



CSI, Judge Judy and Civic Education

The upside of pop-culture and media fascination with the justice system: it gives lawyers an opening to educate people about the legal process and profession.

Let reverence for the laws, be breathed by every American mother, to the lisping babe that prattles on her lap – let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books and in Almanacs; – let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and young, the rich and poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly on its altars.

– Abraham Lincoln, January 27, 1838

Popular culture and the modern media are captivated by the system of justice. The legal troubles and entanglements of celebrities are splashed across the media, whether it be in connection with their brushes with the criminal justice system, their divorce proceedings, child custody issues, or the like.

Many of the most popular fictional television shows revolve around the system of justice, from *Perry Mason* to *L.A. Law* to *The Practice* to *Boston Legal*. Fact-based documentary style shows, such as Bill Kurtis' *American Justice*, also abound and provide a more realistic chronicle of criminals brought to justice. Court TV provides live court proceedings and other law-related programming. There are numerous other examples. Over 53 million hits pop up when you Google "television shows about the legal system."

To be sure, we wish many of these shows would provide a more accurate portrayal of how the system of justice actually works. They can perpetuate negative stereotypes and create unrealistic expectations.

The Judge Judys of the world are hardly a model for judicial temperament. And I have heard judges lament

that such *People's Court* programs exacerbate the problems posed by pro se litigants, who expect the judge to be an advocate rather than a neutral and think it preferable to navigate the system of justice without a lawyer as a rudder.

Nancy Grace is hardly a model for the reasonable, tempered, careful former prosecutor we might prefer be on display. The various iterations of *CSI: Crime Scene Investigation* have reportedly begun to alter jurors' perceptions, and concerns have been expressed about the problem of creating unreasonable and false expectations about forensic evidence. Of course, such shows would not be as popular unless they portrayed the participants as more glamorous and more flawed than they actually are.

For better or worse, we are clearly in the public consciousness. But, on balance, that is not such a bad thing. There is something fundamentally positive about the public's interest in our system of justice. At a minimum, it means that the public is keenly aware of it and, we hope, also sensitive to its importance in protecting the rights of individuals, resolving disputes between people, finding and bringing to justice those who commit crimes, providing an engine for positive societal change, and generally providing the means to obtain "justice" in our society.

Other countries undoubtedly envy the amount of interest our media and the public has in our country's system of justice. Countries without an effective, transparent system, and those with a system undergoing change or under a cloud of pervasive corruption, would undoubtedly benefit from such exposure to the public.

Most of us do not have the time or the inclination to watch most of these

shows often enough to know the details of how they actually portray the system of justice. But maybe we should. It would surely make us better trial lawyers knowing what jurors are watching on TV.

Perhaps more important, these popular portrayals provide us with a great opportunity to engage in public education about the law and the profession of

We should use public fascination with lawyer shows to help lay people distinguish legal fact from fiction and exaggeration.

lawyering. The proliferation of lawyer shows provides a great platform for educating an already engaged and attentive audience about what lawyers and judges really do and why it is so important.

It should be our obligation, at every opportunity, to use such shows, and the public interest in them, to distinguish fact from fiction and exaggeration and refine the public's understanding of the legal procedures and principles involved. They should be our platform for discussing how the system of justice really works and its importance to our society, as well as the important role lawyers and judges play. That discussion presents a perfect opportunity to correct misconceptions, explain why it is or is not the way it is portrayed, and discuss room for improvement where necessary.

Similar opportunities abound. Football season is upon us – to the delight of some and the chagrin of others. For those of you who are fans of the game, you have probably noticed that some of the most interesting discussion occurs when the head coach throws a red

flag on the sideline to request an instant video replay to challenge a referee's call on the field.

Vigorous debate generally ensues among the TV commentators, and among your relatives and friends watching the game, about whether the particular call made on the field by the referee with the naked eye should be re-

versed. "Indisputable visual evidence" provided by the instant replay video camera is necessary to overturn the call. Use it as an opportunity to explain how similar burden of proof standards exist in the law, that not all mistakes can be corrected, that the system has inherent limits, but that it is the best system yet devised.

Abe Lincoln's wish of 170 years ago – that the law become the political religion of the nation – may well have come true. It is now our obligation as lawyers and judges to see to it that the gospel is properly interpreted and communicated. Go forth and spread the Good Word. ■

Reprinted from the *Illinois Bar Journal*,
Vol. 95 #10, October 2007.
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