

# Portia in Primetime: Women Lawyers, Television, and *L.A. Law*

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*The following paper was written in March 1989, when L.A. Law was still in its third season and the author was in her last year at Harvard Law School. The analysis is based on events and characters prior to April 1, 1989. An unedited version of the paper is on file at Harvard Law School. The Epilogue included here updates the author's review of L.A. Law through March 15, 1990.*

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If you can control the storytelling, then you do not have to worry about who makes the laws.

—Media analyst George Gerbner, 1979<sup>1</sup>

Now, given that you are a woman lawyer, are you feeling a little schizoid?

—Feminist legal scholar Catharine MacKinnon, 1982<sup>2</sup>

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1. *Bill Moyers' Journal: TV or Not TV* (PBS television broadcast, Apr. 23, 1979), quoted in Katsh, *Is Television Anti-Law?: An Inquiry into the Relationship Between Law and Media*, 7 *ALSA F.* 26 (referring to power of television to obscure legal reality).

2. C. MACKINNON, *On Exceptionality: Women as Women in Law*, in *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 75 (1987) (suggesting in 1982 address that women lawyers are

## I. INTRODUCTION

In a large room at Harvard Law School sit approximately 175 law students, waiting. At the stroke of ten, a hush descends on the group, which stares attentively straight ahead . . . and up a little.

No, it is neither a tax law class nor a visiting speaker. If it is ten p.m. on Thursday evening, then it must be *L.A. Law*. Now in its third season on NBC, *L.A. Law* is a weekly, one-hour television drama about life at a fictional, small, upscale law firm in Los Angeles. This Harvard crowd gathers every week to watch the show on an oversized screen at the Harvard Law School Pub; many other students—and professors—sit at home and watch. Around the country, an estimated 24.5 million viewers<sup>3</sup>—1/10 of this nation's total population—watch the show on average every Thursday evening.

This paper is about the image of women lawyers on one primetime television drama, *L.A. Law*, as viewed in the historical context of women's depiction on television generally.<sup>4</sup> In its portrait of women lawyers, *L.A. Law* marks the convergence of several phenomena. It is the first television drama about lawyers that makes a serious attempt to portray law and lawyers realistically, though not always accurately.<sup>5</sup> Second, after forty years of television programming in which female characters have been largely either invisible or stereotyped, *L.A. Law* is the first primetime drama to feature several women lawyers in leading roles.

Third, *L.A. Law* comes at a time when legal scholars are beginning to examine the image of lawyers in popular culture in order to “come to grips with the meaning of law in our society, and with the public understanding of, and need for, a legal profession.”<sup>6</sup> Law and popular culture scholars are concerned about Americans' reliance on popular culture for their legal

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expected to behave simultaneously as “men” as well as “ladies”).

3. A.C. NIELSEN CO., NTI NATIONAL AUDIENCE DEMOGRAPHICS REPORT 35 (Nov. 1988).

4. Because of space and time constraints, two disclaimers must be made at the outset. First, this paper is not a survey of all women lawyers on television, nor does it examine women lawyers on soap operas, cable shows, primetime situation comedies, or syndicated “reality programs,” such as *Divorce Court*, which simulate or reenact trials. Second, this paper refers to women lawyers in general and does not address differences of race, class, ethnicity, or sexual orientation.

5. See Stark, *Perry Mason Meets Sonny Crockett: The History of Lawyers and the Police as Television Heroes*, 42 U. MIAMI L. REV. 229-83 (1987) (chronicles historically inaccurate portrait of lawyers on television); F. MANKIEWICZ & J. SWERDLOW, *REMOTE CONTROL: TELEVISION AND THE MANIPULATION OF AMERICAN LIFE* 249-51 (1978) (discussion of unrealistic lawyers on television).

6. Chase, *On Teaching Law and Popular Culture*, FOCUS ON L. STUD., Spring 1988, at 1.

knowledge.<sup>7</sup> Legal scholars are also recognizing the changes in law and legal culture generated by the growing number of women entering the profession. Notwithstanding the apparent relevance of law and popular culture to research about women lawyers on television, current scholarship in the area has little to say about the image of women lawyers in any form of popular culture.<sup>8</sup>

Finally, like television in general and widely successful television programs in particular, *L.A. Law* has the power to shape and reinforce public opinion. While it would be misleading to exaggerate the societal impact of a single program, it would be equally unwarranted to ignore the image of women lawyers *L.A. Law* conveys to nearly twenty-five million Americans every week. Moreover, because of its popularity, *L.A. Law* could affect the portrayal of women lawyers in future television programming as well.<sup>9</sup>

The image of women lawyers on *L.A. Law* is an improvement on the generally negative historical portrait of women on television. This image is important precisely because viewers' perceptions of women lawyers are crucial as women establish a larger presence in the profession.

Against the background of underrepresentation and stereotyping of women on television, the series stands out. It succeeds in presenting women lawyers as intelligent and serious professionals who are the equals of their male colleagues; however, the portrayal retains elements of traditional stereotypes as well.

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7. See Macaulay, *Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports*, 21 *LAW & SOC'Y REV.* 185, 186-87, 198, 209-10 (1987). Macaulay summarizes the results of the Hearst Corp. 1983 survey on public knowledge of and attitudes toward law. The findings showed, *inter alia*, that only 41% of those polled knew that Warren Burger and Sandra Day O'Connor were judges, 50% thought accused criminals must prove their innocence at trial, and 20% had been parties to a civil court action. *Id.* at 187.

8. See, e.g., Chase, *Toward a Legal Theory of Popular Culture*, 1986 *Wis. L. REV.* 527; Macaulay, *supra* note 7; Chase, *Lawyers and Popular Culture: A Review of Mass Media Portrayals of American Attorneys*, 1986 *AM. B. FOUND. RES. J.* 281; Post, *On the Popular Image of the Lawyer: Reflections in a Dark Glass*, 75 *CALIF. L. REV.* 379 (1987); Bloomfield, *Law and Lawyers in American Popular Culture*, in *LAW AND AMERICAN LITERATURE* 125 (C. Smith, J. McWilliams & M. Bloomfield eds. 1983); Chase, *supra* note 6; Chase, *An Obscure Scandal of Consciousness*, 1 *YALE J. LAW & HUMANITIES* 105 (1988); Stark, *supra* note 5.

9. Successful television programs are typically copied, since "ratings determine what gets on the air." F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 219 (discusses tendency of television programmers to stick with proven formulas to attract large audiences).

II. *L.A. LAW*—BACKGROUNDA. *The Basics: Demographics, Characters, and Writers*

*L.A. Law* began in the fall of 1986.<sup>10</sup> The show's co-creators were Steven Bochco (who had produced the successful police drama *Hill Street Blues* and who is still *L.A. Law*'s executive producer)<sup>11</sup> and Terry Louise Fisher (a former prosecutor, entertainment lawyer, and producer of *Cagney and Lacey*, a successful drama about two female detectives).<sup>12</sup> Fisher left *L.A. Law* in the second season.

In November 1988, *L.A. Law* began its third season on NBC. The hit series was ranked the twelfth most popular primetime network program in the 1987-88 season.<sup>13</sup> At that time an estimated 24.47 million people watched the show; of these, 12.31 million were women and 9.45 million were men.<sup>14</sup> *L.A. Law* has an especially large following among the more affluent and educated members of the viewing public.<sup>15</sup> Yet with approximately 700,000 lawyers in this country,<sup>16</sup> the vast majority of *L.A. Law*'s nearly twenty-five million viewers—even if all lawyers watch—are non-lawyers.<sup>17</sup>

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10. Like much of television, *L.A. Law*'s concept came from a prior hit movie, *The Verdict*, about a plaintiff's attorney. Kaplan, *L.A. Law, TV-Style*, Nat'l. L.J., June 30, 1986, at 46, col. 1.

11. *Id.*

12. Kort, *Terry Louise Fisher: How She Dreamed Up the Women of "L.A. Law"*, Ms., June 1987, at 38, 42.

13. A.C. NIELSEN CO., TOP 50 PROGRAMS: 1987-88 SEASON (1988) (single-page listing available from A.C. Nielsen Co.).

14. A.C. NIELSEN CO., *supra* note 3, at 34-35. Of the remaining viewers, 1.40 million were children and 1.31 million were teens.

