This paper aims to illustrate how American television series reflect tendencies and realities of the American legal system and legal policies. The depiction of the law and the legal professions on TV is closely related to historical developments in American society and its law. Four major periods can be distinguished, which will be discussed by means of popular television series representative of these eras. As will be exemplified, some of the TV shows mirror the American legal system, lawyers, judges, and police officers quite accurately and realistically, while others overtly or covertly distort legal realities. Either way, these series reflect and at the same time help reinforce public perception of what constitutes American law and justice. In contrast to the 1960s through 1980s, TV shows have become more true to the realities of the law and American policies in recent years, which is also evident in their account of rather complex legal concepts and the use of law-specific terminology.

1. Introduction

It is nowadays commonly acknowledged that law-related TV series mirror tendencies in society in general, and the legal system in particular, and at the same time help shape the audience’s perceptions of legal issues and professions. Asimov and Mader (2004/2007: 7) note that “most people learn most of what they think they know about law and lawyers from consuming popular legal culture”, which portrays ‘law in action’ rather than ‘law in the books’, i.e. law from the perspective of how it is actually practiced by judges, attorneys, police, legislators, etc., as opposed to what the law books say they are supposed to do. Nowadays, media representations of lawyers and the law sometimes provide the sole basis on which people evaluate the work of the law, which has led to enormous distortions in the perceptions of the reality of the practice of law.
This paper aims to outline four major periods in the portrayal of legal realities as promoted in popular US TV series and their perception by the public over the past five decades. The focus will be on a brief discussion of the main characters (e.g. prosecutors\(^1\), defense attorneys, and police officers) in *Perry Mason*, *Hill Street Blues*, *Matlock*, *Law and Order (L&O)*, *The Practice*, and *Boston Legal (BL)*, in order to illustrate the shift of attention from popular defense attorneys defending the innocent (e.g. *Perry Mason* and *Matlock*) to law enforcement officers and prosecutors, and finally back to defenders, but now – more realistically – representing both guilty and innocent clients. The four periods analyzed will be embedded in a discussion of the historical development of US law and legal policies, with particular regard to the public’s views on what constitutes American law.

2. **Historical Overview: US Law on TV**

**Period One** is dominated by the great number of TV series featuring defense attorneys at the service of the poor, deprived, and innocent (e.g. *Perry Mason* [1957-1974] and *The Defenders* [1961-1965]). These shows depicting socially conscious defense lawyers, popular throughout the 1960s and early 1970s, were subsequently replaced by popular cop series, such as *Hill Street Blues* (1981-1987) and *NYPD Blue* (1993-2005), in which defense lawyers were no more than secondary characters and “law enforcers representing the power of the state to track down criminals became the major defenders of justice” (Rapping 2003: 21). I refer to this development as **Period Two**, which went hand in hand with society’s movement toward conservatism and the viewers’ increasing satisfaction at seeing wrongdoers caught and punished. There are only very few exceptions to the cop format through the late 1980s and early 1990s, one being *LA Law* (1986-1994), which featured no cops but a law firm; however, unlike the more recent TV shows, such as *Boston Legal*, it depicted upscale corporate lawyers devoting most of their billing hours to defending wealthy Beverly Hills clients. *Matlock* (1986-1995), on the other hand, was the only really popular television series at that time which focused on a clever defense attorney in the mold of *Perry Mason*, rather representative of the period before the first turn.

**Period Three**, effectuated by American television in the 1990s, is triggered by complex socio-political factors precipitated by the Supreme Court’s 1981 landmark decision to allow cameras in the courtroom. This decision has to be considered within its socio-political framework: after the liberal 1960s and 1970s, in which the central concern of law en-

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\(^1\) Prosecutors are frequently referred to as *D.A.s* (i.e. district attorneys) in American Law, as most of the US prosecutors actually work in state and federal district courts.
forcement was the protection of the rights of the defendant, who was seen as a victim rather than an aggressor, the US Supreme Court had finally given in to the call for a more stringent, conservative stance toward criminal punishment. The Supreme Court decision was an attempt to display to the justice-weary public, who felt that many accused actually got off lightly due to what seemed to them a faulty legal system with too many loopholes, that alleged criminals did end up being punished and that justice was indeed done.

