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I’m Not a Lawyer, But I Play One on T.V.

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Cover Page Footnote
* Camryn Manheim is best known for playing the feisty defense attorney, Ellenor Frutt, on the hit television show, The Practice, for which she won an Emmy and Golden Globe award. In addition to dozens of television, film and theatre credits, she most recently starred in the CBS show, The Ghost Whisperer. In 1999, Camryn fulfilled a lifelong dream and became a New York Times bestselling author. Broadway Books published her book WAKE UP, I'M FAT! Manheim received her Bachelor of Arts degree at the University of California at Santa Cruz, and her Masters of Fine Arts degree at New York University. She has taught and guest lectured all over the United States.
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As a professional actress who has played a well-known lawyer on television, the author offers her perspective of the effects popular culture and television have had on the law. Through her legal career on the popular television show The Practice, she asserts that legal television can influence public attitudes on issues such as social justice because people see reality through the camera lens.

You’re all familiar with Julius Caesar’s famous line—veni, vidi, vici—I came, I saw, I conquered.

Well, there is a lesser known Latin expression that only you legal scholars would know, veenio, video, vin-chio, which means “I’m here because I played a lawyer on TV, but I can still whoop your ass in court.”

Before my cameos on Law & Order and winning the part of Eleanor Frutt on The Practice, my entire legal career consisted of a couple of traffic tickets and suing my father in small claims court for unpaid wages and punitive damages. In Manheim vs. Manheim (1975), the court delivered a verdict for Manheim.

I was undefeated going into the audition for The Practice, which is probably why David retained me (I mean hired me) for the part.

As Bertolt Brecht once said, “Art is not a mirror to hold up to society, but a hammer with which to shape it.” As an idealistic young actor I believed storytelling was an important part of shaping our future. If you’re lucky, you get to actually be a part of something that accomplishes that. That’s why being on The Practice was such an amazing experience for all of us. Obviously I can’t disclose privileged lawyer-client communications, but it felt like David Kelley and I were on the same page when it came to social issues. I will say this . . . it was very satisfying to be a part of a television show that gently and quietly provoked people to talk about how our legal system works.

Look, law is as much a part of America’s popular culture as is television.

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Together they form our civic religion. They both shape our beliefs, our fears and aspirations. I’d venture to say that any meaningful law reform you would find in courts or congress often first occurred in screenplays. *To Kill A Mockingbird*, *12 Angry Men*, *Presumed Innocent*, *Inherit the Wind*, *Anatomy of A Murder*, *Kramer vs. Kramer* the list goes on and on.

Thus, I often think of myself as a class action lawyer, where the class I represent is the American viewing public, or at least that segment of it that doesn’t watch Fox News. They are a class unto themselves.

The lawsuits brought or defended by Donnell, Dole, Young and Frutt reinforced my views of social justice. Our roles in the law firm not only sealed our reputations in the eyes of TV’s Boston District Court judges, but also defined who we were in the eyes of the public. As is often the case, with art imitating life, we became our characters, and they us.

Thus, it was with great sadness that I got disbarred in 2004 when David dissolved the law firm and retained Captain Kirk as his new lawyer. I guess he wanted to boldly go where no producer had gone before. Yet, one of these days, I’ll face off against Denny Crane in the Romulan Supreme Court. Won’t he be surprised when strict scrutiny is applied in a very new and creative way.

I come from a long line of activists and I have a hard time keeping my mouth shut. One of the great lessons I learned while being on the Practice was to pick my battles carefully. I learned not to complain to the writers and producers with every de minimus injury to my sense of aesthetic justice. I had to act strategically, presenting my best claims and foregoing my weaker ones. I limited my (prayers for relief) to restitution and rewrites, rather than forcing the writers to (publicly confess error) every week. I’m sure you’ve all learned about Strategic Lawyering in your advocacy classes. I learned it at the David Kelley School of Law.

During the first year of *The Practice* I was living in my brother’s guest house. He happens to be a professor of constitutional law. You can just imagine the lively conversations around our dinner table. He tried to convince me that Justice Jackson’s 3-part-test in *Youngstown* actually had 5 parts, and he said he wouldn’t charge me rent if I could spell “justiciability.” Now you see how fun our dinners were.

The language of the law may have a lot of Latin or French in it, but it was mostly all Greek to me. *Nunc pro tunc* and *voir dire*, still sounded to me like *ageō may trečtos me dias a si to*, which, as you legal scholars know, has nothing to do with the law. This was the motto over the entrance to Plato’s Academy. It means, “Let no one untrained in geometry enter.” I think with a little work it would be a good motto for Stanford Law School. It sounds so much better than *die luft der freiheit weht.* But, I digress.

So, living with a lawyer, I actually learned some law rather than simply memorized words. Thus, I know that you can file an interlocutory appeal under

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1. The Stanford University motto (“The wind of freedom blows.”).
28 U.S.C. § 1292, but that the collateral order rule is actually a 1291 appeal. I wanted to understand the words my character spoke.

So when the character on The Practice, Stuart Donovan, was sitting on death row in episodes 75-77, I knew our ineffective assistance of counsel claim was made all the harder by the Anti-Terrorism and Effective Death Penalty Act that President Clinton had recently signed. How did we ever consider him a liberal?

In another arc on The Practice, I fought the execution of Denise Freeman, a rehabilitated death-row prisoner who had devoted her prison time to helping younger inmates. In a last-ditch effort to stay her execution, Ellenor bases an appeal on the medication the court ordered Denise to take at trial, which prevented the jury from observing her schizophrenia.

