Most of the chapters in this book concern the ways in which an instructor can use the media of popular culture to teach particular substantive law school courses. This essay is different. It concerns a course or seminar on the subject of Law and Popular Culture itself.

I have taught this seminar numerous times to undergraduates (usually college freshmen or sophomores) and to law students (who are graduate students in the United States). The course is popular with students and I always enjoy teaching it. I have co-authored a teaching book, Law & Popular Culture—A Course Book\(^1\) that is geared to my teaching methodology. This course can be taught by any instructor who enjoys pop culture, whether or not the teacher is trained in law, literary or film theory, or any other discipline.

When students engage with pop culture products such as movies and television shows, the result is quite different from other undergraduate or graduate courses. Normally, the teacher is the expert and the students passively absorb as much of the teacher’s knowledge as they can. But in a course based on the media of popular culture, the students share expertise with the

\(^{1}\) Michael Asimow & Shannon Mader, LAW AND POPULAR CULTURE—A COURSE BOOK (2d ed. 2013) (hereinafter referred to as Course Book). Complimentary copies of the Course Book are available to instructors on request from the publisher, Peter Lang, customerservice@plang.com. There is a detailed teachers’ manual which I will make available to anyone instructor who requests it. Please contact me by email if you would like to receive a copy of the manual.

There is a competing book that takes a different approach to the subject and that some instructors may prefer. David Ray Papke, Christine Alice Corcos, and six additional authors, LAW AND POPULAR CULTURE: TEXT, NOTES, AND QUESTIONS (2d ed. 2012). The Papke-Corcos book relies heavily on excerpts from law review articles and so may be less useful in teaching the course to non-law students.
instructor. Every student in the room is already an expert in interpreting pop culture. They know the language of film and television. They have been practicing that language since before they learned to talk, much less read. Every student has seen hundreds of movies and thousands of hours of television shows (not to mention their exposure to other imaginative media such as pop music and computer gaming). Very likely, the students have consumed more popular culture than the instructor has.

The students bring with them deeply felt opinions about both law and about pop culture. They are inspired or infuriated by the films or television shows they study in the course, such as *To Kill a Mockingbird, Anatomy of a Murder, The Verdict,* or *Philadelphia.* They are full of ideas, arguments, and interpretations. They speak up in class. They argue with each other and with the instructor. They are not overawed by the instructor's interpretation of a film because their interpretation may be just as valid. The level of interactivity in the classroom equals that in the most engaging and best taught classes.

After some introductory definitions (Part I), this chapter will discuss the importance of studying law and popular culture (Part II) Next the article discusses the structure of the course (Part III) and illustrates the methodology by focusing on what might occur a single class on the life of lawyers. (Part IV). It then furnishes some tips on teaching the course successfully. (Part V) Finally, an Appendix consists of my syllabus for teaching an undergraduate law and pop culture seminar. You are free to use any of it in any way you find helpful.

I. WHAT IS LAW AND WHAT IS POPULAR CULTURE?

In teaching or even thinking about popular culture, a necessary first step is to clarify what we mean by these rather slippery words. By “law,” I mean not only the body of legal rules found in statutes, regulations, and court decisions, but also law as the legal realist movement defined it:
what people involved in law—lawyers, judges, juries, police--actually do, as opposed to what the law books say they should do. The legal realist insight is that judges and other players can manipulate legal rules to achieve what they believe is a just result. This is often referred to as “law in action” as opposed to “law on the books.”

How about “popular culture” and “popular legal culture?” These terms have two quite different meanings—broad and narrow. The broad meaning of popular culture is the aggregate of all of people’s beliefs and attitudes. The broad meaning of popular legal culture is everything that people know (or think they know) about law. The narrow meaning of popular culture refers to the media of popular culture—movies and television shows as well as music, computer games, stage plays, novels and the like, which are produced for a mass audience to make a profit. The narrow meaning of popular legal culture is media about legal subjects, such as movies or television shows about lawyers.

II. THE IMPORTANCE OF STUDYING LAW AND POP CULTURE

The course on law and pop culture explores the interface between two subjects of enormous importance in our lives—law and popular culture. It is, therefore, extremely valuable both for law and non-law students, in the U.S. as well as in any other country. (If you have to get the class approved by your curriculum committee, you’ll want to make a strong showing of its value).