All of this paved the way for Court TV, a TV channel devoted exclusively to legal issues including live broadcasts from the courts, which was established in 1991. This obvious shift in TV programming, and particularly in television’s approach to criminal justice issues, marks the second shift. Court TV, in turn, helped trigger the surge of more than 30 new law series on American television in the last decade of the 20th century alone (e.g. Law & Order). Thus, popular cultural forms, such as television and film, began to recognize “popular concerns about increasing crime or the threat of crime, and social order, while emphasizing the need for law and order to be re-established in society” (Strinati 1995/1997: 168) and started to appropriate legal contexts and concepts to their respective formats. These new law series clearly reflected and further enhanced the public’s growing interest in criminal trials, which was fueled even more by real-world ‘rich and famous’ cases, e.g. The Menendez Brothers and the O.J. Simpson trials in the 1990s, which projected and ironically reinforced the false impression that the US criminal justice system was ‘soft on crime’, an image the US Supreme Court had actually intended to counteract by allowing cameras in the courtroom (Rapping 2003: 106-128). Defense lawyers – apparently sleazy and greedy – became the center of attention and public outrage, as TV viewers watched obviously guilty defendants get away with the crimes they had committed, mainly due to the fact that they were rich and able to afford ‘the best possible defense’.

Another societal shift that has had a major impact on the representation of legal issues on TV is a change in what is seen as the province of the law. Since the 1990s, “the courtroom [has] increasingly [been] replacing other, more traditionally political arenas as the major sphere within which vexed social and political issues of all kinds were being debated and ruled upon, both institutionally and publicly” (Rapping 2003: 10). Simultaneously, the criminal justice system has moved toward a “broadening of what is considered ‘criminal behavior’” (Rapping 2003: 15), nowadays including issues traditionally perceived as family or social issues handled through extralegal agencies. Rapping (2003: 15) refers to this phenomenon as “the criminalization of American life”, while Villez (2010: 12) calls it “the massive judicialization of American society”.

2 For a thorough discussion of courtroom dramas in movies see Bergman and Asimov (2006).
TV series such as *Law & Order* (1990-2010), *The Practice* (1997-2004), and its spin-off *Boston Legal* (2004-2008) have also exploited this notion, promoting the idea that basically any and all social issues and problems can be handled within the narrow terrain of the law; hence the depiction of sometimes ridiculous cases, often combining civil lawsuits with potentially criminal or at least negligent behavior of the defendants, with a large amount of compensatory and punitive damages at stake.

This naturally leads to a shift of attention to the victim. In fact, the practice of law itself has become more and more victim-centered, rather than defendant-centered in the US. Thus, the prime questions are no longer the motive triggering the criminal act and the alleged offender’s mindset but the “guilty act” (Rapping 2003: 34) itself and its consequential, mostly harsh punishment. The criminal is now depicted as a “dangerous outsider” (Rapping 2003: 35), who through his/her acts of violence threatens the community’s stability. Hence, the legal and public interest is shifted from the ‘why’ of the crime, foregrounded in the 1960s and 1970s, to the criminal deed’s moral nature and consequences, thus emphasizing the victim’s position. In TV series such as *L&O* and its spin-off *L&O: Special Victims Unit*, the opposition of law versus crime is underscored, whereby the audience is aligned with the law and the protagonists, and crime and criminals are negatively presented, as ‘different’, as ‘the other’ (Bignell 1997: 126). This dichotomy reflects the public’s fear of crime and their vengeance-like desire to have wrongdoers punished, and at the same time plays into this fear by reinforcing the notion that crime is indeed an omnipresent factor in today’s society. These television shows’ “mythic narrative structure has ideological significance, since it naturalizes ‘us’ and presents ‘the other’ as the source of disruption and disorder” (Bignell 1997: 127).

This turn is clearly mirrored in defense lawyer- and courtroom-based series such as *The Practice* as well, in which the drama often revolves around the conflict between the defense attorneys’ own moral values and their plight of having to defend mostly guilty clients ‘in the name of the law’. As opposed to *Perry Mason* (1957-1966) and its ‘clone’, *Matlock*, for example, who tended to defend only the innocent and thus were conceived as ‘good lawyers’, these more recent shows of the 1990s and early 2000s depict the unease and guilt of the defenders in view of the acquittal of many of their obviously guilty clients, their disgust and self-contempt at winning such cases.

This tendency is clearly counteracted in *Boston Legal* (*BL*), which is representative of Period Four, where the fundamental democratic ideas of ‘the presumption of innocence until proven guilty’ and the concept of providing ‘the best possible defense’ for the client are in the foreground again; thus winning cases is considered desirable and ultimately noble by the defense lawyers. In that, *BL* also works against the common misconception of the leniency of the legal system toward alleged criminals, and
through its more liberal stance shifts the focus from the victim’s perspective back to the defendant’s, emphasizing the raising of ‘a reasonable doubt’ as a main concept of a successful defense. Legal notions, such as \textit{actus reus}, \textit{mens rea}\textsuperscript{3} and the prosecution having ‘the burden of proof’ in criminal cases, are drawn upon repeatedly by the \textit{BL} lawyers in their quest for creating ‘reasonable doubt’.