I believe that executing the mentally ill, or anyone for that matter, is both morally and legally wrong. It takes writers like David Kelley to counter the degenerate views of Rambo and Mel Gibson (who also try to shape public opinion on the law).

It is hard to know how much influence shows like The Practice have had on the slowly changing public attitudes about capital punishment, but they’re moving us in the right direction. Since that time, states have abolished capital punishment and more are considering doing so. Public attitude has definitely changed, and I’d like to think we had a little part in that.

It was because of my time on The Practice that I got involved with the Southern Poverty Law Center, Death Penalty Focus, and Bet Tzedek—The House of Justice.

The knowledge that I learned during my tenure there inspired me to get involved.

I remember one day I was out for lunch and a young law student came up and introduced himself to me. He said that, after watching our episode on the absurd rules of the law, it had changed his attitude about the death penalty. As an anti-death penalty activist, it doesn’t get any better than that.

Last month, I was a guest star on David’s newest show, Harry’s Law, playing Assistant District Attorney Kim Mendelsohn in another death penalty case. When I arrived on the set, I instinctively sat at the defense table, momentarily forgetting that I was now the prosecutor seeking an execution. The other table didn’t feel right. I had to shift my passion. When David called me to ask if I would argue the case, he knew it would be hard for me as a person, but effective because the viewing audience trusted me after playing Ellenor Frutt for 8 years. Even though I wasn’t Ellenor anymore, they still afforded me the confidence that I banked over my years on The Practice.

In Harry’s Law episode 12, the law was clearly on the prosecutor’s side. The death row inmate’s appeal wasn’t filed on time due to a clerical error in the mailroom. But the Supreme Court exalts (form over substance) in death penalty cases, and the rule known as state procedural default operates to prevent review of the merits of a conviction. This episode closely resembles the real case
Coleman v. Virginia, where Roger Coleman was executed in 2002 after his pro bono lawyer missed a filing deadline by 1 day. My only hope to impart anything of substance to the viewing audience was to deliver my colloquy with defense counsel with as much passion as possible, calling attention to the rule that actual innocence is not as important as legal formalism.

Nonetheless, Harry’s Law, and my role as Kim Mendelsohn, presents the issues to the American jury fully and fairly. I’m sure millions more people know about the character Brian Jones’ pending execution than that of the real-life Roger Coleman. And there, in a nutshell, is television’s impact on the law.

It is fair to say that most people’s opinions about capital punishment, and criminal law in general, are shaped at least as much by television as by reality. Maybe even more.

Most people’s exposure to the American legal system is through television and movies. Books and print media come in a distant second, and actual exposure to the seamy side of the law hardly registers on the American psyche.

Even the Internet presents law through a filter. It’s just a vehicle to access to all the other media I just mentioned. It would be interesting to see the relative number of hits Harry’s Law gets on CBS.com, vs. the number of hits you’ll see on SupremeCourt.gov for a real case. In fact, I wonder how many people in this room regularly visit SupremeCourt.gov, and how many of you have Hulu.com bookmarked instead. I rest my case.

Over the 168 episodes we shot of The Practice, we tackled a wide array of important legal issues. Discrimination, racism, freedom of speech, tobacco companies, mass torts, and how pesticides are used to preserve children’s play ground equipment and then leach into the soil causing cancer.

That’s where David Kelley and other writer-creators come in. They are the bridge between the impenetrable legal system and American consciousness. The average American viewer doesn’t know whether a televised case is factual or contrived. That poses a dilemma since they’re looking to us for the truth. Hey, maybe what we need is a code of ethics for the broadcast industry so they don’t distort the law or the facts. That would be the surest way to get Rush Limbaugh, Glenn Beck, and O’Reilly off the air.

After The Practice ended its run, I got the producers to donate a complete set of tapes to the Loyola Law School library. Because the show presents real world ethical problems, they use these episodes in their ethics classes, as part of the course of instruction at the law school. This is a different rerun in the law classroom and I don’t get residuals.

Of course, some viewers cannot distinguish fantasy from reality. When I was called to jury duty, a fan asked me for my autograph. I wrote my usual: “If you ever need a good lawyer, call me.” The fan then asked if I would represent her in a pending matter. How clueless of her I thought, but some months later I was flying up to Vancouver. Let’s just say, I don’t like to fly. I was sitting next to a man who seemed familiar but I couldn’t place him. Oddly, I had a very peaceful flying experience and I didn’t know why. I was calm, and for the first
time didn’t spend the bulk of my trip wondering what part of the plane would fall off mid air or if the captain was playing a video game, or if the air traffic controllers were taking a nap. When we landed, someone across the aisle called out to my seatmate, “Richard.” And then I realized, oh my God, that’s Richard Dean Anderson. He played MacGyver on TV. I must have subconsciously known that if anything happened, MacGyver could have safely landed the plane. I guess we all see reality through the camera lens, and luckily for viewers, through people like David Kelley’s eyes and heart.

Bottom line - if you’re going to have a lawyer in the family, it should be someone useful, like a divorce lawyer, a tax attorney, or someone who plays a lawyer on TV. My brother, the constitutional lawyer, is utterly useless in real life. He couldn’t even help me when I sued my dad for restitution. Something about conflicts of interest, or was it state procedural default? In any event, if you ever need a good lawyer, just give me a call.