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Still in the Dark: Disappointing Images of Women Lawyers in the Movies

STACY CAPLOW*

For many of us, Atticus Finch, the principled hero of the movie *To Kill a Mockingbird*,¹ was our first positive legal role model. We may have heard of Clarence Darrow or known that Abraham Lincoln was a country lawyer before becoming president, and we may have even read Harper Lee's unforgettable book,² but it was the dignified, sagacious, and unquestionably humane Gregory Peck on the screen, who educated us about what a lawyer was supposed to be. Atticus Finch braved the censure of his small southern town, represented a poor black farmer against the accusation of sexual assault by a white woman in the racist south of the 1930s, artfully used his advocate's skills in court, all the while retaining the affection of his white neighbors, the respect of the black community, and the unqualified love of his children. After seeing the movie, we wanted to go to law school and become a lawyer just like him.³

During the more than thirty years that Atticus Finch reigned as a leading-man legal role model, he had no female counterparts for the many women who became lawyers in the period beginning in the early 1970s when women first trickled into, then flooded, the legal profession. There was no female cinematic equivalent to Atticus Finch to emulate or admire, a deficiency that was all the more aggravating in light of the lack of real-life role models for this generation of aspiring lawyers. Although in the 1970s and early 1980s the number of women graduating from law school increased dramatically,⁴ these lawyers, often one of only a few women in their practice settings, had no reassuring or inspirational film characters that reflected this growth. By 1990, when women represented between 20 and 24% of the profession,⁵ we still lacked authentic cinematic role models who could be seen struggling with the everyday issues of blending career and home responsibilities,

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1. *TO KILL A MOCKINGBIRD* (Universal Pictures 1962).

2. See HARPER LEE, *TO KILL A MOCKINGBIRD* (J.P. Lippencott 1960).

3. The book, the movie, and the character of Atticus Finch have been the subject of many articles, see, e.g., Michael Asimov, *When Lawyers Were Heroes*, 30 U.S.F. L. REV. 1131 (1996); John Jay Osborne, Jr., *Atticus Finch - The End of Honor: A Discussion of To Kill a Mockingbird*, 30 U.S.F. L. REV. 1139 (1996); and even a law review symposium, see Symposium, *To Kill a Mockingbird*, 45 ALA. L. REV. 389 (1994).

4. In 1980, 8.1% of the lawyer population was female. See BARBARA A. CURRAN ET AL., *THE LAWYER STATISTICAL REPORT: A STATISTICAL PROFILE OF THE U.S. LEGAL PROFESSION IN THE 1980s* 10 (1985). In 1983, 33.6% of all newly admitted attorneys were women, see *id.* at 58, so that by 1985, the overall number of women lawyers had risen to 13.1%. See BARBARA A. CURRAN ET AL., *SUPPLEMENT TO THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN 1985* 3 (1986).

5. According to the 1990 U.S. Census, women accounted for 24% of the total of 799,471 lawyers and judges. See AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *WOMEN IN THE LAW: A LOOK AT THE NUMBERS* 3 (1995). The Bureau of Labor Statistics reported that 21% of employed lawyers and judges, a slightly lower

"glass ceiling" strictures, sexual harassment, gender stereotyping, or unequal compensation.⁶ Even today, despite some depictions of women lawyers on the big screen, a trend that flowered in the mid-1980s, then withered within a ten-year period, Hollywood has been unkind and unsympathetic to and, in many cases exploitive of, women lawyers.⁷ The movie industry caught up with this demographic shift in the late 1980s and early 1990s when a spate of movies were released with women lawyer protagonists. This flurry presumably signaled Hollywood's belated recognition of the dramatic potential of the influx of women into the legal workplace. Beginning in 1985 with *Jagged Edge*,⁸ the profusion of movies featuring women lawyers suggested that the résumé of every major actress required a lady lawyer entry in order to be competitive. In short order, moviegoers were able to see with regularity movies in which women lawyers practiced their profession, such as Debra Winger in *Legal Eagles*,⁹ Ellen Barkin in *The Big Easy*,¹⁰ Theresa Russell in *Physical Evidence*,¹¹ Barbara Hershey in *Defenseless*,¹² Penelope Ann Miller in *Other People's Money*,¹³ Sean Young in *Love Crimes*,¹⁴ Demi Moore in *A Few Good Men*,¹⁵

Rebecca deMornay in *Guilty as Sin*,¹⁶ and Bonnie Bedelia in *Judicial Consent*.¹⁷ Historians seeking to date the end of this trend need look no further than 1995, with the casting of Cindy Crawford in *Fair Game*,¹⁸ in which the super-model demonstrated her meager legal prowess for about two minutes at the beginning of a movie which then required her to be decorative for its duration.

However hopeful woman lawyer moviegoers may have been as a result of this phenomenon, our expectations were invariably disappointed. A glance at this undistinguished roster of largely forgettable movies in which the featured female compromised herself both personally and professionally by either having sex with an inappropriate character (adversary, boss, client) or placing herself in physical or psychological danger, or both, suggests that film makers have not allowed women lawyer characters to achieve even the degree of professional success and esteem that they may have in real life. With few exceptions, cinematic women lawyers have been depicted in patriarchal roles, dependent for their success, approval or self-protection on male colleagues, mentors, or father

total amount, were women. *See id.* The American Bar Foundation reported that of the 805,872 licensed lawyers, whether or not employed, 20% were women. *See id.* In each of these surveys, the total number of women attorneys as of 1990 was between 157,000 and 190,145. *See id.* at 4.

6. The progress and pitfalls of women in the legal profession have been chronicled and charted in many sources, and from many perspectives. Some recent books and articles that have focused on this era include: THE WOMAN ADVOCATE (Jean Maclean Snyder & Andra Barmash Greene eds., 1996); Cynthia Fuchs Epstein et al., *Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession*, 64 *FORDHAM L. REV.* 291 (1995); CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* (2d ed. 1993); MONA HARRINGTON, *WOMEN LAWYERS: REWRITING THE RULES* (1994); Stacy Caplow & Shira A. Scheindlin, "Portrait of a Lady": The Woman Lawyer in the 1980s, 35 *N.Y.L. SCH. L. REV.* 391 (1990). The topic has been studied in other countries also. *See, e.g.,* WOMEN IN LAW (Shimon Shetreet ed., 1998) (commenting on the experiences of women lawyers in U.S. and Israel); MARGARET THORNTON, *DISSONANCE AND DISTRUST: WOMEN IN THE LEGAL PROFESSION* (1996) (discussing women lawyers in Australia); JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE* (1995) (discussing women lawyers in Canada). There are also some interesting works that provide a historical perspective on the progress of women attorneys. *See, e.g.,* VIRGINIA G. DRACHMAN, *SISTERS IN LAW: WOMEN LAWYERS IN MODERN AMERICAN HISTORY* (1998); WOMEN IN LAW: A BIO-BIBLIOGRAPHICAL SOURCEBOOK (Rebecca Mae Salokar & Mary L. Volcansek eds., 1996).

7. Interestingly, television shows have created much more nuanced and diverse female lawyer characters. From *L.A.*

Law to Ally McBeal, television has taken more risks, permitted characters to develop and change over several seasons, introduced new characters, and allowed women lawyers a greater diversity of personality, style (both professional and personal), legal specialty, and even appearance. Although this essay is limited to films, several other commentators offer thoughtful and comprehensive insights about women lawyers in television series. *See, e.g.,* Diane Klein, *Ally McBeal and Her Sisters: A Quantitative and Qualitative Analysis of Representations of Women Lawyers on Prime-Time Television*, 18 *LOY. L.A. ENT. L.J.* 259 (1998); Christine Alice Corcos, *Women Lawyers, in PRIME TIME LAW: FICTIONAL TELEVISION AS LEGAL NARRATIVE* 219 (Robert M. Jarvis & Paul R. Joseph eds., 1998); Ric Sheffield, *On Film: A Social History of Women Lawyers in Popular Culture 1930-1990*, 14 *LOY. L.A. ENT. L.J.* 73, 96-106 (1993); Diane M. Glass, *Portia in Primetime: Women Lawyers, Television and L.A. Law*, 2 *YALE J.L. & FEMINISM* 371 (1990).

8. *JAGGED EDGE* (Columbia Pictures 1985).

9. *LEGAL EAGLES* (Universal Pictures 1986).