15. *L.A. Law* has a larger proportion of viewers from high-income homes than most other primetime programs. NBC's Director of Audience Research, Preston Beckman, confirms *L.A. Law*'s upscale appeal based on information from A.C. Nielsen Corporation's *National Audience Demographics Reports*. For example, of total viewers estimated to have watched *L.A. Law* on average for the period October 1988 to February 1989, 20% were from households with incomes of \$60,000 or more, making it the second-highest ranking primetime program in this income category. This 20% figure is especially high considering that only 13% of U.S. homes have incomes of \$60,000 or more. Similarly, *L.A. Law* ranked third among primetime shows in the category of households with incomes of \$40,000 or more where the head of household was a professional, officer, or manager ("POM's"). Telephone interview with Preston Beckman, NBC Director of Audience Research (Apr. 3, 1989). However, *L.A. Law*'s relatively high upscale viewership does *not* mean the majority of its viewers are upscale. To illustrate, in November 1988, when 24.47 million people on average watched *L.A. Law*, only 5.16 million were in households with incomes of \$40,000 or more, where the head of household was a POM. The majority of television viewers—like the majority of Americans—are not upscale. Telephone interview with Emily Angelides, A.C. Nielsen Media Research (Apr. 3, 1989).

16. Guy, *More Efforts Made to Pry Open Doors*, U.S.A. Today, July 20, 1988, at 1.

17. The demographic breakdown of *L.A. Law*'s audience is relevant in evaluating how the series influences its viewers' thinking about women lawyers. See *infra* Section IX(A).

*L.A. Law* is about the lives and careers of eleven attorneys, nine of whom work alongside several featured non-lawyers at the fictional private Los Angeles law firm of McKenzie, Brackman, Chaney & Kuzak (MBCK).<sup>18</sup> The firm has a general practice—a combination of civil and criminal cases. Like a soap opera in format and content, each program consists of several overlapping and continuing storylines, and much of the series is devoted to the private lives of its characters. Yet the show is also about law, and often explores difficult legal questions. According to writer David Kelley, each show features “one real tentpole courtroom story that powers the episode and other stories that play well collaterally.”<sup>19</sup>

The attorneys at MBCK include six partners and three associates. They are: Leland McKenzie, the senior partner, co-founder, and patriarch, who is white and sixtyish;<sup>20</sup> Douglas Brackman, Jr., the penny-pinching managing partner, whose father started the firm with Leland, and who is white and fortyish; Michael Kuzak, a litigation partner, who is white and thirtyish; Arnie Becker, the womanizing partner specializing in divorce law, who is white and thirtyish; Ann Kelsey, the sole female partner, a litigator, who is white and thirtyish; Stuart Markowitz, the tax partner married to Ann, who is white and fortyish; Victor Sifuentes, a litigation associate and former public defender, who is Chicano and thirtyish; Jonathan Rollins, an aggressive litigation associate, who is black and twentyish; and Dorothy Wyler, the new female associate, who is white and fiftyish. The two non-MBCK lawyers both have ties to the firm: Grace Van Owen, an assistant district attorney living with Michael, who is white and thirtyish; and Abigail Perkins, a solo practitioner and former MBCK associate, who is a single mother, white, and twentyish. The featured non-lawyers include Roxanne Mellman, Arnie’s secretary, who is white and thirtyish, and Benny Stolwitz, the office messenger, who is mentally retarded, white, and fortyish.

With regard to *L.A. Law*’s stories, realism avowedly has been important to the show’s creators and writers . . . sort of. Bochco has said, “I want to be faithful to reality because that’s where the drama is.”<sup>21</sup> Yet at the same time he stated that he aims to “entertain people,” and that if he were a “stickler [to] the letter of the law, [the show] would be duller

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18. The attorney census on *L.A. Law* has changed several times since the series began.

19. Orey, *Sex! Money! Glitz! In-House at L.A. Law*, AM. LAW., Dec. 1988, at 32, 37.

20. I supply age approximations because age plays a part in how the characters interact and in how I and those I interviewed critique them.

21. Kaplan, *supra* note 10, at 46.

than you can believe.”<sup>22</sup> “If people don’t get hung up on form,” Bochco explained, “they’ll see the fundamental reality in what we’re doing.”<sup>23</sup> Co-creator Fisher has expressed similar ambivalence about the desired level of realism on the show. On one hand, she said, “we’re striving for verisimilitude”<sup>24</sup> and “want to show the moral and ethical questions [lawyers] struggle with.”<sup>25</sup> On the other hand, she explained, “we’re doing drama, not a documentary.”<sup>26</sup>

*L.A. Law* is clearly a product of this ambivalence. To promote realism, the series employs four lawyers on its staff<sup>27</sup> and has duplicated the interior of the Los Angeles municipal court building for trial scenes.<sup>28</sup> The lawyers’ apparel also resembles the “dressed-for-success” look of their real-life legal counterparts.<sup>29</sup> The full-time writing staff includes two lawyers, David Kelley and William Finkelstein, as well as non-lawyers Bochco, Michele Gallery, and Judith Parker.<sup>30</sup> Writer-lawyers Kelley and Finkelstein get story ideas from law journals and newspapers,<sup>31</sup> just as Fisher drew on her experience as a prosecutor when she wrote for the show.<sup>32</sup>

However, as consulting attorney Charles Rosenberg explains, *L.A. Law* “must . . . mold reality to fit the needs of drama.”<sup>33</sup> Thus, virtually every attorney has had some lethal weapon directed at her or him, several have slept with a client or co-worker, trials are frequent and quick, and only the most high-profile or sensational cases are brought—“date rape, child abuse, judicial bribery, capital punishment, AIDS-inspired euthanasia and suits against companies manufacturing toxic chemicals.”<sup>34</sup> Furthermore, the range of human experience matches any soap opera: “deceit, avarice,

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22. *Id.* at 47.

23. *Id.*

24. *Id.*

25. Blodgett, *Stay Tuned: New TV Shows Have Law Themes*, A.B.A. J., Aug. 1, 1986, at 25.

26. Kaplan, *supra* note 10, at 47.

27. Orey, *supra* note 19, at 32, 34. The four lawyers are David Kelley, supervising producer and writer; William Finkelstein, writer; Robert Breech, supervising associate producer; and Charles Rosenberg, technical consultant. Breech and Rosenberg are familiar with California law and check the stories for legal accuracy.

28. Kaplan, *supra* note 10, at 46.

29. See Schiro, *TV Outfits That Work in Real Life*, N.Y. Times, Mar. 12, 1989, at H62, col. 1.

30. Orey, *supra* note 19, at 35.

31. *Id.* at 37.

32. Kort, *supra* note 12, at 39, 42, 44.

33. Rosenberg, *Inside L.A. Law*, A.B.A. J. Nov. 1, 1988, at 56.

34. Waters & Huck, *Lust for Law*, NEWSWEEK, Nov. 16, 1987, at 86.

domination, manipulation, backstabbing, loophole leaping, and just about every form of lust . . . .”<sup>35</sup> Finkelstein admits, “most lawyers don’t have guns pulled on them, or have affairs with clients. . . . But a day in the life of most lawyers is not going to give you a TV show.”<sup>36</sup>

### B. *Critical Reception*

Both criticism and acclaim for *L.A. Law* have centered on appraisal of its authenticity and novelty. The popular press has praised the series as a realistic and cutting-edge exploration of the legal system.<sup>37</sup> In contrast, legal critics have focused on *L.A. Law*’s inaccuracies, both legal and ethical. Michael Kelly, Dean of the University of Maryland Law School, criticizes the series for glorifying the litigation process, making it a “romantic kind of solution to our social problems.”<sup>38</sup> The attorneys’ unethical behavior, especially Arnie’s sleeping with clients and opposing parties, has generated several attacks in the legal press.<sup>39</sup>

At the same time, lawyers have also praised *L.A. Law*’s attempt to explore contemporary issues and ethical concerns. Dean Kelly, who uses clips from the show to teach legal ethics, commends the series for showing “lawyers wrestling with the difficult, interesting and intractable issues of our time . . . .”<sup>40</sup> Cornell Law School Professor Roger Cramton says the show’s “ethical sensitivity . . . [is] second to none,”<sup>41</sup> and Nova Law Center’s Professor Anthony Chase exclaims, “Not even in the early-1960’s series, *The Defenders*, had legal issues been more directly and didactically translated into critical social issues.”<sup>42</sup>

Amid all the reviews of *L.A. Law* a few words have surfaced about its

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35. *Id.* at 85.

