"We Don't WANT Advantages": The Woman Lawyer and Her Quest for Power in Popular Culture

Christine Corcos

Follow this and additional works at: http://digitalcommons.law.lsu.edu/faculty_scholarship

Part of the Law Commons

Repository Citation

Corcos, Christine, ""We Don't WANT Advantages": The Woman Lawyer and Her Quest for Power in Popular Culture" (2003). Journal Articles. 225.
http://digitalcommons.law.lsu.edu/faculty_scholarship/225

This Article is brought to you for free and open access by the Faculty Scholarship at LSU Law Digital Commons. It has been accepted for inclusion in Journal Articles by an authorized administrator of LSU Law Digital Commons. For more information, please contact kayla.reed@law.lsu.edu.
"WE DON'T WANT ADVANTAGES"
THE WOMAN LAWYER HERO AND HER QUEST FOR POWER IN POPULAR CULTURE
Christine Alice Corcos†

CONTENTS

INTRODUCTION ................................................................. 1225
I. THE UNRULY FEMALE LAWYER ........................................... 1239
II. A RATIONALE FOR THE USE OF COURTROOM DRAMAS TO CRITIQUE WOMEN'S PROFESSIONAL ROLES ....................... 1244
III. CASE STUDIES: ADAM'S RIB, THE ACCUSED, LEGALLY BLONDE ... 1248
   A. Adam's Rib .................................................................... 1253
   B. The Accused .................................................................... 1263
   C. Legally Blonde ................................................................. 1267
CONCLUSION .......................................................................... 1270

Lawyers should never marry lawyers. This is called inbreeding and leads to idiot children . . . and more lawyers.
—Kip Lurie to Amanda Bonner, Adam's Rib

INTRODUCTION

The bibliography on the treatment of the female attorney in film and television is increasing almost as quickly as the number of women lawyers in movies and on TV. Generally, these articles focus on the negative

† Associate Professor of Law, Louisiana State University Law Center.
1. (Metro-Goldwyn-Mayor 1949).
image of female lawyers, that is, the portrayal of these professionals as incompetent\(^3\) or conflicted,\(^4\) rather than extending the comparison to include them in the negative image of male lawyers invoked because of their ability to manipulate the system.\(^5\) They examine the film image of the woman attorney first as an example of discrimination against women in the profession, and secondarily as an example of ridicule or devaluation of the woman as a professional.\(^6\) These evaluations generally agree that the portrayal of women attorneys in film and on television is more negative in


3. Shapiro, supra note 2.

4. "Female attorneys in film have been presented as an oxymoron; they have two identities—'female' and 'attorney'—which cannot logically coexist. Initially, these characters are introduced as successful and bright legal practitioners; however, their personal lives are empty, which in the film's sexual economy means they are unmarried." Miller, supra note 2, at 205. Shapiro also makes this point. Shapiro, supra note 2, at 986. See also Amelia Jones, "She Was Bad News": Male Paranoia and the Contemporary New Woman, 25/26 CAMERA OBSCURA 297 (1991) (analyzing the image of the prosecutors Carolyn Pohlhemus and "Mac"). Jones believes the film presents both as failures in reconciling gender and profession—Pohlhemus because of her blatant sexuality and "Mac" because her disability and her male nickname are clearly intended to render her both capable as an attorney and sexless as a person. Id. at 297-320.


terms of ethics, professionalism, and attitude than is that of male attorneys.\textsuperscript{7} I would suggest that this is primarily because male attorneys, no matter what their other characteristics, have more opportunities to emerge as heroes, either because of or despite their profession, than do female attorneys.\textsuperscript{8}

Women lawyers in popular films and television prosecute their cases at tremendous personal cost: the end of a love affair,\textsuperscript{9} a soul-searching examination of whether to continue to practice law,\textsuperscript{10} disillusionment and despair at the revelation that a client is guilty,\textsuperscript{11} or—and this cost is much higher for female than for male characters—the conscious decision to suppress career ambitions for the sake of a relationship.\textsuperscript{12} In many cases the woman attorney attempts to play the man’s game; she tries to play by the rules in the courtroom and may succeed in winning only to discover

\begin{itemize}
  \item \textsuperscript{7} Among the most sophisticated analyses is Louise Everett Graham and Geraldine Maschio, \textit{A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film}, 84 KY. L.J. 1027 (1996). But see Joan Gershen Marek, \textit{The Practice and Ally McBeal: A New Image For Women Lawyers on Television?}, 22 J. AM. CULTURE 77 (Spring 1999) (suggesting that these two series project a more positive and appealing image of women lawyers).
  \item \textsuperscript{8} The literature of male heroes and studies on male heroics are vast. The bibliography ranges from traditional and obvious interpretations of tragic heroes such as those in Shakespeare and Greek tragedies to the anti-heroes and unconventional heroes of folklore and modern fiction. See, e.g., DAVID GALLOWAY, \textit{The Absurd Hero in American Fiction: Updike, Styron, Bellow and Salinger} (Univ. of Tex. Press 1966); WALTER L. REED, \textit{Meditations on the Hero: A Study of the Romantic Hero in Nineteenth-Century Fiction} (Yale 1974); H. NIGEL THOMAS, \textit{From Folklore to Fiction: A Study of Folk Heroes and Rituals in the Black American Novel} (Greenwood Publ’g Group 1988); JOHN WEINSTOCK, \textit{The Hero in Scandinavian Literature: From Peer Gynt to the Present} (Univ. of Tex. Press 1975); RUTH WISSE, \textit{The Schlemiel as Modern Hero} (1971). By contrast few studies of the woman hero (heroine) exist, but some examples are JANE CHANCE, \textit{Woman as Hero in Old English Literature} (Syracuse Univ. Press 1986); CAROL PEARSON, \textit{The Female Hero in American and British Literature} (Rr. Bowker 1981); MARINA WARNER, \textit{Joan of Arc: The Image of Female Heroism} (Knopf 1981).
  \item \textsuperscript{9} Sometimes with a vengeance, as in \textit{Jagged Edge} (Columbia Pictures 1985), in which Teddi Barnes (Glenn Close) shoots her former client Jack Forrester (Jeff Bridges).
  \item \textsuperscript{10} \textit{Suspect} (TriStar 1989). On the television series \textit{L.A. Law} (NBC television broadcast 1986-94), district attorney Grace van Owen (Susan Dey) leaves the prosecutor’s office for a more lucrative private practice after much soul-searching. In the final 1996 episode of \textit{Law and Order} (NBC television broadcast 1996), Clair Kincaid (Jill Hennessy) returns to talk to her law school professor about leaving the profession. The character departs the series through a well-timed car accident; while the producers report that she is not dead, neither is she alive enough to return to the show, leaving her, as a woman attorney, once again in limbo. \textit{Id}.
  \item \textsuperscript{11} \textit{Music Box} (Carolco Pictures & TriStar 1989).
  \item \textsuperscript{12} \textit{A Few Good Men} (Columbia Pictures 1992). The woman attorney (Debra Winger) in \textit{Legal Eagles} (Universal Pictures 1986) attempts to assert herself in terms of courtroom tactics but eventually gives up and allows the male, played by Robert Redford, to dominate both the courtroom and their personal lives.
\end{itemize}
that outside the courtroom she is the loser. Whether or not the film is comedic or dramatic, the woman is rarely completely successful both as professional and as woman. She must choose one or the other. Depending on the nature of the film, her choice is either ridiculed or bemoaned. Throughout this essay I will refer to many films featuring women attorneys. I do not expect that readers will have seen all or even some of these films, most of which are largely forgettable. My point is that popular culture women attorneys have now reached a critical mass and are no longer rare, but their image on film and on television has become to a large degree stereotypical. This stereotype suggests that the pop culture image of women lawyers is now so ingrained in the viewing public (and the media’s) consciousness that it is immediately recognizable; thus, that a woman attorney character is believed to behave in a certain way, face certain problems, and make certain choices, generating certain results. Whether or not such scenarios are accurate, they have certainly become comfortable and predictable.

In addition, the popular culture female attorney has difficulty in being viewed as a significant player, let alone a hero, in the legal drama. Thus, she lacks the opportunity to exert the power that accompanies the mastery of the law. Male attorneys, while less often portrayed as heroic than other professionals, still have the opportunity to be heroes, therefore powerful, within the confines of their profession. Their heroism may equate with moral integrity, political power and legal prowess, as well as traditional physical action. They may have to choose one of the three rather than reconcile all of them, but invariably their choice of moral integrity is viewed as heroic—that is, the “right” choice. They can be heroic (and powerful): (1) by being true to their beliefs, and (2) by walking away from unworthy colleagues, lovers, or job situations. More power (as a result of

13. See SEEMS LIKE OLD TIMES (Columbia Pictures 1980) (in which Goldie Hawn as a tender hearted criminal defense attorney married to a district attorney takes in her clients as household help).

14. See JAGGED EDGE, supra note 9 (female attorney falls for guilty client); DEFENSELESS (New Line Cinema & New Visions Pictures 1991) (female attorney falls for husband of guilty client); GUILTY AS SIN (Buena Vista 1993) (female attorney victimized by guilty client); WHERE THE TRUTH LIES (Gaumont 1999) (female attorney taken in by guilty client, eventually engineering her re-arrest). An interesting aspect of the women lawyer as dupe that has not yet been examined is the case in which the female attorney is duped by a female client and whether these “same sex” relationships tell us something about women attorneys and their practice of law. The result in WHERE THE TRUTH LIES closely tracks that in CRIMINAL LAW (Northwood Pictures 1988).

their choice), good women, lucrative jobs and worthy friends are sure to be just around the corner. Further, men trained in sports and in gamesmanship understand the rules and understand that one can disagree in the courtroom or the boardroom and still have influence. Women attorneys who try to remain true to their beliefs are repeatedly reminded that they will lose their colleagues’ affection, not just their allegiance. They are likely to lose their husbands or lovers and probably will not find acceptable substitutes, because women professionals have so many fewer companionship options than do men professionals. Male lawyers perceived as heroic have their choice of fawning females ready to follow them. Female lawyers making the same choices are likely to be perceived as “not understanding” the sacrifices that the profession—"the game"—entails.

Examples of male lawyer heroes include Perry Mason,\textsuperscript{16} the archetypical popular culture attorney, who uses his knowledge of law and human behavior week after week to save his innocent clients, and his progeny, such as Ben Matlock.\textsuperscript{17} These attorneys do not necessarily demonstrate particularly clever legal tactics; usually their success is formulaic. They are, after all, necessarily the heroes of the story. Contemporary television attorneys such as Bobby Donnell (\textit{The Practice})\textsuperscript{18} and Richard Fish and John Cage (\textit{Ally McBeal}) may advance novel, even outrageous legal theories in defense of their clients, and they may not always win, but they are considered smart and knowledgeable for doing so. Again, they are undoubtedly the heroes of their own stories. These “heroic” male lawyers normally achieve our admiration by remaining true to admirable principles (morality), even if by doing so they forego political or legal power. Struggles between the desire for personal success and the need to be true to one’s ideals form the backdrop for the “heroic” action in many films. Now, I am not suggesting that the “heroic” action in these films is necessarily true to life. Indeed, most real life heroes sacrifice far more than the heroes of cinema. What matters is the popularity and consequently, familiarity, of this heroic type and the extent to which Hollywood associates or disassociates it with the legal profession.\textsuperscript{19}

Often the struggle takes the form of a stated intention on the part of the protagonist to “go it alone.” In other cases, the protagonist hero demonstrates through his actions that he intends to “take the high road,”

\textsuperscript{16} Perry Mason (CBS television broadcast 1957).
\textsuperscript{17} Matlock (Dean Hargrove Productions 1986).
\textsuperscript{18} The Practice (ABC television broadcast 1997).
“stand tall,” “speak truth to power” or otherwise manifest his independence and his sense of responsibility, normally in opposition to outside oppression or evil. Examples of the former include Ben Chase in Criminal Law.\textsuperscript{20} Examples of the latter include Atticus Finch in To Kill a Mockingbird,\textsuperscript{21} Henry Drummond in Inherit the Wind,\textsuperscript{22} or Sir Thomas More in A Man for All Seasons\textsuperscript{23} who dies for his principles. Even Rusty Sabich of Presumed Innocent is a hero for undergoing a trial in place of the guilty party, and for keeping the guilty person’s identity a secret.\textsuperscript{24} His failure to bring her to justice, which is after all his job as a prosecutor, is seen as the ultimate sacrifice by the viewing public, especially when it learns his reason: “I could not deprive my son of his mother.”\textsuperscript{25} Lawyers, who understand that the prosecutor is responsible for pursuing those he considers to be guilty, further see Rusty’s failure to bring his wife to justice as a tragic and unacknowledged abandonment of his career.\textsuperscript{26} As the novel makes clear, Rusty’s days at the D.A.’s office are over, even if talk continues to circulate that he might become a judge—a kind of reward for his heroism and the injustice done him by that very office.\textsuperscript{27}

Whatever the circumstances, we are intended to admire and/or identify with the protagonist hero, and to sympathize with his desire to oppose the forces of corruption or evil. In courtroom dramas and lawyer films, these forces often are symbolized by active evil (for example, corruption among judges, other lawyers, the police or other players in the legal or political system), or by a kind of passive atmosphere that leads to “the wrong result”—usually the Canons of Legal Ethics. Indeed, instead of representing the standard to which attorneys should aspire, the Canons of Legal Ethics often symbolize the rationale through which injustice legally flourishes.\textsuperscript{28} Thus, to the extent that the protagonist represents moral

\begin{itemize}
\item \textsuperscript{20} Criminal Law, supra note 14.
\item \textsuperscript{21} To Kill A Mockingbird (Universal International 1962).
\item \textsuperscript{22} Inherit The Wind (Lomitas Productions 1960) (note this film was remade for television three times: for NBC in 1965, NBC in 1988, Showtime in 1999).
\item \textsuperscript{23} A Man For All Seasons (Columbia Pictures 1966).
\item \textsuperscript{24} Presumed Innocent (Mirage 1990).
\item \textsuperscript{25} Id.
\item \textsuperscript{26} Id.
\item \textsuperscript{27} Scott Turow, Presumed Innocent 420 (Farrar Straus & Giroux 1987).
\item \textsuperscript{28} Consider for example the fact that in many lawyer films, defense attorneys are often faced with the inability to reveal their clients’ evil acts or intentions in time to avoid further danger to the public. Whether or not the Canons of Legal Ethics actually do preclude lawyers from taking in action in all of these cases, they are represented as doing so, indicating that the viewing public is often exposed to the notion that the Canons of Legal Ethics are protections for the wicked (lawyers and clients alike) rather than protections for all.
\end{itemize}
superiority, not necessarily political or legal power, he easily fills the hero role. That he is also an attorney, one of the professions which has traditionally represented power through its dominance of societal rules and its gatekeeping function, makes him doubly heroic.

