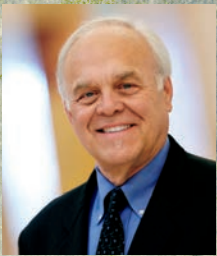




Walter Matthau (left) as Attorney "Whiplash Willie" Gingrich
in *The Fortune Cookie* (1966), United Artists/PhotoFest

Hollywood Legal Comedies— Fun, Laughter, and a Dose of Critique



By David Ray Papke

The American film industry has frequently portrayed heroic lawyers and stirring courtroom proceedings. Almost everyone is familiar with Atticus Finch's stand for racial justice in *To Kill a Mockingbird* or Frank Galvin's moving summation in *The Verdict*. But Hollywood has also used lawyers and courtrooms as sources of humor rather than drama more often than one might think. Countless delightful lawyers and hilarious trials have appeared on the big screen over the past century of feature-film production.

Like comedies in general, Hollywood legal comedies are designed to amuse and to provoke laughter. They present enough mistakes, incongruities, and ironies to enable viewers to feel vaguely superior, but legal comedies are charitable at the same time they are being shrewd. From the moment the opening credits scroll, viewers know the major characters will eventually find happiness and contentment. The various narrative twists and turns can be complicated and even outrageous, but viewers find comedies "easy" to watch because they know things will work out in the end.

That is not to say, meanwhile, that comedies are always the same. Comedy, after all, takes many forms, and the forms overlap and combine in sundry ways. Hollywood legal comedies range from raucous musicals and clownish slapstick on the one hand to

witty parodies and playful romances on the other. In recent years, legal comedy has even taken a turn toward satire, which self-consciously uses fictional characters and narrative twists to expose actual persons, types of people, social institutions, and noteworthy events as ridiculous and corrupt.

Satire in particular and also comedy in general can have a serious side. While Hollywood's primary goals are to charm and divert, legal comedies also make somebody or something the "butt" of the joke. Lawyers and judges might therefore take note that while Hollywood legal comedies are light entertainment, these comedies also speak subtly to the public's resentment of lawyers and courts.

Hollywood Classics

The American film industry relocated from New York City to southern California in the years immediately before and during World War I. The weather and the scenery were ideal for outdoor filming, and the first film moguls could hold wages down because Los Angeles was at the time the nation's largest open-shop, nonunion city. Before long, the overall enterprise became known as "Hollywood," and powerful studios were producing distinctive feature films relying on both a star system and established genres. Comedy was a staple for Hollywood's ►►



Larry, Curly, and Moe on the courtroom floor in *Disorder in the Court* (1936), Columbia Pictures/PhotoFest

filmmakers, and certain of the cinema's "classics" revolved around lawyers and courtroom proceedings.

An entertaining early example of a legal comedy was Warner Brothers' *The Night Court* (1927). One of the earliest sound films, it begins with a raid on the Paradise Night Club on West 45th Street in Manhattan, where, it was alleged, the performances were obscene. The police transport the club's entire troupe to the courthouse for a trial the very next day. A resourceful defense lawyer then convinces the judge that the troupe be allowed to perform a dance number right in the courtroom. Some of the dancers wear what appear to be swimsuits, and, quite conveniently, the jury consists of assorted musicians, who provide the music. After swaying happily to the music and quite obviously enjoying the performance, the judge decides that he will have to visit the Paradise Night Club in person in order to watch the troupe's midnight show. The judge also decrees that the puritanical prosecutor is not welcome to come along, a sure indicator that the obscenity charges will soon disappear.

The great comics of the 1930s and '40s—W. C. Fields, Mae West, the Marx Brothers, Laurel and Hardy, and Abbott and Costello—were for the most part not song-and-dance-performers, but they frequently poked fun at lawyers and courtroom proceedings with particular portrayals and scenes in their film shorts. Lawyers were not the comics' primary target, but their quips could sting. W. C. Fields, for example, said, "There are seven natural openings in the head and body, but a lawyer is the only human being with eight. The extra one is a slot to store money." Chico Marx advised people to get a lawyer whenever they were in trouble but warned: "Then you got more trouble, but at least you got a lawyer."