36. Orey, *supra* note 19, at 37.

37. Waters & Huck, *supra* note 34, at 85; Kort, *supra* note 12, at 38.

38. Machlowitz, *Lawyers on TV*, A.B.A. J., Nov. 1, 1988, at 55.

39. See, e.g., Hochberger, *What’s Wrong with L.A. Law*, Nat’l. L.J., June 8, 1987, at 13, col. 1 (lawyer criticizes *L.A. Law*’s characters as “selfish and despicable”); Obermaier, *Television Lawyers*, N.Y.L.J., Oct. 8, 1986, at 2, col. 3 (N.Y. lawyer complains *L.A. Law* attorneys are “driven by greed, self-interest and avarice”); Parker, *L.A. Lawyers Not All Smiles About Image in ‘L.A. Law’*, L.A. Daily J., Aug. 1, 1988, at 1, col. 2 (Cal. lawyer complains, “Arnie Becker’s general approach . . . confirms and strengthens people’s negative views of attorneys”).

40. Machlowitz, *supra* note 38, at 55.

41. R. Cramton, *Audiovisual Materials on Professional Responsibility 85* (June 5, 1987) (working paper).

42. Chase, *supra* note 6, at 1.

women lawyers, virtually all of them laudatory.<sup>43</sup> Criticism of *L.A. Law*'s women characters has been rare; one journalist, for example, condemned the portrait of women lawyers as overemotional.<sup>44</sup> But opinion was much more divided among the legal and media scholars I interviewed in preparing the following analysis of the women lawyers of *L.A. Law*.

### III. THE WOMEN LAWYERS OF *L.A. LAW*

As the topic of women lawyers on television is largely unexplored, my goal is quite basic: to examine the portrayal of women lawyers on *L.A. Law* and to speculate about its meaning. Such content analysis is one critical approach among the many available for television research, but it is a useful way to begin the dialogue about women lawyers in popular culture. In the pages that follow, the lens through which I look and the voice with which I speak is that of a law student concerned about the way women lawyers are presented to a mass audience. The discussion draws both on my own perceptions after viewing numerous episodes over the three years the series has aired,<sup>45</sup> and on the perceptions of two dozen media and legal scholars I spoke with about the show.<sup>46</sup>

My analysis of the women lawyers of *L.A. Law* begins with an exploration of how the women lawyers of *L.A. Law* function at work—when viewed as individuals, as a group, and in comparison to their male counterparts. I will then discuss the private lives of *L.A. Law*'s women lawyers, but only insofar as certain personal issues either reveal something about the women as lawyers or represent common concerns for their real-life counterparts. For instance, I will look at how the women are shown to combine work and family, but will ignore the purely soap opera elements of their lives.

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43. See, e.g., Kort, *supra* note 12, at 38; Rowe, *L.A. Law, Miami Vice: Power in Prime Time*, 33 JUMP CUT 20, 24-25 (1988); Waters & Huck, *supra* note 34, at 85; Rosenblum, *Drop-Dead Clothes Make the Working Woman*, N.Y. Times, Feb. 26, 1989, §2, at 1, col. 2.

44. Rabicoff, *How Far Have You Come, Baby?*, L.A. Daily J., Dec. 21, 1987, at 4, col. 5.

45. During *L.A. Law*'s three-year run, some of the leads have changed substantially, while other characters have come and gone. I have focused on continuing characters and have specified the season in which certain events occurred where necessary to provide a sense of character evolution.

46. I required all the interviewees to have some familiarity with *L.A. Law*; thus, they have all seen the show more than a few times, and most watch regularly. As a result, their remarks might be skewed in favor of the series, assuming they watch as often as they do because they like the show.

### A. *Their Professional Lives*

#### 1. *Ann Kelsey*

Ann Kelsey is the only female partner at MBCK, where there are five male partners. She is thirty-eight years old,<sup>47</sup> tall, thin, and always “dressed for success” in stylish professional garb. An associate at MBCK when the series began, Ann became a partner during the first season, along with Stuart, who was then her boyfriend and is now her husband. She was visibly pleased with the promotion to partnership and seems content at MBCK, having never expressed dissatisfaction with the firm or an intent to depart for another job.

Ann is a litigator, though not a “star” litigator, like Michael, Grace, or Victor. In fact, Ann has done virtually no visible lawyering in the third season, as she has been pre-occupied with childbearing issues. *L.A. Law* writer William Finkelstein calls Ann’s lack of work this season “the luck of the draw.”<sup>48</sup>

However, in the past two seasons Ann has handled much diverse litigation. Her cases have included high-profile matters, such as toxic torts, fetal intervention, and corporate takeovers, as well as less serious cases, such as the defense of a deranged television actor called “The Salamander” and a suit against an affluent father for disciplining his young son. Ann has generally performed her work with intelligence, assertiveness, and conviction, the equal of any adversary she meets. At her most competent, she has won over an aviation company as a client—to Michael’s jealous surprise—and has acted swiftly to compel a takeover bidder to withdraw its advances when threatened by a civil suit for assault (her client conveniently suffered a heart attack in a negotiation when a fight broke out with the adversary). In fact, Ann’s competence has made her a heroine for several entering law students at the University of Pennsylvania, where Caroline Simon Laden of the Center on Professionalism conducted a survey of students’ most admired real and fictional lawyers.<sup>49</sup>

Ann could be labelled a “bleeding heart liberal” because she sympathizes with the downtrodden. With Leland’s support and to Douglas’

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47. Ann announced her age on an episode during the third season.

48. Telephone interview with William Finkelstein, *L.A. Law* writer (Mar. 10, 1989) [hereinafter Finkelstein interview 2].

49. Telephone interview with Caroline Simon Laden, attorney at the Center on Professionalism, U. Penn. Law School (Feb. 28, 1989) [hereinafter Laden interview].

miserly chagrin, she has made a point of taking on pro bono cases. Furthermore, as one law professor observes, Ann takes her cases personally, but not more so than Michael.<sup>50</sup> Like Michael, she struggles with ethical dilemmas and is horrified to learn her clients are guilty (e.g., that a bottled water company covers up environmental dangers or that a psychiatrist lets his patient go to jail for a murder he himself committed). Until the third season, Ann and Michael were the two MBCK attorneys who most often faced ethical conundrums, and both invariably worried about these problems at work and at home. While sometimes Ann had to accept an undesirable outcome, more often some plot device relieved her. For example, while the attorney-client privilege barred Ann from reporting the psychiatrist's past crime, it was no obstacle for a dying attorney no longer concerned about disciplinary sanctions to whom Ann turned for advice.

Ann has never discussed her experiences as a woman lawyer, nor has she ever explicitly referred to sexism or feminism in the workplace. Furthermore, Ann serves no leadership role in the profession; she is a junior partner at MBCK, below Leland and Douglas in rank, and she does not participate in any bar or civic organizations, including those oriented toward women. However, given Ann's status as a female partner, her assertive posture, and her promotion of "liberal" concerns like pro bono cases, the show generally implies that she would support feminist causes, i.e., those which promote gender equality.<sup>51</sup> For example, Ann's feminism is suggested when Arnie expresses amazement that she "of all people" favors a pro-life stand in a particular case.<sup>52</sup>

However, Ann's status as a woman lawyer has been indirectly addressed in several contexts, including her mentoring relationship with Abby, her conduct during certain cases, and her response to sexism at the

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50. Telephone interview with Robert Rosen, Asst. Prof. of Law, U. Miami Law School (Mar. 9, 1989) [hereinafter Rosen interview].

51. Throughout this discussion, "feminism" denotes "the principle that women should have political, economic, and social rights equal to those of men." WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988). I stress that feminism does not presuppose *one* "women's experience" or "women's point of view." As Martha Minow observes, "[i]n critiques of the 'male' point of view and in celebrations of the 'female,' feminists run the risk of treating particular experiences as universal and ignoring differences of racial, class, religious, ethnic, national, and other situated experiences." Minow, *Feminist Reason: Getting It or Losing It*, 38 J. LEGAL EDUC. 47, 47-48 (1988). Given this diversity, feminists do not always have a single stand on every issue, although a commitment to gender equality unites them. Mindful of such feminist plurality, I describe characters or positions as "feminist" insofar as they indicate support for gender equality generally, but not for any particular set of positions.

