state-employed lawyers also appear, due to pressure on the filmmakers, it does not destroy the movie’s message. In order to classify the filmmaker’s intentions, general information is often available.

78. ROSEN FÜR DEN STAATSANWALT, *supra* note 12.

79. *See id.*

The impact of American movies on international audiences is so strong that many European films do not depict the authentic legal system and culture of their respective countries. Instead, they mix elements, for example, using the phrase “your honor,” depicting cross-examinations American-style, and using other features of adversarial trials. Very often, legal facts are misrepresented in a number of ways, including the voting rule, the behavior of lawyers in court, the decorum of the benches, and so on. Film analysts may note that details do not conform to the legal system of the country and time shown. However, they should bear in mind that, for the general audience, most deviations are not detectable because of the audience’s lack of familiarity.⁸⁰ Continental European viewers may even enjoy the dramaturgy of American trials more than the comparatively calm investigative trial of their courts.

The media are often portrayed as biased against the “good” side of the story. Sensation is what they are seeking. For example, in *I Want to Live*, the accused girl becomes the victim of a press campaign.⁸¹ A journalist later changes his opinion and fights for her.⁸² In *Alibi*, a journalist gets involved into a murder case as a lay judge.⁸³ He comes to doubt the significance of the evidence and is outvoted in the judges’ deliberation.⁸⁴ A report from his newspaper results in the detection of the real culprit.⁸⁵

The depiction of the people, neighbors, or the public frequently appear to be influenced by media campaigns. The people in the films can appear as neutral or not, looking for sensations; they may support the “right” or the “wrong” side of a picture. People may resort to illegal action, but they may also trust the legal procedures. A number of films have a lynch mob trying to make instant “justice.”⁸⁶ In some films, like *Inherit the Wind*, the audience of a trial interferes heavily with comments on the trial.⁸⁷

“The law” can be understood and portrayed in various ways. The topic of a film may be—exclusive or in combination—law in the books, law in action, natural law, and divine law. In *Amistad*, a film about the history of slaves who freed themselves from their chains on a Spanish slave trade ship,⁸⁸ a number of different laws come into play: different national and international laws as well as

80. ANTHONY CHASE, *MOVIES ON TRIAL: THE LEGAL SYSTEM ON THE SILVER SCREEN* 173 (2002).

81. *I WANT TO LIVE* (United Artists 1958).

82. *Id.*

83. *ALIBI* (Fama F.A. Mainz-Film 1955).

84. *Id.*

85. *Id.*

86. See, e.g., *FURY* (MGM 1936); *TO KILL A MOCKINGBIRD*, *supra* note 25; *YOUNG MR. LINCOLN*, *supra* note 26.

87. *INHERIT THE WIND*, *supra* note 33.

88. *AMISTAD*, *supra* note 19.

natural law.⁸⁹ This particular film also evokes the question of which side law and the legal system ultimately protect. Do they uphold the interests of the slave industry or do they enforce rights of individual liberty? Laws may appear in films as something like an artificial construct of lawyers, or they may appear as coming from the spirit of the people. In *Young Mr. Lincoln*, for example, law is depicted as natural law and as rooted in common sense;⁹⁰ therefore, law supports the good people in the story, it is not in the hands of the powerful, and it can be upheld even under the most unfavorable circumstances with the help of a lawyer like Lincoln.

The “good” or “bad” ending of a story may finally contribute to one last lesson learned by the viewer of a law film. Is it a good or a bad idea to count on law in a conflict? Generally, the usual answer is that things finally can be put right even if manipulation, corruption, or ignorance exists. Most frequently, legal films provide a type of happy ending; however, there are exceptions. Films like *King and Country*, *Paths of Glory*, and *Le Procés* show a sad and cruel ending with no hope that justice can be achieved.⁹¹ Equally pessimistic are films in which the legal system can be manipulated in a way that the guilty can go free.⁹² *A Civil Action* shows that attempts to sue big firms are very costly and that it may financially ruin those who take part.⁹³ Perhaps, every viewer is aware that the path of the law has its risks. The more threatening these risks are, the more the audience loves the true agents of the law on the silver screen.

89. GREENFIELD ET AL., *supra* note 1, at 66.

90. YOUNG MR. LINCOLN, *supra* note 26.

91. KING AND COUNTRY (BHE Films 1964); LE PROCÉS, *supra* note 75; PATHS OF GLORY (Bryna Productions 1957).

92. See JUSTIZ (Bayerischer Rundfunk 1993); SLEEPERS (Warner Brothers Pictures 1990).

93. A CIVIL ACTION (Touchstone Pictures 1998).