The man who “goes it alone” usually undergoing an epiphany during the process (like Jan Schlichtmann in A Civil Action,29 Mitch McDeere in The Firm,30 or Kevin Lomax in The Devil’s Advocate31) automatically achieves hero status. Indeed, we perceive his willingness to question his motives, the depths of his ambition and his commitment to the law as part of his heroism. Frank Galvin, the alcoholic failure of The Verdict becomes a hero twice over: by winning his case against a much more powerful opponent and by rejecting the unworthy female attorney who has attempted to ensnare him.32 Martin Vail, the arrogant criminal defense attorney of Primal Fear, realizes that his client has completely bamboozled him.33 He has put a guilty man back on the streets.34 Does he give up the life of the lawyer and become an honest shopkeeper? No, he takes comfort in the fact that he has done his job, that the legal system, whatever its faults, has achieved the right result, and he goes on with his career.35 The film intends us to see Vail as a hero for being true to the ethical standards of his “team.” He has played by the rules. He has validated his “team”—the legal profession. For Vail, in fact, it is absolutely necessary that he “play by the rules;”36 the fact that the film allows him to do so and to keep his belief in the law whole (if not untarnished) is a central message of the movie.37

One would expect that if Vail had decided to derail his client’s defense, knowing him to be guilty, the film would have portrayed him as the villain of the piece. But no: we have that situation in several films, such as Criminal Law,38 and we see that male attorneys can still emerge as heroes. In that movie Ben Chase (played by Gary Oldman) discovers that he has actually managed an acquittal for his client, serial killer Martin Thiel

32. THE VERDICT (20th Century Fox 1982).
33. PRIMAL FEAR (Paramount Pictures 1996).
34. Id.
35. Id.
36. Id.
37. Id. That films often demonize lawyers because of their ethics is a topic beyond the scope of this essay. But I would suggest that lawyers have great difficulty in being seen as heroes precisely when they are most heroic—that is, when they are true to the Canons of Legal Ethics.
38. CRIMINAL LAW, supra note 14.
(played by Kevin Bacon), who eventually admits his guilt.\(^{39}\) Having agreed to defend Thiel on a second murder charge, Oldman goes to the detective assigned to the case and offers to give her evidence of Bacon’s guilt.\(^{40}\) He acknowledges that this act constitutes a breach of ethics.\(^{41}\) Eventually Chase confronts his own characteristics and character in Thiel.\(^{42}\) Yet Chase is a hero, he slays the “monster” of the film.\(^{43}\) Because he, in fact, jeopardizes his career to bring about the correct result, he is even more of a hero. Note that he confronts Thiel in a courtroom; the symbolism of the location’s and of Thiel’s death at the hands of Chase’s female police officer friend are heavy handed.\(^{44}\)

In the next part of this Essay I survey films in which the lead character is a female attorney and discuss whether she is “heroic,” in the senses given above. While in most cases she is not, for the reasons I have outlined, some films do attempt to present a woman attorney as heroic without forcing her into the male model and while allowing her to reconcile her profession and her ethics. In the third part of this Essay I discuss three of these films, one from the 1940s (\textit{Adam’s Rib}),\(^{45}\) one from the 1980s (\textit{The Accused})\(^{46}\) and one from 2001 (\textit{Legally Blonde}).\(^{47}\) In each, the woman confronts the clash between her profession and her personal ethics and relationships, and in each she comes to a successful resolution of the conflict without being forced to abandon either her profession or her personal beliefs. Because \textit{Adam’s Rib} has occasioned so much commentary over the years, I spend proportionately more time discussing the Amanda Bonner character than either of the other two.

Women attorneys in several films find themselves in the same situation as Vail and Chase.\(^{48}\) They have defended a guilty client successfully. Teddi Barnes (Glenn Close) in \textit{Jagged Edge},\(^{49}\) Jennifer

---

\(^{39}\) \textit{Id.} Similarly, plot twists bedevil \textit{The Last Innocent Man} (Home Box Office 1987), a movie designed to demonstrate that male lawyers make really bad romantic choices but triumph in the end. Harry Nash (Ed Harris) becomes the pawn of a beautiful woman whose husband is charged with murder. Eventually he carries out his own investigation and learns the truth about his client’s guilt (just as Teddi Barnes does in \textit{Jagged Edge}, \textit{supra} note 9).

\(^{40}\) \textit{Criminal Law, supra} note 14.

\(^{41}\) \textit{Id.}

\(^{42}\) \textit{Id.}

\(^{43}\) \textit{Id.}

\(^{44}\) \textit{Id.}

\(^{45}\) \textit{Adam’s Rib, supra} note 1.

\(^{46}\) \textit{The Accused} (Paramount Pictures 1988).


\(^{48}\) \textit{E.g., Jagged Edge, supra} note 9; \textit{Guilty as Sin, supra} note 14; \textit{Defenseless, supra} note 14.

\(^{49}\) \textit{Jagged Edge, supra} note 9.
Haines (Rebecca De Mornay) in *Guilty as Sin*, T. K. Katwuller (Barbara Hershey) in *Defenseless* all face the realization that their abilities in the courtroom are actually liabilities. They are guilty of being too good at their jobs. Often the films require that the female attorney, like the male attorney, right the “wrong” that has been done, that is, eliminate the client as a potential source of further evil. One would expect that in these cases, the female attorney, like the male, would be considered the hero of the film. Yet often, the message portrayed is, not that the woman has done the right thing (either by following the rules of her profession—being a team player, or by not following the rules, and risking her career in the name of the good), but that she has in fact betrayed both her profession and her beliefs, that she is a failure as a professional and as a woman. Films usually re-enforce this message by making the attorney/client relationship both a professional and a personal one. Often the client is male and provides a love interest for the attorney. Or he or she is a member of the attorney’s family or a close friend, creating another kind of personal tension. In a way, the film that features a woman attorney combines the conflicting messages about law and justice that characterize lawyer dramas with the conventions of the gothic drama or thriller that send messages about women in peril unable to protect themselves physically (or sometimes emotionally). Thus, we rarely see lawyer films in which the protagonist is a woman lawyer who is also a hero.

Nor are U.S. films the only ones to portray women lawyers in this fashion. The 1998 British film *What Rats Won’t Do* serves up abundant clichés in the space of two hours. Featured are the ambitious and thoughtless, high profile female lawyer, Kate Beckenham (played by Natascha McElhone), who neglects her kind and gentle fiancé and is rude to old men who bump into her accidentally, and her colleague, the pregnant attorney whose water breaks during a court proceeding. The aggressive woman attorney intended as the heroine of this romantic comedy leaves us cold; she is clearly undeserving of her clever and ambitious but underneath-all loving new suitor, Jack Sullivan (played by James Frain), who is also opposing counsel in a case in which she is hired to challenge a will. He represents his own share of clichés, but that is another story. In this film, as in many legal comedies, the male generally comes to the intellectual

---

53. *Id*.
54. *Id*.
55. *Id*.
defense of the female. In one scene early in the film, Kate Beckenham has accidentally gotten up from the table just as the Master of the Moot has proposed the evening's debate topic: that women "doth protest too much" about sexual harassment. The Master takes her action in rising to be a signal that she is volunteering to participate in the debate, again a suggestion that women "do not get it" – that they find themselves in situations of importance by accident. Kate's reaction to the Master's request that she argue the point is, "You've got to be kidding." The Master replies that she must respond and Jack Sullivan intervenes, challenging all the men in the room by speaking eloquently on the subject of women attorneys and their difficulties in maintaining professionalism in a little boy's world and concluding by saying that if there are whores in the profession, none of them are women. Sullivan, who is also fairly high up in the bar association, is also empowered to smooth out the difficulties Kate encounters in scheduling her wedding for the chapel; apparently she has not paid for enough dinners during the term to be allowed that privilege.

Eventually, Kate handles the case so well that she is likely to win even though she has conceived a profound dislike of her client, who makes a pass at her. She also discovers evidence (love letters from her client's father to his wife, whom Sullivan represents) that could guarantee Sullivan's winning the proceeding. Realizing that if she wins, she is likely to lose Sullivan, with whom she has fallen in love, she hides the letters in his briefcase. He finds them the next day in court, introduces them into evidence, and prevails. He then accuses her of having "thrown the case," which of course she has done. What are her motives for behaving so unprofessionally and risking disbarment should her client discover her act? She claims to prize justice above her client's case, but her eager acceptance of Sullivan's protestations of love indicate that it is more likely that she fears that her win would end Sullivan's pursuit of

56. Id.
57. Id.
58. Id.
59. Id.
60. Id. Barristers in England are required to fulfill certain social and professional obligations as members of the bar, including attending a certain number of "dinners." Id. Kate discovers that she has not attended enough, and she is told that she needs to seek a waiver from the appropriate official, who happens to be Jack. Id.
61. Id.
62. Id.
63. Id.
64. Id.
65. Id.
her.\textsuperscript{66} She does not really believe that he considers women to be equal to men, let alone superior, despite his defense of them during the Moot.\textsuperscript{67} She suspects that he is fundamentally \textit{just} a lawyer, a hired gun; nevertheless, she prizes a relationship with this man above her own career.\textsuperscript{68}

Depressing filmic outcomes like this one suggest that the woman lawyer can never be heroic in male terms. To the extent that women lawyers achieve what film requires us to see as heroism through the exertion of moral superiority, political power, or legal success, they are more likely than their male colleagues to be perceived as failures. The male who gives up an unworthy woman—and if she is interfering in his professional life she is \textit{per se} unworthy—is likely to do so with the approval of the audience. At worst he will be pitied, but understood. He will find many more worthy women willing to take her place and console him. He is, after all, a heroic lawyer, and he probably looks like Richard Gere or Denzel Washington. The woman who gives up a man (usually also a "good catch") for her principles is scorned, because she does not realize that he is worth keeping at any price. She may not be able to replace him. Putting her career or her principles ahead of her relationship is the wrong choice. No rational man would understand why she would make such a decision and no audience condemns the "good" man who walks away from such a misguided woman. Similarly, the woman attorney who enters into a relationship with a man often discovers that he has betrayed her, either physically or emotionally, as in \textit{Defenseless},\textsuperscript{69} \textit{A Case for Murder},\textsuperscript{70} and \textit{In Defense of a Married Man},\textsuperscript{71} to name but three recent films.