52. See *infra* notes 57-64 and accompanying text.

office. When Abby was still at MBCK, Ann served as her mentor, someone to whom Abby could turn for support and advice. They frequently worked together, and Ann often "covered" for Abby when personal problems beleaguered her. Their exchanges were not always warm, especially when Ann conveyed bad news to Abby about work-related matters. For example, Ann grew angry at Abby for continually delaying her work due to personal problems, and tensions rose between them when Ann felt compelled to tell Abby she probably would not get a raise or a partnership offer. Since Abby has left the firm this season, their mentoring relationship has fallen off, and the two exclusively discuss personal matters when together. One observer believes that the mentoring relationship between Ann and Abby sets the women lawyers apart from the men, who do not seem to have any comparable bonds.<sup>53</sup> Yet another scholar notes that the occasional friction between the women demonstrates a relationship that is not stereotyped by "everlasting solidarity."<sup>54</sup>

Ann's role as a female attorney is also illuminated in her reactions to certain cases. In one pro bono case, Ann represented an indigent woman suing an insurance company. Angered by a male insurance agent's patronizing "macho" posturing, Ann reacted in kind, adding \$100,000 to her settlement demand for every day the agent delayed. Though the adjuster derogated her as a "butch" woman lawyer, and Leland and Douglas condemned her hardball tactics, Ann ultimately won the desired settlement. Yet Ann was not pleased: she realized she had put personal motives above client needs. Ann's tendency to be too aggressive, or stereotypically "male," also arose during a case where her client, a young boy, sued his father for slapping him in an attempt to get his father's attention. Stuart reconciled the boy and his father, after Ann had only enhanced the friction. Ann became convinced that her inability to mediate reflected badly on her lawyering and parenting capacities; presumably, a good lawyer, like a good mother, should be able to effect compromise. Thus, these episodes suggest not only that Ann's one lawyering deficiency is her inability to be sufficiently conciliatory, or stereotypically "female," but also that this traditionally female attribute is valuable for good lawyers, both male and female.

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53. Telephone interview with Leslie Friedman Goldstein, Prof. of Political Science, U. Delaware (Mar. 9, 1989) [hereinafter Goldstein interview]. While there have been suggestions that Leland was Michael's mentor in the past, there have been no overt signs of such a relationship.

54. Telephone interview with Ella Taylor, Asst. Prof. of Communications, U. Washington (Feb. 24, 1989) [hereinafter Taylor interview].

A third incident involving Ann's status as a woman lawyer occurred during the third season. At a firm meeting, Arnie produced a pornographic magazine with the centerfold of a woman serving as a witness in Michael's representation of a nudist colony. Arnie passed the centerfold around to all the men present. Neither Ann nor Dorothy said anything; Dorothy looked vaguely uncomfortable, and Ann merely rolled her eyes when Stuart glanced at the picture. Evidently, the magazine's presence at the meeting did not trouble Ann, but spousal impropriety did. Professor Horace Newcomb suggests that any other response by Ann would be too "programmatically" and "predictably."<sup>55</sup> Yet it seems to me that Ann's unresponsiveness was so unpredictable as to be implausible and so non-programmatic as to be anti-feminist. It is hard to imagine any lawyer, male or female, so lacking in professional savvy as not to realize that the magazine-passing is not just sexist but unprofessional. Of course, *L.A. Law* is drama, not documentary, so realism is not the only standard by which to judge it. But far more troubling than the unreality of Ann's unresponsiveness is its suggestion that this male ritual is simply business-as-usual because law is, after all, a male game whose rules must be accepted as the price of admission. Moreover, because Ann is implicitly identified on the series as a feminist, her behavior implies that toleration of "boys-will-be-boys" behavior is the appropriate "feminist" response. In fact, such an assimilationist response perpetuates sexism as a fixed norm and sends a troubling message in a profession where much sexism occurs in this informal manner.<sup>56</sup>

Finally, the most notable episode in which Ann's role as a female attorney was indirectly addressed was based on the recent Washington, D.C. case, *In re A.C.*<sup>57</sup> Writer David Kelley acknowledged that this was probably *L.A. Law's* "most controversial" episode.<sup>58</sup> On the show, Ann represented a doctor seeking a court order to perform a caesarian-section

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55. Telephone interview with Horace Newcomb, Prof. of Radio-Television-Film, U. Texas-Austin (Mar. 1, 1989) [hereinafter Newcomb interview].

56. Sexual harassment claims under Title VII encompass "such conduct [that] has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." 29 C.F.R. § 1604.11(a)(3) (1989). Such lawsuits have been called "hostile environment" claims of sexual harassment. See *Meritor Sav. Bank v. Vinson*, 477 U.S. 57, 65 (1986). Sarah Burns, Director of the National Organization for Women's Legal Defense and Education Fund (NOWLDEF), is currently litigating the issue of whether sexually-oriented posters in the workplace constitute an actionable Title VII claim. Telephone interview with Sarah E. Burns, Director of NOWLDEF (Mar. 10, 1989) [hereinafter Burns interview].

57. 533 A.2d 611 (D.C. 1987).

58. See Orey, *supra* note 19, at 37.

(c-section) on a terminally ill woman against her wishes. The woman, supported by her husband, wanted to wait and deliver vaginally, but the doctor claimed the fetus, deprived of oxygen, would die or be born severely deformed without an immediate c-section. The fetus was eight months old and presumed to be viable; the woman was presumed to be near death, though the c-section would hasten this. At the firm meeting opening the episode, Abby lashed out at Ann, asking her how she "as a woman" could justify seeking a court order to, in effect, kill this woman. Ann replied that "an eight-month-old fetus in utero or out has rights too." Ann won: the order was granted, the mother died during the c-section, and the healthy baby lived. Feeling "like a murderer," Ann was comforted by Stuart, who showed her the baby and said, "You saved a life." Ann, crying, ended by saying, "The only thing [the baby] doesn't have is a mommy."

Writer William Finkelstein says that in this episode the writers wanted to explore a "complicated" issue with no "correct" position. While he did not want to "so simplify a massive issue as to distort it,"<sup>59</sup> he stresses that the *L.A. Law* story was ultimately fictional. He adds that Ann, "basically a feminist," took the "unexpected" side to add a "layer of contradiction."<sup>60</sup> Sarah Burns, Director of the Legal Defense and Education Fund of the National Organization for Women (NOWLDEF), criticizes this episode on several grounds.<sup>61</sup> First, it distorted the real case, where neither fetal viability nor imminent maternal death were certain, there was no medical consensus about the "best" treatment, and both the mother and fetus died.<sup>62</sup> While the show was not the real case, I agree that it did "so simplify a massive issue as to distort it." The deck was stacked in favor of certain medical certainties that in real life are never so clear.<sup>63</sup> Second, it suggested that a "woman's right to determine her medical treatment will

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59. Finkelstein interview 2, *supra* note 48.

60. *Id.*

61. Burns interview, *supra* note 56.

62. *In re A.C.*, 533 A.2d at 611-13.

63. An increasing number of medical and legal experts oppose court-ordered obstetrical procedures. *See, e.g.*, Annas, *Forced Cesareans: The Most Unkindest Cut of All*, HASTINGS CENTER REP., June 1982, at 16; Nelson & Milliken, *Compelled Medical Treatment of Pregnant Women*, 259 J. A.M.A. 1060 (1988); Rhoden, *The Judge in the Delivery Room: The Emergence of Court-Ordered Cesareans*, 74 CALIF. L. REV. 1951 (1986). *But see* Robertson, *Legal Issues in Fetal Therapy*, 9 SEMIN. PERINAT. 136 (1985); Shaw, *Conditional Prospective Rights of the Fetus*, 5 J. LEGAL MED. 63 (1984). In addition, a recent *A.B.A. Journal* article surveyed the subject. Jost, *Mother Versus Child*, A.B.A. J., Apr. 1989, at 84.

be trumped by the drive to do everything possible to save the fetus."<sup>64</sup> Finally, Burns is troubled that Ann, who is supposed to be a feminist, was used to justify the outcome.

Finkelstein's desire to add "contradiction" by having Ann take the "unexpected" side resembles Newcomb's claim that Ann's unresponsiveness to the centerfold avoided a "programmatic" response. But in the interest of unpredictability, the writers in both cases convey damaging messages from a feminist viewpoint. It is not necessarily troubling that a woman represented the doctor, for it would be sexist to suggest that women should not argue certain sides of certain cases.<sup>65</sup> Yet here, as in the centerfold case, the writers used Ann as if to put a feminist imprimatur on her stance. This does not mean that there is one "feminist" position on the issue, but that someone with feminist sympathies would at least be conflicted about assuming the position Ann takes without explanation. The writers suggested Ann was duty-bound to represent her client, but this is not true; the ethical code for lawyers does not require taking a case where the client's stance so conflicts with the lawyer's own that the lawyer probably will not represent the client fairly.<sup>66</sup> The writers also made Ann appear troubled by the outcome, but she never wavered in her purpose; from the outset, her "I-have-to-do-what-I-have-to-do" attitude suggested she believed she had only one "right" choice to make. It is precisely Ann's conviction of rightness in the face of a complex issue and her otherwise feminist sympathies that is ultimately disturbing.