The Three Stooges produced a film that was a legal comedy from beginning to end. In *Disorder in*

the Court (1936), the Three Stooges played nightclub musicians called as defense witnesses in the murder trial of a friend and dancer named Gail Tempest. When Curly is told to take the stand, he asks, "Where should I put it?" Later in the trial, Larry mistakes the prosecutor's toupee for a tarantula, whereupon Moe snatches the bailiff's gun and heroically guns down the hairpiece. Moe manages to swallow his harmonica, and then later Curly bops jurors on their heads while trying to capture a parrot that has escaped in the courtroom. In the end, the Three Stooges identify the true murderer and finally stop slapping faces, poking eyes, and twisting noses. Vaudevillian slapstick must be exhausting for the actors, and it sometimes has the same effect for viewers.

Two appreciably more-refined Hollywood legal comedy classics are *Miracle on 34th Street* (1934) and *The Devil and Daniel Webster* (1941). In the former, Macy's hires one Kris Kringle to be a store Santa Claus, but then Kringle claims he actually is Saint Nick. A mental competency hearing follows in which 21 bags of cards and letters addressed to "Santa" are delivered to Kringle in open court. In *The Devil and Daniel Webster*, Webster defends an American farmer in a curious debtor-creditor action. The farmer, it seems, has sold his soul to the Devil, and the Devil has arrived to collect. Webster's jury consists of some of the most dastardly figures of American history.

Beyond the films already mentioned, a large number of the classic legal comedies were so-called romantic comedies. A well-established genre, the romantic comedy features unlikely lovers who routinely



Edmund Gwenn (sitting with beard) as Kris Kringle in a competency hearing in *Miracle on 34th Street* (1934), 20th Century Fox/PhotoFest

miscommunicate with one another before realizing that they are truly meant for each another. The leads in romantic comedies, of course, need not be lawyers, but a certain type of oblivious lawyer proved almost perfect for the genre. What's more, the Hollywood courtroom was a good setting for wacky behavior.

The romantic comedy classic involving lawyers that has attracted the most critical attention is *Adam's Rib* (1949). New York City prosecutor Adam Bonner, played by Spencer Tracy, and his spouse and criminal defense lawyer Amanda Bonner, played by Katharine Hepburn, square off in the trial of Doris Attinger for attempted murder of her cheating husband. Amanda prevails, in part because of the "testimony" of a female circus performer, whom Amanda calls to the stand. Supposedly showing that women deserve the same treatment as men, the woman performs giant somersaults in court and demonstrates her strength by lifting a frightened Adam above her head. Adam, not surprisingly, is upset and briefly moves out of the Bonners' apartment, deploring Amanda's involvement with women's causes and lack of respect for the law. Fortunately, the separation is short-lived, and before long the Bonners reconcile and go off to the country to play with the dogs who are their proverbial child-substitutes. As already noted, romantic comedies, like comedies in general, almost always manage to end happily.

Modern Legal Comedies

Historians of the American cinema point to the 1960s as the time when the so-called "classical period" of film production came to an end. Americans moved in large numbers to the suburbs and turned to network television for entertainment and relaxation. The film industry did not disappear, but filmmakers pitched their products to various specialized audiences, including but not limited to maturing baby boomers. Hollywood's biggest hope became the smash "blockbuster," and in 1972 the top 20 films were responsible for over half of all box-office receipts. Comedy remained a part of the mix, and goofy lawyers and outrageous courtroom scenes continued to appear.

As in the "classical period," romantic comedies revolving around lawyer characters and including courtroom scenes were especially common. However,



Spencer Tracy and Katharine Hepburn as Attorneys Adam and Amanda Bonner in *Adam's Rib* (1949), MGM/PhotoFest

these films were bawdier than in the past and, in some cases, even a tad indecent. Then, too, against the backdrop of soaring divorce rates, modern romantic comedies were increasingly likely to involve lovers restarting rather than initiating marriages and romantic relationships. As was the case with Adam and Amanda Bonner in 1949, the efforts at reconciliation usually succeeded, while of course providing lots of laughs along the way.