First, the importance of learning about law, lawyers, and the legal system: Law is pervasive in modern industrialized nations. In the U.S., courts resolve many of the most fundamental social and economic problems of society, including such hot-button issues as abortion, the death penalty, the right of privacy, gun control, gay marriage, affirmative action, or accessibility of health care. The U. S. Supreme Court even decided the winner of the 2000

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2 See Lawrence M. Friedman, Law, Lawyers and Popular Culture, 98 Yale L. J. 1579 (2000). Friedman’s seminal article provides the intellectual structure for the study of law and popular culture.
election. Constitutional courts now exist in many countries, and judges everywhere have become committed to safeguarding human rights, protecting the environment, and challenging the decisions of government.

So many aspects of our lives are profoundly affected by laws, police, judges, and lawyers. We want the police and the courts to catch and convict criminals to keep us safe, but we want our privacy to be protected and the rights of the accused to be safeguarded. We want our legal system to deliver justice (even if we’re not sure what we mean by “justice”), but often it fails to do so.

Meanwhile, in most countries, the general public despises lawyers, yet they are eager to hire one when they are in trouble. Why do people dislike lawyers? What do lawyers actually do, anyway? What’s a law firm? What’s law school like? How much money do lawyers make and how do they make it? Would you want to be one? Everyone needs to know much more about law, lawyers, and the legal system than they do now.

Second, the importance of learning about popular culture: Popular culture is even more pervasive than law. All of us swim in a sea of films, televised dramatic shows and reality shows, books, songs, advertisements, computer games, and numerous other imaginative texts. Television is a vital part of life in all countries and most families spend many hours every day in front of their television sets or watching television programming on mobile devices. During thirty minutes of watching television, we consume more images than a member of pre-industrial society consumed in a lifetime. Everyone needs to know much more than they do about popular

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culture in order to understand, interpret and fight back against the onslaught of images that assault us every day.

An important theme of the class on Law and Popular Culture concerns the many ways in which law and pop culture influence each other. The wall between law and popular culture allows a lot of traffic to pass in both directions. Thus popular legal culture (in the narrow sense) both reflects what people believe about law and lawyers (popular legal culture in the broad sense) and constructs those beliefs. Or, to put it another way, pop culture serves as both a mirror and a lamp.

First, consider the reflection or mirror effect. Works of popular culture often illuminate what real people actually do and believe. Thus the media of pop culture are likely to reflect the dominant ideologies of society that most people believe in, such as consumer capitalism, gender roles, and commonly shared stereotypes. Similarly, the works of popular legal culture (popular legal culture in the narrow sense) reflect what people generally believe about law, lawyers, police, judges, and legal institutions (popular legal culture in the broad sense).

Of course, the reflection of the real world in the works of popular culture is never accurate, for these are works of fiction, produced to entertain mass audiences and to make a profit. Works of popular culture are informed by a variety of factors—everything from the commercial constraints under which they are produced, the economic interests of those who pay for them, and the ideological bias of their creators—that complicate their relationship to the broader culture they pretend to depict. Pop culture creators always distort reality, including the operation of the legal system, for dramatic, commercial, or ideological purposes.

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Nevertheless, popular culture (in the narrow sense) can tell us a lot about the real world (popular culture in the broad sense). For example, if movies usually show lawyers who are greedy and dishonest, this is evidence that many people share this view—or, at least, that filmmakers believe that they do. Similarly, old movies can tell us a lot about business practices, gender roles, and family relationships of earlier times. Thus, one focus of the course in law and pop culture is to discuss what messages the film or TV show is sending and how those messages match up to real-life data on law, lawyers, trials, and the legal profession.

Second, consider the phenomenon of media effect or pop culture as a lamp. 6 People learn a great deal in the process of consuming pop culture. This is often referred to as media effect or the lamp effect. Popular culture (in the narrow sense) powerfully constructs what people believe (popular culture in the broad sense). The consumers of works of popular culture are affected in ways that go far beyond mere entertainment or pleasure. Pop culture media are probably the most effective teaching device in the history of the human race. To take the most obvious examples, commercials change the buying habits of consumers as they “learn” information about new products or retailers, and political ads manipulate voter preferences. More relevant to this course, most people “learn” most of what they know (or think they know) about law and lawyers from consuming popular legal culture. 7

Indeed, legal pop culture often invites viewers to work as surrogate police, jurors, forensic scientists, judges, and lawyers, allowing them to vicariously experience and learn about

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6 The psychological mechanism by which this occurs is referred to as the “cultivation effect.” See, e.g., Michael Morgan, Cultivation Analysis and Media Effects, in THE SAGE HANDBOOK OF MEDIA PROCESSES AND EFFECTS, Robin L. Nabi & Mary Beth Oliver, eds. (2009).