It is worth noting that both the centerfold and c-section episodes were written by men.<sup>67</sup> While I believe a woman could have written either episode, it seems improbable that someone with feminist sympathies—female or male—would have written the episodes as they were.

## 2. *Grace Van Owen*

Grace Van Owen is an assistant district attorney (assistant D.A.) whose only connection to MBCK is Michael, with whom she lives. Grace is in her mid-thirties, looks like a model, and is always smartly "dressed for success." She is one of *L.A. Law*'s star litigators; she, Michael, and Victor

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64. Burns interview, *supra* note 56.

65. In fact, Barbara F. Mishkin, attorney at Hogan & Hartson in Washington, D.C., represented the fetus in *In re A.C.*

66. MODEL RULES OF PROFESSIONAL CONDUCT Rule 6.2(e) (1989).

67. See *infra* Section IX(B) (on the effect women in production have on programming).

take turns arguing the major cases each week. As an assistant D.A., her cases are chiefly homicides, but she has handled theft and molestation cases as well.

Two media scholars observe that Grace has the cold-but-competent style of Joyce Davenport, the public defender on *Hill Street Blues*, a prior Bochco-produced show.<sup>68</sup> Like Joyce, Grace takes her work seriously and tends toward a sober demeanor. Her humorlessness has prompted her assignment to cases like the theft of bull semen, which no one else could take with a straight face. Yet one law professor notes that no one doubts Grace is a highly skilled litigator who has a "real presence" in the courtroom.<sup>69</sup> Like Ann, Grace has been ranked among the most admired lawyers of several entering law students at the University of Pennsylvania.<sup>70</sup>

One frequent description of Grace's competence is that expressed by lawyer Caroline Laden: "She can compete in a man's world on men's terms with all the toughness and brashness they have."<sup>71</sup> As a prosecutor, she is situated in an area of law heavily populated by men; her boss (Bruce Rogoff), her fellow prosecutors, the police witnesses, the criminal defense lawyers, and even the criminals are predominantly male. With all of them, Grace is savvy and strong. She has disobeyed her boss several times, once earning a demotion to night court as a result. She even acted against Michael's wishes when they served as co-counsel during her brief hiatus from the prosecutor's office. Grace also competes fiercely with her adversaries: "nobody beats me twice," she tells Michael in regard to a second-time opponent. However, Grace has sometimes deliberately foregone her competitive edge to help the other side. Once she helped an AIDS victim overturn the verdict she had won against him (it was for this that she was demoted), and another time she sought a continuance so that Abby, her crisis-ridden opponent, could have more time to prepare. In such instances, Grace showed a hint of a more compassionate and less stereotypical "male" style of lawyering.

However, there are larger chinks in Grace's professional armor than

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68. Telephone interview with David Marc, Asst. Prof. of American Studies, Brandeis U. (Mar. 9, 1989) [hereinafter Marc interview]; telephone interview with Robert Thompson, Asst. Prof. of Communications Studies, SUNY-Cortland (Mar. 11, 1989) [hereinafter Thompson interview].

69. Telephone interview with Steven Gillers, Prof. of Law, NYU Law School (Feb. 24, 1989) [hereinafter Gillers interview].

70. Laden interview, *supra* note 49.

71. *Id.*

those few times she voluntarily aided an opponent. Although Grace is generally decisive and tough in court, her fortitude fades in her handling of work problems outside court. While Ann worries about cases, Grace agonizes over them in a way that totally disrupts her personal and professional life. For example, Grace let her boss convince her to prosecute a “cop-killer” with an unconstitutional confession. After she won and the murderer was sentenced to death, Grace was miserable for weeks—in what she described as the “special hell for those with flexible principles”—before she reopened the case and struck a deal that satisfied everyone. In another episode, Grace was shot, but not hurt, by the gang-member friend of someone she had convicted. She then descended into drugs and depression until Michael, unable to help her, threw her out. One writer criticized this as “a clear warning sign to any woman who seeks to crash the male preserve of legal eminence.”<sup>72</sup> Yet it is only fair to note that Michael shares Grace’s tendency to become despondent over cases, though not necessarily to the same degree.

In making career decisions, Grace is totally indecisive, or, in the words of one observer, “reactive.”<sup>73</sup> Grace complains to Michael that she is not content with her job, but she evidently does not know what to do about it; consequently, she takes her cues from the men around her. She sacrificed her judicial prospects when she left her own wedding to her campaign manager to run off with Michael, a man she barely knew; she has not mentioned judicial options since. Later, a former law school classmate enticed her into private practice, but the arrangement turned out to be a set-up for a crooked client. Instead of trying other private firms, Grace returned “home” to the prosecutor’s office, where she had not been content to start.

Notwithstanding that Grace lets men call the shots in her career, she resumed her hard-as-nails courtroom persona in an episode where she confronted sexism at work. Indeed, Grace is the only leading woman lawyer on *L.A. Law* who has explicitly reacted to it. Grace represented a first-time teenage stripper who was molested by three lawyers she was hired to entertain after she decided not to strip. Grace’s fellow prosecutors repeatedly tried to talk her out of pursuing the case. Rogoff, the D.A., called it a “stupid” case that could ruin the lawyers’ “nice careers”; he was convinced Grace took it because she had “some kind of feminist chip” on

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72. Rabicoff, *supra* note 44, at 4.

73. Rosen interview, *supra* note 50.

her shoulder. Grace told Rogoff he could demote her if he wanted, but she would proceed. Then the male prosecutors fabricated a surprise party with a stripper to embarrass her; instead, she calmly told them they could not “goad [her] into a tantrum.” Finally, another female prosecutor told Grace that her “tight-ass” behavior hurt all the women in the office by reinforcing the notion that the “girls can’t be one of the guys.” Grace responded, “I don’t believe it has to be the old boys’ network, and if getting along means going along with sensibilities that turn my stomach, then I guess I’ll never get along.” Grace won the case.

Like Sarah Burns of NOWLDEF, I was impressed with this episode because it exposed several layers of sexism: sexism in the prosecution of certain crimes affecting women, and sexism in the workplace faced by women lawyers who take a stand that could be labelled “feminist.”<sup>74</sup> The female assistant D.A. who confronted Grace expressed one view of how women lawyers can cope with their minority status: they can assimilate. What is especially interesting about Grace’s response is that she, seemingly the most assimilated “male” woman lawyer on *L.A. Law*, found such a pro-assimilationist stance repugnant. Writer Finkelstein states that Grace’s “visceral response had everything to do with her being a woman.”<sup>75</sup> Insofar as Grace ultimately triumphed, the outcome favored Grace’s anti-assimilationist stance. Her posture is interesting in contrast to Ann’s when the latter was called a “butch” female attorney. While Grace simply persevered in her case when attacked for her “feminist” notions, Ann resorted to the same “macho” posturing as her opponent and eventually realized her error. Grace’s level-headed, “won’t-become-like-them” response to sexism at work seems the preferred one. This episode is also interesting because Terry Louise Fisher, a former assistant D.A. herself, co-authored the story, or overall idea, with Bochco; writers Kelley and Finkelstein wrote the script.<sup>76</sup>

### 3. Abigail Perkins

Abigail (Abby) Perkins is the only woman lawyer on *L.A. Law* shown from the start of her career. As a result, she provides an interesting

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74. Burns interview, *supra* note 56.

75. Telephone interview with William Finkelstein, *L.A. Law* writer (Feb. 24, 1989) [hereinafter Finkelstein interview 1].

76. The writers of each *L.A. Law* episode are specified in the credits.

contrast to the more seasoned veterans, Ann and Grace. Abby is slim and in her late twenties. She began her career in the first season as an associate at MBCK, where she eventually grew dissatisfied. Consequently, in the third season she left the firm to set up her own practice.

Two features of Abby's role as a lawyer stand out and distinguish her position from Ann's and Grace's. First, Abby is a peripheral lawyer who is seldom shown working; as a result, the viewer knows little about her lawyering abilities from direct observation. Second, when Abby has been shown working, or when (nearly as often) her skills as an attorney have been discussed by others, she appears at best inexperienced, and at worst incompetent. Yet an underlying question throughout her MBCK tenure was how much her inability to excel stemmed from actual incompetence, and how much from the paternalistic or sexist attitudes of the partners who never really took her seriously.