10. *THE BIG EASY* (Kings Road Entertainment 1987).

11. *PHYSICAL EVIDENCE* (Columbia Pictures 1988).

12. *DEFENSELESS* (New Visions Cinema 1990).

13. *OTHER PEOPLE'S MONEY* (Warner Brothers 1991).

14. *LOVE CRIMES* (Miramax Films 1991).

15. *A FEW GOOD MEN* (Columbia Pictures 1992).

16. *GUILTY AS SIN* (Hollywood Pictures 1993).

17. *JUDICIAL CONSENT* (Ryser Entertainment 1994).

18. *FAIR GAME* (Warner Brothers 1995).

figures. Moreover, they have been portrayed as immoral by society's standards, and unethical according to professional norms.¹⁹ Even those movies that initially seemed to showcase the skills and successes of a woman attorney favorably, were quickly stripped of this pretense of respect as the plot degenerated into a trite pot-boiler in which the woman's downfall is due to either absurd professional miscalculations, serious emotional problems, sexual transgressions, or all of the above.

In this batch of mediocre films there were a few of better quality that are worth examining for their more serious portrayal of women lawyers in their professional milieu.²⁰ This essay will examine six of the best known of these films, each of which pass, at least initially, a basic critical minimum standard. Four of them, *Jagged Edge*,²¹ *Suspect*,²² *The Music Box*,²³ and *Class Action*,²⁴ follow a familiar formula in which a reasonably successful, somewhat frustrated, or disappointed woman lawyer takes on a big case with either temporary or long-term disastrous consequences. The fifth, *The Accused*,²⁵ manages to avoid these melodramatic pitfalls, but still portrays its featured attorney as a flawed heroine, and, because of its subject matter—a rape prosecution—still suffers from some objectionable stereotyping. *The Client*,²⁶ the last chronologically, offers a more sympathetic, humane, and likeable portrait of its lawyer protagonist who, largely by supplementing her legal judgment with maternal impulses, achieves both a legal advantage for her client and a large measure of personal gratification.

As an avid cinephile, without much taste or discretion, and apparently a lot of disposable time, I saw almost all of these movies and then realized, in about 1992, that a phenomenon was taking place. At that time, I gave a speech at a law school function which argued that, despite a fair amount of on-screen exposure, women were not faring well in popular culture. Since then, the screen depiction of women lawyers has been the subject of several articles, catching the imagination of feminist critics, all of whom express degrees of disappointment and discouragement.²⁷

This essay updates my earlier conclusion. In the intervening years since my original observations, and despite the almost universal criticism of the treatment of women lawyers in film, no apparent progress has occurred. Indeed, the most noticeable change is the declining presence of women lawyers in recent movies, particularly in a central role. Women have been relegated to supporting characters, such as the prosecutor in *Primal Fear*²⁸ and the window-dressing advocate in *Philadelphia*.²⁹ They are law students in *A Time to Kill*³⁰ or *Reversal of Fortune*,³¹ cultural oddities like the Chinese defense attorney in *Red Corner*,³² or anonymous judges and briefcase toting extras in courthouse hallways and elevators. Hollywood seems to have lost interest in the travails of the woman attorney.

19. See PAUL BERGMAN & MICHAEL ASIMOV, REEL JUSTICE: THE COURTROOM GOES TO THE MOVIES 90-93 (1996).

20. There is, of course, room to differ with my estimation of these movies! Several other authors also have identified these movies as worthy of analysis. See, e.g., Louise Everett Graham & Geraldine Maschio, *A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film*, 84 KY. L.J. 1027, 1040-61 (1995-96); Carolyn Lisa Miller, "What a Waste: Beautiful, Sexy Gal, Hell of a Lawyer": Film and the Female Lawyer, 4 COLUM. J. GENDER & L. 203, 207-27 (1994).

21. JAGGED EDGE, *supra* note 8.

22. SUSPECT (TriStar Pictures 1987).

23. THE MUSIC BOX (Carolco Pictures 1990).

24. CLASS ACTION (Twentieth Century Fox 1991).

25. THE ACCUSED (Paramount Pictures 1988).

26. THE CLIENT (Warner Brothers 1994).

27. See, e.g., Frankie Y. Bailey et al., *The Best Defense: Images of Female Attorneys in Popular Films*, in POPULAR CULTURE, CRIME, AND JUSTICE 180, 181-82 (Frankie Y. Bai-

ley & Donna C. Hale eds., 1998); Miller, *supra* note 20; Graham & Maschio, *supra* note 20; Carole Shapiro, *Women Lawyers in Celluloid: Why Hollywood Skirts the Truth*, 25 U. TOL. L. REV. 955 (1995); Sheffield, *supra* note 7; Cynthia Lucia, *Women on Trial: The Female Lawyer in the Courtroom*, 29 CINEASTE 32 (1992); Terry Kay Diggs, *No Way to Treat a Lawyer*, CAL. LAWYER 48 (1992). See also, Christine Corcos, *Portia and Her Partners in Popular Culture: A Bibliography*, 22 LEGAL STUD. F. 269 (1998); Christine Corcos, *Bad Girls: Women Lawyers on Film and Television: A Selected Bibliography* (Apr. 8, 1999) <<http://aall.wuacc.edu/wlegedu/bargirls.htm>>. A recent addition to this list is Carole Shapiro, *Women Lawyers in Celluloid, Rewrapped*, 23 VT. L. REV. 303 (1999) (identifying a third generation of women lawyer movies).

28. PRIMAL FEAR (Paramount 1996).

29. PHILADELPHIA (TriStar Pictures 1993).

30. A TIME TO KILL (Warner Brothers 1996).

31. REVERSAL OF FORTUNE (Warner Brothers 1990).

32. RED CORNER (MGM 1997).

WOMEN LAWYERS IN POPULAR CULTURE

An examination of the depiction of law and lawyers in popular media is most useful as a measurement of the general public perception of the law and the legal profession. Forms of popular culture can chart the impact of law on society as its creator has understood, processed, and then communicated the phenomena, assuming that the creator is observant and perceptive. Looking at images of law and lawyers in popular culture permits us to view a version of the real social impact of legal ideas as seen through the eyes of a creative interpreter and as processed by a lay audience. Popular legal culture bears some responsibility for creating the public's understanding of the law since many people derive all of their information about the meaning of legal events through the lens of popular media.³³

Examining images of women lawyers thus permits us to question the status that women seem to have attained in the legal profession, and the personal, moral, or emotional adjustments they have been required to make in order to participate in that world, as conceived on film. We can also ask how the public is likely to perceive women lawyers as a result of these images.

33. Examining images of lawyers in popular culture is an enterprise that is just beginning to achieve scholarly legitimacy. Recently, articles about the representation of law in popular culture have appeared in legal periodicals. See, e.g., Anthony Chase, *Lawyers and Popular Culture: A Review of Mass Media Portrayals of American Attorneys*, 1986 AM. B. FOUND. RES. J. 281 (1986); Anthony Chase, *Toward a Legal Theory of Popular Culture*, 1986 Wis. L. Rev. 527 (1986); Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 YALE L.J. 1578 (1989); Stephen Gillers, *Taking L.A. Law More Seriously*, 98 YALE L.J. 1607 (1989); David A. Harris, *The Appearance of Justice: Court TV, Conventional Television, and Public Understanding of the Criminal Justice System*, 35 ARIZ. L. REV. 785 (1993); Stewart Macaulay, *Images of Law in Everyday Life: The Lessons of School, Entertainment and Spectator Sports*, 21 LAW & SOC'Y REV. 185 (1987); Robert C. Post, *On the Popular Image of the Lawyer: Reflections in a Dark Glass*, 75 CAL. L. REV. 379 (1987). Popular legal culture has also been the topic of symposia. See, e.g., THE LAWYER AND POPULAR CULTURE: PROCEEDINGS OF A CONFERENCE, JANUARY 7-8, 1992 (David Gunn ed., 1993).