7 This insight was confirmed by research based on the beliefs of law students on the first day of law school in six countries. They were asked about their opinion about the honor and trustworthiness of lawyers (surprisingly low) and then asked what sources they found helpful in learning about lawyers so they could answer the question. Close to half of the students said they found movies and TV shows about lawyers to be helpful or very helpful in learning about lawyers. See Asimow et al, Perceptions of Lawyers, supra note 4 at 423.
the legal system from the inside. People learn details of law practice (such as that in the U.S.
people address the judge as “your honor” and judges wear black robes) and broader and more
contestable notions about law and justice (such as the notion that the adversary system and the
rules of criminal procedure promote justice by convicting the guilty and acquitting the innocent).
Viewers may passively soak up the messages that are transmitted to them by pop culture, or they
may resist those messages and form their own oppositional interpretations of the material.
Whether the viewers are passive or active in their consumption of pop culture, they are
employing pop culture materials to construct their personal views of reality (including the reality
about law and lawyers). Lawyers need to know what the media is teaching the general public
about what they do. Thus the subject of media effects is an important and controversial subject,
and it is a frequent focus of the class in law and pop culture.

In thinking about media effects, it’s important to realize that people are learning from a
highly unreliable source, because the media of pop culture consists of fictitious stories made up
to entertain them. Pop culture products are often wildly out of sync with reality. Just to identify
a few of the most frequent whoppers in the area of law, the police don’t pursue, much less catch,
most criminals; in the US, at least, perhaps 95% of criminal cases are plea bargained (and about
95% of civil cases are settled before trial); trials occur months or years after the crime, not the
next week; jury trials have become extremely rare; closing arguments last more than three
minutes; and lawyers are far more concerned with earning fees than pursuing justice.

The anecdotes showing media effects are legion. How is it that in France, criminal
suspects demand their Miranda rights8 when arrested by the police—even though the Miranda

8 See Miranda v. Arizona, 384 U.S. 436 (1966). Miranda warnings are frequently shown in US pop
culture products and have become part of popular legal culture. See Course Book. 10-15.
doctrine doesn’t exist in France? Why do German lawyers make motions that don’t exist in Germany and believe that criminal trials are adversarial contests between lawyers (instead of judge-controlled inquisitorial trials as they actually are in Germany)? Why do frequent watchers of Judge Judy believe that trials in the US are run by judges rather than lawyers? Why do jurors believe that the prosecution can’t prove its case against a criminal defendant without presenting forensic evidence such as DNA or fingerprints? All this and more is explained by the spurious knowledge people have acquired from consuming legal pop culture.

And it’s not just law that’s being taught on the screen. On a recent trip to Myanmar, I was told that a big social problem in that country is caused by the widespread availability of South Korean soap operas (a result of the change from military to civilian government). The videos depict sexual practices of young women that are shocking in this highly conservative Buddhist nation and are influencing the behavior of Burmese girls.

III. STRUCTURE OF THE COURSE IN LAW AND POP CULTURE

Many academics around the world teach courses about the relationship of law and pop culture. They are found in every department of the college or university—not just in the film, television or cultural studies departments, but also in history, politics, sociology or many other disciplines. Each instructor has his or her own concept of how the course should be constructed.