3. \textbf{Cases in Point: Perry Mason, Hill Street Blues, Matlock, Law and Order (L&O), The Practice, and Boston Legal (BL)}

As will be seen in the following discussion, the four periods outlined above cannot always be clearly separated; on the contrary, the developments are interrelated and consequently also overlap in some of the underlying concepts of the TV series of the 1980s and 1990s in particular. This can be seen most obviously in the case of \textit{L&O}, in which the format of traditional cop series (in the mold of \textit{Hill Street Blues}) is combined with courtroom drama, thus bridging the first, second and third periods. On the other hand, \textit{Matlock}, although created and popular in the late 1980s and 1990s, clearly operates within the ‘defense attorney solving the case’ tradition of \textit{Perry Mason} of the 1960s and 70s, and hence harks back to the first period. Both television series illustrate the wide range of approaches toward the American legal system of the late 20\textsuperscript{th} century, which in turn mirrors the diverse socio-political movements brought about by the 1981 landmark decision of the US Supreme Court. \textit{The Practice}, by contrast, is more explicitly linked to the third period, with its rather victim-centered stance, while \textit{BL} is quite a prototypical representative of Period Four. With its rather overt political stance, underscored by a sharp sense of irony and sarcasm, \textit{BL} is certainly the most multi-faceted and multi-layered of the TV shows discussed here and will therefore receive a more thorough analysis.

The legal drama most directly associated with the first period is definitely \textit{Perry Mason}, featuring a fictional Los Angeles defense attorney of the same name (starring Raymond Burr), who originally appeared in detective novels by Erle Stanley Gardner (\textit{Perry Mason} TV series website). Each episode follows the same format: in the first half of the show, the prospective murder victim is depicted as deserving homicide, often with Mason’s client threatening to kill the victim; the body is retrieved (frequently by Mason himself, or his private investigator, Paul Drake), with numerous clues incriminating the client; the second half of the episode is then devoted to Mason defending his client in court, thereby establishing the guilt of another character present in the courtroom. Hence, as will be

\textsuperscript{3} A crime must contain two elements: the \textit{actus reus} ‘guilty act’, and the \textit{mens rea} ‘guilty mind’ (see Automatism website).
demonstrated in more detail in the discussion of *Matlock*, the entire investigation and defense rest on Mason, with the defender functioning more as a detective than a lawyer, as he has to discover evidence of who really committed the crime, thereby freeing his invariably innocent client. In fact, Mason only loses three cases of almost 300 to the prosecutor\(^4\), slick and sleazy district attorney Hamilton Burger, played by William Talman. Although this depiction of an American defense attorney is highly unrealistic, Perry Mason nevertheless “was the first role model for the defense attorney hero on TV” (Rapping 2003: 22).

As pointed out before, the second period is characterized by a shift of focus from successful defenders to police officers and their daily hassles and routines. The US serial police drama *Hill Street Blues* perfectly represents and illustrates this change in television programming in the 1980s, which coincides with American society’s move towards a more conservative attitude when dealing with criminal actions and assumed offenders. *Hill Street Blues* chronicles the lives of the staff of a single police precinct in an unnamed American metropolis, combining urban characteristics of both Chicago and New York City, although filmed in Los Angeles. The main focus of the series is on the tough, bitter inner city life realities and on the way in which the police tackles societal problems, including gang culture and brutal drug-related crimes. Rapping (2003: 2) refers to police dramas such as *Hill Street Blues* as “‘Cops with a Heart’ series”: it is no longer lawyers but “the police officers whose hearts [bleed] for the underprivileged; who [anguish] about sexism, racism, and poverty; and who – and this [is] really innovative – [have] complex personal lives [...]” (Rapping 2003:3). Each *Hill Street Blues* episode features a number of intertwined storylines, based in the main characters’ personal and professional lives. Some of these stories are resolved within the episode, others develop in several episodes throughout a season. Captain Frank Furillo (Daniel J. Travanti), his Lieutenant Ray Calletano (René Enríquez), and his three Sergeants come from all walks of life and different ethnic and racial backgrounds ranging from African-Americans to Hispanics, which in the 1980s was a groundbreaking feature of American television and paved the way for TV series such as *Criminal Intent* in the 1990s, in which it became commonplace to feature police crews of diverse ethnic and racial make-up. *Hill Street Blues* includes several inter-racial and inter-ethnic cop partnerships and examines controversial issues, e.g. police corruption, racism, and alcoholism. In their daily quest to track down the wrongdoers, the officers are continually torn between doing ‘what is right’ and ‘what works’ in a given situation, which to some extent mirrors