Thanks to the law and literature movement, now even the lower brows among us who admit to curling up with John Grisham or Scott Turow, instead of *Billy Budd*, *The Merchant of Venice*, *Bleak House*, or *Antigone*, have texts and a growing claim for the legitimacy of referring to popular culture to address the relationship of the law to public attitudes and images of lawyers. Even Judge Richard Posner,

Portrayals of women in the movies presumably attempt to mirror the authentic ambivalence of real-life women lawyers about whether and how their sex influences the law and its practice, and reflects and reinforces the skepticism of lay people about the relative abilities and competence of women attorneys. These fictional characterizations and their accompanying conflicts, dilemmas, and choices not surprisingly suggest that media portraits of lawyers perpetuate the stereotypes as well as the actual differences between women and men in the legal culture, registering an outsider's perspective that those of us on the inside may have overlooked, ignored, or even rejected. We, therefore, should be able to gauge the *perceived* status of women in the legal profession since the credibility of plot and character depend to some degree on the authenticity of the depiction of the woman lawyer in her professional role.

THE LEGAL GENRE FILM

A genre film is characterized by a particular style, form, or content. A particular genre can be identified by familiar conventions and formulas that are plot rather than character

has suggested that "[A]n immensely popular contemporary novel about the law may . . . afford a better glimpse of how lay people regard law than any public opinion poll would do." Richard A. Posner, *The Depiction of Law in The Bonfire of the Vanities*, 98 YALE L.J. 1652, 1655 (1989). His remarks apply to the movies as well. There are growing numbers of examples of serious attempts to look at film as a text that enhances our understanding of law. See, e.g., LEGAL REELISM: MOVIES AS LEGAL TEXT (John Denvir ed., 1996); Symposium, *Picturing Justice: Images of Law and Lawyers in the Visual Media*, 30 U.S.F. L. REV. 891 (1996); Symposium, *Legal Reelism: The Hollywood Film as Legal Text*, 25 LEGAL STUD. F. 199 (1993); Rennard Strickland, *The Cinematic Lawyer: The Magic Mirror and the Silver Screen*, 22 OKLA. CITY U. L. REV. 13 (1997).

The study of the relationship of law and popular culture has even seeped into the law school curriculum. See, e.g., Anthony Chase, *On Teaching Law and Popular Culture*, 3 FOCUS ON L. STUD. 1 (1988); Philip N. Meyer, *Visual Literacy and the Legal Culture: Reading Film as Text in the Law School Setting*, 17 LEGAL STUD. F. 73 (1993); Steven Greenfield & Guy Osborn, *The Empowerment of Students: The Case for Popular Film in Legal Studies*, 10 FOCUS ON L. STUD. 6 (1995); Philip N. Meyer, *Law Students Go to the Movies*, 24 CONN. L. REV. 893 (1992); Norman Rosenberg, *A Word is Just a Word: Bringing Classical Hollywood Films into Legal Studies Classes*, 7 FOCUS ON L. STUD. 2 (1992).

centered.³⁴ Films about the law and lawyers have always been a popular genre, although arguably these movies really are trans-genre. They can be about gangsters, prisons, the wild west, class distinctions, femmes fatales, social causes, historical events, biography, law school, and even the military. They can be dramas, melodramas, or even screwball comedies. Moreover, the typical legal narrative contains the same basic ingredients as the classic Hollywood narrative, a form based on cause and effect relationships between characters that establish conflict, and then advance the conflict toward resolution and climax.³⁵

Legal issues are inherently dramatic since they generally arise out of opposition and conflict, and are often, at least in the mind of the public, resolved in a courtroom, the modern gladiatorial forum. The courtroom generally and, even more so, the inevitable climactic trial scene are excellent stages for the resolution of such global questions as guilt or innocence, good or evil, right or wrong.³⁶ Summations provide an excellent soapbox for pontification, or an opportunity for revelation; direct examination involves a moment of dramatic accusation; cross-examination allows the witness to expiate or the lawyer to vilify. Some of the complexities of difficult social issues such as abortion or the death penalty can be exposed to the public through the medium of legal conflict, yet the individual does not have to take sides while sitting in the theater. Viewers expect judges and juries to make decisions and these cinematic decision makers rarely disappoint. Perhaps movies even relieve the public of the responsibility of taking a position. Finally, most movies re-

solve the conflicts they create by solving the mystery, rendering a verdict, or contriving a confession, thereby leaving the viewer satisfied with the kind of tidy resolution that rarely occurs in real life.

Since most movies about lawyers and the law pose questions in moral hyperboles and have larger than life plots, celluloid advocates on behalf of these positions tend to be portrayed at one extreme or the other of the villainy-virtue continuum without much exploration of intermediate subtleties. When a good lawyer is corrupted or an evil lawyer redeemed, this transformation is usually the metaphor for a larger moral message. No movie ever depicts the work-a-day grind of the typical lawyer of average looks and normal abilities who is too busy juggling the demands of clients, bosses, judges, adversaries, errands, and family to allow for much dalliance and distraction.

Movies featuring lawyers have been popular for a long time.³⁷ In many, particularly those in the 1930s and 1940s, the lawyer was corrupt, depraved, or degenerate. In these so-called "shysters and mouthpieces" movies, the lawyers are alcoholics, murderers, evidence or jury tamperers, and perjurers, among other unattractive types.³⁸ They are susceptible to seduction in the form of power, money, or sex. They are almost exclusively men.

Even in more recent films, lawyers have not made much progress beyond the shyster cliché. For example, Walter Matthau's ambulance chaser in *The Fortune Cookie*³⁹ persuades his friend to fake injuries for a negligence suit after a very minor accident. In *The Verdict*,⁴⁰ Paul Newman, a burnt-out alcoholic attorney,

34. See generally FILM GENRE READER (Barry Grant Keith ed., 1986). See also Chase, *Toward a Legal Theory of Popular Culture*, *supra* note 33, at 563-67.

35. See DAVID BORDWELL & KRISTIN THOMPSON, FILM ART: AN INTRODUCTION 108-10 (5th ed. 1996).

36. The courtroom trial has been called an "American cultural convention." David Ray Papke, *The Courtroom Trial as American Cultural Convention*, in THE LAWYER AND POPULAR CULTURE: PROCEEDINGS OF A CONFERENCE, *supra* note 33, 103, 106-107. The august, wood-paneled setting represents solidity and dignity. The stock characters (venerable judge, dignified and formal lawyer, anxious lay person, attentive juror) each telegraph meaning derived from their respective roles. The courtroom dialogue is engaging, full of clever cross-examination, resounding objections, and theatrical moments. The denouement is dramatic as the verdict is read and the characters respond. The trial is a ceremony whose meaning most Americans understand.

37. For an anthology of movies about law and lawyers, see Paul J. Mastrangelo, *Lawyers and the Law: A Filmography*, 3 LEGAL REFERENCE SERVICE Q. 31 (Winter 1983); Paul J. Mastrangelo, *Lawyers and the Law: A Filmography II*, 5 LEGAL REFERENCE SERVICE Q. 5 (Winter 1985-86).

38. See, e.g., ROGER DOOLEY, *Around the Law in Eighty Ways: Shysters, Mouthpieces and Ambulance Chasers*, in FROM SCARFACE TO SCARLETT: AMERICAN FILMS IN THE 1930s 310-27 (1981). These movies are too numerous to list individually. For a very thorough listing of movies involving law and lawyers through the mid-1980s, see Mastrangelo, *Lawyers and the Law: A Filmography*, *supra* note 37; see also Mastrangelo, *Lawyers and the Law: A Filmography II*, *supra* note 37.

39. THE FORTUNE COOKIE (United Artists 1966).

40. THE VERDICT (Twentieth Century Fox 1982).

resorts to questionable ethics while representing a particularly sympathetic client against a powerful adversary. The real-world sport of lawyer bashing is recreated on the screen by portraying celluloid lawyers in an unfavorable light.

Occasionally, a film does offer a counterpoint to this relentless negative imagery. Such movies include *Young Mister Lincoln*,⁴¹ *Anatomy of a Murder*,⁴² *To Kill a Mockingbird*,⁴³ *Cape Fear*,⁴⁴ and *Judgment at Nuremberg*,⁴⁵ starring respectively such jut-jawed defenders of justice as Henry Fonda, James Stewart, Gregory Peck (twice), and Spencer Tracy. These positive images are few and far between and may only be credible because of the charisma of the featured actor.