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10 See Stefan Machura, German Judge Shows: Migrating from the Courtroom to the TV Studio, in LAWYERS IN YOUR LIVING ROOM: LAW ON TELEVISION, Michael Asimow, ed. 330-31 (2009).
Some teach law and pop culture as a course in legal philosophy\textsuperscript{13} or professional responsibility;\textsuperscript{14} others treat it as a course in film theory or filmmaking technique; others teach legal storytelling;\textsuperscript{15} others focus on justice and socialization of lawyers;\textsuperscript{16} and still others use the material to teach lawyer skills such as trial practice or civics.\textsuperscript{17}

I try to do all of these things and more in the course of a single quarter or semester. I believe that movies or television shows about law should be regarded as \textit{legal texts}, to be studied in the same way that we would study a Supreme Court case or a statute. As already mentioned, law in the legal realist sense is what judges and lawyers actually do and what real people think that law is, as distinguished from what’s written in the books. And what lawyers and others actually do and actually believe is influenced by many environmental factors, pop culture among them. Thus by treating a pop culture product as a legal text, we learn about what lawyers and judges actually do--but we also learn about filmmaking technique, film and television business practices and economics, narratology, film history, and genre. The class always questions whether the pop culture product wrongly describes real phenomena (such as the morality of lawyers or the death penalty) \textit{and} how that product disseminates information and cultivates attitudes in the people who consume the product. Most of all, the book and the discussion is critical of the practices it addresses, whether that’s the adversary system, legal education, law firms, the criminal and civil justice systems, or the death penalty.

\textsuperscript{14} See John Denvir, “What Movies Teach Law Students,” \url{http://usf.usfca.edu/pj//teach_denvir.htm}.
\textsuperscript{17} See Kelly E. Collingsworth, \textit{Popular Culture in the Classroom and Beyond: Using Harry Potter as a Portkey for Civics and Community Involvement}, in \textit{International Perspectives} 337.
The course (and the Course Book) covers one law-related subject per week, each subject illustrated with a particular film or television show. The first third of the course consists of classes devoted to such broad subjects as the adversary system, lawyers as heroes, lawyers as villains, the life of lawyers, legal education, and law on television.\(^{18}\) The second third of the course looks at issues of criminal justice, including the jury, military justice, and the death penalty.\(^{19}\) The final third of the course considers other areas of law, specifically the civil justice system, civil rights, sexual orientation, and family law.\(^{20}\) Obviously, I don’t have time to cover all of these chapters in a given semester (much less a given quarter), but I try to get a good balance of new and old films, some television shows, general topics about law and lawyers, and areas of legal practice that are important for students (especially non-law students) to learn about and that they will find interesting and relevant.

The students are required to watch the film or TV show outside of class;\(^ {21}\) the class then consists of two hours of discussion about the themes of law and pop culture arising out of the assigned film or TV show. Other instructors screen the movie or TV show in class (which takes about two hours), followed by a one-hour discussion.

IV. THE LIFE OF THE LAWYER—IN REALITY AND ON FILM

This part illustrates my approach to teaching law and pop culture by analyzing the class about the life of lawyers. It asks the question—what do lawyers actually do? The students see

\(^{18}\) To cover these subjects, the Course Book uses the films Anatomy of a Murder, To Kill a Mockingbird, The Verdict, Counsellor at Law, The Paper Chase, and episodes from Boston Legal.

\(^{19}\) To cover these subjects, the Course Book assigns episodes from Law & Order, and the films 12 Angry Men, A Few Good Men, and Dead Man Walking.

\(^{20}\) To cover these subjects, the Course Book uses the films A Civil Action, Philadelphia, and Kramer vs. Kramer.

\(^{21}\) The instructor may decide to screen the assigned material for the students at a particular time and place before the class meets, but this is usually unnecessary because of the widespread availability of streaming video which enables the students to watch the film at home with friends or family. It is also helpful if the library can purchase several copies of the assigned DVDs and place them on reserve.
the film *Counsellor at Law* and read an assignment in the *Course Book.*²² *Counsellor at Law*, in my opinion, stands out as the greatest film ever made about the life of the lawyer. The movie was released in 1933, just before the advent of the movie industry’s Hays Code,²³ which would have ruled out many of the themes covered in the film had it been made after the Code went into effect. This will be by far the oldest movie that students have ever seen—only a few years into the sound era. Students are thrilled by this movie and it always proves to be a highly effective teaching tool.

*Counsellor at Law* is set in George Simon’s law office—a beautiful art deco set in the Empire State Building in New York. It is directed by one of our greatest directors—William Wyler. Simon is a skillful and successful New York lawyer, played by the great John Barrymore. The film is based on a highly successful stage play by Elmer Rice²⁴ and, like the play, the movie never leaves Simon’s office. He’s a great litigator, but we never see him in court.