Abby's competence is questioned from the beginning of *L.A. Law*. She was, after all, the partners' last choice for an offer among the three summer associates at MBCK. During the first season she was clearly not "dressed for success" and her role revolved around personal crises: her alcoholic husband who felt threatened by her newly-acquired professional stature, her subsequent separation from him, and finally his kidnapping of their son Eric. Abby often worked with Ann, who became her mentor. Yet even Ann became frustrated by Abby's failure to finish work because of personal problems, and sometimes lectured her about shaping up. One law professor notes that Abby has been *L.A. Law*'s "stressed out" character, used "as women are traditionally used in film and television [to] talk about ambivalence, weakness, and vulnerability."<sup>77</sup>

Abby's inexperience has gradually worn off as the series has progressed. In an early case, the judge chided her for persisting in trying to present her well-prepared case after he had already ruled in her favor. However, later in the series she successfully defended Benny on an assault charge, and she helped Victor win an acquittal for a woman charged with murder by developing a post-partum depression defense. She even stood up to Jonathan in a heated discovery dispute where her thoroughness ultimately paid off. Yet Abby's professional growth in these and other cases depended on the partners allowing her room to grow and on their not treating her, as they often did, like a little girl. For example, when

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77. Interview with Linda Podheiser, Asst. Prof. of Visual and Environmental Studies, Harvard U. (Mar. 7, 1989) [hereinafter Podheiser interview].

Douglas asked Abby to defend him in a nuisance suit, he assumed Abby's incompetence and virtually ran the case himself. But Abby was capable of acting decisively, as when she discovered Douglas' shyster brother using his office one weekend to exploit immigrants. She burst into flawless Spanish, referred everyone to legitimate legal counsel, and threw the brother out. As Abby's competence developed, even her clothing became more sophisticated and professional.

Abby's attitude toward feminism and her role as a woman lawyer have become apparent only indirectly. She has articulated what might be called feminist concerns, as when she criticized Michael for defending a known rapist and attacked Ann for taking the c-section case. But in general, Abby is depicted not as a staunch feminist but as a "softy," the stereotypical female who is sensitive to personal issues and better at mediation than adversarial posturing. It was Abby who labored to get Benny a job at MBCK after his mother told her she was dying. Later, in her most "celebrated" case, Abby "sensed" that two warring business partners really wanted to reconcile. Despite her colleagues' doubts, she orchestrated a negotiation session. When a fistfight broke out, Abby was removed from the case and the MBCK partners' suspicions about her were supposedly confirmed. Convinced she would be fired, Abby speculated that it would be a relief because "there hasn't been a single day I haven't wondered if I belong here or not." However, eventually the embattled clients reunited and Abby received a long-awaited raise, finally making her salary equal to that of Jonathan, the sought-after star one year her junior. Several attorneys noted that this episode played with the stereotype of women's non-combative style, the outcome suggesting that such an approach is valuable in law.<sup>78</sup> Yet as Susan Wolfe, attorney at the Center on Professionalism, notes, Abby's cooperative style is ultimately not rewarded by MBCK, for she is told that she will not make partner, despite her triumph.<sup>79</sup>

Abby decided to leave MBCK shortly after learning her partnership prospects. Unbeknownst to Abby, Douglas had suggested to the partners that she be taken off the partnership track but be allowed to generate revenue as an associate for a few more years. At her subsequent associate review with Douglas and Ann, they suggested that Abby handle corporate

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78. Telephone interview with Susan Wolfe, attorney at the Center on Professionalism, U. Penn. Law School (Feb. 28, 1989) [hereinafter Wolfe interview]; Burns interview, *supra* note 56.

79. Wolfe interview, *supra* note 78.

matters although she wanted to litigate. After pressing Ann, Abby learned her partnership chances were dim and decided to leave. She considered other firms, but eventually decided to set up her own practice, saying, "This is the only chance I'll get to be the kind of lawyer I want to be." When Leland, in his paternalistic manner, reminded Abby that she was still a "valued member of this family," Abby lashed back: "This is not a family, Leland, it's a law firm, and you're only a valued member as long as you generate revenue."

For several critics the question remains: did Abby leave because she was not a good lawyer or because the firm's paternalistic attitude—the tendency not to take Abby seriously—inhibited her?<sup>80</sup> While it is still not clear if Abby is a good lawyer, it is not difficult to argue she was held back at MBCK because of sexist attitudes. Despite her increasing success, the partners never supported her the way they did Jonathan with his brash adversarial zeal. In fact, perhaps no number of victories won by Abby would convince the partners to value her "female" lawyering style over Jonathan's "male" approach.

Abby's first work as a solo lawyer did not bode well.<sup>81</sup> For starters, she killed her first client, a deranged plumber. He came after her with a lead pipe after she terminated their relationship, so she shot him in self-defense. Shaky for some time thereafter, she was helped by others; for instance, Grace obtained a continuance for her. Yet even after Abby regained her balance, she was still strapped financially. Consequently, she tried to force an unfavorable settlement on an uncertain client in order to pay her bills, but Stuart stopped her. Indeed, the only shining moment Abby has had as a solo lawyer was a candid exchange with a prospective client whose case involved a legal area with which she was unfamiliar. Law professor Steven Gillers praises Abby's honesty in this episode as credible and appropriate.<sup>82</sup>

#### 4. *Dorothy Wylér*

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80. Telephone interview with Dan Amundson, Research Director, Center for Media & Public Affairs, Washington, D.C. (Feb. 22, 1989) [hereinafter Amundson interview]; Marc interview, *supra* note 68.

81. Of course, the plot requires the viewer to suspend disbelief that a single mother, two years out of law school, with no assets, could suddenly set up shop by herself in a legally sophisticated city like Los Angeles—and ever do well.

82. Gillers interview, *supra* note 69.

One cannot say much about the newest female associate on *L.A. Law*, Dorothy Wyler, simply because she has not done much. Dorothy made her debut in December 1989. She is a middle-aged, recently divorced woman who worked briefly as an attorney before raising a family. Since her job interview with Douglas centered on a discussion of their respective divorces, presumably she was hired not for her work credentials but because Douglas was impressed with the resolve she expressed in regard to her divorce and starting over. She has worked on one matter with Michael in which she failed to uncover a fact in the client's history that made Michael lose the case. Michael criticized her, she apologized, and the matter was dropped.

Despite Dorothy's professional inaction so far, virtually everyone I interviewed who regularly watches the series, media analysts and lawyers alike, praised the writers for introducing an older female attorney to the show. Eleanor Myers, lawyer at the Center on Professionalism, is especially concerned that television discriminates against unattractive women and that all of the women lawyers before Dorothy—Ann, Grace, and Abby—look like models.<sup>83</sup> It is worth noting that Michael once had an employment discrimination case in which he represented an overweight female attorney against the law firm that fired her; there, too, the writers evoked sympathy for a woman lawyer who did not look like a model.

### 5. Judges and Adversaries

A frequently noted aspect of *L.A. Law*'s casting is the large number of female judges, diverse in race and age, who serve on both civil and criminal cases. Several observers note that the proportion of female judges on the show far exceeds their proportion in reality.<sup>84</sup> These judges generally do not have much to say or do, but despite their inactivity, it is clear from my interviews that many people are impressed by the large number of women in positions of judicial authority on *L.A. Law*.

The adversaries of *L.A. Law*'s leading characters are less commonly female than are the judges, but female adversaries do appear fairly often

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83. Telephone interview with Eleanor Myers, attorney at the Center on Professionalism, U. Penn. Law School (Feb. 28, 1989) [hereinafter Myers interview].

84. Laden interview, *supra* note 49; telephone interview with Alex McNeil, author of *Total Television*, *infra* note 195 (Feb. 28, 1989) [hereinafter McNeil interview]; telephone interview with Earle Marsh, author of *The Complete Directory of Prime Time Network TV Shows*, *infra* note 195 (Feb. 27, 1989) [hereinafter Marsh interview].

nonetheless. As a matrimonial lawyer, Arnie tends to confront female adversaries more often than the other litigators. However, all the male litigators have faced competent female opponents in civil and criminal cases. In fact, in a date rape case, the steely female defense attorney made the "sometimes-no-means-yes" argument more often heard from male attorneys. But while a woman was probably cast in this role for the sake of unpredictability, this plot device was not as disturbing as Ann's "unpredictable" role in the c-section case, because the woman defense lawyer was not used to justify a particular outcome the same way Ann was used in the c-section episode. The defense attorney argued her case without personally endorsing it; Ann, in contrast, argued from her personal conviction of the rightness of her position. However, to my recollection, none of the female regulars on *L.A. Law* has had a female adversary except when Grace obtained a continuance for Abby.