By most accounts, lawyers are flawed cinematic heroes, and now that women make up a significant percentage of the legal population, it is not surprising that movies treat women lawyers with equal disdain and distrust. This treatment is consistent with the highly dubious approach of varying a convention by putting a woman in a traditional male role or situation. Their sex supposedly is irrelevant, but, of course, it always does matter. As much as Hollywood might try to cause women to forfeit their sexual identities, these efforts usually fail—or at least result in inauthentic, unsatisfying films.⁴⁶

Whether or not the media's villainous portrayal of lawyers is fair to the profession, there is no particular reason to exempt women lawyers from this censure or to portray them as any less greedy, devious, amoral, or evil, let alone more virtuous than male attorneys. Nevertheless, it is ironic that the women attorneys depicted in recent films have not suffered from the moral and ethical lapses usually ascribed to male lawyers, but rather have imperfections that are more traditionally identified with their sex.

Any critique of women lawyer movies must acknowledge that usually the sex of the protagonist *does* matter. The Hollywood technique of varying a genre film by writing a male role as female simply does not work since it is usually impossible to divorce a protagonist's sex from the plot. Thus, a movie about legal conventions featuring a female attorney incorporates the woman's movie conventions, and the latter genre actually may dominate. We are left with both a more complex portrait of our lawyer heroines than the more monochromatic picture which shyster films painted, adding elements of family, emotion, and conscience that derive from gender rather than profession.

THE WOMAN'S FILM

In *From Reverence to Rape*,⁴⁷ the film critic, Molly Haskell, identifies the "woman's movie" as genre unto itself.⁴⁸ Although the very idea of a separate category featuring exclusively women may seem denigrating, Haskell's description of this genre resonates and reminds us of many dark movie theaters in which we never had enough kleenex. According to Haskell, the main themes of the woman's movie are sacrifice, choice, affliction, or competition.⁴⁹ Prime examples, among the numerous possibilities, are Joan Crawford in *Mildred Pierce*⁵⁰ (sacrifice), Bette Davis in such films as *Now Voyager*⁵¹ (choice), *Dark Victory*⁵² (affliction), and *All About Eve*⁵³ (competition). Even when the featured woman was a professional, she would have to sacrifice her career for her marriage, choose between her career or her children, compete with another woman for a man's love, or die on the heels of a professional triumph.

Haskell discusses some of the hypocrisy perpetrated by popular films about women.⁵⁴ She reminds us that the worst examples of a man's flaws, such as crime or espionage, are viewed with less animosity than those of a striving woman with executive power, or artistic, literary, or professional aspirations.⁵⁵ She points

41. *YOUNG MR. LINCOLN* (Twentieth Century Fox 1939).

42. *ANATOMY OF A MURDER* (Columbia Pictures 1958).

43. *TO KILL A MOCKINGBIRD*, *supra* note 1.

44. *CAPE FEAR* (Universal Pictures 1962).

45. *JUDGMENT AT NUREMBERG* (United Artists 1961).

46. See JEANINE BASINGER, *A WOMAN'S VIEW: HOW HOLLYWOOD SPOKE TO WOMEN 1930-1960*, 448-85 (1993).

47. MOLLY HASKELL, *FROM REVERENCE TO RAPE: THE TREATMENT OF WOMEN IN THE MOVIES* (1973).

48. *See id.* at 153.

49. *See id.* at 163-64.

50. *MILDRED PIERCE* (Warner Brothers 1945).

51. *NOW VOYAGER* (Warner Brothers 1942).

52. *DARK VICTORY* (Warner Brothers 1939).

53. *ALL ABOUT EVE* (Twentieth Century Fox 1950).

54. *See HASKELL, supra* note 47, at 15.

55. *See id.*

out the irony that often situations in movies are characterized as “problems” and “conflicts” simply because they are happening to a woman, when, if the sexes were reversed, there would be no problem at all.⁵⁶ For example, if an older woman is having a romance with a younger man, the affair is viewed romantically as a coming of age experience from the boy’s viewpoint. If the story is the woman’s, however, the relationship between an older woman and a younger man is an act of desperation or seduction. The same affair would be charming for the man and corrupt for the woman. The double standard applies to work as well as to sex. A man is expected to work without jeopardizing his personal life, whereas a woman who has chosen a career takes a detour from conventional behavior and risks personal unhappiness.

Surprisingly, there were a notable number of movies made during the 1930s and 1940s that featured women lawyers.⁵⁷ One film historian found that when women had careers in the films of that era, they were more frequently lawyers than other professionals.⁵⁸ These were largely woman’s movies in a legal setting with sacrifice themes that frequently highlighted their heroines’ flaws, moral lapses, or failures as women, but not necessarily as lawyers. Indeed, more often than not, the women were quite competent as lawyers, judging largely by their results rather than any portrayal of competent professional skills. Their occupation seemed incidental, relevant only to provide a context for the sacrifice and the courtroom’s dramatic setting. Typically, the women lawyers were forced to admit their hubris for wanting it all at the expense of their more feminine duties of wife or mother. Like other women’s films of that time period, they were melodramas.

Quick plot summaries easily convey the flavor of these movies. In the earliest of them, *Scarlet Pages*,⁵⁹ a woman attorney defends an-

other woman accused of murdering her father when he tried to attack her. It turns out that her client is the lawyer’s long-lost daughter. In *Ann Carver’s Profession*,⁶⁰ the heroine-attorney earns more than her architect husband. Despite his competitiveness, when he is tried for murder, she successfully defends him and, at the end of the trial, gives up her career to save her marriage. This sacrifice movie was even remade into *The Lady Objects*,⁶¹ in which, during her summation, the heroine argues for her husband’s acquittal by blaming his predicament on the marital turmoil caused by her ambitions.⁶²

Other movies echo these melodramatic themes of sacrifice and choice. *The Defense Rests*⁶³ concerns a successful lawyer for organized crime and a young female law school graduate who attempts to expose him. *The Law in Her Hands*⁶⁴ tells the story of a woman lawyer newly admitted to the bar who becomes quickly disillusioned and eventually becomes the underworld’s leading mouthpiece, thus combining the shyster and woman’s genres. In *Career Women*,⁶⁵ again the young woman lawyer defends a girl accused of murdering her father. In *Portia on Trial*⁶⁶ a female lawyer defends a woman charged with murder.

These movies are all so obscure that they require a visit to a film library not a video store, yet they all send the same basic message: women do not really belong in the legal profession. Even if she is spunky and good at her work, a woman lawyer is riddled with either self-hatred or self-righteousness. She induces jealousy, engages in self-sacrifice, and simply cannot have both professional and personal identities. Moreover, she is either suckered by some shyster or in love with the prosecutor, and in any event, cannot truly succeed without the help of a man.

56. See *id.*

57. “There were probably more women lawyers on the screen in the thirties than there were in the courtroom. And yet, the portrayal was tragically stereotypical.” Rennard Strickland, *Bringing Bogie Out of the Courtroom Closet: Law and Lawyers in Film*, 20 WISC. L. SCH. F. 43 (1990). See also Sheffield, *supra* note 7, at 74-89.

58. There were twelve movies about women lawyers in contrast to eight about women doctors. See DOOLEY, *supra* note 38, at 317.

59. *SCARLET PAGES* (First National Pictures 1930).

60. *ANN CARVER’S PROFESSION* (Columbia Pictures 1933).

61. *THE LADY OBJECTS* (Columbia Pictures 1938).

62. Apparently on the promotional lobby card the lawyer/wife is exclaiming, “Gentlemen of the Jury, if my husband murdered this other woman, I am to blame. I have been a successful lawyer but a failure as a wife.” Strickland, *supra* note 57, at 49.

63. *THE DEFENSE RESTS* (Columbia Pictures 1934).

64. *THE LAW IN HER HANDS* (Warner Brothers 1936).

65. *CAREER WOMAN* (Twentieth Century Fox 1936).

66. *PORTIA ON TRIAL* (Republic Pictures 1937).

Real women lawyers were scarce at this time and their screen counterparts were relegated to playing melodramatic roles that emphasized their emotional weaknesses, their inability to combine career, love, and parenting and their dependence on men. If they were successful on the professional level, they had to pay a personal price of guilt and self-abnegation, but usually only after they had achieved justice for their clients or had elevated themselves to the moral high ground. Another recurrence in four of these early women lawyer films is the eventual marriage of the women attorneys to the prosecutors who opposed them at trial. Even if she is a successful litigator, the celluloid female attorney must be domesticated.