The movie captures a lawyer’s day—the waiting room is full of clients and the phone is ringing off the hook. Many of the clients are difficult and unpleasant people. There’s a lot of sexual harassment going on in the office (more acceptable under the culture of that time than it would be today). Simon is constantly multi-tasking. He’s juggling criminal cases, fighting off seduction attempts by a client, conducting family law negotiations, planning estates, and lobbying for a business client. Besides practicing law, he must run a business; his small law office includes his partner, an associate, a paralegal, a receptionist and various other staff members—including a shoe shine boy. Simon must constantly negotiate tricky issues of legal

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²² See *Course Book*, ch. 5.
²⁴ See *Course Book* 85-86 for information about Rice and about the stage play of *Counsellor at Law.*
ethics (and he’s sometimes on the wrong side of these issues). Most of all he has to make money, because law is above all else a business, and he must bring in money to support his staff and his own lavish life style. Of course, the technology is outdated (the movie employs the telephone switchboard to great dramatic effect, the staff hammers away at typewriters, and lawyers pore over law books in the magnificent library) but everything else about the life of lawyers is right up to date.

Simon is an up-from-the-gutter Jewish lawyer in an era when anti-Semitism in society and in the legal profession was an ever-present reality. Simon has become wealthy and successful—even though the world outside his office is falling apart during the early years of the Great Depression. He has married a beautiful and socially prominent non-Jewish wife, yet his marriage is falling apart and his step-children despise him. He’s a great lawyer—and completely oblivious to the feelings of those around him, such as his wife and children and his paralegal Roxy who is wildly in love with him.

Even though Simon would like to believe that the lower east side is far behind him, he cannot escape it. His yiddische mamma pleads with him to help his brother who is broke. When Mrs. Becker, an old family friend from the slums, requests his help, he tries to assist her son, a young Communist who’s been fighting with the police. In a gripping and unforgettable scene, the movie reveals the cultural gulf between Becker and Simon. Simon despises Becker’s radicalism while Becker loathes everything about Simon who has betrayed his working class roots.

Simon cares deeply about his clients—perhaps too deeply. Years ago, he made a serious ethical misjudgment. He knowingly introduced perjured testimony to supply an alibi for Breitstein, a criminal defense client facing life in prison. Suddenly, the snooty lawyers who run
the organized bar come after Simon for this ethical lapse and he is facing disbarment. Simon is a lawyer to the bone and he can’t imagine life without law. Talking to his partner about the crisis, he ponders whether he should just retire and play golf:

I’d go nuts in six months. How am I going to spend the rest of my life? I’m no golf player, and I don’t know an ace from a king. I don’t even know how to get drunk. All I know is work. Take work away from me and what am I? A living corpse.

What do we do in class after the students have seen *Counsellor at Law*? These are just some of the topics that the class can pursue:

- What is the life of the lawyer like? Most lawyers don’t spend their days in court (as you would expect from consuming most legal pop culture). Instead, they spend it on the phone, multi-tasking. They are mostly negotiating, not litigating. Clients can be repulsive people. And the lawyer’s life is extremely stressful.
- Lawyers must be skillful in getting clients to trust them and to pay them. Money is all-important. You can’t succeed without finding clients who can afford to pay fees, and lawyers have to charge and collect those fees.
- Issues of legal ethics arise constantly in law practice. *Counsellor at Law* is incredibly rich in ethical issues, including the perjured testimony issue already mentioned. The film also raises additional ethical issues such as insider stock trading, unreasonable fees, conflict of interest, lawyer extortion, and more.
- Lawyers are often more successful in their professional lives than in their personal lives. Like Simon, they may thrive professionally while the rest of their life is a shambles. In fact, alcoholism, drug abuse, and depression are much more common among lawyers than the general public.
• Issues of religion, gender, ethnicity, and class pervade the film. As already mentioned, the movie is full of class struggle, especially featuring the conflict between Simon and Becker. Simon has overcome anti-Semitism by becoming successful in law practice and marrying outside his faith, yet the upper class gentiles who run the legal profession can’t wait to take him down. The lower class Jews and Irish jostle for political power with whites. Women endure defined sex roles and routine sexual harassment as low-level employees of the law firm.

