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CRUSADING HERO, DEVOTED TEACHER, AND SYMPATHETIC FAILURE: THE SELF-IMAGE OF THE LAW PROFESSOR IN HOLLYWOOD CINEMA AND IN REAL LIFE, TOO

David Ray Papke *

The ranks and importance of law professors are larger than the average layman might think. Distributed about the country, we number 6710 men and women, not counting an even larger group of adjuncts and part-timers.¹ What's more, we are the most common symbol of legal education for those who pass through the nation's 187 accredited law schools.² Law students not only "take" Professor *X* and Professor *Y* for their courses but also remember and recall these law professors throughout their legal careers. It would be a rare law school alumni gathering or bar association meeting in which tales recounting the deeds of beloved or despised law professors went untold. In light of all this, law professors merit scrutiny.

Law professors of course have many things in common with members of other professions. All professionals complete a particular training and education, master some body of systematic knowledge, and spend their lives pursuing a demanding, special-purpose occupation.³ Professionals might be inclined to mount distinctive diplomas, awards, licenses, and symbols of professional status on the walls of their offices and also to display the books and tools that identify them as professionals. They have available, for active or passive affiliation, organizations consisting of the same professionals. They separate themselves from and assert authority over laymen and other types of professionals through jargon, rituals, and assorted profession-specific practices. Last, but certainly not least, they develop sets of self-images that lend coherence and energy to their pursuits.⁴

* Professor of Law, Marquette University Law School. The author thanks Marlyn Robinson, University of Texas School of Law, for archival assistance regarding films featuring law professors and Lori Oswald, Marquette University Law School 2004, and Angelina Joseph, Catalogue Librarian at the Marquette University Law School for valuable research assistance.

1. The same schools also have 6613 part-time faculty. AM. BAR ASSOC. & LAW SCHOOL ADMISSIONS COUNCIL, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS (2005), available at <http://officialguide.lsac.org/search/cgi-bin/results.asp?PageNo=3>.

2. *Id.*

3. For treatments of the defining characteristics of professionals, see generally PHILIP ELLIOTT, *THE SOCIOLOGY OF THE PROFESSIONS* (1972) and WILBERT E. MOORE & GERALD W. ROSENBLUM, *THE PROFESSIONS: ROLES AND RULES* (1970).

4. The historian Burton J. Bledstein suggests that "character" played a comparable role for Victorian professionals. "It made possible the self-reliant intellect that could both think irrespective of public approval and exert a supreme effort of human attention to overcome any personal obstacle."

In trying to understand law professors, one might find it particularly difficult to articulate the range and thrust of the group's self-images. Self-images, after all, dwell primarily within the self. While they may be projected and can be shared, they are predominantly private and, in some cases, even secret. What are the self-images of the contemporary law professor? What impact do these self-images have on legal education? What role do self-images in general play in the lives of professionals?

I propose to address these questions with reference to the portrayal of law professors in Hollywood films. My argument is not that these films inspire law professors to be what they are or that the films are powerful enough to have created general expectations of what the law professors might be like. My hope, instead, is that a contemplation of the ways Hollywood has presented law professors will underscore the ways in which real-life law professors understand themselves. To a surprising extent, it seems to me, we engage in humbler varieties of self-casting that are comparable to Hollywood's grander portrayals.

I. CHARACTER IN THE HOLLYWOOD CINEMA

Film critics and scholars speak of the "classic" or "classical" Hollywood cinema.⁵ This type of cinema became dominant between 1930 and 1945,⁶ when over eighty percent of every American dollar spent on entertainment went to film.⁷ Those inclined to think the marketplace rewards the best artistic accomplishments would be befuddled by the immense appeal of films of this era.

Ironically, the winsome productions of Hollywood's classical age emerged each week not from ateliers but as though from a bread factory: artfully made, similar enough to last week's batch to entice the regulars, varied enough to seem new and fresh, seemingly unique but made from an oft-used recipe, sold off on the cheap like day-old bread, and as regulated by codes as

BURTON J. BLEDSTEIN, *THE CULTURE OF PROFESSIONALISM: THE MIDDLE CLASS AND THE DEVELOPMENT OF HIGHER EDUCATION IN AMERICA* 157-58 (1978).

5. See generally DAVID BORDWELL ET AL., *THE CLASSICAL HOLLYWOOD CINEMA: FILM STYLE & MODE OF PRODUCTION TO 1960*, at 3-4 (1985) (illustrating the development of Hollywood style, production, and technology from 1900 to 1960); *CLASSICAL HOLLYWOOD NARRATIVE: THE PARADIGM WARS* (Jane Gaines ed., 1992).