In the thriller legal drama featuring women attorneys, the female lawyer often takes the option of confronting the murderer, just as the male hero would do. In doing so, she takes on the male role: the bringer of vengeance (as in the typical Western or action thriller), but generally her physical limitations require that some helpful male comes to her real (as opposed to intellectual) defense. In two cases (\textit{Jagged Edge}\textsuperscript{72} and \textit{Guilty as Sin}\textsuperscript{73}) the lawyer brings about the death of the client. In a much less well known film, \textit{A Question of Privilege},\textsuperscript{74} the story brings together the conflict of interest question of \textit{Adam’s Rib} (married spouses on opposite
sides of a case)\textsuperscript{75} and the ethical dilemma faced by the female attorney who discovers one of her clients is guilty.\textsuperscript{76} In this particular film, the protagonist, Andrea Roberts (played by Jessica Steen), discovers not only that she cannot reveal her client’s guilt, but also that another female attorney, Gail Sterling (played by Wendy Crewson) is actually the murderer of one of her clients as well as another individual involved in the case.\textsuperscript{77} Gail’s motive is apparently revenge; when Andrea discovers Gail’s guilt, she confronts her.\textsuperscript{78} Of course this confrontation leads to a “woman in peril” scene in which Andrea calls her prosecutor husband for assistance.\textsuperscript{79} We are obviously intended to see the protagonist as a hero for standing by her ethical obligations and also as weak for (stupidly) confronting the real murderer by herself.\textsuperscript{80}

Similarly, in the television movie \textit{In Defense of a Married Man},\textsuperscript{81} lawyer Laura Simmons (Judith Light) takes on the defense of her husband, accused of murdering his lover, after she decides that a male colleague is incapable of mounting an adequate defense.\textsuperscript{82} Passing on the question of whether a wife should ever take on her husband’s case in this way, the movie raises other unappetizing images of the woman lawyer.\textsuperscript{83} Simmons makes much of her ethical obligations to defend her client to the best of her ability, while at the same time reiterating her belief that he is a bad husband and that she will tolerate his presence in their home only for the sake of presenting a united front.\textsuperscript{84} As she tells him, “I’d tell you to find someplace else to live, but it would look bad.”\textsuperscript{85} She repeatedly assures

\begin{itemize}
\item \textsuperscript{75} ADAM’S RIB, supra note 1.
\item \textsuperscript{76} A QUESTION OF PRIVILEGE, supra note 74. She actually represents two juvenile clients, brothers, whose interests are adverse. \textit{Id.} This is just one of a series of ethical problems with the film. \textit{Id.}
\item \textsuperscript{77} \textit{Id.}
\item \textsuperscript{78} \textit{Id.}
\item \textsuperscript{79} \textit{Id.}
\item \textsuperscript{80} Rarely is the woman lawyer herself a murderer, as in \textit{A Question of Privilege}, supra note 74, but we do have that situation, as well in \textit{When Justice Fails} (Alliance Video 1998), in which Marlee Matlin murders first her father because he sexually abused her and then various other folks, including her half-brother. She also commits other ethical breaches, such as accusing her police officer lover of assault. \textit{Id.} When he confronts her, she shoots herself. \textit{Id.} Matlin plays a hearing-impaired prosecutor in the short-lived series \textit{Reasonable Doubts} (NBC television broadcast 1991-93), opposite Mark Harmon as a hearing private investigator. She also plays a lawyer in the movie \textit{Two Shades of Blue} (Sterling Home Entm’t 2000).
\item \textsuperscript{81} IN DEFENSE OF A MARRIED MAN, supra note 71.
\item \textsuperscript{82} \textit{Id.}
\item \textsuperscript{83} \textit{Id.}
\item \textsuperscript{84} \textit{Id.}
\item \textsuperscript{85} \textit{Id.}
\end{itemize}
both him and her children that he is still their father and that she does not intend to come between them, but vindictively indicates silently that she no longer believes they can salvage their marriage.\footnote{86} We should find her tight-lipped devotion to her profession and her client heroic, but the film tells us what we really should believe.\footnote{87} She simply seems nasty.\footnote{88} By contrast, her contrite husband, understanding what he has lost and what fate he faces, seems patient, anxious, penitent—and heroic.\footnote{89} Eventually Simmons discovers the identity of the real murderer, her own investigator, who has been in love with her for years and saw a chance to remove his rival from the scene and rescue her.\footnote{90} She confronts him and he disappears.\footnote{91} Then she reconciles (cautiously) with her now vindicated husband.\footnote{92} In the television movie \textit{A Case for Murder},\footnote{93} the unlucky attorney not only helps her boyfriend/lawyer with his new murder case, but also eventually discovers that he is the real killer.\footnote{94} The same story, with some variation (the boyfriend is the presiding judge) appears in the Victoria Principal vehicle \textit{Naked Lie}.\footnote{95}

Is the woman lawyer in these cases heroic? She certainly cannot achieve heroism in the same way that male attorneys like Ben Chase can do so, even if she does exactly the same things. The male risks his career to bring about justice.\footnote{96} By doing so, he foregoes the traditional masculine role as the user of physical force to achieve his ends and stays true to the goal of law: to bring about dispute resolution through peaceful means. Women who take the traditional male role (and law is still viewed by many as a distinctively "male" profession), must overcome both physical and psychological limitations to become heroes, limitations that their male colleagues do not face. These women take the traditional male role, in that they risk their physical safety to bring about "justice." Indeed, they must do so. The law has failed them, in that it has put wife-murderers back on the street, men who are likely to continue in their patterns of violence against women.\footnote{97} The women attorneys who step completely out of character and

\footnote{86. \textit{Id}. 
87. \textit{Id}. 
88. \textit{Id}. 
89. \textit{Id}. 
90. \textit{Id}. 
91. \textit{Id}. 
92. \textit{Id}. 
93. \textit{A Case for Murder}, supra note 70. 
94. \textit{Id}. 
96. \textit{See supra} text accompanying note 37. 
97. Of course, in these cases the murders are premeditated and carried out for gain, not because of a hatred of women in general or these women in particular. Jack Forrester}
abandon the remedies that the law offers them resort to a traditional male, non-legal option to resolve the problem they have identified. But in doing so they also abandon the more attractive “female” traits (peacemaking, willingness to let the law take its course) in favor of much less attractive “male” traits (vengeance and violence). Women who resort to violence when peaceful alternatives exist, or when someone else (the police, or a male friend) might be able to take care of the situation are usually viewed as failures, even if men in the same situation would not be. Thus, the non-lawyer protagonists of John Q.98 and Falling Down99, like Ben Chase, are viewed as heroes. Jagged Edge100 and Guilty as Sin101 identify their women lawyer-protagonists simultaneously as winners and as failures. They can only obtain true justice by killing the men they have liberated through their legal skills. Their “good lawyering” is bad for society, and bad for them.

In Defenseless, the female attorney plays the usual “mediation” role in that she attempts to reconcile her now acquitted client and her client’s daughter.102 But she also plays a more aggressive, confrontational role.103 She attempts to force both women into a realization of just how much damage the victim (the husband of one woman, the father of the other) has done.104 Her attempt to be heroic by playing the “mother confessor” role backfires.105 Her former client dies.106

Similarly, the woman lawyer who defends an innocent client still needs the assistance of a man to do her job fully. In Suspect, Kathleen O’Reilly (Cher) needs the assistance of juror Eddie Sanger (Dennis Quaid).107 In Criminal Behavior, feisty Jessie Lee Stubbs (Farrah Fawcett) needs the assistance of police detective Pike Grenada (A Martinez) to exonerate her client.108 Note that this film also presents us once again with the plot convention of the woman who does not know what is good for her—Grenada repeatedly asks Stubbs for a date and she repeatedly and

(Jagged Edge, supra note 9) wants control of the newspaper his wife’s family owns.
98. John Q. (Evolution Entm’t 2002).
100. Jagged Edge, supra note 9.
102. Defenseless, supra note 14. In this film Barbara Hershey is the lawyer. Id. Note that she plays another lawyer, but not the defense attorney, in In The Glitter Palace (also known as A Woman Accused) (NBC 1997).
103. Defenseless, supra note 14.
104. Id.
105. Id.
106. Id.
heatedly turns him down, even threatening to file harassment charges against him.\textsuperscript{109} At the end of the film, of course, he is conveniently watching her apartment and she invites him up.\textsuperscript{110} What message this kind of stalking, committed by the police officer hero, sends young men—and women—about the meaning of a woman’s “no” is anybody’s guess.

I. THE UNRULY FEMALE LAWYER

The image of these female attorneys as lacking either in common sense or in interpersonal skills is nothing new. Indeed, one critic suggests that movies resist presenting the woman professional in a positive light because such an image is disruptive to the social fabric.

Kathleen Rowe’s discussion of the unruly woman suggests that the heroic woman is necessarily unruly: she refuses to accept society’s dictates.\textsuperscript{111} Rowe’s thesis is particularly interesting if we apply it to films, which feature female lawyers. The unruly women in these films are the successful, decisive lawyers: for example, Margaret Turner as Myrna Loy in \textit{The Bachelor and the Bobby Soxer},\textsuperscript{112} and Katherine Hepburn as Amanda in \textit{Adam’s Rib}.\textsuperscript{113} But Margaret’s image as the cool, fair-minded judge is shattered by her decision in Richard Nugent (Cary Grant)’s case.\textsuperscript{114} Instead of recusing herself, Margaret becomes convinced the only way to cure her young sister’s infatuation with Nugent is to force the issue.\textsuperscript{115} She arranges for Nugent to spend time with the girl to cure her of her puppy love.\textsuperscript{116} While this may seem to be clever psychology in a personal relationship, it is certainly both unethical and bad law. By exceeding the bounds of her authority, Margaret sacrifices any image she might have as a better judge than a male counterpart and simply shows herself to be somewhat vindictive and lacking in self-knowledge.\textsuperscript{117} What she really needs, the film tells us, is the attentions of a man—in this case, the suave and patient Grant.\textsuperscript{118} Of course, it might be argued that because this film is a comedy, we don’t really expect Margaret to act the way a “real” judge would act, any more than we expect Nugent, supposedly a
renowned artist, to accept her ridiculous sentence without an appeal. But, as in films like What Rats Won't Do and Legalese, The Bachelor and the Bobby Soxer allows us to ridicule women lawyers without considering the very negative repercussions. We do not think less of artists because of Richard Nugent's behavior—in any case, he is much more adult than Judge Turner. We do not think less of high profile male attorneys because of Norman Keen's (James Garner's) behavior in Legalese; he is still a powerful, successful attorney. We do think less of Mary-Louise Parker's character—she is clearly driven by a desire to succeed in Keen's law firm, and at the end of the film seems willing to stay with him, rather than follow her new lover, at least until he becomes a media celebrity.

Or, consider the much more recent Richard Gere vehicle Primal Fear, briefly discussed above, which reiterates the image of the female attorney as less competent than the male, showing that not much has changed since The Bachelor and the Bobby Soxer. In this film Assistant D.A. Janet Venables is a good lawyer, but the writers create several obstacles guaranteed to prevent her success against the star attorney Martin Vail, not the least of which is the fact that she and Vail were formerly lovers. Vail uses his knowledge of her to try to manipulate her into introducing a useful piece of evidence that he has obtained illegally. Her own understanding of his character forestalls this possibility, but his failure becomes one of tactics, not judgment or ethics. Vail is presented as the better lawyer, the smarter tactician, and the more accurate judge of character, except with regard to the guilt of his client, which since he is a defense attorney is an irrelevant point. This last trait is particularly telling, since normally we expect women to be more able psychologists

119. Id.
120. WHAT RATS WON'T DO, supra note 52.
121. LEGALESE (New Line Television 1998).
122. THE BACHELOR AND THE BOBBY SOXER, supra note 112.
123. LEGALESE, supra note 121.
124. Id.
125. PRIMAL FEAR, supra note 32. Interestingly at about the same time that Primal Fear came out, Gere's ex-wife Cindy Crawford made a perfectly dreadful film about a female lawyer in distress, Fair Game (Warner Bros. 1995).
126. THE BACHELOR AND THE BOBBY SOXER, supra note 112.
127. Id. Surely a heavily symbolic name for such a sterling example of the legal profession.
128. Id. Vail "veils" his work with clever lawyering tricks, hence his spectacular track record, especially with the mob.
129. PRIMAL FEAR, supra note 33.
130. Id.
131. Id.
132. Id.
than men, based on "female intuition." Vail's failure to discern his client's duplicity is presented as a failing of the profession of defense attorney, not as a failure of character or gender. Vail's failure to obtain a conviction is presented as a failure of character because she is unable to see that her actions as an attorney jeopardize her career. Vail tells her that she should have left the prosecutor's office long before; he saw the writing on the wall (the politicization of the office) and got out. She stays much too long, ignoring his advice and finds herself without a job (although at the end of the movie we suspect that she will join his firm since they seem to have re-kindled their relationship). He continues to dominate their relationship; in a piece of very heavy-handed symbolism in one of the final scenes he lights her cigarette when she is too flustered and upset to do so. The only person who succeeds in dominating Vail is the judge, an African-American woman who charges him with contempt for pursuing a line of inquiry that she has already told him is off-limits (although her instructions are admittedly unclear). Indeed, this judge's actions as presented in the film seem capricious, suggesting that as judges women are also inadequate. One of the meanings of the title should be clear: in addition to suggesting that "primal fear" is the lawyer's fear of getting a guilty client off or being unable to prevent the conviction of an innocent client, it is the defendant's fear of being convicted of a crime he didn't commit or of his fear of the multiple personalities within him. It is the prosecutor's fear that she will be unable to obtain the conviction of a guilty defendant, and society's fear of brutal unrecognized killers walking the

133. Id.
134. Id.
135. Id.
136. Id.
137. Id.
138. Id. African-American women judges are almost as numerous as white female judges in films and on television, even though they form only 2.1 percent of the total number of federal judges. See Demographic Portrait of the Federal Judiciary as of December 31, 1998, available at http://www.afj.org/98anl2.html#3 (last visited May 15, 2003). As far back as 1978 the television movie The Critical List (MTM Enterprises Inc. 1978), starring Lloyd Bridges and Robert Wagner (ethical doctor fights medical malpractice attorney), features two African-American judges (one male and one female) as well as a male African-American government official. This film, while woodenly written and acted, does attempt to make some original points along with its casting of minorities as important figures. Id. Buddy Ebsen, seemingly cast against type as the aggressive medical malpractice attorney, emerges as a man with a mission, to "get the bad doctors" in tandem with his son (Wagner), a talented physician. Id. Since Bridges shares the same goal, the script ultimately has him save Ebsen's life so he can continue to take on arrogant medicos if he chooses. Id.
139. See articles cited supra notes 4 & 8, for more television images of incompetent women attorneys.
streets because of the machinations of clever but unscrupulous defense attorneys. We have two more: the female judge’s fear of losing control of her courtroom and the female lawyer’s fear of dynamiting her career because of corruption, self-serving superiors or colleagues, or a dominant lover. These “primal fears” represent the professional woman’s fear of failure, a downfall made inevitable through the imbalance of power between men and women. Needless to say, the male attorney who overcomes his fear is usually presented as heroic. The woman rarely is; instead we view her as someone who fails to understand the compromises that professional women (but not professional men) are called on to make.