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\(^4\) Perry Mason’s losses are: “The Case of the Witless Witness”, “The Case of the Deadly Verdict”, and “The Case of the Terrified Typist” (*Perry Mason* website), of which one is actually reversed on appeal – a track record any real-life lawyer will envy.
real-life police work. What is ignored almost entirely in *Hill Street Blues* is the defense dimension, which is at the center of the previously discussed *Perry Mason*. Although one public defender, Joyce Davenport (incidentally Furillo’s girlfriend, played by Veronica Hamel) is given occasional guest appearances, the character never develops beyond its minor scope in the series, being limited to the domestic sphere of Furillo’s home, predominantly the bedroom. Thus, the TV series’ almost complete exclusion of defense attorneys foreshadows more recent shows such as *CSI* and its spin-offs *CSI: Miami* and *CSI: New York*, in which police investigation, albeit employing more sophisticated technical methods, and the apprehension of the offender are highlighted.

By contrast, *Matlock* features a feisty defense attorney, Ben Matlock, played by Andy Griffith, who in *Perry Mason*-style gets an acquittal in a jury trial for almost every one of his clients. He has his law practice in Atlanta, Georgia, and is assisted by various private investigators and at times by junior partners in his practice. Matlock is known for his finicky fashion sense as well as for his visiting crime scenes himself, trying to discover clues otherwise overlooked and to come up with viable alternative theories of the crime in question, usually murder. Hence, the focus of the series is not on police investigation techniques but on the defense attorney’s sense of the crime and his strategies in proving the innocence of his clients and at the same time exposing the actual offenders. The real US justice system is thus distorted: whereas in reality the burden of proof lies with the prosecution, it seems in *Matlock* that justice can only be done by the defender carrying out his own investigations and in this way doubting, if not ridiculing, the police’s and prosecution’s efforts to bring justice to the cases at hand. Hence, defense attorney Ben Matlock becomes what Bignell (1997: 126) refers to as “the mythic representation of justice.” Unrealistically, Matlock also exclusively defends the innocent, which casts additional doubt on the work done by police and district attorneys alike, who have arrested these innocent people in the first place. Like *Perry Mason*, *Matlock* makes no attempt to describe what real lawyers actually do and how the criminal justice system actually functions (see also Asimov and Mader 2004/2007: 100-101).

Yet, this *Perry Mason*-like format of the series, with Matlock identifying the offenders and then confronting them in a dramatic, ‘show-down’ courtroom scene near the end of each episode remains the only television legal drama throughout the late 1980s and 1990s, Period Three, which emphasizes the defense attorney as hero rather than police officers.

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5 Matlock always appears in court wearing a trademark light gray suit.
6 Villez (2010: 13) points out that this simple structure and its repletion in every single episode, as introduced in *Perry Mason* and continued in *Matlock*, allowed the audience to (re-)discover certain aspects of the legal system each week and to build up criteria and knowledge about the law, which then served as the basis for more complex legal dramas on TV.
and thus thwarts the contemporary zeitgeist in TV programming. Obviously, the image of the “efficient, brilliant and friendly lawyer” (Villez 2010: 18) is very reassuring for TV viewers. At the same time, it highlights the importance of effective and thorough legal representation in court as a fundamental civil right in the US legal system, valuing the ‘innocent until proven guilty’ notion. What the show fails to accomplish, though, is a more realistic portrait of the work of a defender, which is not to track down criminals via the effective and successful defense of an innocent client but the defense per se. Thus, the series stops at a premature point of legal routine: it always identifies the actual killer but falls short of giving insight into the defense of this particular alleged criminal. There is no conviction in the end, which again echoes the more liberal tradition of the 1950s through 1970s, with its noble defenders representing only the innocent – a tradition that had definitely come to an end by the mid-1990s (see the discussion of The Practice and BL below).

L&O, the longest running crime drama on American primetime television, operates within a different, potentially more realistic format: half of its one-hour time slot is devoted to police investigation and the arrest of suspects, and the rest to their criminal prosecution, with episodes often being based on actual cases (Villez 2010: 24). Hence, New York City police officers and their psychological and forensic methods to ferret out the offenders on the one hand and prosecutors and their techniques to decide upon and negotiate a proper punishment on the other hand are given equal attention and emphasis in the series. This shift of focus from defense lawyer to police and prosecution is what I have previously referred to as the first turn, which coincides with and partakes in the American public’s increasing enthrallment with criminal cases, additionally fueled by the establishment of Court TV in 1991. In the wake of high-profile cases such as the O.J. Simpson trial, Americans came to see defense attorneys as high-powered, greedy, manipulative, unfazed by whether justice is actually done as long as they win their cases and earn much money. Hence, it appears almost logical that the public’s interest in and preoccupation with criminal law is diverted from the formerly ‘noble’ defense attorney to strict law enforcement agencies such as staunch police officers and unwavering D.A.s who seem to be the sole safeguards of justice in the late 20th century US.