• The film is brilliantly directed by William Wyler who somehow finds a way to present highly dramatic material without ever opening up the movie by leaving the law office set. The film seems to move forward at about 200 miles per hour. Barrymore’s portrayal of George Simon is unforgettable. Yet Barrymore, who was near the end of his great career, was always drunk or hung over, and couldn’t remember his lines. Someone had to stand off camera with cue cards to get him through his scenes.25

V. TIPS IN TEACHING LAW AND POP CULTURE

I turn now to some practical issues that arise in teaching law and pop culture. I teach it as a seminar, meaning students are graded primarily on a final paper rather than an exam, but many instructors teach it as a course with a final exam rather than a paper. When I teach the class at the law school level, I let the students choose their paper topics so long as the topic has something to do with law and with pop culture, both broadly defined. Thus subjects arising out of legal novels, music, stage plays, news, or even TV commercials, are acceptable along with the more common subjects arising out of movies or TV. In teaching a freshman seminar, I usually make the paper topic selection process simpler and the length of the paper shorter. For example, the

paper topic might be to choose a particular lawyer character in any television show and discuss that character as compared to other lawyers we encountered in the course.

Choosing a paper subject is difficult for many students and they require quite a bit of counseling. Broadly speaking, students can go narrow and deep (such as writing about a single film or TV show in depth), or can go broad and shallow, such as by discussing the insanity defense in pop culture or the depiction of gay lawyers in the movies.

Each week, students are required to watch an assigned movie or TV show outside of class, read an assignment in the course book, do homework, and come to class. I read the homework but do not grade it. If, however, if a student’s homework is consistently good or bad, that may influence the final grade. Sometimes I ask each student to do the homework individually. Sometimes I divide the class into groups to do the homework together, such as four groups of four students each (see the Syllabus in the appendix to this chapter). Using the team approach reduces the burden on the instructor to read the homework in the hours before the class meets (only four homework papers instead of sixteen) and helps to teach teamwork. But there’s always the problem of the student who shirks responsibility and free rides on the work of the team. And you just get less raw material for teaching the class when you review only four papers instead of sixteen.

The homework solves several pedagogical problems of the seminar. If the grade is based on a final paper rather than an exam, it is sometimes difficult to get students to read the assignments carefully since they won’t be examined on the assigned material. Requiring them to do homework solves this problem, because they can’t answer the questions without having done

26 The idea of requiring students to do homework makes more sense in a class where the students watch the assigned film outside of class. If the film is shown in class, followed by a discussion, obviously the homework can’t ask about the film. However, even in that situation, the homework may compel students to actually read and think about the assigned material.
the assignment. Secondly, the homework forces students to think critically about the assigned movie or TV show rather than just sit back and enjoy it, especially because a large part of my class discussion concerns the problems raised in the homework.

Each chapter of the Course Book ends with a series of questions and I choose four or five of them as homework each week. Answering the homework questions requires the students to read the assignment and see the required film and think about both of them. The homework questions are easy, but students can answer them only if they have read the assignment and seen the film. For example, in the class about Counsellor at Law, I might ask the student to pick one of the many relationships in the movie (such as Simon and his partner, his paralegal, his wife, particular clients, his mother, etc.) and indicate why they found the relationship interesting. I might ask whether this movie made them want to be a lawyer—or anything but. I might ask them to identify and discuss an ethical issue in the film, or an issue relating to race or class. I might ask them to identify an interesting directing or cinematographic technique and discuss it. I might ask whether a particular image can function as a signifier and what it signified to the student. Or I might say—think of a question I should have asked, and answer it.

The homework is sent to me by email and must be received three hours before the class meets. I then base much of the class discussion on the homework questions. I might say, “Mary, you identified the ethical issue of charging a client an unreasonable fee—please tell us whether Simon violated ethical rules on fee-setting when he overcharged a wealthy client (to cover his loss on making a loan he knows will never be repaid). Since the students have all thought about these questions before class, they have plenty to contribute to the class discussion.
Another exercise that I found to be quite successful was a screenwriting assignment.\textsuperscript{27} The first three movies seen by the students are *The Verdict*, *Anatomy of a Murder*, and *Counsellor at Law*. I asked them to imagine either a prequel or a sequel to one of these films. For example, they might choose a prequel to *Counsellor*. The prequel might depict Simon scratching his way from poverty to the top of the profession. A sequel might imagine what happens to Simon and Roxy after the movie ends and Simon’s marriage collapses. They must provide a brief plot outline of their sequel or prequel. This compels them to exercise their storytelling muscles and come up with an interesting story that works with a beginning, middle, and end. Then they must actually write a scene from that movie. I give them material that shows the required format for writing a screenplay and they must use the correct format.\textsuperscript{28}