Similarly, the female attorneys in the misogynistic Presumed Innocent are either so overtly sexual that we doubt their ability to succeed on their own merits even though we have ample evidence of it (Carolyn Pohlhemus) or completely asexual so that their identities as attorneys is all that remains to them (Mac).140

Another example appears in the television movie Tell Me No Lies in which yet another female district attorney prosecutes a slimebag defendant and loses the case to her ex-husband.141 He turns out to be the real murderer, a manipulative psychopath who wants to reconcile with her and “take care of her.”142 He kills himself in front of her after killing the client he so successfully got acquitted.143 Although she was right about the defendant’s guilt, she fails to recognize the real culprit, her ex-husband, who has not only done in his client, but as it turns out, the prosecutor’s mother, who disappeared without a trace years before.144 Luckily, the D.A.’s new boyfriend, another lawyer, is there to pick up the pieces.145 Other films treading the same ground (clueless female attorney taken in by clever male, whether or not he is an attorney) include Guilty as Sin146, Defenseless (in which the attorney finds herself involved in an affair with her college friend’s husband),147 Judicial Consent (in which the judge is lured into an affair with a man bent on avenging his father’s conviction at

141. Id.
142. Id.
143. Id.
144. Id.
145. Id.
146. Guilty as Sin, supra note 14.
147. Defenseless, supra note 14.
The dumb-broad attorney character is so consistent over the past twenty years (a time coextensive with the increase of women in the profession) that we generally look back to films made in the 1930s and 1940s to find dynamic, assertive examples of professionally successful women attorneys. But can we? Thelma Todd popped up as “Miss Todd, Attorney for the Defense” in an odd little movie called *Sneak Easily*.

The 1936 Italian movie *Trenta Secondi Di Amore* (Thirty Seconds of Love) featured the actress Jone (or Ione) Frigiero as a lawyer. More generally known candidates offered for our edification are films like *Smart Woman* and *Adam’s Rib*. The tagline for *Smart Woman*, a Constance Bennett vehicle, reads, “[s]mart about everything . . . except men!” A year later, *Adam’s Rib* titillated movie goers with the assertion, “[i]t’s the hilarious answer to who wears the pants!” Women lawyers, rare in real life, were somewhat more visible on screen, but still in the vast minority. Therefore, their role as mavericks was more clearly defined, and cinematically more interesting. As women lawyers became more common in real life, their number also increased on screen (as did women judges, African-American and other ethnic and minority judges and lawyers). The likelihood that cinematic female attorneys would play the role of the hero, as does Amanda Bonner in *Adam’s Rib*, decreased inversely with the number of female attorneys populating the Women’s Pop Culture Bar Association (WPCBA). This decrease is understandable to some extent. As a particular character type becomes more prevalent, we would expect that the media’s ability to present it in a novel way would decrease. But the media has also continued to perpetrate stereotypes of female lawyers, just as it perpetuates stereotypes of male lawyers. In the case of female lawyers, however, it presents both the stereotype of the lawyer and the stereotype of the professional woman who cannot reconcile home and career.

The seventies brought us *Heat of Anger*, in which Susan Hayward does courtroom battle over a suspected murderer. The nineties gave us

---

148. JUDICIAL CONSENT (Prelude Pictures 1994).
149. SHADOW OF DOUBT (Largo Entm’t 1998).
150. SNEAK EASILY (Hal Roach Studios Inc. 1932).
151. TRENTA SECONDI DI AMORE (Amato Film 1936).
152. SMART WOMAN (Allied Artists Pictures Corp. 1948).
153. ADAM’S RIB, supra note 1.
154. SMART WOMAN, supra note 152.
155. ADAM’S RIB, supra note 1. One may object that these lines are after all, just merchandizing. But merchandizing is meant to attract customers; therefore, in order to succeed, it must resonate with those customers.
156. HEAT OF ANGER (Metromedia 1972).
the ludicrous image of Cindy Crawford as a hotshot attorney needing salvation from William Baldwin in *Fair Game*. Current box office images\(^1\) include Ashley Judd as an attorney trying to save her husband in *High Crimes*, and current television shows give us a variety of harassed, ambitious, misunderstood women attorneys in *For the People*, *The Practice*, and *girls club*, and would-be attorneys in *Just Cause*.

II. A RATIONALE FOR THE USE OF COURTROOM DRAMAS TO CRITIQUE WOMEN'S PROFESSIONAL ROLES

One of the reasons for the attractiveness of the courtroom drama to critique male-female relationships is found in the very nature of courtroom law: there are two sides, and only one side can win. In the traditional canon of Hollywood films, whether they are “screwball” or “film noir,” one sex, like one side, must “win,” must dominate the other, and in the “natural” order of things, this should be the male. For the woman to “win,” professionally, she must give up any achievements in her personal life; otherwise the balance of things is upset.\(^2\) Her proper role is to give up

---

1. *Fair Game*, *supra* note 126.
2. Released on December 20, 2002, was *Two Weeks’ Notice* (Warner Bros. 2002), starring Sandra Bullock as an attorney, Hugh Grant as Bullock’s employer, and Alicia Witt as Bullock’s replacement. The trailer, featuring the traditional boy-meets-girl, boy-hates-girl and girl-hates-boy, boy and girl discover they are right for each other scenes, does not look promising. *Id.* But perhaps it is time to allow pop culture women lawyers to be as mediocre, despicable, unimaginative, pretentious and boorish as pop culture male lawyers. At least one early twentieth century lawyer thought that such gender equality was to be both expected and applauded. See Christine A. Corcos, *Lawyers for Marianne: An Essay on the Nature of Discourse on the Entry of French Women into the Legal Profession*, 12 *Ga. St. U. L. Rev.* 435-75 (1996).
4. *For the People* (Lifetime television broadcast 2002).
6. *Girls Club* (20th Century Fox television broadcast 2002). This series was cancelled after the first two episodes.
7. *Just Cause* (PAX television broadcast 2002). This law school graduate spent five years in jail after being framed by her smarmy insurance lawyer husband. *Id.*
8. Such films as *Stella Dallas* (Samuel Goldwyn Co. 1937), *Mildred Pierce* (Warner Bros. 1945), and *The Divorce of Lady X* (London Film Production 1938) show the choice most clearly. Even “screwball” comedies such as *The Divorce of Lady X* clearly demonstrate that women’s brains are much better suited to trapping men into marriage than in competing with them consistently. *Id.* Although, note that in *The Divorce of Lady X* the heroine manages to convert the hero barrister from the advocate for the husband to the advocate for the wife. *Id.* This film is based on the play *Counsel’s Opinion* (Gilbert Wakefield 1933) which is much more of a farce. The male character is much more clearly
the professional sphere to the man, since she should be more interested in and accomplished at the traditional domestic role.

*Adam's Rib* features the battle between two married lawyers to alter the course of legal history. While the authenticity of the legal language used is often questionable, the important issue is not really the authenticity of the law involved, but of the sentiments. Using a lawyer, whose major weapon is language, to explore the questions of gender inequality forces us to focus on the very importance of language in the legal decision-making process. For Amanda to prevail in her request that the jury adhere to the literal reading of the statute, she must insist that it “pierce the veil” of the traditional interpretation and understand that that interpretation is not a literal reading, but instead carries with it the historical, gender-biased baggage of centuries. She makes her plea to the very people “who make the rules,” by asking them to change those rules. Should the jury agree to do that, it validates the new law by its action.

Further, Amanda’s concern is not merely with her client’s situation, but also with her own: she is ambitious and finds that society attempts to constrain her professionally as well as personally. Subconsciously she realizes that a failure to seek “advantages,” that is, a failure to demand what we would now define as “affirmative action,” is counter-productive, because the playing ground was not, is not, and will not be level without an active attempt to redress historical imbalances. Women must not simply aspire to be as good as men; they must be better, as Amanda and her sisters show in the film. Amanda is a more persuasive lawyer, Doris a dominated by the female, who is more intelligent as well as more certain about the wisdom of the relationship. *Id.*

165. *ADAM'S RIB,* supra note 1.
166. *Id.* Note Amanda’s dictation scene early in the film in which she rambles on about “seeking certiorari” and refers the recipient of her letter (presumably a client) to an obscure case by name alone. *Id.* Amanda’s practice seems to be uncharacteristically wide and general as well. *Id.* We see her handle some sort of corporate matter early in the film, Doris Attinger’s criminal defense, and her composer friend Kip’s copyright problems. *Id.*
167. *ADAM'S RIB,* supra note 1.
168. *Id.*
169. *Id.*
170. *Id.* She also relies on the “impartiality” of the judge in presenting her case. *Id.* Although a man, he seems to have no problem grasping the meaning of her defense and raises no objection. *Id.* In fact, in several scenes he facilitates her defense. *Id.* This too is an unlikely scenario, if we accept her assumption that many men are prejudiced against women. *Id.* This adds to the irony of the film. *Id.*
171. *ADAM'S RIB,* supra note 1.
172. *Id.*
173. *Id.*
more devoted wife and mother, the witnesses smarter and physically stronger than men.\footnote{Id. When Amanda brings in several dozen witnesses to attest to the superiority of women, the judge asks her to make her point with three. \textit{Id.} } Even with the lack of "advantages," women show their superiority. It is natural, says the film,\footnote{ADAM'S RIB, supra note I.} that some men who recognize this fact fear that giving women a "level playing field" will result not in equality but in obvious consistent and overwhelming overachievement by women.\footnote{THE VERDICT, supra note 32.}

Women lawyers' use of language and their attempts either to "fit in"\footnote{When Amanda brings in several dozen witnesses to attest to the superiority of women, the judge asks her to make her point with three. \textit{Id.} } or to challenge the legal order, highlight their marginalization.\footnote{On marginalization see Richard Babicoff, \textit{How Far Have You Come, Baby? Women Lawyers on TV, In Movies Show That it Haven't Been Far Enough}, 100 L. A. DAILY J. 4 (Dec. 21, 1987); Carole Shapiro, \textit{Women Lawyers in Celluloid: Why Hollywood Skirts the Truth}, 25 U. TOL. L. REV. 955 (1995); Ric Sheffield, \textit{On film: A Social History of Women Lawyers in Popular Culture 1930 to 1990}, 14 LOY. L.A. ENT. L.J. 73 (1993); Elaine Weiss, \textit{Who's Missing in This Picture? Why Movies and Television Have Ignored Women Lawyers}, 16 BARRISTER 4 (Jan. 1989).} Female lawyers who attempt to mimic their male counterparts often find themselves under attack for personal reasons masquerading as professional objections.\footnote{See, e.g., James C. Albisetti, \textit{Portia Ante Portas: Women and the Legal Profession in Europe, ca. 1870-1925}, 33 J. SOC. HIST. 825 (2000). For a more specific analysis of the language used to object to female attorneys, see Christine A. Corcos, \textit{Portia Goes to Parliament: Women and Their Admission to Membership in the English Legal Profession}, 75 DENVER U. L. REV. 307 (1998); Christine A. Corcos, \textit{Lawyers for Marianne: The Nature of Discourse of the Entry of French Women into the Legal Profession}, 12 GA. ST. U. L. REV. 435 (1996).} Women lawyers frequently enter willingly into complicated relationships that leave them open to charges of unethical or unwise behavior. In Music Box, another attorney criticizes lawyer Jessica Lange for failing her client (her father) by being too emotionally involved in his case.\footnote{Music Box, supra note 11.} She has put her family relationships before her career, believing that her father was unfairly accused.\footnote{\textit{Id.}} Yet Frank Galvin, the alcoholic loser in The Verdict, is not criticized for being romantically involved with a woman who turns out to be an attorney-spy for the opposing side.\footnote{\textit{Id.}} His
involvement is "innocent" because he does not know her true role. She, on the other hand, is the professional woman as *femme fatale* who uses her attractiveness to gain a tactical advantage for her firm. At film's end we sympathize not with Laura Fischer, the attorney whom her boss importunes to risk her career and her emotional state, but with Galvin, whom Laura has "betrayed." Like so many other female screen lawyers, she uses personal traits for professional advantage in a situation not entirely of her own making, and is condemned for it, even though male screen lawyers who do the same are applauded. Rusty Sabich, the Sad Sack protagonist of *Presumed Innocent*, is ultimately pitied; he is married to a murderer. Even his adultery and poor treatment of his wife does not justify her revenge, as the film makes clear. She is mentally unstable, a woman who cannot cope with the "boys will be boys" attitude necessary to salvage her marriage.