6. ROBERT B. RAY, *A CERTAIN TENDENCY OF THE HOLLYWOOD CINEMA, 1930-1980*, at 25 (1985).

7. See COBBETT STEINBERG, *REEL FACTS: THE MOVIE BOOK OF RECORDS* 47-49 (1982).

those loaves sitting in wrappers waiting for the delivery trucks surely were.⁸

In later years, other types of films would have more artistic merit and pretensions, but “Hollywood’s Classic Period films would establish the definition of the medium itself.”⁹ Well after World War II, and even into the twenty-first century, versions of the classical-period cinema reigned at the box office.¹⁰ “We should realize, therefore, that in examining the movies of Hollywood’s Classic Period, we are studying the single most important body of films in the history of cinema, the one that set the terms by which all movies, made before or after, would be seen.”¹¹

What distinguishes this type of cinema? In the simplest terms, the films are character-driven narratives, which neatly answer the questions the narratives themselves pose at the outset. To quote David Bordwell:

The classical Hollywood film presents psychologically defined individuals who struggle to solve a clear-cut problem or to attain specific goals. In the course of this struggle, the characters enter into conflict with others or with external circumstances. The story ends with a decisive victory or defeat, a resolution of the problem and a clear achievement or non-achievement of the goals.¹²

One treat that awaits the fan of this kind of film is the closure that comes at the end. Even if the screen does not show the words “The End,” films in the traditional Hollywood mode do truly wrap themselves up and leave little question of what comes next.

The importance of characters in Hollywood films cannot be underestimated. These characters are not necessarily deep or complex. Even the most three-dimensional among them approach flatness. In the words of film theorist Siegfried Kracauer, the film actor is often an “[o]bject among objects.”¹³ Indeed, film characters are often stock characters that we recognize, either consciously or subconsciously, as types. Excellence in the writing or acting of these characters is often accomplished

8. THOMAS CRIPPS, *HOLLYWOOD’S HIGH NOON: MOVIE MAKING & SOCIETY BEFORE TELEVISION* 3 (1997).

9. RAY, *supra* note 6, at 26.

10. Among the films nominated for the Oscar for Best Picture in 2004, only *Lost in Translation* would not fit the mold of the classical Hollywood film. *LOST IN TRANSLATION* (Focus Features 2003).

11. RAY, *supra* note 6, at 26.

12. DAVID BORDWELL, *NARRATION IN THE FICTION FILM* 157 (1985).

13. SIEGFRIED KRACAUER, *THEORY OF FILM: THE REDEMPTION OF PHYSICAL REALITY* 97 (1960).

through a mastery of the type and through an ability to command the type's standard features.¹⁴

Most importantly, film characters cause things to happen or prevent things from happening. "It is always a character who takes steps, a character who makes choices, a character's responses that drive the story forward or spin it around in new directions. It is a character who overcomes, a character who changes or learns."¹⁵ Indeed, the film industry seems to realize how character-driven the standard film is. Advertising routinely emphasizes the characters rather than the settings or plots. At the annual Academy Award ceremonies, Oscars go to the actors who most effectively portray the best male and female characters in both lead and supporting roles.

Admittedly, the law professor does not appear frequently enough in Hollywood films to be a familiar character. But other more generally defined stock characters exist that could and occasionally have accommodated the law professor. It is this accommodation, this employing of the law professor within certain available types that can illuminate at least some of the self-images dearest to the hearts of law professors.

II. CRUSADING HERO

The most familiar stock character whose mantel the law professor might don is the hero. Varieties of heroic characterization can be found in ancient myths and epics, but a more modern inspiration for the Hollywood hero might be found in the chivalric romances that developed in twelfth-century France and then spread to the literatures of other European countries.¹⁶ Unlike the myth or epic, which often portrays heroism against the backdrop of tribal and ethnic warfare, the chivalric romance finds the hero at court. In the conventional plot, a heroic knight sets out on a moral mission, battles other knights and even dragons, and through it all displays honesty, loyalty, resourcefulness, and courage, often winning a lady's favor in the process.

Adventure tales involving literal knights had little appeal for American readers, but a more-modern sort of romance became the leading genre in

14. Speaking more of literature than film, the scholar M.H. Abrams says, "But even in realistic literary forms, the artistic success of a protagonist does not depend on whether or not an author incorporates an established type, but on how well the type is recreated as a convincing individual who fulfills his or her function in the overall plot." M.H. ABRAMS, A GLOSSARY OF LITERARY TERMS 298 (7th ed. 1999).

15. Suzanne Shale, *The Conflicts of Law and the Character of Men: Writing Reversal of Fortune and Judgment at Nuremberg*, 30 U.S.F. L. REV. 991, 999 (1996).

16. ABRAMS, *supra* note 14, at 35.

nineteenth-century American popular narrative.¹⁷ This had ramifications when American filmmaking emerged and expanded in the twentieth century. While the early silent films relied heavily on Victorian melodrama, “the talkies clearly derived from an alternate mode, the romance form that Richard Chase has shown to be the basis of nineteenth-century American fiction.”¹⁸ If a film was a romance, it was highly likely to have a hero.

The individual hero of course varies from film to film.

While the specific characterization of the hero depends on the cultural motifs and themes that are embodied in any specific adventure formula, there are in general two primary ways in which the hero can be characterized: as a superhero with exceptional strength or ability or as “one of us,” a figure marked, at least at the beginning of the story, by flawed abilities and attitudes presumably shared by the audience.¹⁹

The movie industry has produced its fair share of superheroes, but there are even larger numbers of regular individuals turned heroes in the guise of cowboys, military officers, law enforcement officials, and sports figures, to name only the most common culture-specific varieties.