These movies also highlight their heroines' tendency to take on unpopular causes, frequently the defense of other women, often at considerable personal cost. Most involve women either defending or coming to the rescue of their husband or child, or other women charged with committing crimes. For example, in *Scarlet Pages*, *Portia on Trial*, and *Career Women*, a woman attorney takes the case of a young girl who has retaliated against male abuse. In *The Woman is the Judge*,⁶⁷ the judge's first case is the murder trial of her long-lost daughter. She resigns her judgeship, and then argues a successful defense theory that she is to blame for her daughter's act because she neglected her.

Some very traditional messages are sent by these films. Women lawyers who try to be independent or champion the cause of other women screw up their personal lives, and when they realize this, sacrifice their careers for marriage or family. On the other hand, women lawyers in this era of predominantly shyster and mouthpiece films, scored much higher on the moral Richter Scale than their male counterparts, including the often ruthless adversaries they faced.

In the 1940s, the tone changed from turgid to light. The few women lawyers in films were found in comedies rather than melodramas. Rosalind Russell, the archetypal career woman, was cast as a judge twice, once in *Design for Scandal*⁶⁸ and then in *Tell it to the Judge*⁶⁹ about

a would-be federal judge and her recently divorced lawyer husband. Myrna Loy's judge in *The Bachelor and the Bobby Soxer*⁷⁰ falls for Cary Grant. In these comedies, the female lawyer and the legal setting are vehicles for romance and sparring instead of heartbreak and sacrifice.

Probably no comedy about the law will ever surpass the charm and genius of the classic *Adam's Rib*.⁷¹ Katherine Hepburn, a solo practitioner, defends a woman accused of assault and attempted murder after she shoots her husband while he was in the arms of his lover. Hepburn's husband, Spencer Tracy, is prosecuting. Despite a few disturbing unexplained details such as Hepburn's client list (she seems to have only one client at a time), the source of wealth that enables the couple to own a farm in the country and a duplex Manhattan apartment (that any New Yorker familiar with the housing market would envy), or the lack of concern about this incredible conflict of interest, this film artfully and engagingly portrays the legal and marital skirmishes of this professional couple. The charm of this movie owes a lot to the Hepburn-Tracy chemistry while its portrayal of two complementary yet equally capable professionals and its explicit advocacy of women's equality are its real attractions.

Despite its comedic format, the movie sends a serious message about equality for women eloquently delivered by Hepburn both in and out of court. Basically, Hepburn argues against an antiquated version of justification that would deny the defense to women. Hepburn is offended that a woman would be considered culpable or even lunatic when a man would be considered justified under the same circumstances. An egalitarian, she declaims, "We don't want any advantages or prejudices."

While her domestic side is somewhat flattery and flirtatious, in court, Hepburn's affect is confident and independent. She strides to the jury box and the bench with self-assurance. Others, however, are less convinced of her position. Her client, a working-class mother of three, so obviously dissimilar from the Yale Law School graduate, does not really under-

67. *THE WOMAN IS THE JUDGE* (Columbia Pictures 1939).

68. *DESIGN FOR SCANDAL* (MGM 1941).

69. *TELL IT TO THE JUDGE* (Columbia Pictures 1941).

70. *THE BACHELOR AND THE BOBBY SOXER* (RKO Pictures 1947).

71. *ADAM'S RIB* (MGM 1949).

stand the feminist explanation of her conduct that her lawyer is proposing as her defense. Nor does Tracy, the male prosecutor for whom the law is the law whether it is good or bad, respect her arguments, and he chides her for having "contempt for the law" because she is advancing a legal theory that essentially calls for jury nullification.

Once their battleground has been staked out, Tracy and Hepburn are worthy adversaries whose out-of-court wrangling mirrors their in-court arguments. Although Tracy, married to a lawyer, presumably believes the notions of equality that Hepburn espouses, he opposes her legal theory at home and in court. The viewer is infatuated with Hepburn's style, wit, verbal dexterity, and ambition. She is the iconoclast, while Tracy is the plodding, stolid gentlemanly lawyer. She breaks the mold of existing law using bold trial techniques, while he defends the status quo and plays by the rules, which, after all, are his rules until she undermines them.

By using the courtroom as her stage and the trial as an instrument to expose her ideas and to accomplish change, she obtains an acquittal for her client and educates the public about the law's inequity to women. She is a creative trial advocate, resorting to unconventional courtroom techniques as she summons a series of successful women as testament to the equality of the sexes. She is gutsy, risking the censure of the judge and the ire of her husband, as she has a woman weightlifter preposterously hoist Tracy high into the air in open court to prove her point about female competency. Her instrumental view of the law, her non-conformity, energy, dedication, and gumption resemble the tactics and practices of early feminist lawyers.

This movie is the only intelligent cinematic representation of a woman lawyer to appear for more than thirty-five years and, to this day, remains fresh and contemporary. It is decidedly neither a woman's movie, a shyster film, or a worshipful portrait of a legal hero. It is an astute and original exploration of the equality of

the sexes under the law and in marriage, combining humor with legitimate legal argument.

Hepburn's client's acquittal is even more satisfying because she accomplishes this result without sacrificing either her intelligence, her principles, her femininity, or her marriage. Her client's sympathetic plight allows the viewer to feel without reservation that justice has been done. She really was innocent under the version of law propounded by Hepburn, as opposed to simply not guilty because of the manipulative skills of her lawyer or some legal technicality that allows guilty people to be acquitted.

Adam's Rib is so pleasing and enduring because of its winning portrait of a woman lawyer and because it advances a substantive legal issue of significance to women independent of the personal life of the protagonist. Even though Hepburn's intransigence angers and alienates Tracy and she comes close to the precipice of sacrifice and choice when their relationship is threatened by the case, she never really has to choose between him, her client, or her beliefs. While these tensions challenge their relationship, when the trial is over they eventually return to their former marital harmony. Moreover, the viewer never doubts for a minute that the couple will survive this test. This generous denouement makes *Adam's Rib* unusual and takes it out of the stereotypical woman's movie genre. Hepburn makes her point and has her husband, too.

THE MODERN WOMAN LAWYER IN FILM

As women graduated in record numbers from law school, film makers began to recognize the dramatic potential of the introduction of women into the workplace, and the challenge to traditional patriarchy that women professionals pose. Even so, it took Hollywood almost ten years to catch up with the feminization of the legal profession. In about 1985, when women lawyer movies began to proliferate, many questions surfaced.⁷²

72. There were a few films before that date in which a woman attorney was the protagonist, see, e.g., *FIRST MONDAY IN OCTOBER* (Paramount Pictures 1981) (adapted from a stage play about the first woman Supreme Court Justice), or a secondary character, see *THE VERDICT* (Twentieth Century

Fox 1982), but the infusion of these films began at the height of the "backlash" era when women had been in the legal work force in significant numbers for more than ten years. See Shapiro, *supra* note 27, at 962-68.

Now that women lawyers were to have featured roles, what image would be projected? Would they be able to break out of the woman's movie genre? If they were permitted to be more than soap opera heroines, would they be "shysters and mouthpieces" or female Finches? Would this breakthrough also permit them to resemble their real-life counterparts who have work-home conflicts, experience gender bias, sexual politics and harassment, do not have time to exercise or get a haircut, and who sometimes feel alienated by the professional standards and norms of an adversarial legal system? Since the reality of most women lawyers—fraught with tensions about clients and cases, family responsibilities, and personal time—is more than a little boring, Hollywood cannot afford to be true to life. Moreover, there is no reason to expect that the film industry would be less ambivalent about the presence of powerful accomplished women, in a traditionally male profession, than the rest of the population. It is inevitable, therefore, that most movies about women lawyers are exaggerated and unrealistic, indeed even insulting, to the accomplishments of women lawyers.

As it turns out, the modern cinematic woman lawyer has much in common with her predecessors from the handkerchief age. Although our times permit dramas to unfold with a level of sex and violence unknown in earlier years, these heroines are plagued by many familiar personal conflicts. In keeping with the increased complexity of the times in an era free from the constraints of the Production Code,⁷³ their professional lives generally feature ambiguous ethical and moral dilemmas, as well as, sexual, psychological, and physical perils that could never have been developed in the more one-dimensional woman's movies of the earlier era.