The best romantic comedies featuring lawyer characters and courtroom hijinks include *Barefoot in the Park* (1967), in which a tightly wound lawyer, played by Robert Redford, learns how to share a minuscule sixth-floor walk-up with his free-spirited wife, played by Jane Fonda; *Blume in Love* (1973), in which a California lawyer, played by George Segal, wins back his ex-wife from her lazy boyfriend Elmo, played by Kris Kristofferson; *Legal Eagles* (1986), in which Robert Redford again plays a lawyer—this time a prosecutor who falls for the defense attorney, played by Debra Winger, in an art theft case; *Two Weeks Notice* (2002), in which an earnest, activist lawyer, played by Sandra Bullock, falls for a juvenile billionaire, played by Hugh Grant; and *Laws of Attraction* (2004), in which opposing divorce lawyers, played by Pierce Brosnan and Julianne Moore, travel to Ireland to take depositions only to marry accidentally after a wild and romantic night at a folk festival. All are great fun to watch.

According to the online Internet Movie Database, the most commercially successful of the modern romantic comedies with a lawyer protagonist is *Liar Liar* (1997). The film stars Jim Carrey as lawyer Fletcher Reede and includes Carrey's distinctive facial contortions and slapstick at every turn. Carrey's humor is not universally appealing, but thousands of movie-





Swoosie Kurtz (far left) and Jim Carrey as Attorneys Dana Appleton and Fletcher Reede in *Liar Liar* (1997), Universal/PhotoFest

goers were pleased. According to the Internet Movie Database's "All Time Box Office" listings, *Liar Liar* made \$182 million at the American box office.

In *Liar Liar*, Attorney Reede is a man on the make but not particularly loyal to his son Max, who lives with Reede's ex-wife. Max wishes at a birthday party that his father would have to tell the truth for a day, and when the wish is granted by someone on high, all sorts of complications ensue. Lawyers, after all, are supposedly congenital liars. In a divorce trial, Reede has to physically bash himself in a courthouse men's room in order to honestly say he needs a continuance. At the end of the trial, Reede prevails, but he then objects to the judge's ruling because he does not truly consider his own client worthy. The judge, in turn, jails Reede for contempt. Oh, well, at least Reede and ex-wife reconcile, providing Max with a warm and loving home life.

If the romantic comedy is not one's cup of tea, a modern-day moviegoer has other types of lawyer and courtroom comedies as options. *War of the Roses* (1989), which classifies as "black comedy," considered the darker aspect of human behavior and human nature. The ambitious, materialistic lawyer Oliver Rose, played by Michael Douglas, battles in the film with his yuppie, entrepreneurial wife, played by Kathleen Turner, for their elegant family home and for other parts of their marital estate. Both end up dead in the home's foyer. *Chicago* (2002) is a musical comedy, featuring not only various singing murderesses but also the slick criminal defense lawyer Billy Flynn, played by Richard Gere. Flynn explains to the other characters and to viewers that practicing law is "a

three-ring circus." If things go badly during a trial, the lawyer can, in keeping with the film's musical-theater format, literally tap-dance around the problems.

Most notably, the film industry of the modern era also turned to the form of comedy known as satire. In general, the latter seeks smirks rather than laughs from its audiences by making characters look and sound foolish. As a satire alienates the audience from the specific fictional character, the satire also customarily points to flaws in an actual person or type of person outside the work itself. Unfortunately, an increasing number of satiric characters and external references have been lawyers.

The grandfather of these satiric law-related comedies from the modern era is *The Fortune Cookie* (1966). It features the money-hungry lawyer William Gingrich, played with great flair by the comic Walter Matthau. Nicknamed "Whiplash Willie," Gingrich specializes in phony personal-injury cases and is purportedly able to find loopholes in the Ten Commandments. Gingrich convinces his brother-in-law Harry Hinkle, played by Jack Lemmon, to fake a back injury in order to scam an insurance company, but in the end Hinkle's conscience gets the best of him. He rejects what is said to be the largest settlement offer in Ohio history and calls Gingrich "one cheap, chiseling shyster lawyer." The butt of the two-hour satiric joke in the film is the personal-injury lawyer, and, somewhat undeservedly, Matthau won an Oscar for his performance.