What is interesting to note about L&O, though, is that due to its long run of twenty years, the series itself has undergone not only numerous cast changes but also shifts in position: while in the earlier years liberal concerns were given more serious attention, more recent episodes have reflected the more punitive New York criminal justice system, which “has

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7 This is in stark contrast to the depiction of defenders as noble in Perry Mason, for example, in which the prosecutor is portrayed as sleazy – as the ‘enemy’ in the eyes of the television viewers, who were obviously encouraged to identify with Mason and his clever defense antics.
restored the death penalty and instituted other changes that make criminal prosecution easier and criminal defense more difficult” (Rapping 2003: 28). Thus, episodes of the last few seasons are more concerned with the ‘tough-on-crime’ stance and the pure pursuit of conviction at all costs, as opposed to earlier segments, in which main characters such as chief assistant district attorney Ben Stone (played by Michael Moriarty) lacked this angry, often vengeful determination to convict. The more recent D.A., Jack McCoy (Sam Waterston), by contrast, is portrayed as the powerful representative of established institutional power, i.e. the American justice system, who is becoming increasingly impatient with defenses based on what he calls “psychobabble” and “sob stories about sad childhoods” (Rapping 2003: 31); similarly, his chief police detective, Lenny Briscoe (Jerry Orbach), an older, formerly alcoholic, much divorced man whose personal flaws “have left him cynical and hard boiled to a fault” (Rapping 2003: 29) and his partners have gotten less philosophical and more aggressive and violence-prone themselves.8 As opposed to other successful law series and films (in the mold of Sam Spade and Philip Marlowe), L&O focuses on protagonists who are not independent private investigators but representatives of the state itself, who are not above bending the rules a bit in the name of ever-illusive justice. The main characters as well as the law and legal institutions themselves are depicted as flawed, and in that they are obviously meant to reflect the urban landscape of loneliness, economic and gender inequality, incipient violence, and breakdown of traditional values on a larger scale. All of this makes up the overtly conservative slant of the series: the heroes are part of the establishment, exercising power, growing restless and impatient in view of criminal action, avenging and punishing crimes, much more concerned with judging and preserving the law than with treating and rehabilitating. Thus, the stance conveyed by L&O undoubtedly mirrors the right-wing drift in the USA after Reagan’s election in 1980, which lasted until Obama’s election in 2008. During these decades, maintaining ‘law and order’ (hence the title of the series) in big cities was given priority, with the law being used “as a shield to protect people” (Villez 2010: 27), while previous priorities, such as affirmative action and community service, were being put into question (Villez 2010: 12). Consequently, L&O reinforces the US legal system’s preoccupation with the victimized individual rather than with the best possible defense for the presumed criminal.

Although in a different vein, The Practice continues the underlying conservative tendencies mirrored and promoted in L&O. It seems like a direct descendant of LA Law,9 the first US TV series to aim at dramatizing

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8 For a more detailed analysis of individual characters see Rapping (2003: 27-34).
9 LA Law realistically showed, e.g., that lawyers in the US spend relatively little time in court and a great deal of their time in their offices; it also made clear that many legal matters actually do not involve litigation, but rather plea bargaining and other forms of settling the case.
law practice as it really exists. In the same mold, *The Practice* centers on the partners and associates at a small Boston law firm. Like *LA Law*, *The Practice*’s plots typically feature the firm’s involvement in various criminal and civil cases, often mirroring current events. Yet, unlike the former, the latter revolves around the constant conflict the main characters experience between legal ethics and personal ethics: more often than not, law and justice do not coincide, the obviously guilty are frequently acquitted and the innocent are convicted. The inner turmoil and self-loathing of the associates in the law firm are highlighted, emphasizing the notion that the US justice system is faulty and fails to do justice, which is also illustrated by the image of the police being repeatedly questioned in subplots throughout the eight seasons of *The Practice*.

The plot of each segment is developed around Bobby Donnell (Dylan McDermott), senior partner at a Boston law firm, and his associates and junior partners, among them Lindsay Dole (Kelli Williams), Jimmy Berluti (Michael Badalucco), and Eugene Young (Steve Harris), who come from all walks of life and accordingly look at the practice of law from different angles. Yet, they all share feelings of contempt and disdain at what they consider an inadequate and lopsided legal system in which their noble ideas of defending the innocent are turned upside down by the reality of winning cases for guilty clients: Donnell originally opens his firm with idealistic dreams of protecting the innocent, but he quickly learns that guilty drug dealers and the like tend to be the ones who provide the business with regular income. They all also share a friendship with hard-line assistant district attorney Helen Gamble (Lara Flynn Boyle), who often prosecutes cases in which the law firm is involved. This constellation seems highly unrealistic, as the great majority of defense attorneys in reality tends to hang out with their own, as do prosecutors (Rappaport 2003: 39). The fact that *The Practice*, in contrast to traditional cop shows and the purely crime- and prosecution-based *L&O*, also includes personal episodes of the individual protagonists lends a more human touch to the series, which in turn echoes the agonies the characters experience and suffer in their legal duties.