The six better-than-average films that merit more serious scrutiny⁷⁴ have much in common in their narrative development, and in the profiles of their heroine's lives. Although not every narrative element is the same, typically the viewer's first glimpse of each heroine

is in her professional role, either arguing in court, interacting with a client or colleague, or in the context of a complimentary reference to her abilities by another lawyer. To one extent or another, the professional skills of these women are showcased as we are treated to their destructive depositions, cutting cross-examinations, thorough preparation, and aggressive negotiation style. We are meant to be convinced through these clichés of masculine lawyer behavior that they are successful and accepted.

None of the women lawyers is married, allowing them to dedicate long hours to work and leaving them open to sexual temptation. Three are divorced (Glenn Close in *Jagged Edge*,⁷⁵ Jessica Lange in *Music Box*,⁷⁶ and Susan Sarandon in *The Client*⁷⁷). While the two women with children (Close and Lange) superficially appear to be good mothers with supportive ex-husbands, they spend little time with their children and often put their personal and professional interests ahead of the needs of their kids. Three of them are having sexual relations with inappropriate men (Close with her client, Mary Elizabeth Mastroantonio in *Class Action*⁷⁸ with a partner in her firm, and Cher in *Suspect*⁷⁹ with a juror). Two are excessively emotionally intertwined with their fathers with disastrous professional consequences (Lange's father is her client and Mastroantonio's is her adversary). Two are burnt out and frustrated by sexism at their jobs (Cher's public defender in *Suspect* and Kelly McGillis's prosecutor in *The Accused*), while two (Close and Mastroantonio) are climbing the partnership ladder. All (except Sarandon) have either male mentors or professional father figures and protectors. Several have a male protégé such as the junior associate in *Class Action* and the paralegal in *The Client*. All have male adversaries in court, and, with the exception of Lange, who has an African-American female assistant, all appear to be the only women lawyers, and only professional women at their respective jobs.

Jagged Edge, the first of our modern movies, is undecided about whether it is a woman's movie morality tale, or a murder mystery. A

73. See *Code to Govern the Making of Talking, Synchronized and Silent Motion Pictures*, in *MOVIES AND MASS CULTURE* 135-45 (John Belton ed., 1996).

74. See earlier discussion at page 57.

75. *JAGGED EDGE*, *supra* note 8.

76. *THE MUSIC BOX*, *supra* note 23.

77. *THE CLIENT*, *supra* note 26.

78. *CLASS ACTION*, *supra* note 24.

79. *SUSPECT*, *supra* note 22.

talented, respected woman attorney, played by Glenn Close, is a successful litigator who left the DA's office for a lucrative private practice. Although we never see Close working on any other case, we accept at face value her competence, perhaps because of her fancy office and stylish clothes, even when she is persuaded, with the inducement of a promise of a partnership, to take on the seamy case of a rich and handsome client accused of brutally murdering his wife. Throughout the movie Close is the only woman lawyer we see, and she always appears in a room of deferential male colleagues who appear to adore her, but who, everyone with the exception of Close herself understands, are really trying to manipulate her into accepting a client who they think would be best represented by a woman.

In the initial courtroom scenes, Close demonstrates clever and polished trial skills. Her elegantly shod feet soon prove to be made of clay, however, when she sleeps with her client on the eve of his trial.⁸⁰ Her sexual transgression is simply the final step in her psychological seduction by her client, a process the viewer has been witnessing from the outset of their relationship. Once she has crossed this line of impropriety, her legal prowess is tainted by her emotionality and the viewer is discomforted by her conflation of the personal and the professional.

Since her misconduct would be a problem whether committed by a female or male attorney, at first we are tempted to believe that the movie escapes some of the stereotypical sexism of the woman's genre. But the movie has no patience with Close's foolish choice to become involved with her client, who most of the audience can tell is a killer. Thus, Close pays for her mistake when she discovers her client's treachery and guilt, and faces her complicity in his deception. Not only does she feel manipulated and used, but also she places herself in grave personal danger, finally killing her client-lover, literally destroying the evidence of her stupidity and supposedly recapturing some of her previous power. Despite having saved herself from the assassin, we doubt that she will ever be the

same. Her personal lapse has doomed her. We never find out what happens to her professional life as a consequence of this, so we can only guess that she was denied her partnership, forced out of her classy firm, or ceased practicing law altogether.

Despite her sexual misadventure, Close is not a cardboard cliché of either a lawyer or a woman. Rather, the movie offers an equivocal picture of this career woman. She is a very effective, focused, and proficient trial lawyer, who, with the aid of a salty male investigator, seems to find a smoking gun during her cross-examination of every prosecution witness. At the same time, she wears conspicuously tight, constricting clothing that unavoidably distracts from her professional image. She can barely walk back to her seat after a stinging cross-examination because her skirt is too tight and her heels too high as she walks back and forth to the witness box. The message of her clothing visually undermines any image of competence and gender-neutral skill.

She is also personally soft and vulnerable, clearly meant to appear as a decent person, even though she ends up looking foolish. When it appears that her client is not only guilty but also has lied to her, she is stung with sexual jealousy and outrage by his betrayal rather than being concerned for his legal fate. Whatever credibility as an independent professional Close may have had up to this point, is undercut and trivialized by her indiscretion. When she goes to the judge's house in tears, asking to be relieved from the case because of her suspicions about her client, he straightens her out in an avuncular manner that suggests that she really is not the effective trial lawyer she pretends to be, but is, after all, only another emotional woman.

Jagged Edge was a breakthrough movie because it was the first to take seriously the possibility that a woman could function as a competent professional, respected and admired by her peers, and often brilliant in the courtroom. This portrayal sadly turns out to be illusory as Close succumbs to sexual temptation, compromises her professional integrity, and ultimately be-

80. This development is hardly gender specific. Close follows in the footsteps of a pre-Atticus Finch Gregory Peck in the Hitchcock film, see *THE PARADINE CASE* (Selznick Inter-

national Pictures 1947), and William Hurt in *BODY HEAT* (Ladd 1981).

comes a killer (as if there were no other solutions to her problems). It is unfortunate that any subtleties in Close's portrayal are so eclipsed by the enormity of her mistake and the extremity of her resolution that we are unlikely to understand or excuse her. Close's downfall, like those of her predecessors in the movies of the 1930s, is attributable to her conceit in thinking that she could compete in a man's world. Indeed, this film owes more to those melodramas than to the women's movement.

In *Suspect*, Cher plays an exhausted, yet dedicated, public defender assigned to represent a deaf homeless man accused of murder. Her disillusionment is quite authentic. Equally believable is her initial resignation over her assignment to this thankless, draining case with a pitiable and friendless client. Her frustration with the difficulties of defending such an indefensible person is realistic, yet her reaction to her client's plight is caring and concerned. Putting aside the ludicrous development that the real killer is the presiding judge who has committed the crime in order to cover up an ancient impropriety that would prevent him from being elevated to the appeals court, Cher's portrayal of a hardworking, somewhat defeated, and brow-beaten criminal defense attorney, whose biological clock is ticking, is quite bona fide, down to her frequently inept trial skills and her obvious awareness of being outflanked in the courtroom.

Her case is hopeless and her resources nonexistent when she is offered the opportunity to accept help from one of the jurors investigating some heretofore uncovered leads. At first, Cher's professional ethics hold fast when she rebuffs his illegal effort to help her. She says, "I want to win, but I draw the line." As the evidence against her client mounts, she is persuaded to let the juror help her. Having taken the plunge into this misconduct, she almost immediately compounds her guilt when she lies about the situation to the judge without blinking an eye, assuring her descent into legal ethics hell. She discards the rules that circumscribe her ability to represent her client effectively in a totally unbalanced case. This situation does not necessarily require a female attorney for the ethical conflict to exist. Yet, Cher's capitulation has a distinctly female side, growing out of a willingness to see her role as defense attorney

as less rule-determined than a male counterpart might. She knows how to accept help when it is offered because she is not delusional or conceited enough to believe that she alone can obtain the acquittal. We witness her ambivalence over the clear professional mandates she is violating, but can appreciate how her client benefits from her lapse. She struggles emotionally for the fate of her client in a situation in which she feels powerless to help him unless she makes some personal compromises. Her choice is made easier not only because of the strength of the prosecution's case, but also by the patronizing attitudes of the district attorney and the judge. At one point, the prosecutor even frames an objection by asking whether she thinks the trial is a cooking class. She shoulders the full weight of the judge's condescension, hostility, and impatience as the case against her client strengthens in court while she simultaneously discovers increasing evidence convincing her that he may actually be innocent. Without abjuring the rules, she is powerless to help him.