An early example of a film featuring the law professor as hero is *I Am the Law*, starring Edward G. Robinson.²⁰ The film fits within and comes toward the end of the fascinating cycle of American criminal justice films from the 1930s, and Robinson’s own credits during that decade nicely represent the cycle. His *Little Caesar* was one of the most successful gangster films from early in that decade, films in which the gangsters are actually heroes.²¹ In *Little Caesar*, Robinson’s Rico Bandello rises from rags to riches as a gangster. Viewers related positively to his success, and while exiting the theater, they largely disregarded the obligatory atonement for wrongdoing late in the film.²² At the very end, when Rico is gunned

17. See RICHARD CHASE, *THE AMERICAN NOVEL AND ITS TRADITION*, at viii (1957) (“[S]ince the earliest days the American novel . . . has worked out its destiny and defined itself by incorporating an element of romance.”).

18. RAY, *supra* note 6, at 56.

19. JOHN G. CAWELTI, *ADVENTURE, MYSTERY, AND ROMANCE: FORMULA STORIES AS ART AND POPULAR CULTURE* 40 (1976).

20. *I AM THE LAW* (Columbia 1938).

21. *LITTLE CAESAR* (Warner Bros. 1930). “After the great box office success of *Little Caesar*, some fifty gang films came to the screen in 1931” ANDREW BERGMAN, *WE’RE IN THE MONEY: DEPRESSION AMERICA AND ITS FILMS* 3 (1971).

22. According to Thomas Cripps, the gangster films of the early 1930s “played Cecil B. DeMille’s old game of wallowing in violence and crime and then piously atoning for it in the last reel.”

down while hiding behind a billboard for ballroom dancing, his demise seems almost tragic. In the late 1930s, meanwhile, G-Men and FBI agents supplanted gangsters as the heroes, and Robinson's *Bullets or Ballots* reflects the change.²³ Robinson plays plainclothesman Johnny Blake, who infiltrates and brings down the mob. *Time* said: "What makes it a good picture, despite its solemn interest in the obvious, is that it brings Edward G. Robinson (*Little Caesar*) back into the crime fold, this time on the side of the Law."²⁴

In *I Am the Law*, Robinson is also on the side of the law.²⁵ The film stars Robinson as law professor John Lindsay. The character's identity as a legal academic is underscored in the lengthy initial scene of the film. The natty Lindsay stands on the podium in a large wood-paneled classroom at the "College of Law" addressing a packed room of current and former students—all white men in suits—before going on sabbatical. He tells the assembled how much they mean to him and how he dreads going on sabbatical. They, in turn, grow teary-eyed at the thought of their beloved professor's impending absence. At the end of the scene, the students and former students rise and honor Professor Lindsay with a hearty university song.

No doubt realizing that a film about a law professor's sabbatical research project would be unlikely to capture an audience, the filmmakers go on to portray Lindsay as an amateur but ultimately effective crime-buster. Civic leaders draft him to bring down the local rackets, and he becomes a type of special district attorney. The latter was a type of hero with great pop cultural resonance in the 1930s, in part because of the recognition of and respect for New York's Thomas E. Dewey. He had been appointed special prosecutor in New York City by Governor Herbert Lehman in 1935, and after Dewey successfully prosecuted Lucky Luciano and other mobsters, Dewey himself was elected Governor.²⁶ Popular magazines lionized Dewey,²⁷ and the culture industry produced a range of

CRIPPS, *supra* note 8, at 82.

23. BULLETS OR BALLOTS (Warner Bros. 1936).

24. *Bullets or Ballots*, TIME, June 1, 1936, at 26.

25. I AM THE LAW, *supra* note 20.

26. See generally MARY M. STOLBERG, FIGHTING ORGANIZED CRIME: POLITICS, JUSTICE, AND THE LEGACY OF THOMAS E. DEWEY (1995) (chronicling Dewey's rise from relative obscurity to political prominence).

27. The *Saturday Evening Post*, for example, ran a lengthy, illustrated, five-part series on Dewey between October 16, 1937 and January 15, 1938. Forrest Davis, *The \$20,000,000 Chicken Stealers*, SAT. EVE. POST, Dec. 18, 1937, at 23; Forrest Davis, *The Biggest Racketeer Falls*, SAT. EVE. POST, Oct. 30, 1937, at 12; Forrest Davis, *Mouthpiece*, SAT. EVE. POST, Jan. 15, 1938, at 26; Forrest Davis, *Smashing the Rackets*, SAT. EVE. POST, Oct. 16, 1937, at 5; Forrest Davis, *The Toughest Underworld Trust*, SAT. EVE. POST, Dec. 4, 1937, at 14.

products with fictionalized special prosecutors. *Mr. District Attorney*, for example, was an immensely popular radio serial of the era,²⁸ and reviewers of *I Am the Law* were inclined to see Professor Lindsay less as an academic than as another special prosecutor. One said, "Edward G. Robinson looks less like New York's District Attorney Thomas E. Dewey than Chester Morris did (*Smashing the Rackets*)²⁹ or Walter Abel (*Racket Busters*)."³⁰ Another reviewer thought, "*I Am the Law*' comes a little late in the film cycle inspired by the racket-busting activities of New York's District Attorney Thomas E. Dewey."³¹

In the film itself, the professor-turned-special-prosecutor is unsuccessful at first. Witnesses are hesitant to come forward, and when one finally musters the courage to do so, the racket bosses kill him. Informers and "stool pigeons" have positions on Lindsay's staff and undermine his investigations. Some of the civic leaders who drafted Lindsay in the first place have ties to the rackets and, indeed, selected Lindsay because they assumed an academic would be ineffective as a crime-buster. At one point the local government even terminates Lindsay's appointment.