#### 6. *The Women Lawyers as a Group*

Writer William Finkelstein has said that the leading women lawyers of *L.A. Law* are written as individuals, not as a "troika" of women with each representing a distinct female personality.<sup>85</sup> But while Ann, Grace, and Abby are written as individuals, they all represent women lawyers. Therefore, their characteristics are perceived as those of *women* lawyers.

Without exception, all of the scholars I spoke with praised *L.A. Law* for presenting a nonstereotypical picture of women lawyers who are strong, competent, and successful in their work. I imagine this generalized appraisal is made primarily in regard to Ann and Grace, for it would be stretching to suggest that Abby has always conformed to this description. However, since Abby has gone out on her own, her strength and autonomy, if not her competence, are certainly less doubtful. It is likely, too, that the frequent appearance of skilled female adversaries and judges enhances the overall impression of female competence and strength.

The fact that all three women lawyers specialize in litigation contributes to the prevailing sense that they are not stereotyped female characters. While *L.A. Law* undoubtedly has a large number of trial attorneys for dramatic purposes, it is unusual to see so many women in litigation, traditionally a male bastion. As one lawyer observed, women have previously avoided litigation because of the adversarial component and

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85. Finkelstein interview 1, *supra* note 75.

unpredictable hours.<sup>86</sup> Even more unusual is Grace's placement in prosecution, an especially male-dominated enclave of the law. Therefore, to the extent that Ann, Grace, the female adversaries, and, on occasion, Abby are shown to be as skillful and confident as their male counterparts in handling a range of adversarial situations, *L.A. Law* does not conform to stereotype.

However, certain characteristics of the women lawyers do conform to stereotype. All the leading women lawyers—Ann, Grace, and Abby—are attractive, young, white, and Christian. Further, despite their different incomes as a partner, public servant, and neophyte solo practitioner, their clothes all have the same expensive “dressed-for-success” look.<sup>87</sup> Similarly, several viewers have noted that none of the women are pillars of the legal profession, occupying a leadership role in law or a related organization.<sup>88</sup> Both Ann and Grace work in male-headed hierarchies. The frequent women judges, however, do serve as symbols of female power in the profession.

None of the women lawyers discuss what it means to be a female in a field heavily dominated by men. The only time sexism in law has been explored was in the stripper episode involving Grace, where the outcome served to favor Grace's anti-assimilationist response to sexism at work. Otherwise, discourse on sexism or feminism in the profession is lacking. This seems especially odd since sexism is discussed when it relates to clients' cases. In fact, one observer notes that many of *L.A. Law*'s cases deal with “trendy feminist issues” like date rape, the battered wife syndrome, and employment discrimination.<sup>89</sup> But among the women lawyers, the only way femaleness is acknowledged is in the mentoring relationship that develops between them but not between the men nor between the women and the men.

In analyzing *L.A. Law*'s women lawyers, perhaps the most interesting question is the degree to which they exhibit traditional male or female qualities in their professional roles, and whether these qualities produce rewards or conflicts for them. Feminist legal scholar Catharine MacKinnon provides a useful framework for thinking about these questions in an essay

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86. Laden interview, *supra* note 49.

87. See Schiro, *supra* note 29, at H62, col. 1 (describes the “dressed-for-success” look of all *L.A. Law*'s attorneys); Kort, *supra* note 12, at 43 (actress Michele Greene describes the upgrading of Abby's original “dressed-for-failure” look).

88. Marc interview, *supra* note 68; Laden interview, *supra* note 49.

89. Goldstein interview, *supra* note 53.

describing social expectations of women lawyers.<sup>90</sup> Among the “male” qualities which have traditionally characterized a good lawyer, MacKinnon lists ambition, hostility, aggression, nonreceptivity to others’ thoughts and feelings, and the ability to manufacture passion and intensity.<sup>91</sup> The “ladylike” qualities, traditionally not associated with good lawyering, include deference, consideration, nonaggression, receptivity, sincerity, emotionality, and the inability to disregard the side taken in an argument.<sup>92</sup> Since women lawyers are expected to be professionally masculine and personally feminine simultaneously, MacKinnon asks, “Now, given that you are a woman lawyer, are you feeling a little schizoid?”<sup>93</sup>

With respect to the female and male qualities of the three women lawyers, Ann seems to be the most balanced or the least conflicted. In her work she generally conforms to MacKinnon’s male model: she is aggressive, single-minded, capable of hostility, and ambitious—qualities that presumably contributed to her becoming partner at MBCK. The male model has been a winning one for Ann, with a few caveats. First, she does not manufacture passion but truly cares what side she takes. However, such “caring” is characteristic of most of *L.A. Law*’s attorneys, male and female. Second, the male model has not always succeeded for her, as in the insurance and the father-son cases; in both, good lawyering required ladylike receptivity. Finally, Ann was often ladylike in her mentoring role with Abby, but this enhanced, rather than impaired, their working relationship. Thus, for Ann, some combination of male and ladylike qualities, with an emphasis on the former, has proved successful at work without causing much inner conflict.

Grace on the other hand, is the most stereotypically male, and conflicted, of the trio. In the courtroom Grace’s male qualities of aggression, hostility, and ambition win her cases. She has exhibited ladylike consideration when helping two opponents, but neither sacrifice aggrieved her and, in fact, probably produced less stress for her than not making the sacrifice would have. Yet outside the courtroom, whether troubled by work problems or career decisions, Grace becomes thoroughly

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90. See MACKINNON, *supra* note 2, at 70.

91. *Id.* at 74. References hereinafter to “male” qualities refer to these qualities described by MacKinnon.

92. *Id.* at 74-75. References hereinafter to “ladylike” or “female” qualities refer to these qualities described by MacKinnon.

93. *Id.* at 75. MacKinnon notes that to assimilate professionally, a woman lawyer must, above all, “*identify as a woman . . . with the interests of all women, in particular, to be activist, a suffragette sort.*” *Id.* (emphasis in original).

ladylike—emotional, vulnerable, and deferential. Oddly, while she is ambitious within the courtroom, striving to win, she is devoid of ambition outside court; she has no life plan. Of the three women, Grace is the most “schizoid.” She and Ann are interesting in contrast: both are successful attorneys in terms of their trial track record, but only Ann knows what she wants in her career—to be partner—and has pursued it; Grace has not. For Grace, unlike Anne, being a lawyer is ultimately a struggle.

Like Grace, Abby finds being a lawyer difficult, but unlike Grace, Abby has assumed direction and ambition: she wants to be a successful litigator. When *L.A. Law* began, Abby conformed more than anyone to the ladylike stereotype—emotional and vulnerable—and such qualities hurt her at MBCK. As the series progressed, she became more aggressive in some work situations, as in the discovery dispute with Jonathan, but she retained the ladylike quality to mediate that enabled her to reconcile the litigating business partners. Now Abby has taken a much more ambitious, or male, step than either Ann or Grace by becoming a solo practitioner. In fact, no male attorney at MBCK has equalled Abby in daring. Yet it remains to be seen how much her growth as an attorney will stem from her becoming more “male,” or aggressive, in court, and how much will derive from learning to use her “ladylike” qualities to best advantage. Ultimately, Abby might well be the only one of the women lawyers to demonstrate that the traditional qualities termed “ladylike” are a necessary part of successful lawyering.

### 7. *The Women Compared to the Men*

Certain differences between the male and female lawyers on *L.A. Law* are obvious. As already noted, male attorneys rank higher than females: Leland and Douglas constitute the top management at MBCK and Bruce Rogoff is the D.A. in Grace’s office. Furthermore, before Dorothy arrived, the other women lawyers were more uniform in age and appearance than the men, who ranged in looks, race, and age. Dorothy, a middle-aged white woman, alters the female mix slightly.

Two less obvious differences also separate the male from the female lawyers. First, as one lawyer observes, the women are less greedy or “rotten” than the men;<sup>94</sup> none of the women have deficiencies comparable to Arnie’s sleeping with clients, Michael’s becoming a zealot, or Douglas’s

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94. Gillers interview, *supra* note 69.

hoarding of profits. Second, the men are more consistently untroubled by their career choices; no male confronts the question, "Where do I belong?," as Grace and Abby do. Other than a brief period when Michael was depressed about his life and career after witnessing a colleague kill himself, the men seem content where they are. Inasmuch as women are relative newcomers to the legal profession, it seems reasonable that they would have more trouble than men finding their place in law.