Although *The Practice* rather accurately delineates legal realities as experienced by partners and associates of a law firm (and to a lesser extent those of the prosecution), it fails to move beyond the pessimistic perception of law and justice as propagated by *L&O*. Of course, *The Practice* looks at the legal system from a different perspective, namely that of the defense rather than police and prosecution, and it describes both criminal and civil cases and the various defense strategies the attorneys employ for

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10 Berluti, e.g., is an Italo-American from a working-class background; Dole went to Harvard Law School and in the series gets married to Donnell; Young is an African-American, formerly a private investigator, whose brother died in prison after a coerced confession led to his conviction for a crime he did not commit.
both fields of law.\textsuperscript{11} But unlike \textit{Perry Mason} and \textit{Matlock}, for example, \textit{The Practice} gives a rather bleak vision of the profession: the job of a defender is no longer considered glorious, highly reputed, and noble but rather a constant struggle with cases in which real issues of morality and justice are at stake. Contradictory views on what justice actually is are presented and verbalized throughout the series, with questions revolving around whether it is justifiable and justified to represent a client one knows to be guilty or negligent, just because they have a constitutional right to be represented in court and defended. In criminal law, this stance casts doubt on two fundamental ingredients of US democracy, namely the presumption of innocence until proven guilty\textsuperscript{12} and the right to counsel, the latter firmly embedded in the US Constitution.\textsuperscript{13} As Rapping (2003: 37) aptly puts it, “if the series were truly advancing the view […] that every defendant, no matter how odious or guilty, deserves the very best defense possible so that our democratic system can function properly, they [i.e. the defense attorneys in the series] would not experience moral anguish and disgust when they win their cases.”

It is interesting to note that the thus far final shift to Period Four, as illustrated by my discussion of \textit{BL}, is actually effectuated by David E. Kelley, one of the most renowned producers of legal TV series in the USA. Himself a former criminal defense lawyer in Boston, he went on to create popular and critically acclaimed television series such as the aforementioned \textit{LA Law} and \textit{The Practice}, as well as \textit{Ally McBeal}, \textit{Picket Fences}, and \textit{BL} (Bergman and Asimov 2006: 106; TVCrit1: Boston Legal website). In \textit{BL}, Kelley – more than ever before – points out shortcomings of the American legal system within the context of contemporary political and social events and ideologies. Consequently, the content of \textit{BL} is obviously more than an entertaining and critical glimpse of the system of law; “it is a medium from which Kelley uses character driven rhetoric to provide contextual provocation in the hopes of creating insightful thought” (TVCrit1: Boston Legal website).

On the one hand, \textit{BL} depicts defense attorneys who display all the stereotypical features associated with lawyers, which Rapping (2003: 2) characterizes as making “bundles of money being sleazy, corrupt, and soulless.” The two main characters in \textit{BL}, Denny Crane (William Shatner) and Alan Shore (James Spader) incorporate all of those characteristics. Crane is an old, rich, narcissistic, self-indulgent, eccentric, corrupt, womanizing senior partner in the Boston law firm Crane, Poole & Schmidt, who is in love with the sound of his name; at 75, he