The client in *Guilty as Sin* pursues his attorney romantically in an attempt to manipulate her. When she resists he uses the *Canons of Legal Ethics* against her in order to force her to continue to represent him. She seems unwilling, or unable to assert that he is manipulative and that she can no longer represent him, even though she chose to represent him at the beginning against the advice of male colleagues. Like so many other women in films, she is unable to recognize in a man what other men recognize; thus, the film suggests that she deserves the treatment she gets from him. She is unwilling to accept the advice of the men around her who are wiser than she and who generously share their knowledge with her. Note, however, that in many cases the woman attorney does accept the advice of the men in her life and then discovers

183. *Id.*
184. *Id.*
185. *Id.*
186. *Id.*
188. *Id.*
189. *Id*. In one scene early in the film, Barbara Sabich watches her husband take in a television news report on Carolyn Pohlhemous' death and she bursts out, "She's dead and you're still obsessing!" *Id.* We are meant to hear her outburst as an insensitive diminuation of her husband's legitimate grief over the death of a colleague with whom he was emotionally and physically intimate, not as the perfectly understandable anger over a wife who was unfairly denied her husband's support and is expected to forgive him for it. *Id.* (Yes, of course she is also the murderer, but we don't know that at the time, which is part of the ironic message of the film).
191. *Id.*
192. *Id.*
193. *Id.*
that they have manipulated her, as in films like *A Case for Murder*\(^{194}\) and *Naked Lie*.\(^{195}\)

Similarly, Teddi Barnes in *Jagged Edge* believes in her client, even though her private investigator tells her that he's both manipulative and probably guilty.\(^{196}\) It might be argued that Frank Galvin (*The Verdict*) does not know whether or not the woman is trustworthy, whereas in a sense the women lawyers in these films know "what they're getting into." Yet precisely because these women do know and choose to believe, trust and invest something in their relationships, they are condemned, in a way that Frank Galvin is not because his relationship is casually sexual and ill-considered, not deeply emotional.\(^{197}\) The last scene in *The Verdict* shows the female attorney places a call to Galvin and waits pathetically and fruitlessly for him to answer the phone.\(^{198}\) Likewise, in *Class Action*, the lawyer daughter puts her client's interests ahead of her lawyer father's need for her companionship and assistance.\(^{199}\) The discovery that her client's case is seriously flawed gives her the dramatic impetus to join him at the plaintiff's table, even though under the rules of ethics, she should not be allowed to do so.\(^{200}\) She cannot be both a good and ethical lawyer and on the morally "correct" (as opposed to professionally "winning") side.

### III. CASE STUDIES: ADAM'S RIB, THE ACCUSED, LEGALLY BLONDE

If women attorneys play the kind of role (maverick, clever lawyers) that we see male attorneys play in such films as *A Civil Action* or *The Verdict* they are viewed as "bucking the system", as not being "team players." Female attorneys who advance novel theories (and they do so much more rarely than their male counterparts), such as Ally McBeal herself, Kathryn Murphy (*The Accused*) and Amanda Bonner (*Adam's Rib*) receive much less support from their colleagues than do males in the same situation. Indeed, their cleverness is viewed as an inability to understand the rules of the game. Kathryn Murphy's boss refuses to prosecute the case

---

\(^{194}\). *A Case for Murder*, supra note 70.

\(^{195}\). *Naked Lie*, supra note 95.

\(^{196}\). *Jagged Edge*, supra note 9.

\(^{197}\). *Id.* The depth of his feeling for—is much more obvious in the novel on which the film is based. *Id.*

\(^{198}\). *The Verdict*, supra note 32.

\(^{199}\). *Class Action* (20th Century Fox 1990).

against the complaining witness’s rapists because he sees it as a losing proposition. Whether or not he would do the same thing if the case involved a male complaining witness and a particularly male crime is irrelevant. The film presents his choice as fundamentally dictated by the fact that the female complaining witness is judged by a particular set of norms that are not equally applied to male victims. Given the likelihood that a jury is likely not to be sympathetic, he sees the case as weak. And the jury is likely to be unsympathetic because of its low opinion of the witness’s morals and life style, a low opinion that it would not necessarily have of a man in similar circumstances (for example, of a law-abiding heterosexual male deliberately attacked in a bar fight).

As I discuss infra, lawyers like Murphy and Bonner are emotionally and professionally on their own when they try their cases. Lawyers like Ann Talbot (Music Box) who aggressively pursue the defense of their clients are equally derided and/or discouraged by their male colleagues. In order to be considered heroes, women lawyers have two choices. The first one is to act outside the system by meting out justice themselves in some way (like Teddi Barnes in Jagged Edge), or by getting a man to do it for them. As I have noted, this solution virtually guarantees that the woman attorney in fact abandons all pretense of being heroic since it acknowledges that she has tremendous difficulty achieving heroism in the courtroom (her profession). Unlike the males who win their cases and who can withstand the derision that accompanies the media celebrity they receive (like Martin Vail, Ben Chase, or Sandy Stern (Presumed Innocent) the woman who frees a guilty client looks more corrupt, precisely because the public expects her to have a “sixth sense” about good and bad, innocence and guilt.

The second choice is to change the rules of the system and/or refocus the debate, as do Amanda Bonner, Kathryn Murphy, and Elle Woods. Is this behavior substantively different from that of male lawyers? Yes. The

201. THE ACCUSED, supra note 46.
202. MUSIC BOX, supra note 11. Of course some films satirize many aspects of the legal system and legal profession, including the stereotypes of the male and female attorney. One good example is the 1998 movie Legalese, supra note 121, in which James Garner is the tough, ambitious head of a high-profile Los Angeles law firm who agrees to be the brains behind a young lawyer’s defense of an accused murderess. The woman attorney in Gamer’s firm (Mary-Louise Parker) tells the young attorney, “I’m very aggressive. Some men tell me I’m really a lesbian. I wouldn’t know—I’ve been too busy to try it.” Id.

203. To a large extent Ally McBeal plays this role as well, as do her male colleagues. Ally McBeal. But her clients are always so odd and their positions so extreme, and her behavior so unprofessional that we condemn her for exactly the same behavior that we are willing to tolerate in Richard Fish and John Cage.
male lawyer who strikes out on his own intellectually or professionally is a hero even if he fails. Indeed, given the lawyer-bashing so prevalent in our society, the lawyer who fails because he takes the moral high road may emerge as more of a hero than the lawyer who obtains a satisfactory result in the courtroom. The male lawyer who goes along with his law firm or with his profession is a team player. The sports metaphors and the sports training that males receive in early life seems to translate into an automatic ability to discern the proper behavior in the workplace. The female lawyer who strikes out on her own intellectually or professionally is (figuratively) a “clueless blonde”. She doesn’t understand the rules of the game. The female lawyer who goes along is mindless.

Consider the role of Katherine Trentini, who takes on the defense of her accused boss, lawyer Ed Brannigan, in Indefensible. Because the focus is on the relationship between Brannigan and his son, a newly named partner in the firm as well as Trentini’s putative boyfriend, the son emerges as the hero, going so far as to take on the civil case of the complaining witness when Brannigan is acquitted. By contrast, Trentini is presented as the woman who has no faith in her lover. The decks are stacked against her. The younger Brannigan has knowledge of his father’s guilt, and decides to resign from the firm, but refuses to tell Trentini why. Clearly, in order to salvage her relationship with him, she should take him at his word when he tells her he has proof that his father is guilty, but will not tell her what it is. No male film lawyer in the same situation would take the word of a female companion or colleague that a client is guilty. He would demand proof or walk away. Indeed, the likelihood that a male film lawyer would even find himself in the situation of choosing between his client and the lover who claims to have secret knowledge about the client is small. To choose the lover over the client would not be heroic. In Indefensible, the film ends as the father urges his son to reconcile with Trentini, but we do not know the outcome of the love affair.

205. The image of the law as a game is as common as the metaphor of the courtroom as theater.
206. Consider the frequent images of women lawyers in bit parts like those in Erin Brockovich.
207. Indefensible (TVM 1997). Also called A Father’s Betrayal.
208. Id.
209. Id.
210. Id.
211. Id.
212. Id.
213. Id.
We Don’t Want Advantages

In her book, *Brave Dames and Wimpettes: What Women Are Really Doing on Page and Screen*, Susan Isaacs explores the notion that pop culture intentionally presents us with “heroic” women with whom we are intended to identify, but who are in reality in thrall to the traditional male notions of woman’s proper role in society—subservient, adoring and above all, underachieving. 214 “In film, brave dame Norma Rae has given way to wimpettes Thelma and Louise driving off a cliff. On television, Ally McBeal is a litigator far longer on legs than brains. McBeal proves you can send the girl to college but not even seven years of higher education can stay her from doing what comes naturally—trying to catch a man. *Juris doctor* or no, the girl can’t help it.”215 About Amanda Bonner Isaacs notes,

“Katharine Hepburn’s Amanda Bonner is smart, funny, and direct, a Yale Law School graduate and accomplished litigator who is married to Adam Bonner. . . . She’s passionate in her defense of the astoundingly dumb blonde Doris Attinger. . . . In facing off against her husband—who happens to be the assistant district attorney prosecuting the matter—Amanda sets out to prove that his case is a reflection of sexist double standards. Her character pleases on two levels. First, she’s a career woman who is also beautiful and appealing—and who isn’t neurotic. Second, she’s passionate not only about her man, but also about her work and equal rights for women.”216

The fact that Amanda is up against her husband in the case only serves to heighten our understanding that women must fight to retain their independence and dignity in every relationship, even the ones in which they are most intimately engaged.

I am not of course suggesting that every male lawyer who strikes out on his own is viewed as a hero. But I am suggesting that males who show independence are more likely to be rewarded than are females, even in factually similar situations. These films carry the very clear message that the woman attorney is likely to have very little impact on the legal system. If we allow that the female attorney who mimics male behavior is unlikely to be viewed as heroic, what are we to make of a film like *Adam’s Rib*, long considered to be the exemplar of films about a heroic and successful woman attorney. I would suggest that we can consider Amanda Bonner successful only if we admit that she must make major concessions that her


215. *Id.* at 9.

216. *Id.* at 13.
husband does not make, and that in order to do so—that is, in choosing to pursue (rather underhandedly), her agenda, she is as heroic as the system will allow her to be. In order to triumph, she must sacrifice something, and what she sacrifices is the very demand for equality that she fights for in court, even though she doesn’t abandon her defense of it. It is true that at the end of the film, Amanda seems to suggest that, in spite of her narrow escape from divorce, she plans to challenge Adam at the polls but we wonder whether ultimately this suggestion is bravado or deliberate goading of her husband rather than a real expression of interest in running for office. Still, she does make the point that she has the right to make these decisions for herself, if Adam makes such decisions without consulting her.

Certainly the woman lawyer has little opportunity to be a hero within the confines of the popular culture legal system. She still does not make the rules, nor have she and her sisters achieved the critical mass necessary to change them.217 In some films, however, female attorneys do succeed in redirecting the focus of the debate and making some changes in the system. In Adam’s Rib, a woman attorney presents an “equity” defense in order to obtain an acquittal for an obviously unequal defendant. Her initial reward is the possible breakup of her marriage; when she and her husband reconcile, she continues unabashed on her campaign to obtain equal rights for half the clientele of the legal system. How the film tells her story, and the message it carries about the legal system and the possibility of fairness, is part of a larger and sustained study of traditional critiques of the legal system, of which this Article is a part.218 In The Accused, a female prosecutor creates a line of attack that refocuses the attention of the law from parties unlikely to be legally responsible (the perpetrators) to parties who can be held morally accountable (the witnesses).219 She uses male law to enforce a female victory.220 In Legally Blonde221, Elle Woods, a


219. THE ACCUSED, supra note 46.

220. Id.

221. LEGALLY BLONDE, supra note 46. A sequel, Legally Blonde: Red, White and Blonde was released in 2003.

222. Note that “Elle” means “she” in French.
young sorority queen, competes with her ex boyfriend on his terms and gets the brass ring (although this young woman is probably in search of diamonds or rubies, and has finally figured out how to buy them for herself). These three films show the woman attorney both as lawyer and as hero both within the confines of the profession, and as triumphant, in that they are individuals who find a way to be true to themselves while not abandoning, or being forced out, of their careers. Amanda wins her case, keeps her career, gets lots of media publicity, and keeps her husband. Kathryn wins her case, keeps her family together, may or may not keep her job at the D.A.’s office, but certainly achieves media celebrity. Elle, dumped by an ambitious, narrow minded boyfriend, earns a prestigious law degree, gets a marriage proposal from a worthy boyfriend who appreciates her brains as much of her looks, wins her case, and promises to become a real power broker in the profession.

A. Adam’s Rib

Why then can Adam's Rib be read so differently from other woman lawyer films? And why do we believe that the portrayal of the woman lawyer in this film is so much more positive than in other films before or since? Certainly, reviews of the time presented the film’s character Amanda Bonner in this light, and opinion has not really changed since. In part the image of Amanda Bonner as a hero is based on the times. It is the first popular lawyer film that uses male norms to vindicate female rights.

On the leading law and film website, Picturing Justice, Jon-Christian Suggs suggests that whatever her failings as a philosopher Amanda is still a good lawyer because she gets her client off.