But heroes do not give up. Lindsay enlists his former students as his assistants, conducts undercover operations, and secretly films the meetings of racket bosses. At one point, Lindsay even demonstrates that the law professor as hero can be physically intimidating. He lures three "hoodlums" into a fist-fight, and, with assorted newspaper reporters and photographers conveniently on hand, he administers an old-fashioned, bare-knuckled beating that would make any action hero proud.

Lest one dismiss this as quaint 1930s cinema, modern films in which the law professor becomes the hero should be noted. In *Just Cause*, for example, Sean Connery plays law professor Paul Armstrong.³² His antagonist is not the rackets but rather, it seems at first, a violent, almost fascistic criminal justice system personified by Lawrence Fishburne's Sheriff Tanny Brown. The latter arrested a man for murder and used torture to extract a confession from him. The man now resides on death row in Florida, and his mother pleads with Armstrong for help. In the classic stance of the reluctant hero, Armstrong at first declines.³³ However,

28. See David Ray Papke, *Mr. District Attorney: The Prosecutor During the Golden Age of Radio*, 34 U. TOL. L. REV. 781 (2003) (discussing the radio show *Mr. District Attorney*, and the show's form, audio techniques, and characterization); MR. DISTRICT ATTORNEY (NBC radio serial 1939-1952).

29. SMASHING THE RACKETS (RKO 1938).

30. *I Am the Law*, TIME, Sept. 5, 1938, at 33; RACKET BUSTERS (Warner Bros. 1938).

31. *Public Hero No.1*, NEWSWEEK, Sept. 5, 1938, at 23.

32. JUST CAUSE (Warner Studios 1995).

33.

The most compelling invitation to identify oneself with the screen character is

Armstrong's wife reminds him, "Every now and then, you have to get a little bloody."³⁴

Armstrong leaves his teaching responsibilities and research behind, heads off to Florida, and conducts an investigation. With more than a trace of perceptiveness, a woman whom Armstrong encounters at a cocktail party tells him, "You missed your true calling. You should have been a detective."³⁵ Armstrong's work frees the man on death row, but unfortunately he turns out to be the murderer. Furthermore, he kidnaps Armstrong's wife and daughter. A dramatic car chase follows, as does a fight to the death in a swamp. In the end, the law professor heroically prevails, and the gators feast on the felon's foul flesh.

A subtler modern tale of the law professor as heroic righter of wrongs is *Reversal of Fortune*.³⁶ On some level, the film is not fiction. It derives from law Professor Alan Dershowitz's book of the same title,³⁷ in which Dershowitz recounts his appellate work on behalf of Claus von Bülow, who had been convicted at trial of attempting to murder his millionaire wife, Sunny. Writer Nicholas Kagan and director Barbet Schroeder converted Dershowitz's sometimes whiny account into a classic Hollywood film that Suzanne Shale calls "a tale of heroic odyssey."³⁸ Veteran actor Ron Silver played the law professor as hero and did so with the ideal combination of arrogance and aplomb.

The Dershowitz character's righteousness does not derive from his representation of Claus von Bülow in and of itself. In the film and, apparently, in real life as well, von Bülow is a rather slippery fellow. We are never certain whether he did in fact try to kill his wealthy wife with injections of insulin. Dershowitz finds his true cause in a more abstracted protection of the right to counsel for criminal defendants. His nobility derives from a commitment to criminal defense work, and this cause, at least according to the filmmakers, does not depend on financial reimbursement. Early in the film, Dershowitz and von Bülow meet in a restaurant to discuss the case, and the latter proposes a retainer. "Not so

offered when the protagonist is forced by the narrative to make hard choices and difficult decisions. This is the moment when the audience recalls the agony of minds we would rather not make up, and are generous with our sympathy for characters who cannot avoid doing so.

Shale, *supra* note 15, at 1001.

34. JUST CAUSE, *supra* note 32.

35. *Id.*

36. REVERSAL OF FORTUNE (Warner Bros. 1990).

37. ALAN M. DERSHOWITZ, REVERSAL OF FORTUNE—INSIDE THE VON BÜLOW CASE (1986).

For a comment on the book and actual case, see Robert F. Williams, *The Claus von Bülow Case: Chutzpah and State Constitutional Law?*, 26 CONN. L. REV. 711 (1994).

38. Shale, *supra* note 15, at 997.

fast,” Dershowitz says.³⁹ “I’m not a hired gun. I’ve got to feel there’s some moral or constitutional issue at stake.”⁴⁰

When Dershowitz does indeed take the case, we can assume that issue has been located. As did Professor Lindsay in *I Am the Law*, Dershowitz recruits a staff of current and former law students. What eager beavers they seem, digging up evidence, researching the case law, doing profiles of Rhode Island appellate judges, and even popping over to shoot baskets at their professor’s house.