\begin{itemize}
\item \textsuperscript{11} The main emphasis, however, remains on criminal law; unlike \textit{L&O} and the like, the position of the prosecution, although part of each episode’s plot, is not of primary interest.
\item \textsuperscript{12} This is a legal right of the accused in a criminal trial, recognized by many nations including the US (see Presumption of Innocence website).
\item \textsuperscript{13} See Sixth Amendment (US Constitution website).
\end{itemize}
is well past his prime, suffering from dementia (which he himself refers to as ‘mad cow’), yet lives off of his glorious, long-gone reputation. He is a fierce, gun-loving Republican who will shoot people who interfere with his life one way or another without hesitation, which has gotten him into trouble with the law several times. Shore is portrayed as a slick, determined attorney, equally infatuated with women. He crosses the line frequently, bending the law his way, keen on winning every single case. Unlike most real-life lawyers, Shore is an expert in almost every field of law, taking on criminal and civil cases alike and winning most of them. He is a liberal Democrat who despite his usually unscrupulous conduct also displays some moral values and will take on some cases pro bono. Both attorneys have connections, which they are always willing to exploit to their own advantage. Yet, on the other hand, both display a great deal of humanity and loyalty at times, toward each other as friends as well as toward their clients. They also show much self-deprecating irony, which, despite their sometimes slick and inconsiderate manners, makes them likable, endearing, and entertaining as characters. Much of the sarcasm and cynicism results from the plot itself and the defenders’ personalities and looks. In one episode, e.g., it is not beyond the two to dress up as pink flamingos for a charity event, ridiculing themselves; in another instance, Denny Crane will desperately try to squeeze himself into a much too tight wetsuit for a fishing trip, displaying his ample bulge. However, the most comical and pointed examples of irony are verbal and usually openly allude to either legal flaws in the system, the current political situation, or the relationship to a former lover. In “The Black Widow” (Season 2, Episode 1), e.g., Denny Crane enters the conference room, red-faced, obviously aroused by the sight of a beautiful client, Kelly Nolan (Heather Locklear), accused of murdering her late husband. She turns to her defense attorney, Alan Shore, “Who is this man? And why is his face about to explode?”, which prompts Shore to introduce the two thus, “Kelly Nolan, this is Denny Crane. Success has caused his head to swell.” In “Kill Baby Kill” (Season 5, Episode 9), Shore is somewhat uncharmingly complimented for his rather fit appearance by a former classmate, Martha: “You know, I always figured you to age fat and bald”, at which Shore retorts, “Well, I was lucky enough to stave off the evil that so ages men – marriage.” Later in the episode, Crane discusses Republican politics with his co-defender Carl Sack in a Virginia bar: “You heard it all at the Republican Convention, ‘Kill, baby, kill’”, to which Sack replies, “I thought Republicans were pro-life”, which Crane refutes by a tongue-in-cheek explanation, “That’s for babies. Criminals, we kill.” In the final scene of the episode, Shore and Shirley Schmidt, another senior partner in the law firm, subsume the most recent presidential elections of 2008, which the former concludes thus: “I already miss Sarah Palin though.
She was fun while she lasted. I hope they let her keep the wardrobe”, commenting on Palin’s rather extravagant, preposterous fashion sense funded by the Republican Party during the 2008 Presidential Election campaign.

Yet, both Crane and Shore not only display an acquired sense of humor but also, and more importantly for their profession, a high degree of advocacy and rhetoric, always facing the jury, addressing them directly in all of their trials. Shore’s main mode of defense includes a large number of rhetorical questions, which he proceeds to answer by refuting any kind of evidence or argument by the prosecution. This display of rhetoric is also indicative of the importance of the jury, especially in criminal trials: it seems as if the attorneys, prosecutors and defenders alike, are ‘performing’ for the jury, and the more convincing the ‘performance’ of the defender, the better for their client. Hence, the concepts of jury trials and of achieving ‘a reasonable doubt’ are inextricably linked in US law, which is highlighted throughout the five seasons of BL.

The judges, with whom Crane and Shore repeatedly struggle, are either stereotypically old, senile, often biased or not interested in the trials at hand but in their own power, or very young, beautiful, sexy women at least one of the two main characters has had an affair with. Real-life judges in the US tend to be rather old, as they have to have practiced law many years before they can actually advance up the career ladder in order to become judges; hence the (admittedly rare) depiction of young women as judges in BL seems highly unrealistic.

Throughout the five seasons of BL, the importance of money is very palpable, as is the fundamental concept of the American legal system which guarantees US citizens the right to the best possible defense (they can afford) – an ideal on which all the defense attorneys at Crane, Poole & Schmidt pride themselves. Although most of the senior partners at the firm are rather conservative in their attitude toward the legal profession and their idea of how the law should be practiced, the junior partners and associates (and Crane himself at times as well) are very unconventional in their respective conduct, ranging from the overt behavior of a fat African-American cross-dresser, an attorney suffering from Asperger’s Syndrome, to Shore’s sometimes risqué defense strategies and Crane’s aggressively sexual and sexist stance toward women. This makes for quite a non-PC practice, built on irony and sarcasm as well as true and very realistic legal and social issues.

However, what is maybe most striking about BL is its sophisticated and wide range of legal concepts, which the audience is confronted with

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14 As in all the other series discussed so far, judges only play a minor, if more elaborated role in BL, even though much of each episode is set inside courtrooms. For a more detailed analysis of three stereotypical judges frequently featured in BL see the TVCrit1: Boston Legal website.
without any further explanation, such as ‘Megan’s Law’\textsuperscript{15}, ‘TRO’\textsuperscript{16}, ‘First Amendment rights’\textsuperscript{17} and ‘automatism’.\textsuperscript{18} Additionally, a wide range of socio-political issues, e.g. the US educational system, the war in Iraq, assisted suicide, gay rights, and environmental law are dealt with throughout the series. Even the nomination process and judicial powers of federal Supreme Court Justices are talked about and heavily criticized in one episode.\textsuperscript{19} Many times, the role of the media, particularly in criminal trials, is depicted as a disturbing factor, enhancing and accelerating prejudgment by the public of oftentimes falsely accused defendants. Hence, the producer of the series presupposes a more profound knowledge of legal and social concepts among his viewers than is required in most other legal series. This is presumably only made possible by the TV audience’s constant exposure to law shows on American television, which have ‘prepared’ and sensitized them to intricate issues regarding American Law and policies.