In part, the message is original because of the film’s ambiguous ending. We are uncertain whether Amanda has “learned her lesson” and now agrees with Adam that “the law means what it says”, or whether she is simply biding her time. Our sympathies are clearly meant to have shifted against her position to a certain extent, however. Her appeal to fairness when Adam (falsely) threatens to kill her and Kip is meant to point out the

---

223. Id. Legally Blonde is one example of a film that tells its story quite differently, and in my opinion, better than the novel. The Elle Woods of Amanda Brown’s novel remains much more ditzy and less believable as a lawyer than does the film Elle. See AMANDA BROWN, LEGALLY BLONDE (Plume 2003).


hypocrisy of her position. However, we might re-evaluate her reaction, arguing that it is entirely consistent with her earlier characterization of Doris’s actions and her appeal to the jury to imagine Doris as the wronged husband and Warren as the errant wife. In this way, Amanda urges the jury to see Doris as heroic in her choice of action to confront Beryl and keep her marriage together.

Indeed, most commentators see the 1949 MGM film *Adam's Rib* as a notable exception to the woman attorney as failure theme. In this movie, attorney Amanda Bonner (Katherine Hepburn) takes the case of Doris Attinger (Judy Holliday) a woman accused of the attempted murder of her husband Warren (Tom Ewell) in the presence of the man’s girlfriend Beryl Caighn (Jean Hagen). The reluctant prosecutor is Amanda’s husband Adam, the assistant district attorney (Spencer Tracy). In order to present her client’s case most favorably, Amanda presents a defense based on the implication that if Doris had been a man attempting to avenge his honor the legal system would have seen his act as justified. In addition to the court case, the film traces out parallels between the two couples, the Attingers and the Bonners, comparing their marital relationships and attitudes toward male and female roles. Stacy Caplow’s evaluation is typical:

> Probably no comedy about the law will ever surpass the charm and genius of the classic *Adam's Rib*. . . . The charm of this movie owes a lot to the Hepburn-Tracy chemistry. . . . Despite its comedic format, the movie sends a serious message about equality for women eloquently delivered by Hepburn both in and out of court. An egalitarian, she declaims, “We don’t want any advantages or prejudices.” While her domestic side is somewhat fluttery and

---

226. *But see* Graham and Maschio, *supra* note 7, at 1034: *Adam's Rib* belongs to a film era considered to have had strong female roles and important female actresses. Nevertheless, the movie itself is not only ambiguous in its attitude toward equality for women, but it paints an ambiguous image of the lead character, Amanda Bonner, as a woman lawyer. Amanda is active and successful, but she is also the comic catalyst for disorder. Her arguments and activity are the forces that upset order in the movie and she is shown that she is wrong in what she has said and done. *Id.* (Footnotes omitted). In their article *Outlaw Women: An Essay on Thelma and Louise*, Elizabeth V. Spelman and Martha Minow also comment that:

> In their closing argument, Hepburn urges the jury to imagine how they would sympathize with a man charged with attempting to murder his adulterous wife. As Hepburn describes each of the individuals—the defendant, the victim, the third parties—she reverses their genders and the film conjures up images of the male characters as female and the female as male. It does not really work. At least for many viewers, the attempt seems awkward and unbelievable.” Elizabeth V. Spelman & Martha Minow, *Outlaw Women: An Essay on Thelma and Louise*, 26 NEW ENG. L. REV. 1281 (1992).

227. *Anatomy of a Murder* (Columbia Tristar 1959) examines the same issue from the husband’s point of view.
flirtatious, in court, Hepburn’s affect is confident and independent. She strides to the jury box and the bench with self-assurance. Others, however, are less convinced of her position. Her client, a working-class mother of three, so obviously dissimilar from the Yale Law School graduate, does not really understand the feminist explanation of her conduct that her lawyer is proposing as her defense. Nor does Tracy, the male prosecutor for whom the law is the law whether it is good or bad, respect her arguments.... Once their battleground has been staked out, Tracy and Hepburn are worthy adversaries.... Although Tracy...presumably believes the notions of equality that Hepburn espouses, he opposes her legal theory at home and in court. She is the iconoclast, while Tracy is the plodding, stolid gentlemanly lawyer. She breaks the mold of existing law using bold trial techniques, while he defends the status quo and plays by the rules, which, after all, are his rules until she undermines them. By using the courtroom as her stage and the trial as an instrument to expose her ideas and to accomplish change, she obtains an acquittal for her client and educates the public about the law’s inequity to women. She is a creative trial advocate.... Her instrumental view of the law, her non-conformity, energy, dedication, and gumption resemble the tactics and practices of early feminist lawyers. This movie is the only intelligent cinematic representation of a woman lawyer to appear for more than thirty-five years and, to this day, remains fresh and contemporary. It is an astute and original exploration of the equality of the sexes under the law and in marriage, combining humor with legitimate legal argument. Hepburn’s client’s acquittal is even more satisfying because she accomplishes this result without sacrificing either her intelligence, her principles, her femininity, or her marriage. Her client really was innocent under the version of law propounded by Hepburn, as opposed to simply not guilty because of the manipulative skills of her lawyer or some legal technicality that allows guilty people to be acquitted. Adam’s Rib is so pleasing and enduring because of its winning portrait of a woman lawyer and because it advances a substantive legal issue of significance to women independent of the personal life of the protagonist. While these tensions challenge Hepburn and Tracy’s relationship, when the trial is over they eventually return to their former marital harmony. Moreover, the viewer never doubts for a minute that the couple will survive this test. This generous denouement makes Adam’s Rib unusual and takes it out of the stereotypical woman’s movie genre. Hepburn makes her point and has her husband, too.\footnote{228}{Stacy Caplow, \textit{Still in the Dark: Disappointing Images of Women Lawyers in the}}
Coming as it did after nearly two decades of films featuring strong women characters and a war in which women performed traditionally “male” tasks, Adam’s Rib fits neatly into a familiar view of women professionals (as well as women in general) as intelligent, attractive, capable and lovable. Yet it also marks the beginning of a steady and continuing succession of films in which women lawyers fit the current pattern of “the totally miserable creature, waiting—whether she knows it or not—to be rescued by a man, whose life in the meantime fills the moviegoer with loathing and/or pity.”

Adam’s Rib presents an important question, equality before the law, yet minimizes its impact by trivializing both sides. What could be a tragic tale is played for laughs through the deft writing of Garson Kanin and Ruth Gordon. In addition, we could consider that the film diminishes the importance of Amanda’s cause, women’s rights. Amanda is not an incompetent attorney or silly woman. Katharine Hepburn’s own image would preclude the audience’s acceptance of her in such a role. To that extent, commentators who view Adam’s Rib as a positive image of the female attorney are correct. However, this film is broad comedy, sometimes verging into farce. Thus it presents both Adam and Amanda as somewhat ridiculous in their behavior, he more ridiculous than she for most of the film. Thus, his jealousy of the composer Kip Lurie (David Wayne) is unjustified. Ultimately, however, Amanda’s carefully constructed

---

229. Adam’s Rib, supra note 1. Besides Katherine Hepburn, among the actresses whose stock in trade was the intelligent, forceful and attractive female character were Myrna Loy (The Thin Man, Cheaper By the Dozen) and Rosalind Russell (His Girl Friday). By the 1950s women characters played much more subsidiary roles. Of course Loy also played Judge Margaret Turner, the pretty woman who makes an idiotic decision in The Bachelor and the Bobby Soxer, supra note 112.
231. Adam’s Rib, supra note 1.
232. Graham & Maschio, supra note 7, at 1035.
233. Viewers were used to seeing Hepburn cast as a strong woman in such films as Holiday (1938), Mary of Scotland (1936), A Woman Rebels (1936) and Little Women (as Jo March) (1933). The box office failure of Sylvia Scarlett (1935) has been attributed to the failure of viewers to appreciate her performance as a cross dressing woman seeking success in a man’s world. Even in her screwball comedies, such as Bringing Up Baby (1938), in which (like Holiday) she is paired with Cary Grant, Hepburn is a strong and single-minded woman, exuding femininity in a much different way from comedic heroines like those played by Carole Lombard.
234. Lurie writes a song for Amanda (David Wayne, Farewell, Amanda, in Adam’s Rib, supra note 1) which hits the charts. The song was actually composed by Cole Porter.
justification of her client’s acts, and her own behavior, is shown to be just that; a justification. Adam regains his prestige as a thoughtful, fair male by demonstrating that Amanda would object to his behavior if it mimicked Doris’. The problem with the parallel is, of course, that it is not accurate. Amanda is not having an affair with Kip and Adam’s jealousy is unjustified. Indeed, since the marriage seems to be breaking up quietly and without violence, his act is completely out of character, even though he intends it to reveal Amanda’s true belief; that no one is justified. But she has never denied that: what she has asked for is equality. If men are to be excused for violent behavior in defense of their homes and marriages, then women should also be so excused. Adam knows this early in the film: “[w]hat do you want to do, give her another shot at him?” “No, I don’t.” Ultimately the film trivializes Amanda’s position by not addressing it, unfairly lessening her role as hero. Yet her success in defending her client, which is directly tied to her ability to cast Doris in a heroic role herself, marks Amanda both as a truly successful lawyer—and because of the importance of the case—a truly heroic individual.

Like more recent twentieth-century courtroom dramas, particularly in the docudrama area, Adam’s Rib deals with a client who is guilty of the crime but whose motives are morally attractive to the audience.235 The legal/moral conflict sets up the audience’s desire for a “happy ending.” Furthermore, the client, Doris Attinger, admits her guilt, leaving attorney Amanda Bonner with very few defenses open to her.236 During the first lawyer-client interview, however, Amanda spots a workable defense if she can manage to convince the jury that it is a legally acceptable one.237

235. See, e.g., the older drama Inherit the Wind, supra note 22, and the “headline of the week” dramas like Murder or Mercy (Video One Canada, Ltd. 1974) (husband commits mercy killing to end the suffering of a beloved wife).

236. Similarly, Paul Biegler has trouble concocting a defense in Anatomy of a Murder, supra note 227. His skill in discovering a usable theory and then in selling it to the jury forms the major part of the film. Id.

237. This strategy is actually used fairly often in “moral dilemma” courtroom films, and serves to highlight a common criticism of the legal system; that it is unresponsive to real human concerns and serves only the needs of the attorneys and judges involved in it. See, e.g., the television episode Rumpole à la Carte. Faced with the inevitable conviction of his client on a strict liability charge, Rumpole erroneously and intentionally informs the jury that it can disregard the law if to do so would promote justice. The judge objects strenuously and informs the jury that it can do no such thing, but it disregards his instructions and brings in a verdict of “not guilty.” How juries understand jury instructions is a subject of much debate in the legal literature. Filmed jury deliberations remain unstudied for the most part, but see Twelve Angry Men (1957, remade in 1997), the similar We the Jury (1996), We’re On the Jury (1937), Ladies of the Jury (1932) (a comedy that features a strong-willed society lady who convinces the other members that they believe the wrong witnesses), 1996’s The Juror and 1994’s Trial By Jury (both lady-juror-in-peril movies), the 1995 Jury
Doris' attack on her husband and Beryl Caighn is motivated by her desire to break up her husband's extramarital affair and restore peace to her household. Leaving aside the notion of pre-meditation (which is a huge barrier to the notion that the act is one of passion), Doris' act is much like that of the man who resorts to self-help in order to retrieve his errant wife from the arms of a rival, a plot popular in film and fiction as well as real life. Society views the man who resorts to decisive action as a hero, reasons Amanda. Why then should society not also view Doris as a hero?

Through Amanda's creative defense of Doris, Adam's Rib presents a much more sophisticated analysis of the woman attorney's role in the system than do contemporary films such as Jagged Edge, Suspect, The Music Box, Presumed Innocent, A Few Good Men, The Client, or The Pelican Brief. In its examination of the role of the attorney in defending a female client who commits a "male" crime, it forces us to consider not only the role of the female attorney, but the role of the law in giving effect to justice.

Amanda's success is directly tied to her ability to retell Doris' story, casting Doris as the hero, in spite of the law. The extent to which she recasts a purely emotional act committed by a thoroughly unpolitical person as a political statement about women's rights while seeing no parallels between her client's position and her own forms much of the humor as well as most of the message of the film. Doris has no political agenda and has very specific opinions on the proper role of women in society. For example, she objects to Amanda's smoking and then adds politely, "You'll forgive me saying so." "I'll forgive you," Amanda responds dismissively, before moving on to her own area of concern.

The role reversal theme is an obviously recurring one in Adam's Rib and telegraphs the basic message of the film. It allows the authors to examine both words and actions as expressions of legal, social, and gender norms. It also allows us to examine the woman attorney in the "man's role". Further, Adam's Rib allows us to pose an important question concerning the woman in her role as attorney: can the female lawyer win a case if she does not mimic the male role? Is the legal system fundamentally a "male" system in which "male" norms dominate and "male" standards govern outcome?

Both Adam and the film characterize Amanda's request that her

Duty, and films in which renegade jurors engage in their own investigations such as Suspect, A Killer Among Us (TV Movie, 1990), the more thoughtful Swing Vote (1999), and plays in which the audience forms the jury, such as Ayn Rand's Night of January 16th (1936) .

238. A FEW GOOD MEN, supra note 12.
client's situation be seen as the result of historically unequal treatment, addressable only through equitable means, as special pleading. Because he is a man, and a member of the legal establishment (an assistant district attorney), Adam can survive even the harassing cartoons published about him in the newspaper. Amanda is unconsciously ironic herself when she tells her secretary, "We all make the rules" concerning appropriate social behavior. While she may believe that, and convince the jury that it can make a new rule to cover Doris Attinger's situation, the fact is that Adam and his colleagues, the legal establishment, make the rules. Amanda's option is limited to extending the rule, not carving out a new rule itself. Thus, her reaction to Adam's attack on her and Kip in the later part of the film is not inconsistent with her earlier philosophy and actions.