Cher does two remarkable things: she breaks the law to help her client and she puts his interests above her own. Although she is never caught or prosecuted, she endangers her professional standing and her freedom for him. Rather than play by the rules, however, she places herself at risk, both professionally and physically, to do the best for her client. Given her disillusionment, it is not surprising that her frustration with the system propels her into rebellion for the sake of her client. Since the true culprit is exposed before Cher's misconduct is discovered, she never has to face any consequences for her law breaking. The movie, thus, never addresses the hard issue of whether the ends justify the means. Perhaps they do, since in the end she gets one really good looking guy acquitted and gets to date another.

The next two films, *The Music Box* and *Class Action*, depict very different dependency relationships that drive their plots in completely unrealistic directions. In both, the male authority figure is the woman lawyer's father with whom she has an infantilizing relationship considering both women are highly competitive lawyers in the corporate world. Lange is devoted to her father and has complete faith in his innocence when he is accused of being a war

criminal. Mastroantonio is a rebellious child, who repudiates her father for his philandering and his idealism to such an extent that her entire existence is based on childish opposition.

In *The Music Box*, Jessica Lange plays a criminal lawyer amicably divorced from her rich, well-connected husband, who retains a mentor relationship with her former father-in-law, a patrician lawyer. At her father's request, she defends him against an accusation that he was a member of a fascist police force in his native country of Hungary, and that he personally killed Jews during World War II. Her relationship with her father is so close that even if she can see the folly in handling his case, she cannot refuse when he insists.

Throughout the pretrial and trial proceedings her devotion to her father and her belief in his innocence never wavers, yet she also is horrified by the testimony of his victims. The emotional burden of her father's defense is lightened by her professional camouflage. She is very competitive with the government attorney, gloating when she scores a procedural point. She zealously represents her father, even if it means asking unpleasant questions of highly sympathetic witnesses. She allows herself to be fully identified with him, despite the damage to her professional reputation, even as the viewer is increasingly skeptical of his innocence. Finally, when Lange herself begins to have doubts, she becomes even more aggressive and intense as his advocate.

Being a strong, effective advocate is not enough to win the case, however. In desperation, she secretly turns to her former father-in-law to use his CIA connections. Asking for help is a sign of professional weakness she is reluctant to display to anyone since women attorneys who try to play by the rules of the man's game feel they have to prove themselves in male ways. In that world, asking for help is an admission of failure, or at least weakness, as anyone who has ever experienced the classic gender divide over asking for directions on a car trip can attest. Yet, she is willing to ask for this assistance because helping her father and winning the case is more important than personal or professional pride.

After the charges have been dismissed, she discovers her father's true culpability. Her resulting quandary reflects her dual loyalty, a situ-

ation a wiser, more objective (*i.e.*, male) lawyer would have avoided. Since the discovery occurred outside of the attorney-client relationship, no professional norms bar her disclosure of the inculpatory photographs she now possesses. On the personal level, of course, her loyalty and love for her father are destroyed. On the professional level, her satisfaction at having won the case is ruined when her sense of justice refuses to let well enough alone.

Ultimately, she sends the photos to newspapers and they are published in the morning headlines. In so doing, she denounces her father, sacrificing him and their relationship, not for her career, but for her own peace of mind. Based on what the audience knows about her values, her decision to reveal the photos seems a foregone conclusion, even though the cost is enormous. We never see whether she suffers any professional consequences for her actions or any personal ostracism by her friends and colleagues. At the end of the film, she is shot from a distance, alone with her son, a lingering image that prophesies her likely solitary future. Again, the woman lawyer has made a profound, life-altering decision that sacrifices her personal identity and possibly her career to her sense of justice. The movie clearly suggests that this is a gendered choice. None of the men in the film—her father, her brother, her father-in-law—understand her decision, and clearly none of them would have made the same choice.

In *Class Action*, we are treated to an updated shysters and mouthpieces movie leavened with a little self-sacrifice and revelation. The film not only pits the little guy against the evil, impersonal corporation, it duplicates this theme in the relationship between the heroine and her father. The twist here is that it is the father who is the compassionate champion of lost causes, while his daughter, Mary Elizabeth Mastroantonio, is a quintessential yuppie corporate lawyer on the partnership track. Again, the incomprehensible occurs for the sake of drama: the father and daughter are adversaries on the case.

Mastroantonio has committed just about every foolish error of judgment a young lawyer could. She has swallowed whole the myth of big law firm success. She has an intimate relationship with the partner supervising her work even when she knows women in her position are judged by different standards. She capit-

lates easily when asked to conduct a ruthless destructive deposition of the main plaintiff whose family perished in a flaming car and who is himself disabled.

Her constant and immature clashes with her father over their conflicting vision of lawyering sabotage her professional credibility. Ironically, it is his version that could be labeled "feminine" because of his devotion to lost causes and people. She is the tool of the corporate machine, her gender exploited in order to serve the client, when, for example, the senior partner admits that juries accept antagonistic and destructive witness examinations more readily from a woman lawyer. Although she can be ironic about herself, her introspection rarely seems sincere and she is portrayed as weak and unprincipled, particularly in contrast to her father and his African-American surrogate-son associate.

After discovering that her client is responsible for the accidents in the first place, and also that her firm is now covering up both for the auto company and for themselves by withholding documents extremely helpful to the plaintiffs, she finally faces the devil. She acknowledges that her blind acceptance of certain legal norms and her ambitions have caused her to ignore the side of herself, as represented by her creative, mediative mother, that indeed cares about the plaintiffs' horrible tragedies and deplores the deception in which she is complicit. She ultimately cannot turn into the bloodless, ruthless lawyer that the male world, with the exception of her father and his associate, was modeling for her. Together, in an ethically questionable collaboration of adversaries, they figure out a way for her to remedy the misdeed without jeopardizing her career. Even though a less generous observer might criticize her interpretation of ethical mandates, she manages to reclaim herself without any harmful professional repercussions.

Mastroantonio finally renounces the values and practices of her law firm where, again, she seems to be the only female attorney, in favor of the racial, sexual, and class diversity of her father's very different legal world. Instead of fighting against the caring side of herself, a struggle drawn in simplistic parent-child terms, she accepts it. The sacrifice of her partnership is really none at all. Ironically, however, in re-

pudiating the male law firm world, she is returning to her father's embrace, a regression that may, in the end, be costly to her independence and self-esteem. Again, the audience can only speculate that her denouement dance with Daddy means not only reconciliation, but also loss of independence.

These four movie heroines have much in common. In each, the female characters rely on male authority figures for either professional, psychological, or physical support. In each, the star is the only woman lawyer visible, as if no law firm, public defender, or prosecutor's office could have more than one female attorney. They appear to be both the mascot and the token, petted and trotted out for display and constantly compared to the guys. If and when they fall short of their expectations, they are coerced, blackmailed, criticized, embarrassed, or scolded. None of them is simply permitted to be a practicing attorney who works with the dignity and balance of Atticus Finch. Even though all four initially seem to have broken free from the stereotypes that define images of professional women, they are not permitted to behave like real women. Their sexuality, vulnerability, and dependency are emphasized, dominating their images even when they are superficially displayed as competent professionals. They make foolish, emotional choices at great expense. Close and Cher are almost killed. Cher and Mastroantonio commit ethical, and possibly criminal errors. Lange and Mastroantonio are dutiful daughters whose paternal relationships interfere disastrously with their professional lives. In the final analysis, these four movies may indeed be nothing more than slicker versions of the woman's movie, different only superficially from their 1930s analogues because the freer moral climate of the 1980s and 1990s allows for the introduction of more explicit sex and violence.

The Accused and *The Client* do not rely on sex, betrayal, violence, or professional misconduct for their drama. Furthermore, they each tell a story of professional transformation that results from a relationship with an individual who forces them to see the law differently. While their sex is critical to the narrative, in each of these films the heroine's gender permits a special relationship to form without sacrificing her professional identity. They even acquire

new and improved skills. For that reason, these movies have moved beyond the woman's movie genre.

Although *The Accused* focuses more on the difficulties experienced by Jodie Foster, a rape victim, in her effort to achieve vindication through the legal system, the prosecutor who helps her, played by Kelly McGillis, is instrumental. Played as a cool, impersonal, competitive professional, McGillis changes profoundly as a result of her relationship with Foster, the lower class victim. Foster's Oscar winning performance is so powerful that she overshadows the more passive, less emotional portrait of the professional who learns a lesson in empathy and compassion from her "client."