In one lengthy scene, Dershowitz’s student helpers have assembled in his faculty office. A beautiful, imaginary version of the Harvard campus is on display outside the windows, and the office itself is larger than most actual law school seminar rooms. A student in a torn blue-jean jacket named Minnie challenges Dershowitz’s representation of someone as obviously guilty as von Bülow. But, before she can steam out of his office, Dershowitz passionately discusses why everyone deserves a lawyer and outlines how the lawyer can be the isolated outcast’s only true friend. He also explains the manner in which he approaches his work: “The reason I take cases—and here I’m unlike most other lawyers, who are not professors and therefore have to make a living—I take cases because I get pissed off.”⁴¹

In the end Dershowitz, of course, prevails. He has just dismissed a law school class and is still in the classroom when his student helpers run in to announce that the Rhode Island Supreme Court has unanimously reversed the von Bülow conviction. As did Professor Lindsay and Professor Armstrong, Professor Dershowitz has performed in a heroic fashion. He has fought for a noble cause and won. Presumably this heroic trio of law professors derives inner satisfaction from their accomplishments. Their self-images as heroes, one hopes, will lead them in the future to once again fight hoodlums, “get bloody,” and rise up when moral and constitutional issues present themselves.

III. DEVOTED TEACHER

The movie industry might also cast the law professor as a teacher, another stock character in the Hollywood stable. Law professors are of course teachers, but that does not necessarily mean they will be wedged into cinematic characters that are primarily defined as teachers. A large number of films have teacher characters at the center of them. Perhaps most of

39. REVERSAL OF FORTUNE, *supra* note 36.

40. *Id.*

41. *Id.*

those teachers work in Hollywood high schools and prep schools, but professors might also be cast as teachers. The most recent film to do so is *Mona Lisa Smile*, with Julia Roberts in the role of an art history professor, trying nobly to teach Wellesley College students of the 1950s about not only art but also women's liberation.⁴² Law professors are also eligible for characterization as teachers.

The most enduring example of a Hollywood film with a law professor as teacher is *The Paper Chase*, featuring the one and only Professor Charles W. Kingsfield, Jr., Professor of Law.⁴³ The film is derived from a novel regarding life at the Harvard Law School by John Jay Osborn, Jr.⁴⁴ Now a professor himself at the University of San Francisco Law School, Osborn in his days as a novelist seemed a critic of legal education. One reviewer lumped Osborn with Katherine Roome and Michael Levin—two other novelists of law school affairs—as “products of this ‘fun’ generation.”⁴⁵ They all, the reviewer continued, “reflect sympathy with the Leary-Reich ‘Consciousness III’ creed of the 1960s.”⁴⁶ More generally, reviewers were lukewarm about the novel. One review praised Osborn for “a fine, lean style” but said of the novel, “there just isn’t enough intramural conflict to attract the innocent bystander.”⁴⁷

Twentieth Century Fox, meanwhile, saw potential in the novel for film purposes. The filmmakers may have seen the film as a vehicle for promising young actors Timothy Bottoms and Lindsay Wagner, casting the former as a law student from Minnesota and the latter as his on-again, off-again lover. The filmmakers could also have envisioned a “becoming-an-adult” tale. However, scenes with Professor Kingsfield teaching Contracts were numerous and served almost as a pacing motif in the film, and John Houseman in the role of Professor Kingsfield either intentionally or unintentionally “stole” the film. Bottoms and Wagner were ignored when it came time for Academy Awards, but Houseman received the Oscar for Best Supporting Actor.

Houseman's powerfully engaging performance even led to a television series derived from the film. Although the series was broadcast on CBS for only one season, the Showtime cable channel continued to produce episodes for three subsequent years.⁴⁸ Few of the actors in the film appeared in the

42. *MONA LISA SMILE* (Columbia 2003).

43. *THE PAPER CHASE* (Twentieth Century Fox 1973).

44. JOHN JAY OSBORN, JR., *THE PAPER CHASE* (1971).

45. Arthur D. Austin, *The Waste Land of Law School Fiction*, 1989 DUKE L.J. 495, 506.

46. *Id.*

47. *The Paper Chase*, N.Y. TIMES, Sept. 12, 1971, at BR50.

48. Walter A. Effross, *Paper Chase*, in PRIME TIME LAW: FICTIONAL TELEVISION AS LEGAL NARRATIVE 105, 105 (Robert M. Jarvis & Paul R. Joseph eds., 1998).

television series, but Houseman continued to portray Charles W. Kingsfield, Jr., of the Harvard Law School faculty. Crusty, seemingly unyielding, and devoted to his students in his own distant way, “Kingsfield personifies the school and its systems.”⁴⁹ Well after the television series ended, Houseman in a sense continued to portray Kingsfield in the widely broadcast Smith Barney advertisements. The company, presumably like the law students who grasped Kingsfield’s message, made its money the old-fashioned way. It earned it.