4. **Concluding remarks**

As has been shown, legal concepts and their perception by the public are closely related to their depiction in TV series and shows. Yet, TV producers do not only reinforce legal realities and stereotypes alike, but they are also affected by and dependent on the public’s conception and interpretation of these realities and clichés. Thus, they react to their viewers’ ideas of legal concepts and their capabilities to ‘understand’ the law and legal jargon as much as they shape them. As a result of the TV viewers’ constant exposure to law-related broadcasts, notions such as ‘probable cause’, ‘Miranda Rights’\textsuperscript{20} and ‘Fourth Amendment Protec-

\textsuperscript{15} Megan’s Law refers to information made public about previously convicted sex offenders (see Megan’s Law website).

\textsuperscript{16} TRO stands for ‘temporary restraining order’.

\textsuperscript{17} First Amendment of the US Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances (see the US Constitution website).

\textsuperscript{18} The defense of automatism in criminal law is a defense to liability. A crime must, as mentioned above, contain two elements: the \textit{actus reus} ‘guilty act’, and the \textit{mens rea} ‘guilty mind’. This defense seeks to prove that the criminal defendant made only physical movements and did not “intend” to commit the act as required to prove the \textit{mens rea} (see Automatism website).

\textsuperscript{19} Season 4, Episode 17: “The Court Supreme.”

\textsuperscript{20} The Miranda Rights, or Miranda Warning, are named after a Supreme Court case in 1966, \textit{Miranda v. Arizona}: The police must advise suspects of their Miranda Rights – their right to remain silent, their right to an attorney, and the right to an appointed attorney if they are unable to afford counsel – prior to conducting a custodial interrogation. If a suspect is not in police custody (i.e. ‘under arrest’), the police do not have to warn them of their rights (see Miranda Rights website).
tion have become household terms and are nowadays firmly entrenched in US national and popular culture (Rapping 2003: 120-128; Asimov and Mader 2004/2007: 8).

Just as American society, the American legal system, and American politics and policies have undergone many changes throughout the last few decades of the 20th century and the first decade of the 21st, representations of the law and legal professions on TV have evolved as well. The outline above illustrates how the different turns in the development of the law have not only impacted Americans and their interpretation and construction of the domain of law, but also depictions of legal issues and professionals on television. While earlier TV series, such as *Perry Mason*, *Matlock*, and to a lesser extent *L&O*, contain many distortions of legal realities in the US, more recent shows represent American Law much more accurately. Since many producers of today’s law series are legal professionals themselves (most notably David E. Kelley), many of the concepts of law depicted and communicated via TV are actually rather realistic. The emphasis on advocacy in *BL*, for example, clearly mirrors the importance of rhetoric in real-life legal practice.

Yet, in addition to showing how certain features of American Law actually work, the more recent law series on television function as a means for the producers to criticize the legal system, to display what they believe is wrong about the politics behind the system, the legal profession, and often about the US and US politics as a whole. As has been delineated above, *BL* in particular serves as a vehicle for its producer in this respect: current political developments are commented on in a very critical, sarcastic manner, and are very frequently referred to and incorporated in in-court arguments by the defense attorneys (e.g. the liberal anti-Bush stance displayed by Shore and Crane’s staunch Republican attitude are set against each other, often with very ironic undertones). As has been illustrated, this form of critical commentary on current affairs, together with its shift of perspective from the prosecution back to the defense, is one of the key elements that sets what I refer to as the third turn apart from the previous two. Although defense attorneys are portrayed in different, much more realistic terms in the 2000s than in *Perry Mason* and *Matlock*, for example, this emphasis on the defender’s work marks a return to legal representations intrinsic in TV series of the 1960s and 1970s, rendering the defense lawyer’s duties more noble and fundamental to the efficiency of the American legal system again.

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21 The Fourth Amendment of the United States Constitution states the following: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (see US Constitution website).
It remains to be seen in what direction the American legal landscape and its representation on television will develop in the future. It seems very likely, though, that TV series will continue the trend of becoming even more sophisticated in their depiction of legal issues and professions, partly because the producers of these shows tend to be former lawyers, thus insiders of the world of law, themselves, and partly because they will be able to cater to ever better informed, knowledgeable viewers.

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