Despite Foster's brutal injuries, McGillis's reaction to Foster when they first meet in the hospital is dispassionate and detached. In order to insulate herself from the more emotional connection the situation may have required, she informs Foster that "I'm not a rape counselor. I'm a prosecutor." She retains this role-bound aloofness throughout the early phase of the prosecution, evaluating the case and the credibility of the victim just as insensitively as her male colleagues. She relates to this rape victim from an almost adversarial posture, interrogating her about her sex life in the guise of educating her about her vulnerability under cross-examination. When she discusses the case with her male boss at an ice hockey game, she sees the case in terms of winning, and thus is a recognizable and unthreatening figure to her male colleagues.

When McGillis arranges a plea bargain that convicts Foster's assailants of assault rather than a sex offense, she does not consult with Foster. Although the defendants go to jail, they never have to admit their guilt for the rape. Foster is furious at being ignored. McGillis does not see the self-empowerment goals manifested in Foster's need to tell her story publicly so that she might have the satisfaction of personally accusing and testifying against her assailants. She also wants them to be convicted of the crime they committed: rape. McGillis never

even considers that Foster might have an opinion about this outcome.

Crossing an obvious boundary, Foster, enraged and unrestrained by social conventions, invades McGillis's home while she is preparing a civilized dinner party, to volubly criticize her handling of the case. McGillis's awakening is transparent as she realizes that Foster's accusation of lack of empathy is correct, and that her unquestioning acceptance of her prosecutorial role had prevented her from seeing and serving Foster's perfectly legitimate interests. Moreover, she discovers that she had been so constrained by the rigid definitions of their respective roles, as well as, their different classes, styles, and education, that she did not even think Foster really had any independent goals worth considering.

To compensate for her blindness, McGillis stakes out new legal territory in fashioning a novel theory for prosecuting the spectators of the rape, permitting Foster to tell her story with dignity. To do this, she pays a large cost in her relationship with her boss. To him her insistence on pursuing the second prosecution is irrational, and he threatens to fire her. Yet, with the second conviction, she emerges as a valiant, if belated, seeker of justice while the male prosecutors are troglodytes. Although this film is not perfect in its depiction of the rape victim and her struggle for justice,⁸¹ its female lawyer's professionalism is not undermined by her sex; on the contrary, because she is a woman she is ultimately more empathic. This change removes her from the traditional maleness of the prosecutor's office, yet it is not depicted as a weakness, but rather an epiphany. Her more gendered instincts fuels the strength that allow her to fulfill a professional mission.

Her transformation through her increasing connection and sensitivity to Foster is visual. Her appearance loosens up, she dresses more informally, she warms in speech and manner to Foster. She fights with her boss to bring the novel charges against the spectators to the rape and threatens him in order to get her way. She has become more aggressive, but on her own terms, not as a conformist to the norms of her

81. One commentator argues that because the witness whose testimony was essential for the conviction was a man, "...[T]he guilty verdict in the end seems to be token gift to liberal feminism. . . . [F]emale victims still have no real credi-

bility within the law." Patrice Fleck, *The Silencing of Women in the Hollywood "Feminist" Film: The Accused*, 9 POST SCRIPT 49, 55 (1990).

office. Her style of lawyering, particularly of prosecution, a classically old-boys' specialty, has become more compassionate and empathic. Although even after the eventual convictions, Foster and McGillis never become friends or relate as equals, from this relationship, McGillis learns to rely more on her instincts about justice and succeeds in breaking down the barriers that prevent personal and emotional connections to Foster. After the trial, she is not just happy to have won for herself and her ambitions, but also to have obtained for Foster the vindication she craved.

Unlike *Jagged Edge* and *Suspect*, which are basically murder mysteries, or *The Music Box* and *Class Action*, which are suspense films, *The Accused* is a movie about the relationship of lawyers to the law, and as such is a direct descendent of *Adam's Rib*. A woman lawyer embraces issues that concern the treatment of women by the legal system. Both Hepburn and McGillis relate the stories of betrayed or victimized women whose voices had been discounted or silenced by the system. In the process of this representation, both lawyers are transformed by the very legal theories they advance. Hepburn and Tracy's relationship is tested and survive in altered form; McGillis will never be the same rigid, unfeeling prosecutor again.

Of all the woman lawyer movies of this period, *The Client* seems to be the best liked.⁸² Aptly named Reggie Love, Susan Sarandon, plays an older and less glamorous woman who takes the case of a young boy who has knowledge deemed essential to federal prosecutors. When they disingenuously try to interrogate the child, Sarandon stops them in their tracks, confronting them with their own duplicity in her mellifluous voice. Sarandon is the least experienced of her celluloid sisters (only two years out of law school which she attended after a long-term failed marriage, motherhood, and a bout of alcohol dependency). She quickly establishes her ability to "play with the big boys," although her adversary tries continually to undermine her confidence. From the beginning, Sarandon, who usually wears jeans, and who works in a run-down office with no luxuries, is less threatening than the careerists in the other

films. Moreover, she clearly has not even tried to achieve the familiar indicia of success in the legal profession. She is still struggling to find her professional identity, remembering her own victimization at the hands of her husband's divorce lawyers, and she visibly wears the insecurities of her past. She may be a lawyer but her maternal side is so apparent that she does not intimidate the masculine majority. While she holds her own in each encounter with the prosecutors, they nevertheless patronize her. In addition, both she and the audience are aware of how fragile her confidence is.

Sarandon is a mother who turned into a lawyer later in life, so that her ambition and professional life followed an earlier existence in which other values were ascendant. Her young client's own mother is so ill-equipped to protect him that Sarandon, having lost custody of her own children, is immediately motherly and sheltering. In order to gain his trust, she confides her background and her weaknesses, crossing boundaries that few lawyers would find comfortable, and most would describe as unprofessional.

As the narrative continues, Sarandon emboldens, racing around in her sports car, discovering the dead body, running from the murderers, and finally rescuing her client by making a clever deal with the prosecutors. She earns some admiration from her adversary but not so much that he refrains from offering her a job, a supposed compliment but which, in context, seems more like condescension to a good girl who has done something very clever. Despite this equivocal triumph, Sarandon succeeds on her own terms as a lawyer and as a woman, a combination that distinguishes her from the other women we have considered.

CONCLUSION

Movie buffs will have to keep searching for a woman lawyer role model that equals Atticus Finch. After a decade of mostly negative images, the fad of woman lawyer films seems to have died down so the quest will be even more difficult. Every so often a strong, competent woman attorney like Sarandon appears, tempting us to believe that finally the stereotypes, the

82. See, Bailey et al., *supra* note 27, at 192-93; Graham & Maschio, *supra* note 20, at 1061-66.

flirtations, and the seductions are in the past. But those hopes die easily with the more numerous portraits of women attorneys whose deficiencies deny them audience respect.

Despite their imperfections, however, these modern women lawyers have made some modest progress beyond both their shyder-mouth-piece and woman's movie ancestors. They project a somewhat more positive image largely because they have conceded professional skills that they know how to use in the male dominated legal world. Moreover, they value, or learn to value, a personal morality that invades the terrain of professional conduct. At the conclusion of each film, the personal self has eroded rigid professional role definitions. To some, these transgressions are unforgivable regardless of any benefits that might result. Others might view these changes as a positive development, allowing strong women to make mistakes and learn. These women lawyers reinterpret the obligations and regulations of attorneys and the restrictions on their behavior in

order to avoid interference with the development of their independent personal and professional credos. Almost in spite of themselves, and certainly in spite of some of their very stupid choices, these women emerge as lawyers of conscience and courage. Some of the plots may be annoying, frustrating, or even silly, but underneath a few hopeful signs can be seen. The ice is broken. Next stage: a woman lawyer practices her profession without falling prey to the trite traps laid by men (both on the screen and behind the scenes) that sabotage her accomplishments and our pride in them.

After more than a decade of cinematic women lawyers, we are still waiting in the darkness of the movie theatre. All of the women lawyers seeking a celluloid role model with whom they can identify will have to keep paying their money in hopes of finding their Atticus Finch. If we wait long enough, perhaps someday we will hear a character saying, "Stand up, Scout, your *mother* is passing by."