In both the television series and the original film, we learn very little about Kingsfield as a person, but we have ample opportunity to observe him as a teacher. And what a teacher he is. Kingsfield personifies the traditions and culture of the law. He is knowledgeable about issues, concepts, and rules. He is a strict disciplinarian, who expects his students to be prompt, prepared, and able to expound. In the film’s most remembered classroom scene, James T. Hart, the law student played by Timothy Bottoms, declines to answer when called on and says he will raise his hand when he wishes to speak. Professor Kingsfield is astounded by the brazen lack of cooperation and asks Hart to come forward to the lectern. Hart complies, and Kingsfield gives him a dime. “Call your mother,” Kingsfield says. “Tell her there is serious doubt about your becoming a lawyer.”⁵⁰

As the comedy *Legally Blonde* suggests, Hollywood continues to play off the Kingsfieldian version of the law teacher.⁵¹ The film concerns Elle Woods, a California sorority girl, played by Reese Witherspoon, who decides to go to Harvard Law School to prove a point to her ex-boyfriend. He not only attends Harvard himself but also dropped Woods because she was not the right kind of woman for a man with Harvard-sized ambitions. Woods’ father thinks little of her law school plans, announcing, “Law school’s for people who are boring and ugly and serious.”⁵² Woods goes anyway, overcomes early difficulties, and becomes a research assistant for one of her professors, a man who seems also to have a rather sizable law firm in Boston. He has sexual designs on Woods, but she eludes his advances. In the final third of the film she takes over a murder case from him and wins an acquittal because she knows one would never wet her hair shortly after getting a perm.

The Kingsfieldian law professor in the film is not Woods’ boss but Professor Stromwell, played with appealing verve by Holland Taylor. Professor Stromwell excoriates Woods for not doing the reading for the first

49. *Id.* at 112.

50. PAPER CHASE, *supra* note 43.

51. LEGALLY BLONDE (Metro-Goldwyn Mayer 2001).

52. *Id.*

class, much as Kingsfield excoriated Hart for the same offense in *The Paper Chase*. Stromwell is a stern, dignified, and learned law teacher, who demands commitment and excellence from her students. She asks one if he would stake his life on his answer, and she smacks another one on top of his head with her pencil. "Be careful of old Stromwell," one can almost hear the student body saying behind her back.

But Stromwell, like Kingsfield, is more than tough and unyielding. She also has what all positively portrayed Hollywood teachers have, namely, a commitment to the interests and future of their students. In one scene, Woods goes to her favorite manicurist. Woods has been devastated by her boss's sexual advances and by how others have misinterpreted her response to those advances. She is about to give up on law school, pick up her Chihuahua, Bruiser, and return to the vapid poolside environment from which she came. Fortunately, Professor Stromwell is also at the manicurist, and she is prepared to teach Woods some of life's fundamental lessons. "If you're going to let one stupid prick ruin your life," Stromwell tells Woods, "you're not the girl I thought you were."⁵³ Woods snaps back to her senses and renews her resolve as a law student and future lawyer. An able learner, she in the end is the student speaker at the law school graduation ceremony.

We learn less about the personal make-ups of Professors Kingsfield and Stromwell in *The Paper Chase* and *Legally Blonde* than we do about the personal make-ups of the heroic Professors Lindsay, Armstrong, and Dershowitz in *I Am the Law*, *Just Cause*, and *Reversal of Fortune*. But we do appreciate Kingsfield and Stromwell as stock Hollywood teachers. They are devoted to their students and teach them both the law and how to live in our society. One hopes Kingsfield and Stromwell delight in their self-images as teachers and continue to rely on those self-images in their future work. Clearly, they know who they are, and this contributes to their success.

IV. SYMPATHETIC FAILURE

A third and final Hollywood stock character that has proven capable of accommodating the law professor is the personally and morally flawed individual who is sympathetic, bordering on pathetic. He or she neither restores law and order, as does Edward G. Robinson's Professor Lindsay, nor demands rigorous thinking from his students, as does John Houseman's Professor Kingsfield. Instead, the character stumbles through life prompting compassion and pity. Assuming, as is the case, that Hollywood

53. *Id.*

fashions characters who might speak powerfully to potential viewers and in some way or another entice them to spend their dollars, sympathetic failures are viable possibilities. Many of us, after all, recognize ourselves to be flawed and bear the weight of assorted contradictions on our shoulders. We can relate to sympathetic failures. In the present, the sympathetic failure might be a more common character than either the crusading hero or the devoted teacher.

Characters of this sort need not have any particular occupation, although professionals are prime candidates because of their educations, verbal skills, and complicated work tasks. In contemporary prime-time television dramas, these characters commonly work as doctors, lawyers, detectives, and crime scene investigators, but on the small and large screens the occupational range is virtually unlimited. As the film *One True Thing* suggests, professors might be wedged into this character type.⁵⁴ In this film, William Hurt plays English professor George Gulden. The character seems at first egocentric and self-impressed. He appears to exploit his loving and self-sacrificing wife and also his daughter, who greatly admires him and longs for his approval. However, we also learn in the course of the film of Gulden's insecurities and career disappointment. He cannot seem to finish the novel on which he has worked for years, and valued critics have actually forgotten his earlier work. He cheats on his wife and buries his sorrow in alcohol, acts for which we cannot quite muster forgiveness. Yet we still respond sympathetically. Gulden is a flawed everyman.

