

# Real courts vs fictional courts essay



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This essay will discuss the differences in the ‘real’ courtroom, versus the ‘fictional’ courtroom, which is the depiction most of us are exposed to. In order to accurately compare the differences between the two different courtrooms, a brief summary of each must be presented. Once each of these is portrayed, an attempt to compare and contrast the two styles and the differences that exist between them can be discussed.

Lawyers: better in the abstract than in person? Maybe. Studies indicate that people think less of lawyers after consulting one than they did before. Why? Because real-life lawyers cannot measure up to the models portrayed in popular culture such as movies and television, says David R. Papke, the R.

Bruce Townsend Professor of law and professor of liberal arts at IUPUI. Papke is nationally recognized as an expert on the portrayal of the legal profession in the visual media. The topic has been the focus of several of his recent projects. Less than half the population has consulted a lawyer, Papke notes, and a very small proportion has seen a live courtroom trial.

Most people’s perceptions of lawyers come more from popular fiction than from reality. Voelkel, 1997). In the movies and on television lawyers often win in dramatic ways; they bring in surprise evidence near the end of the trial, or a spectator in the courtroom jumps up and confesses to the crime. These things do not happen in real courtrooms, and clients who expect them to are disappointed. The misconceptions about lawyers have become so widespread that practicing lawyers often question potential jurors about their perceptions.

The American Bar Association (ABA) is taking an active interest in learning how the visual media affects attitudes about the profession. This is not to say that movies and television programs featuring fictional lawyers are all bad. The media can perform a useful educational function about the legal profession and how our system of justice works. What about televising real court cases? There are one or two cable channels devoted to televising court cases. (Voelkel, 1997).

What about the Simpson trial? “ It was “ insignificant, legally speaking,” Papke says. He thinks the racial dimension—the fact that as group’s whites and blacks reached different conclusions about Simpson’s guilt is a more significant thing for American culture. Papke’s interest in how the legal system is viewed in American society is not new. In addition to a law degree, he has a doctorate in American studies. He has specialized in the role of law in American culture for 20 years. Last spring, Papke was in Chicago on an ABA panel discussing prime-time television’s portrayal of lawyers in the courtroom.

Panel members consisted of lawyers, academicians and entertainment celebrities. Papke also helped develop a videotape and wrote an essay on “ Fictional Lawyers and Television Justice” for the event, which was conducted in collaboration with the Museum of Broadcast Communication. He notes that it is significant that the ABA is interested in the topic. (Voelkel, 1997). Federal judges speaking at a bar association meeting in Chicago had two key pieces of advice for attorneys: get rid of the flagrant displays of emotion in the courtroom and feel free to use more technology if you’ve mastered it.

The guidance came during the 7th Circuit Bar Association's annual meeting last month and was offered by judges for the Northern District of Illinois, including Chief Judge James Holderman, Judge Amy St. Eve, Judge Matthew Kennelly, Judge Virginia Kendall and Magistrate Judge Maria Valdez.

Generally, the judges said they were pleased that the level of civility among lawyers had increased in recent years, with a greater show of cooperation and respect among attorneys. Still, in discussing which behaviors they like seeing from lawyers and which antics make their blood boil, the discussion focused on careful use of technology and bad body language.

Lawyers shouldn't be acting up in a courtroom, whether it's in front of a jury or not, the judges made clear. As examples of bad behavior, they cited lawyers jumping up and down in front of them, rolling their eyes while chuckling with each other during proceedings and repeatedly shaking their heads during arguments by opposing counsel. (Miami Review, 2008). "There's no reason to ever show your emotions at that level in front of a judge," said Valdez, who admonished the lawyer jumping in front of her.

The standard becomes particularly important when a jury is involved because of the distraction it can present, they said. St. Eve noted one juror she talked with was upset with how an older male lawyer was treating a younger female colleague at the lawyers' table. Kennelly said some of his jurors complained recently because attorneys were "demeaning" others with the eye rolling and chuckling. "I cannot stress enough how much juries really do pick up on what the lawyers are doing," St. Eve said.

The suggestion extends to treatment of opposing counsel, they said. “ You’ve got to be a pro when you’re in there, and what a pro does is they wait for their turn and then they talk,” Kendall said. (Miami Review, 2008). This statement clearly shows that Hollywood style antics are not, and will not be tolerated in a real courtroom setting. Although courtroom dramas are very popular today, they create a portrayal that is best suited for ratings, than they are for actual case studies.

We all want to believe that Atticus Finch, or Mr. Ironside can be our attorney’s. But they would not be allowed the shenanigans of a Hollywood production to manifest themselves in a real-life setting. In conclusion, if we allow the media style court to exist in a real court-room setting, the rules of the real court will be forgotten. This is because the real court room makes all decisions based on the ‘ laws’ on the books, not laws made for ratings. The often dull environment of a real and lengthy trial would not be allowed, mainly because of time constraints.

We would all like to see and to believe that a TV trial could be a reality, mainly because of the way the Defense often wins in colorful and dramatic fashion. The real laws that we are bound by as citizens are only a mere mention in the Hollywood portrayal. References Prentice-Hall, Pearson Education, Inc. (2003).

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