Unable to defeat her in his traditional chosen arena, Adam resorts to "changing the rules" as he believes Amanda has done and attacks her outside the courtroom, hoping to surprise her into a philosophical contradiction. But the situation he pretends to believe he has interrupted is the traditional love triangle involving a woman with her husband and a lover, which has traditionally led to the code of honor in which the wronged husband may demand restitution, or claim the right to commit murder and have the law excuse it under the name of "crime of passion". Indeed, he knows perfectly well that he has interrupted nothing more than Kip's inept attempt to seduce Amanda, and he knows Amanda well enough to know that she is faithful to him. He objects to her independence when it

---

239. On irony in Adam's Rib see generally Christine A. Corcos, Legal Fictions: Media Re-Creations and Representations of Law in Popular Culture, 25 U. ARK. LITTLE ROCK L. REV. 503 (2003). Adam's Rib, a complete satire of the American legal system, employs both verbal and dramatic irony to make its points, but relies more heavily on verbal irony, since its emphasis is on the contrast between the denotation and connotation of words, and because its major characters prefer verbal to physical combat (they descend to physical assault on occasion, usually when one of them cannot persuade the other verbally of the "truth" of his or her statement, further demonstrating their ironic lack of commitment to the letter of the law).

240. Cavell attributes Amanda's courtroom victory to her ability to establish an uneven playing field. However, the deck is stacked against Adam not through Amanda's cleverness, but through the authors' willingness to allow legal leniency. The judge allows her to question prospective jurors about their attitudes toward sexual equality, unlike the judge in Inherit the Wind, who cautions Drummond against asking questions about evolution. Inherit the Wind, supra note 22. Amanda is allowed to bring evidence of female equality, even superiority, by calling successful career women to the stand. Drummond's scientific witnesses are all barred. In this way, the drama is less a courtroom thriller than a morality play, and its critique is correspondingly weakened. Adam recognizes this from inside the play, when after one of Amanda's courtroom turns, he addresses the jury with the words, "What we have seen here is a performance..." (emphasis omitted).

241. Id.
threatens his carefully constructed private life. His real demand is for the restitution of the "equal" marriage he believes existed before the Attinger case, an equality that we have discovered did not in fact exist.

What is more disturbing than Adam's affectedly masculine pose is the ease with which Amanda slips into the traditional female role. It suggests that she is comfortable with her courtroom persona only as far as she feels physically safe and intellectually superior to Adam. The film suggests that she obtains this comfort only through her successful manipulation of the legal system. If she cannot prevail at law, she must necessarily retreat to the traditional role of the weak female, who must plead for fair treatment and/or forgiveness in order to survive (the Desdemona complex). However, I suggest that the end of the film suggests that Amanda has simply staged a strategic retreat, and will emerge from this confrontation with Adam to assert her independence once again.

In the Attinger case, Doris has proof of Warren's affair with Beryl Caighn. In the Bonner case, Amanda's presence in Kip's apartment is innocent, at least as far as her own intentions are concerned. Indeed, her situation represents the traditional one of the wrongly suspected partner (Desdemona, if you like). Adam has no proof of any infidelity on Amanda's part and any suspicions he may have are based primarily on his jealousy of Kip and on Amanda's flirting, again a traditional female pose, though one which men often affect as well. Amanda's fear is more justified than Warren's because it is based on a knowledge of complete innocence, whereas Warren's defensive posture arises out of self-justification for what he knows is his own guilt.

Amanda's statement that "no one has the right" might thus be seen as a statement that a violent act is unacceptable when the facts do not bear out the justification for the violence. Indeed she does not finish her sentence because Adam interrupts her with the phrase "to take the law into his own hands?" He assumes that he knows what she is going to say because his argument is so much more logically powerful and consistent than hers. But her argument is based on the assumption that facts matter, and that circumstances alter interpretations. Juries can rightfully make distinctions based on moral judgments when they believe that the application of legal rules based on traditional assumptions about the roles and rights of men and women will result in injustice. Amanda's success in the courtroom, a success that puts Adam's abilities to shame, implies that a new order may be on the way. His view might be, however, that as a defense attorney she has much more latitude to pursue untried legal theories than does he as a
prosecutor.

While the film is a comedy, sometimes descending into slapstick, both Amanda’s courtroom antics and her husband’s reaction raise serious questions about the role of law and the possible miscarriage of justice exemplified by the case. Amanda’s appeal is to equity in this situation (although equity is not an accepted concept in the criminal law). Adam’s appeal is to the letter of the law; the client is literally guilty of assault and the reckless use of a handgun. Amanda manages to convince the jury through comparison and analogy by showing it that women contribute as much as men to society, and in some cases much more. Adam’s appeal is to justice; he maintains a man in similar circumstances would be equally culpable. Amanda and Adam represent the two sides of the conflict that the viewer feels. Like most questions brought before a court, the issue in Adam’s Rib can be and is argued effectively from both sides.

Adam’s Rib presents the opposite views of the meaning of law and the role of lawyers. Adam angrily tells his wife that “the law means what it says” and that her defense of her client is a travesty of justice. The problem comes in determining what that meaning is. For Adam, the law “is the law, right or wrong”; for Amanda, a higher law requires that the


243. The victim is wounded in trying to escape his wife’s assault; he trips and falls and ends in the hospital with a broken leg. When Adam learns that his wife will represent the defendant, he drops a tray of glasses in full view of all the dinner guests at the Bonners’ party.

244. Id.

245. Molly Haskell’s classic work, FROM REVERENCE TO RAPE: THE TREATMENT OF WOMEN IN THE MOVIES (2d ed. 1987), studies the changing attitudes of audiences and filmmakers toward ambitious and successful women. In particular, women like Katharine Hepburn’s Amanda Bonner demonstrate that public taste was already changing from admiration of independent women in the 1930s to support for the “wife and homemaker” image popularized in the late 1940s and 1950s. Amanda is the partner in the marriage who makes the compromises necessary to salvage her relationship with Adam (although the film ends by suggesting that she may decide to run for political office against her husband).

246. Adam gets his revenge on his wife by making her believe that he is crying over their breakup and likely divorce. When he admits that he was only pretending she understands his point, that men and women must be treated equally in social and behavioral situations as well as before the law, or true equality is impossible.

247. The Garson Kanin-Ruth Gordon screenplay of Adam’s Rib was considered farcical and difficult to take seriously in its time. For a contemporary review, see Bosley Crowther, The Screen in Review, N.Y. TIMES, December 26, 1949; Haskell, FROM REVERENCE TO RAPE. Today’s viewer would likely find much less to object to in Amanda’s appeal to the jury to treat her client as a man would be treated in a similar situation than did audiences of the time.
advocate pursue the course of redefining or retelling a client's story if existing law does not promote a just result. Neither is completely right, nor completely wrong. In the cinematic legal system, great breakthroughs in law result from an advocate's act in courageously pushing the law to its limits, as Amanda does, or from the act of redefining and re-vocabularyizing the law. Justice can also result from an advocate's devotion to the letter of the law, as in many First Amendment and civil rights cases.

The Adam/Amanda relationship in Adam's Rib also demonstrates the inequality of power between men and women in American society. This inequality is so great that even two lawyers married to each other cannot work it out. Just as Doris' ability to live within the framework of the marriage she has entered into with Warren demonstrates the necessity for adjusting to the holders of power; Amanda's inability to work out a satisfactory solution to her marriage problem shows that society offers little room for her ability and individualism. Despite the fact that the Bonner marriage seems to be a genuine contract, allowing pursuit of a career for each party, appropriate considering its partners are lawyers, Adam begins with and retains more power than does Amanda to control their relationship. As she vigorously pursues the defense of her client, the film portrays him as patient and long-suffering, undergoing professional and personal defeat, even ridicule. Ultimately he emerges as the defender of the existing legal system, as he asserts that she wants, not equality, but special treatment, for her client. Because he frames the question as one of equality rather than equity, his rules seem logically to apply. Adam's Rib thus offers us the opportunity to see the woman lawyer as a hero within the legal system, even though she must redefine the law in order to obtain justice.

The ending of Adam's Rib suggests that Amanda has not completely abandoned her intention of continuing to compete with her husband in the public arena. Her agreement not to seek a Democratic nomination for

248. We are not certain with which side the authors more closely align themselves.
249. For a real-life example, see Supreme Court nominee Ruth Bader Ginsburg's successful use of the Fourteenth Amendment in Reed v. Reed, 404 U.S. 71 (1971) (arguing invalidity of an Idaho statute requiring probate courts to prefer the appointment of a male over a female executors when both candidates stood in the same relationship to the deceased). While other attorneys had previously used a Fourteenth Amendment analysis to argue sex discrimination cases, Ginsburg was one of the first attorneys to use the technique successfully with regularity.
251. Stanley Cavell points out that one of the questions raised by Adam's Rib is "whether courts, anyway as they stand. . . . " PURSUITS OF HAPPINESS at 193-199.
political office is noncommittal and cryptic. The film ends with the very clear implication that both professional and personal conflict will continue, and Adam’s inability to prevail in the courtroom does not bode well for any future professional clashes with Amanda. Their personal relationship is likely to continue only as long as Amanda agrees not to compete with him, or in the unlikely event that he agrees not to compete with her. Indeed, his major objection to her courtroom behavior is not that she is misusing the law, although he accuses her of this: “You’re shaking the tail of the law, Amanda, and I don’t like it.” Instead, he accuses her of wanting to outdo him in the professional sphere: “All of a sudden I don’t like being married to what’s known as the new woman! I want a wife—not a competitor!”

B. The Accused

Similarly, The Accused promotes the image of a woman lawyer, in this case a prosecutor, faced with the probability that the law will not vindicate a victim. In this film, based on a real case, the rape victim is figuratively on trial, since only if the jury believes that she is actually a rape victim will it find those who encouraged her attackers guilty. Only if the attorney can redefine the case to cast the witnesses as the guilty can the jury do justice. But while Amanda Bonner urges that the existing reading of the law in question be applied to men and women equally, Kathryn Murphy wants the court to apply a statute in a way not contemplated by the drafters.

When Kathryn Murphy tells her boss that she wants to prosecute the onlookers in the bar rape for criminal solicitation he tells her that she will put herself in a “no win situation.” “What happens if you lose? You’ll

252. However, earlier he has told her that she’s “so cute” when she “gets cause-y.” Clearly he sends her a contradictory but accurate message: some principled action is all right, but too much can cost her marriage.
253. Note that when he becomes flustered he stammers, which costs him respect in the courtroom and in social life, and is a clear signal to Amanda that she has rattled him either emotionally or intellectually.
254. The Accused, supra note 46.
255. Id. In addition to The Accused other recent films which examine the ordeal of the rape victim include When She Says No (1984) and Without Her Consent (1990). The rape of males is treated in The Rape of Richard Beck (American Broadcasting Co. 1985) and Fortune and Men’s Eyes (1971) (a prison drama highlighting the rape of males by stronger, more influential inmates).
256. For example, Alabama’s state law holds that “A person is guilty of criminal solicitation if, with the intent that another person engage in conduct constituting a crime, he solicits, requests, commands or importunes such other person to engage in such conduct.” Ala. Code § 13A-4-1 (2002).
look like an incompetent. If you win, you’ll look like a vengeful bitch.”

This film from 1988 presents the woman lawyer, and more particularly, the woman prosecutor, as a maverick, as well as a clever lawyer. It also allows us to investigate to some degree the supposed sisterhood that exists between women lawyers and their female clients, or female victims caught in the legal system. Like Adam’s Rib and Legally Blonde it confronts the question of feminism and law directly.

In The Accused, Murphy begins by being unwilling to prosecute the case, which she considers unwinnable. Her complaining witness has omitted important information and will not be an attractive witness to the jury, which will concentrate on her lifestyle to the detriment of the case. Murphy’s boss, by contrast, urges her to take the case to court, or at least to plea bargain the case in order to put the rapists away for a long period. When she objects by saying that she does not think she can get a satisfactory agreement from the defense, he tells her to go after a charge that omits the sexual nature of the crime, for example, “reckless endangerment.” As he says to her, “I understand that you love to win. But I can’t let you dismiss this case because you don’t have a lock ... Make a deal and put ’em away. . . . Any felony will do. . . . Assault . . . reckless endangerment. . . .” Murphy has initially misunderstood the rules of the game: she thinks that winning and losing are the only options. But, her male boss explains that sometimes a strategic compromise is the equivalent of winning.

After she obtains the plea bargain, which results in a sentence equal to that which the defendants would have faced for rape, Murphy begins to believe that she has betrayed the victim, primarily because the most important aspect of the case to Sarah Tobias, the young woman, is the rape itself. This aspect disappears once the plea bargain takes effect and the defendants receive their sentence. The woman feels that she has not been vindicated, in a situation that is as clearly rape as any we are likely to see on film. Murphy interviews some of the bystanders, and discovers that they not only did not see the crime as rape, they did not see the acts committed as crimes at all. In fact, they consider the acts as pure entertainment, in which the victim eagerly participated. As one man says, “[s]he put on the show of her life.”