A law professor who might strike us as a sympathetic failure is Professor Thomas Callahan, who is portrayed by actor Sam Shepard in *The Pelican Brief*.⁵⁵ The film is derived from John Grisham's third novel,⁵⁶ it reached number one on the *New York Times*' bestseller list, and film rights were quickly auctioned off in Hollywood.⁵⁷ The film's hero is Darby Shaw, a brilliant Tulane University School of Law student, who is played by Julia Roberts. In an early scene in Professor Callahan's class in Constitutional Law, Shaw shows both her intelligence and feistiness in a discussion of *Bowers v. Hardwick*.⁵⁸ She nicely conceptualizes the right of privacy and explains how it might apply to the facts of the case. When Callahan asks her why the Justices did not agree with her interpretation, she answers,

54. ONE TRUE THING (Universal Pictures 1998).

55. THE PELICAN BRIEF (Warner Bros. 1993).

56. JOHN GRISHAM, THE PELICAN BRIEF (1992).

57. See John Grisham: The Official Web Site, at <http://www.randomhouse.com/features/grisham/author.html> (last visited Mar. 9, 2004).

58. *Bowers v. Hardwick*, 478 U.S. 186 (1986) (holding that Georgia's statute criminalizing sodomy did not violate the fundamental rights of homosexuals).

“Because they were wrong.”⁵⁹ Later in the film Shaw figures out why somebody might have wanted to assassinate two very different Justices, one an arch conservative and the other a wooly liberal. She also finds the proof to back up her discovery, enlists a prominent Washington reporter to help her, and dramatically eludes the villains who try to assassinate her. With ample justification, one scholar has described Shaw as a modern-day superhero.⁶⁰

Professor Callahan, meanwhile, assumes a more pedestrian form. Immediately after the class on *Bowers v. Hardwick*, we find him leading Shaw not through a discussion of constitutional doctrine but rather into his bedroom. Callahan and Shaw—law professor and law student—are lovers. We learn later from Callahan’s old law school friend who works in Washington, D.C. that Shaw is only the most recent of Callahan’s student conquests—although this time he seems truly smitten. Unfortunately, Callahan is stalled in his scholarly work and staring down the tunnel of an unsatisfying career. Like English professor George Gulden in *One True Thing*, law professor Thomas Callahan also has a drinking problem. The filmmakers do not invite us to lionize Callahan—he is not a hero—and we have good reason to wonder about his motives and commitments as a teacher. At the same time we are not encouraged to dislike or reject him. Callahan, the law professor, is a sympathetic failure.

Callahan meets his maker less than one-half of the way through the film. He and Shaw are out to dinner in New Orleans, and although the restaurant is elegant and appealing, their evening goes badly. Callahan is self-pitying and obnoxious, telling Shaw that he just wants to stay in bed, drink, and have sex. She reminds him of his book project, but he laughs off the idea, mockingly saying she should write the book instead of him. When Callahan becomes inebriated, she asks him to give her the car keys so that she can drive home, but he refuses to give them to her. She then begins to walk home, while Callahan climbs into the car, rolls down the window, and announces for all the world to hear, “Ms. Shaw, you take my breath away.”⁶¹ He then starts the car, which explodes, killing him on the spot. Assassins had hoped to kill Shaw, who had figured out the reason behind the killing of the Supreme Court Justices, but their bomb killed Callahan.

With the body blown to bits, Callahan’s funeral was presumably a closed-coffin affair. Those who came to pay their respects no doubt reflected on the tragic end of a morally and personally flawed individual.

59. THE PELICAN BRIEF, *supra* note 55.

60. See Judith Grant, *Lawyers As Superheroes: The Firm, The Client, and The Pelican Brief*, 30 U.S.F. L. REV. 1111, 1118 (1996).

61. THE PELICAN BRIEF, *supra* note 55.

But couldn't we find flaws in almost all of us? At least Callahan knew his failings and weaknesses. He might even have drawn some energy from this knowledge. A law professor might use one's self-image as a sympathetic failure to at least carry on.

CONCLUSION

One could speculate that real-life law professors derive their self-images in large part from Hollywood film and other varieties of pop culture. Milner Ball has made a comparable argument in his consideration of admirable modern practitioners. To a surprising extent, these lawyers, according to Ball, became lawyers because they saw films such as *Inherit the Wind*⁶² and *To Kill a Mockingbird*⁶³ during formative stages of their lives.⁶⁴ However, as noted earlier in this article, the number of Hollywood films featuring law professors is small, and their impact is also limited. It is unlikely that these films played much of a role in the formation of law professors' self-images.

That having been said, it is intriguing that many law professors nevertheless have self-images that parallel those of Hollywood law professors. To be sure, these real-life self-images lack the dramatic overtones and grandeur of the Hollywood self-images. Real life, in general, is drabber and quieter than life in a Hollywood film. Still, lots of law professors approach their work with the aspirations of a hero, the determination of a teacher, and the melancholy awareness of a failure.