Finally, the students must pitch their movie to a “producer” who has to decide whether to make the film or invest in it. I’ve been using a professional writing instructor at my university who knows the entertainment business to play the “producer” (he does a great job critiquing the students’ pitches). But you can easily play this role yourself. Pitching the idea provides a nice exercise in selling yourself—a necessary skill in our economy, but one seldom taught in school.

In conclusion, I wish all the best to the past, present and future instructors who teach the course in law and pop culture. And best wishes also to all of the students who will be taking this course. To the instructors and to the students, HAVE FUN! But also be prepared to learn a lot about law and a lot about popular culture.

\textbf{APPENDIX: SYLLABUS FOR A SEMINAR IN LAW AND POPULAR CULTURE}

\textsuperscript{27} I borrowed this idea from Gary E. Peter, *Teaching a Writing Intensive Law and Popular Culture Freshman Seminar, INTERNATIONAL PERSPECTIVES*, chapter 22.

\textsuperscript{28} I use a website called www.screenwriting.info/ (especially chapters 1-7).
This is the syllabus for a recent undergraduate seminar I taught. Because my school is on the quarter system, I have only 9 teaching weeks. Instructors on the semester system can cover more subjects or use the additional hours for students to present their final papers.

SYLLABUS

A. General information: The instructor is Michael Asimow, 
Asimow@law.stanford.edu. Phone 650-723-2431. Office: Neukom 218. The teaching assistant is Itay Ravid whose email address is [deleted].


Each of the seminar meetings (other than those in the first week) has an assigned film and assigned readings from LPC.

We will divide the class into 4 teams of 4 people each. There will be a brief homework assignment most weeks based on the assigned film or TV show and the readings. Each team should work together in preparing the homework. The homework assignment (one per team) will be due by noon on the following Tuesday sent to me and to Itay by email. Attendance at class sessions is required. There is no homework for the first week of class but there is a reading assignment (see below). For one of the weeks, as discussed below, instead of homework, there is a creative writing assignment which will be done individually (not in teams).

B. Preparation for the seminar. We’d like you to start preparing for the seminar by seeing some movies or TV shows about law and lawyers during the break. Catch an episode or two of

\[29\text{In this particular seminar I was fortunate to have a teaching assistant who did a lot of work meeting with the students, reading homework, and reading their final papers. He was an LLM student who knew a lot about pop culture. The students found him very approachable since he was much closer to their ages than I was.}\]
“The Good Wife.” DVDs of many legal movies are on reserve in the law library (right behind the front desk). The audio-visual collection in the basement of Green Library has a huge collection of DVDs of movies and television shows. The law librarians are expecting you and they have an illustrated catalogue of the library’s film holdings at the desk. Browse through the catalog and borrow and watch a few law-related films (but not one of those that will be assigned for seminar sessions—see below). (If you’re away from Stanford during the break, rent some DVDs of law related movies or watch them on “on demand” or streaming video). Just to name a few that you might enjoy, in older movies you could see *Inherit the Wind, Breaker Morant,* or *Witness for the Prosecution.* In newer films, you might like *The Accused, The Lincoln Lawyer, Devil’s Advocate, Class Action, North Country, A Few Good Men, Michael Clayton,* or *My Cousin Vinny.* There are many others.

C. Grades. The grade will be based on the homework, creative writing assignment, class participation, and a final paper.

D. Creative writing assignment. The creative writing assignment will be due on Friday, Feb. 7 (instead of homework that week). The assignment is to imagine a sequel or a prequel to *Anatomy of a Murder, The Verdict,* or *Counsellor at Law* (the subjects of the classes in weeks 2-4). The proposed film is about what happens to the characters before the movie or after the end of the movie. (Example—a sequel to *The Verdict:* Frank Galvin gets on the wagon and starts rebuilding his practice, forming a partnership as well as a romantic attachment with Laura Fischer; they have a new case against the Boston Archdiocese involving sexual abuse by priests against altar boys.) I want you to prepare a brief outline of the story of the prequel or sequel that has a beginning, middle, and end. I also want you to write a scene from the screenplay. Prior to this assignment, I will distribute some sources you can look at on screenplay writing and you
should follow the accepted format form for screenplays. Then we will have a session in which you actually pitch your proposed film to a producer.