The contrast between the female view of the act—that it was rape—and the male view—that it was entertainment, implying that it was not even “real”, that it expressed what some men consider to be a common female fantasy—becomes Murphy’s reason for pursuing charges against the bystanders, those who not only watched the rape, but actively encouraged it. Her theory of the case, however, meets with little support from the male
district attorney and other male colleagues, although it is shared by Sarah’s friend, who freely acknowledges that she did not witness the crime. “But if Sarah says she was raped, she was raped.”

After the plea bargain and sentencing, the District Attorney is no longer concerned with justice for the victim. In his view, the case is closed. Indeed, once the trial for criminal solicitation begins he attempts to dissuade Murphy’s primary witness from testifying. Murphy, who represents his office, has done her job—she has obtained a punishment equivalent to a conviction for rape. It is time, in his opinion, to move on. Murphy does not agree, primarily because she sees that the crime for which the defendants are sentenced, while temporally equivalent to a rape conviction, is not really equivalent.\(^\text{257}\) She no longer shares the District Attorney’s pragmatic view that the most important thing is “to get these guys off the street for a long time.”\(^\text{258}\) What is more important is to convict them for the crime they have committed, rather than for a crime that does not carry the stigma of violence and hatred for women that now accompanies a rape conviction.\(^\text{259}\)

Murphy’s re-reading of the statute on criminal solicitation gives her the idea that the bystanders, based on their behavior, could be described as solicitors of the crime.\(^\text{260}\) The district attorney does not agree.\(^\text{261}\) Consider the following exchange, which highlights the very different ways in which men and women conceive, not only of the case, but of the attorney’s role.\(^\text{262}\)

D.A: (patiently) “Please, I know about criminal solicitation. But in this case it simply doesn’t apply. It’s not the intent of the statute.”\(^\text{263}\)

Murphy: (intently) “Listen again. A person is guilty of criminal solicitation if he commands, induces, entreats or otherwise attempts to persuade another person to commit a felony.”\(^\text{264}\)

D.A.: (still patient) “You can read it [the statute] to me until you’re blue in the face. I am not gonna let you prosecute a bunch of spectators.”\(^\text{265}\)

Murphy: “They’re not spectators. They solicited the rape.”\(^\text{266}\)

\(^{257}\) THE ACCUSED, supra note 46.
\(^{258}\) Id.
\(^{259}\) See id.
\(^{260}\) Id.
\(^{261}\) Id.
\(^{262}\) See id.
\(^{263}\) Id.
\(^{264}\) Id.
\(^{265}\) Id.
\(^{266}\) Id.
Male assistant DA: (attempting rationality and persuasion) "Do you really want to go into court and ask a jury to lock up a bunch of people for clapping and cheering?"\textsuperscript{267}

Murphy: "Clapping. Cheering. Pushing. Goading. Getting the rape going and keeping it going."\textsuperscript{268}

DA: "What happens if you lose? You'll look like an incompetent. If you win, you'll look like a vengeful bitch. Either way, you hurt yourself and you hurt this office. Now, drop it. You've got more important things to do."\textsuperscript{269}

Murphy: "No I haven't."\textsuperscript{270}

D.A: "You haven't got more important things to do than go to trial with a sure loser? What the hell has gotten into you?"\textsuperscript{271}

Murphy: "We owe her."\textsuperscript{272}

D. A.: "Owe her what? We put the rapists away!"\textsuperscript{273}

Murphy: (conceding his point) "I owe her."\textsuperscript{274}

D. A.: (Throwing up his hands) "You want to spend my money to put a bunch of spectators on trial. A trial you lose because you owe her! NO! You don't get to use this office to pay your debts. No!"\textsuperscript{275}

Murphy: "I am going to try this case and you're not going to stop me."\textsuperscript{276}

D. A.: "I'm not? Kathryn, you're an ace. You've got a great future. Don't put it in jeopardy."\textsuperscript{277}

Murphy: (angry but calm) "What are you going to do, fire me? Go right ahead. My first case will be a civil suit against the rapists, the solicitors, the bar and the state. And I will show that Sarah Tobias wound up in the hospital because this office sold her out. I will subpoena your records, put you on the stand, and cross-examine you on every sleazy plea bargain this office ever made."\textsuperscript{278}

D. A.: (angrily): "All right, you go try your case. You have a good time. Because WIN OR LOSE, YOU'RE THROUGH!" (to the rest of the
office through the open door): “What are you looking at? Get back to work!” 279

Here is a woman using the power she has acquired in a way that shocks her male colleagues, but also in a way that they understand. 280 She does not succeed to the D.A.’s suggestion that her career will be over. Murphy’s controlled anger in this scene is calculated, as a man’s would be. 281 She has learned how to play the game. 282 Like Amanda Bonner, she takes a legal situation that has allowed the rapists to plead to a lesser charge, one not including a sexual component, thus escaping the taint that accompanies a conviction for a sexual crime and turns it into a legal and moral victory.

C. Legally Blonde

Like Adam’s Rib, 283 Legally Blonde presents us with a comic view of the law but makes some important points about the nature of success and the nature of integrity. 284 Elle Woods, a pretty, popular Valley Girl, a more grown up Cher, the protagonist of Clueless, 285 is expecting a marriage proposal from her longtime boyfriend Warner, a wealthy East Coast preppy with political ambitions. But Warner tells her that his future does not include her. 286 He needs to marry “Jacqueline Kennedy, not Marilyn Monroe.” 287 Elle is crushed. 288 Her initial reaction is to try to compete with the woman he is likely to meet in law school. 289 Only later does she begin to see herself as a real law student, and eventually as a real lawyer. 290 At the beginning of the film, she sees herself not as the heroine of her own life, but as Snow White, or at least Cinderella. 291 At the end, no fairy tale character corresponds to her new persona. 292

Elle decides to apply to Harvard Law School to maintain contact with Warner. 293 As she tells the career services officer, she has no “back up

---

279. Id.
280. See id.
281. See id.
282. See id.
283. See, supra note 1.
284. See LEGALLY BLONDE, supra note 47.
286. LEGALLY BLONDE, supra note 47.
287. Id.
288. See id.
289. Id.
290. Id.
291. See id.
292. See id.
293. See id.
school.” Id. “I'm going to Harvard,” she says brightly. Id. The counselor points out that she has a 4.0, but her major in fashion merchandising is not exactly the traditional pre-law curriculum. Id. Elle, like Amanda Bonner and Kathryn Murphy, decides to re-write the rules of the game by emphasizing the transferable skills that her major and her sorority experience have given her. Her application video, professionally prepared, is a model of persuasion. Id. The Harvard Law School admissions committee members are awed (though it must be admitted, they all seem to be men. Still, we must give Elle credit. She knows how to talk to men). Id.

Elle’s arrival at Harvard indicates the extent to which she is not willing to give up what makes her an individual. Id. She brings along her Chihuahua, her wardrobe, and her Valley Girl approach to life, finding solace in getting her hair and nails done. Id. She refuses to compromise by adopting the feminist, anti-male stance of some of the other women students, nor does she abandon her mode of dress, even when faced with Warner’s fiancée, a woman who dresses in tweeds, wears her hair in a Hillary Clinton-like page boy and makes her disdain for Elle very clear. Id.

Elle’s first few weeks at Harvard are rocky. Id. She shows up unprepared for her first class, is verbally skewered by the female professor, and leaves in embarrassment and anger, planning to quit. Id. Then she takes up the challenge, takes the advice of a young man she meets on campus, whom she mistakes for another student, but who is actually Emmett, a practicing attorney assisting her criminal law professor. Id. She begins to compete successfully with Warner and more particularly with his fiancée Vivian.

Elle makes friends with a local manicurist, who is depressed because

294. Id. 
295. Id. 
296. Id. 
297. Id. 
298. Id. 
299. Id. 
300. See id. 
301. Id. 
302. See id. 
303. See id. 
304. Id. 
305. Id. Emmett’s presence is difficult to understand. Id. He never seems to have any cases of his own to look after, and spends time attending his boss’s lectures. Id. He isn’t a teaching assistant, but his working role is nebulous. Id. However, he serves the role of the rescuing male in this scene. Id.
306. Id.
her abusive ex-lover has kept her beloved dog Rufus.307 Elle confronts the man, spouting legalese and figuratively pushing him aside in order to take possession of Rufus.308 It is her first legal success.309 She obtains a coveted internship with her criminal law professor and begins work on a murder case.310 Her particularized knowledge of the client’s history and profession, based on her “Valley girl” background, allows her to bond with the client in a way that escapes the other members of the defense team.311 At the same time, she faces a crisis of conscience when she discovers that the professor who offered her the internship is interested only in an affair with her.312 She decides to resign her internship, but the female professor who had humiliated her on her first day, and who has changed her mind about Elle’s abilities, dissuades her by pointing out that if Elle resigns, she is allowing the man to set both the agenda and the tone of her future career.313 At the same time, the client’s trust in Elle allows her (unbelievably) to take over the lead in the defense case.314 The client fires the evil male professor, and hires Elle instead (under Emmett’s supervision).315 Elle wins the case, based again on her particularized knowledge of fashion and of the kinds of people who are likely to understand and appreciate fashion and design.316 She demonstrates that the primary witness against the client is lying about his affair with her, and that the victim’s daughter is the real culprit.317 The daughter has testified that she did not hear the gunshot that killed the victim because she was in the shower washing her hair.318 As Elle points out, this is unlikely because the girl has just gotten an expensive permanent.319 No one with a new permanent washes her hair for at least a day; it deactivates the chemicals that curl the hair.320 Elle’s triumph is complete when she graduates first in the class, giving a suitably “Valley Girl” address.321 She and Vivian
become best friends. Vivian abandons Warner, who finds himself without a job offer, without a girlfriend and without honors. Emmett decides to propose to Elle. While *Legally Blonde* is a fantasy, it presents us with the image of a woman who refuses to abandon her interests, her beliefs, her friends, or her dreams, especially the dream she has recently acquired. She imagines herself as a lawyer, then becomes a lawyer. Unlike Alex Owens, the protagonist of *Flashdance*, she actually does the work necessary to achieve her goals. Yet she maintains her interest in makeup, hair styles, clothes and good design. She calls a sexual harasser by his name, but finds the courage (aided by the female professor who terrorized her in her first year) to continue toward her goal. She finds ways to express her personality within the confines of the law school while still producing the kind of work that legal academia expects. She integrates all of these into the practice of law. Within the limits of this cinematic fantasy, Elle is heroic.

CONCLUSION

The stories that these films tell us about the abilities of women lawyers, and the stories these women tell us about themselves, are therefore in conflict. The verdict seems to be, however, that women lawyers, because of the nature of society in general, can never be as successful or as happy as men, nor can they be heroes in the traditional sense. But much of the behavior that we see women lawyers engage in is heroic, if by heroic we mean behavior that represents fidelity to an ideal greater than and apart from oneself even at the cost of one’s career and friends and as well the willingness to redefine oneself and one’s role in order to achieve that ideal.

If that is our definition of heroic behavior, then some women popular culture lawyers achieve heroism, and some have it thrust upon them in exchange for personal defeats. In the first category I place women like

---

322. *Id.*
323. *Id.*
324. *Id.*
325. *See id.*
326. *Id.*
328. *See Legally Blonde*, supra note 47.
329. *Id.*
330. *See id.*
331. *See id.*
332. *See id.*
333. *See id.*
Amanda Bonner,334 Kathleen Reilly,335 Ann Talbot,336 Kathryn Murphy,337 and Elle Woods.338 In the second I list Teddi Barnes,339 Jennifer Haines,340 T. K. Katwuller,341 and other women lawyers whose hubris causes them to mishandle a case or a client, or to misunderstand their own emotions. Depressingly, any number of female attorney characters fall into this category.342

Movie images of the female attorney that reiterate her incompetence or immaturity continue to damage real life women attorneys in their quest to make their own contributions to the profession. Further they denigrate the male attorney by implying that he is so insecure, so incapable and so jealous of a female colleague’s success that he must resort to the raw use of physical power or emotional blackmail to triumph over her. Such images do neither sex much good, as they reinforce cynicism, self-satisfaction and justification or fear in the more mature viewer and inculcate injurious and limiting patterns of thought in the young. Re-education of the moviegoer to reject repetitious and formulaic visions of the woman attorney as professional or personal failure, and demand new and exciting images of successful and productive female lawyers, will be a long process, but a worthy one. It must start with a serious and honest examination of the kinds of professional and personal relationships we desire, consider healthy and acknowledge that the life choices movie attorneys make should be freely made and based on selfknowledge, not dictated by traditional notions of power.

334. ADAM’S RIB, supra note 1.
335. SUSPECT, supra note 10. I am not suggesting that the depiction of female lawyering in Suspect is particularly edifying, given that Reilly engages in a number of ethical violations. I am primarily interested in her willingness to sacrifice her career for her client.
336. MUSIC BOX, supra note 11.
337. THE ACCUSED, supra note 46.
338. LEGALLY BLONDE, supra note 47.
339. JAGGED EDGE, supra note 9.
341. DEFENSELESS, supra note 14.
342. Television movies are particularly prone to this type of characterization. See for example the thriller JUDICIAL CONSENT, supra note 148, which is a typical Gothic shocker, or THE CRADLE WILL FALL (Lorimar Home Entm’t 1983), in which the heroine is a lawyer for no discernable reason.