

Reel Justice: The Courtroom Goes to the Movies, by Paul Bergman and Michael Asimow. Kansas City: Andrews & McMeel, 1996; 338 pp., illustrations, appendix, notes, index; \$14.95, paper.

If the study of law sharpens the mind by narrowing it, which was Burke's view, lawyers might be advised to steer clear of fields like film criticism that require a more expansive outlook. On the other hand, the interplay between law and the arts is long standing. In the late medieval Inns of Court, students studied music and dance as well as law; indeed, Shakespeare's *Twelfth Night* was first performed at the Middle Temple. Many artists and entertainers began their working lives as lawyers, or at least as students of law. A wholly random sampling would include Robert Louis Stevenson and Sir Walter Scott, both of whom studied and practiced law in Scotland; Schiller, who studied law for a time in Germany; the poets Edgar Lee Masters and Wallace Stevens, and popular composers Hoagy Carmichael and Arthur Schwartz. Charles Dickens worked as a solicitor's clerk and as a court reporter, and obviously made the most of the experience. And film director Leo McCarey practiced law for a short time, before making his mark in screwball comedy.

So when Paul Bergman and Michael Asimow, two professors at the UCLA School of Law, turned from grading papers to grading movies, they were part of an honorable pedigree. In *Reel Justice: The Courtroom Goes to the Movies*, they have chosen to synopsise and critique sixty-nine films that involve trials of one sort or another, from a naval court martial in *Billy Budd*, to a courtroom battle of the sexes in *Adams Rib*, to a judicial reckoning with crimes against humanity in *Judgment at Nuremberg*. I am hard pressed to find any major trial movie that has escaped their notice, although, in his foreword, Judge Kozinski lists a few, including the Supreme Court-sited comedy *First Monday in October*. For my own part, I would have included *Leave Her to Heaven*, in which the cinema's most negligent lawyer fails to raise a single objection to the cinema's most improper cross-examination, by Vincent Price

of poor Jeanne Crain. And I challenge the good professors to get more esoteric (or bizarre) than *You're a Sweetheart*, in which prosecutor, defendant, and judge (future Senator George Murphy) sing and dance their way through a swing version of "When You and I Were Young, Maggie."

Reel Justice is a curious hybrid, at once a book of lists, a video guide, a pedagogical tool, and a collection of historical, legal, and critical essays. As a video guide it is least successful. The authors assign each movie from one to four gavels based on "the quality, dramatic power, and authenticity of the trial scenes in the movie." Since authenticity and dramatic power do not always go hand in hand, this makes for some problematic ratings and questionable rental advice. Even lawyers, I imagine, would not rent a movie on the basis of its fidelity to actual courtroom practice. As often as not, it is the deviation from realism that makes the movie work.

Bergman and Asimow obviously recognize this. They disapprove of a wholly unrealistic "grandstand play" in *Philadelphia*, whereby Tom Hanks "unbutton[s] his shirt to reveal a chest full of ugly lesions," but they refer to it as one of "the trial's dramatic moments." Similarly, they concede that had the judge in *Miracle on 34th Street* dismissed the committal proceeding against Kris Kringle at the conclusion of the state's case, we would have missed the courtroom theatrics that put Santa Claus back on the streets (or in the air) just in time for Christmas Eve.

Nonetheless, such legal license often impairs a film's rating. *The Verdict*, for example, is clearly penalized (a paltry two-gavel rating) for its admittedly farfetched pretrial and courtroom shenanigans. For my money, *The Verdict* is a great movie, a stirring drama about degradation and redemption, with a scalding script by David Mamet and fine direction by Sidney Lumet, for whom its theme of urban corruption is a specialty; its exaggerations are at worst beside the point, at best what makes the movie work. The authors are undoubtedly correct that the judge should have stopped the trial and entered a directed verdict for the defendants; but, as John Ford responded when asked why in a famous chase scene the Indians did not just shoot the stagecoach horses, that would have been the end of the movie.

But if *Reel Justice* fails as a guide for the video perplexed, it excels as a legal and historical primer, amplifying an astonishing number of topics from conservatorship proceedings to the legal status of POWs, to the insanity defense, to the best evidence and hearsay rules. Bergman and Asimow scour each film for story lines that permit them to display their wide-ranging knowledge and anticipate questions such as, Why can

the defendant in *They Won't Forget* address the jury without undergoing cross-examination? What contract defenses are available to undo a pact with the devil? And was it ethical for the lawyer in *The Letter* to purchase evidence incriminating his client? Moreover, the background and context that the authors provide for trial movies based on fact, such as *I Want to Live* and *Breaker Morant*, are invaluable correctives to often misleading screenplays.

That said, I have a few quibbles with the legal commentary. The absence of judicial review in Great Britain is a consequence of the principle of parliamentary sovereignty, not (as suggested in the comments to *In the Name of the Father*) of the fact that the British constitution is unwritten rather than written. In discussing *Inherit the Wind*, the authors should have kept in mind Henry Drummond's distinction between power and right before stating that "the jury has the inherent right to nullify a criminal law by finding a defendant innocent," a sentiment echoed in their discussion of *Twelve Angry Men*. Finally, Bergman and Asimow foolishly compare comments by American officials in *Judgment at Nuremberg* questioning the wisdom of the war crimes trials "to the same sort of political pressure the Nazis placed on" their judges.

Despite these reservations, I enjoyed *Reel Justice*. Movies have the special capacity to provoke an interest in the real world on which the fictional one is modeled. *Reel Justice* satisfies the need to go beyond what is on the screen, to use the movie-going experience as a jumping off point to explore other issues. While I may differ with Bergman and Asimow on their judgment of individual movies, I salute them for the prodigious research that has broadened my perspective of many familiar cinematic friends.

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