E. **Final paper.** I am not yet sure about the subject of the final paper. One possibility is that the paper will discuss a lawyer character in a television show (other than a show that is the subject of a chapter in LPC and other than a show that is running currently on TV such as *Suits*). The paper should draw on the theoretical materials presented in LPC and in class and the character should be compared to other TV or film lawyer’s we’ll study. You should start thinking now about which TV show you’d like to write about. For ideas, look at *Lawyers in Your Living Room! Law on Television* (on reserve in Law Library). You will need to submit your topic idea to Asimow and Ravid together with a bibliography; then a draft of your paper; then the final paper. Dates to be announced.

F. **Issues to be discussed.** Here are some issues to be thinking about as you watch a film or TV show about a legal subject. Many of the following issues will be addressed in our seminar sessions.

1. **Law and popular culture.** Treating works of popular legal culture as legal texts, what does this particular work (film, TV or print) teach us about law, lawyers, the legal system, ethics, or justice? What does it teach the general public? How accurate and fair is the film's account in reflecting the reality of law and lawyers?

2. **Public policy and legal theory.** Again treating the film as a legal text, what specific issues of legal or ethical policy emerge from the film? Many films dwell on the difference between "justice" and "law." Do you see a gulf between the two in a particular film? If so, how did you come up with your version of "justice?" And what's wrong with "law" if it didn't produce "justice?"
3. **Messages from the writer/director?** What can we learn about cultural or political issues and attitudes at the time the film was made (as distinguished from the time in which the story is set)? In other words, what kind of message are the writer and director trying to send to viewers beyond just entertaining them? Do you accept that message or disagree with it?

4. **Learning about lawyers.** Treating the film as an account of what lawyers do and believe, what can we learn about such questions as: How do lawyers interact with other lawyers or judges or with non-lawyers such as clients, staff, friends or family members? What is the impact of lawyers' work on their personal relationships? What professional roles do lawyers play other than in litigation and how well do they play these roles? What can we learn about how lawyers feel about what they do and how these feelings influence their public actions and their private lives? Do these filmic representations align with what real lawyers do and believe?

5. **Courtroom genre.** There is a courtroom or a lawyer genre, meaning a set of audience expectations or stock stories, in the same sense that there is a western or detective or horror film genre. Can we identify patterns of the courtroom or lawyer film or television genre? Does this movie or television show conform to the limitations of the genre or does it transcend them?

6. **Signifiers.** As explained in Chapter 1 of LPC, all human communication is made up of "signs," consisting of the "signifier" and the "signified." Identify an important signifier in the film and explain the meaning it conveys to you. Modern reader-response theory holds that there is no single correct interpretation of a text such as a film; we will often ask for your personal interpretation of a particular scene or character.
Filmmaking. What can we learn about the craft of filmmaking from this film or TV show? What is distinctive about its editing, music, cinematography, direction, art direction, mise-en-scene, acting, or sound?

Personal reaction. Treat the film as a form of experiential learning as if you were a participant in the events depicted in the film. How did you react to the film? What emotions did it stir? How would you like to have been one of the lawyers, law students, clients, jurors, or the judge involved in this film? Would you have acted differently than they did? Do you see the lawyers involved as role models or just the opposite?

A tentative schedule of the seminar sessions. This is a tentative organization of the seminar sessions with assigned readings.

Week 1. Jan. 7-9. Introduction to law and popular culture—lawyers on television. Assigned: LPC Preface (pp. xxi – xxiv) & Chapter 1. We will screen episodes of some TV shows, perhaps Perry Mason & Ally McBeal.


Week 3. Jan. 21-23. Bad lawyers. The Verdict. LPC: Chapter 4 and 3.03.1.


Week 5. Feb. 4. Law on television. Boston Legal. Season 1, Disk 1, Episodes 1-3. LPC Chapter 7. No class on Feb. 6 (I am out of town). No homework on Boston Legal but your creative writing assignment is due on Fri. Feb. 7.