With regard to heroism, few of us can clean up the rackets like Professor Lindsay in *I Am the Law* or successfully win self-righteous criminal appeals like Professor Dershowitz in *Reversal of Fortune*. Yet many of us consider our law reform, community service, and aligned scholarly writing to have moral and political dimensions. Formal recognition of our quiet heroism is difficult to come by, but the sense of being heroic, of doing good things for good purposes, contributes to our work. It distinguishes us from other varieties of academics whose work we often take to be rarified and also from lawyers who are sometimes seen as merely chasing a buck.⁶⁵ Woe to the law school faculty candidate who

62. *INHERIT THE WIND* (MGM/Va Studios 1960).

63. *TO KILL A MOCKINGBIRD* (Universal Studios 1962).

64. See MILNER S. BALL, *THE WORD AND THE LAW* (1993) (linking the Bible and religious philosophy to the law).

65. One scholar has called for more heroic portrayals of practicing lawyers in fiction, film, and television to counter cynicism of just this sort. See Carrie Menkel-Meadow, *The Sense and Sensibilities of Lawyers: Lawyering in Literature, Narratives, Film and Television, and Ethical Choices Regarding Career and Craft*, 31 *MCGEORGE L. REV.* 1, 6, 24 (1999).

makes light during his or her interview of law professors committed to building a better world.

Most law professors are also extremely aware, bordering on self-conscious, of our identities as teachers. We may not style ourselves as august, WASP gate-keepers for the legal profession as Professor Kingsfield and Professor Stromwell apparently do. In fact, many of us might not actually be great teachers. Law professors in this regard are especially prone to what educational theorist Paulo Freire calls the “banking model” of education, in which teachers merely deposit in students what they know rather than dialogically developing the students’ own critical consciousness.⁶⁶ Yet the self-image of the teacher not only conveys law professors to and from class but also shapes and directs us during committee meetings, in our writings, and even—perhaps to a fault—at the dinner table. We are teachers who nobly get others from one level of knowledge to a higher one.

And yes, many law professors have the self-image of the sympathetic failure. Abusing alcohol and lusting after students are not sturdy bases for this self-image, but other more benign failures and disappointments are. Scholarly projects sometimes flounder. Collegial relationships come and go. Careers stall. Genuine regret about these matters can in its own way be uplifting. Having the self-image of a sympathetic failure is one way to remember one’s humanity, and being aware of one’s humanity is a prerequisite for being a humane professional. Or so we persuade ourselves.

Legal education as a whole would be altered significantly if law professors had different self-images. If, for example, we understood ourselves chiefly as law-dispensing experts or as senior lawyers sharing our knowledge with younger lawyers, legal education would take on different tones and aspire to different goals. This was in fact the case in earlier periods of American history, during which legal education was primarily a matter of training as opposed to educating.⁶⁷ But beginning in the late-nineteenth century, law professors did emerge as a distinctive professional group.⁶⁸ Their work in the academy became full-time, and professional

66. See PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 52–67 (Myra B. Ramos trans., rev. ed. 1995) (describing and calling for a liberationist pedagogy).

67. Throughout the nineteenth century most American lawyers trained in apprenticeships, and the earliest private schools “were generally outgrowths of the law offices of practitioners.” ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S*, at 3 (1983). Even with the rise of university-based law schools in the late antebellum period, “law schools were seen as an expanded form of office practice.” *Id.* at 26.

68. The profession emerged during a period in which many occupational groups staked out professional status for themselves and the modern conception of the profession took shape. Samuel Haber, *The Professions*, in *ENCYCLOPEDIA OF AMERICAN SOCIAL HISTORY 1585* (Mary Kupiec Cayton,

self-recognition became more confident. One key to legal education as we know it is the self-images law professors started to bring to their work in legal education. The reformist flavor of legal education, the intensity of the law-school learning experience, and the interpersonal complexity of law schools all derive in part from the dominant self-images of law professors.

In the professions in general, self-image should not be discounted as a defining, shaping, directing force. Different self-images reign in different professions. Military officers and law enforcement personnel, for example, are likely to have truly combative, aggressive self-images. Most nurses, doctors, and ministers, on some level, perceive themselves as care-givers. Accountants, appraisers, and statisticians might take themselves to be scientists. Professionals face social and economic restraints, to be sure, but they also rely on self-images to picture themselves, guide their work, and preserve their status. Certain self-images are dominant in certain professions, and, indeed, without those dominant self-images a given profession would struggle to maintain its coherence.

None of this is to invite a false consciousness regarding professionals and their work. Viewed from a critical perspective, “professionalism functions as a means for controlling large sectors of educated labor and for co-opting its elites.”⁶⁹ But at the same time, appropriate self-imagery helps professions to be more than economic self-interest groups. “They seem to offer an escape from vexing supervision as well as from some of the depersonalization and uncertainty of markets and bureaucracies.”⁷⁰ Professions could not provide that escape and concomitant empowerment without professionals having shaped self-images. Critically contemplating the self-images of law professors in the Hollywood cinema can assist law professors, lawyers, and members of other professions as well in consciously tending to their professional self-imagery.

et al. eds., 1993).

69. MAGALI SARFATTI LARSON, *THE RISE OF PROFESSIONALISM: A SOCIOLOGICAL ANALYSIS* 237 (1977).

70. Haber, *supra* note 68, at 1576.