Subsequent films have satirized other types of lawyers. The hilarious *My Cousin Vinny* (1992), for example, portrays the brash, ethnic lawyer Vincent Gambini from New York City, who seems *not* to be embarrassed that he has failed the state bar exam five times. Although he has absolutely no litigation experience, Gambini serves as defense counsel when his cousin is tried for murder in Alabama. At one point, Gambini's girlfriend has to explain to him how discovery works. The Coen Brothers' *Intolerable Cruelty* (2003) uses the narcissistic divorce lawyer Miles Massey, played by George Clooney, to satirize divorce lawyers in general. Massey has developed a model prenuptial agreement that is supposedly indestructible, but of course both Massey and his master document are hopelessly flawed.

For a satiric portrayal of the courts rather than the legal profession, *Trial and Error* (1997) merits watching. It stars the buffoonish Michael Richards—Kramer of television's *Seinfeld* series—as a man holding himself out as a lawyer in a mail fraud case and actually doing quite well at it. One secret to the

fake lawyer's success is the advice he receives during trial through a hidden baby monitor, and it also helps that the presiding judge is obtuse and incompetent.

Hollywood films have also satirized law students and law schools. The disturbing *Soul Man* (1986) pokes fun at the Harvard Law School and especially its fictive affirmative action program. *Legally Blonde* (2001) also ridicules the school's admissions process, especially because it accommodates and is influenced by an application video promoting the bikini-clad Elle Woods, played by Reese Witherspoon. The daffy but likable Woods is a misfit among Harvard's hard-driving first-year students, but, while still a student, Woods manages to defend a murder suspect by pointing out at trial that one would surely never shower right after getting a perm. Harvard Law School is easily the most-known American law school among members of the lay public. Hence, in Hollywood satire set there, Harvard Law School functions as a synecdoche, as a cultural device in which one part of something effectively represents the whole. When Harvard Law School is ridiculed, all of legal education is the butt of the joke.

Conclusion

Stories about lawyers with engaging courtroom scenes occupy a large and important place in the American cinema, but a surprising number of these legal movies are comedies. They range from “low



comedy” featuring physical slapstick such as *The Three Stooges’ Disorder in the Court* or Jim Carrey’s *Liar Liar* to “high comedy” with drier, wittier humor such as *Two Weeks Notice* or *Intolerable Cruelty*. Even recent comedies with a sharper satirical edge are intended to make viewers smile. Audiences know, after all, that in a comedy things will work out in the end, and viewers delight in cinematic comedies primarily as pop cultural vehicles providing relaxation and escape.

But lawyers and judges might beware that these comedies also have a critical thrust. The biting satires of recent years are especially likely to ridicule lawyers and courts, but in more-subtle, overlooked ways almost all legal comedies make fun of lawyers and courts.

Why might this be? The film industry’s chief goal is not to educate members of the audience but rather to engage them with an eye to turning a profit. Hollywood is not attempting to change people’s minds but rather to coordinate feature films with what they take to be the public’s attitudes and sentiments. The public, alas, has come to harbor no shortage of negative thoughts about the legal profession and the courts.

By most accounts, a period of pronounced negativity regarding lawyers and the courts commenced in the 1970s and then built steam during the 1980s and ’90s. Indeed, the legal profession’s standing plummeted during the final decades of the twentieth century more so than that of any other profession or occupational group. One study found that the only group the public on average distrusted more than lawyers was radio talk show hosts!

A survey of public sentiment regarding the courts undertaken by the American Bar Association at the turn of the twenty-first century is equally discouraging. The survey revealed that 47 percent of the surveyed respondents considered the courts racially and economically biased, and a whopping 90 percent thought that wealthy and large corporations had unfair advantages in courtroom proceedings.

Lawyers and judges cannot do much about these polls and surveys, but we might beneficially reflect on why the public finds legal comedies amusing. While it is always fun to hear and join in the laughter in neighborhood movie houses and cineplexes, it is worth considering the reason people are laughing. In essence, the films offer a gentle critique of lawyers and courts, and audiences tend to respond approvingly. Lay viewers enjoy it when lawyers and courts, to use a term the novelist Booth Tarkington liked, receive their “comeuppance.” ■

David Papke is professor of law at Marquette University.