What is striking about the male and female attorneys of *L.A. Law* is the extent to which they are depicted—and perceived—as similar. Many scholars I interviewed categorized all the lawyers as stereotypical "yuppies."<sup>95</sup> They are all well-endowed with material possessions, such as clothes, cars, and homes, whether or not their different jobs would realistically allow such similarity. Yet for each of them, being a lawyer is a crucial component of their lives. Not even Arnie, the most materialistic, conveys the sense that his career is merely the means to a wealthy end. And both Grace and Abby, conflicted about where they belong in law, never question their choice of a legal career.

All the litigators, especially Ann, Grace, and Michael, take their cases personally and worry about them at work and at home. However, Grace agonizes more and appears less resilient than the rest; even Michael bounces back more quickly from work-related stresses. In part, the stakes in Grace's cases—imprisonment and the death penalty—are often higher than for the others, but in part, she simply has more trouble separating herself from her work. It is possible that Grace's personal inability to let go of her cases reflects "ladylike" vulnerability according to the MacKinnon typology. However, one television analyst suggests that the female lawyers as a group are no more emotional at work than the men.<sup>96</sup> While Ann, Grace, and Abby display sadness and anger, Douglas, Michael, and Arnie are prone to moodiness and self-pity, and Stuart wears his heart on his sleeve. Though no male has exhibited Abby's initial insecurity and vulnerability to personal problems, Abby seems to have mastered some of her trepidation and weakness in going out on her own.

In addition, the female and male lawyers are not notably different in the cases they handle or in their relationships with clients. Grace is the

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95. Telephone interview with Anthony Chase, Prof. of Law, Nova Law Center (Feb. 28, 1989) [hereinafter Chase interview]; interview with Steven Stark, Lecturer in Law, Harvard Law School (Mar. 9, 1989) [hereinafter Stark interview]; telephone interview with David Thorburn, Prof. of Literature, M.I.T. (Mar. 9, 1989) [hereinafter Thorburn interview].

96. McNeil interview, *supra* note 84.

only attorney who exclusively handles criminal cases, but both Michael and Victor have defended clients on criminal charges. Both Ann and Michael have handled pro bono cases. With regard to client relationships, Abby has displayed a “female intuition” about a client’s “real” desire for reconciliation, but so has Stuart, who intervened to effect a compromise between Ann’s client and his father. Perhaps Stuart is more successful than Abby was at MBCK with his more intuitive, less adversarial approach simply because a tax lawyer does not need to adopt a litigator’s aggressiveness. However, as the successful nonadversarial interventions of both Stuart and Abby occurred in litigation matters, one might question MBCK’s traditional concepts of appropriate litigation skills. Significantly, both male and female attorneys have lost sight of the clients’ best interests in their striving for some personal goal (e.g., Ann wanted to beat her “macho” opponent and Victor wanted to try a First Amendment case that his client wanted to drop). But in most cases, both male and female attorneys recognize the ethical error in their ways.

## B. *Their Private Lives*

### 1. *Ann Kelsey*

Ann Kelsey’s private life is unusually tied to her work because she and her husband Stuart are both partners in the same small law firm. As a result, the viewer sees Ann’s private life every time Stuart passes through her door. In the third season, in fact, Ann’s personal concerns have occupied far more of her life than has her work.

Ann is the only married woman lawyer on *L.A. Law*. She and Stuart met, courted, and married while at the firm. Their relationship has nonstereotyped elements—she is taller and more reserved, and he is more commitment-oriented and in touch with his feelings—as well as stereotyped ones—she is careless about financial matters, he is more level-headed in personal matters. While their relationship superficially appears egalitarian because they both have strong, well-developed personalities, ultimately his superior reasoning gives him the upper hand. Accordingly, after their disagreements over major life decisions, Stuart “wins”—they marry, sell her home, and adopt a baby.

There is, as one critic notes, a “dissonance” in Ann’s life between her

professional and private selves.<sup>97</sup> As a lawyer, she is forceful and confident, but as a girlfriend and wife, she is indecisive and irrational. In part Ann's indecision stems plausibly from feeling torn between her love for Stuart and her desire to protect her autonomy. Yet the resolution of problems makes Ann's legitimate concerns about personal independence seem illogical, as if they were mere feminist camouflage masking the "real" Ann underneath. Stuart evidently "knows" Ann better than she knows herself, and he enables Ann ultimately to see what she really wants. Moreover, Ann and Stuart seem reasonably content with this dynamic in their relationship. To use MacKinnon's male-ladylike typology, one might say that in her private life Ann loses her professional "male" sureness and becomes, despite some surface resistance, the consummate "lady" guided by the husbandly voice of reason.

In the third season the focus of Ann's life has been having a baby. Thirty-eight, newly married, and in the midst of a thriving career, Ann was understandably ambivalent about starting a family, but Stuart was gung-ho. Ann wavered between declaring that she "might not want to put my career on the back burner" to worrying that she would be a bad parent because she could not resolve matters like her father-son case. Because she and Stuart had trouble conceiving, they adopted a baby girl and named her Kelsey Markowitz.<sup>98</sup>

As a result of Kelsey's adoption, Ann faces the challenge of combining career and family. From the outset, the problem has been chiefly hers; Stuart takes a back seat in childrearing responsibilities. So far only one episode has dealt with Ann's career/family quandary. Ann, not Stuart, brought Kelsey to the office because she could not find a satisfactory nanny. At the firm meeting, all her male colleagues played with the baby except Douglas, the only one who complained about the disturbance and about Ann's decreased work productivity. Ann informed Douglas that the firm would lose less money by her bringing the baby to the office than by her staying home altogether. This was the first time Ann mentioned that staying home was an option she would consider. Subsequently, Ann grilled a potential nanny as she would cross-examine a witness; when the annoyed woman departed, Stuart suggested Ann was being irrational and overly demanding. Later that day, Stuart—who had evidently been caring for Kelsey—burst into a deposition Ann was conducting with the baby in tow,

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97. Taylor interview, *supra* note 54.

98. An "egalitarian" name combining the last names of both Ann (Kelsey) and Stuart (Markowitz).

explaining that he had an emergency at the IRS and that Ann must take her. He suggested that Ann should see if Roxanne, Arnie's secretary, could babysit, but Ann quickly dismissed the idea, saying Roxanne would be too busy. After Ann took the baby, the adversary accused her of manipulating the proceeding; they bickered, and Ann stopped the deposition. At home that evening, Ann was shown rocking Kelsey to sleep, whispering that she had no qualms about ruining the deposition or perhaps losing the client for the baby's sake. The episode ended with Stuart and Ann peering over Kelsey's crib and smiling.

Everyone with whom I discussed this episode praised the writers for dealing with the work/family dilemma, a subject on which "legal employers have to be enlightened," according to law professor Steven Gillers.<sup>99</sup> But opinion varied on how the subject was handled. On one hand, Gillers, a working father, is impressed that the "ambivalence" and "suspicion" Ann displayed in choosing a nanny realistically represents a professional woman's anxiety about leaving her child with an "utter stranger." Gillers also considers it realistic for Ann to hint that she would consider leaving work altogether for Kelsey. Similarly, media scholar Horace Newcomb suggests that the series has shown Ann's maternal instinct evolving over time despite Ann's self-conscious attempt to resist it.<sup>100</sup>

On the other hand, several women I interviewed are troubled by the episode. Attorney and working mother Susan Wolfe finds Ann's lack of manifest conflict about leaving work implausible, and she is angered that Ann was shown to be untroubled about jeopardizing her client's interests in the deposition.<sup>101</sup> Wolfe also contends that most working mothers would opt to stay home with an infant before bringing the child into a private law firm, and that if a woman did otherwise, more than one male attorney would oppose her. Similarly, lawyer and working mother Caroline Laden agrees that "there is always conflict when you think you can have it all but find something has to give."<sup>102</sup> However, Laden thinks it is realistic to make Stuart the less involved parent since even "co-parenting" arrangements require one parent, "usually the mother," to be the "manager." Furthermore, both Wolfe and Laden, who still work but have

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99. Gillers interview, *supra* note 69.

100. Newcomb interview, *supra* note 55.

101. Wolfe interview, *supra* note 78.

102. Laden interview, *supra* note 49.

decided to give priority to their families, stress that a woman lawyer must make a decision about such priorities. Finally, media analyst Ella Taylor is concerned that the closing “nativity scene” tended to “gloss over the real anxiety women lawyers feel about the boundaries between their professional and personal lives.”<sup>103</sup> Interestingly, the women with whom I spoke all felt the episode showed little or no conflict on Anne’s part, while the men felt otherwise.

## 2. *Grace Van Owen*

Aggressive and self-confident in the courtroom, Grace is aimless outside of it in regard to both career and personal decisions. As law teacher Robert Rosen observes, Grace has “no life plan” and is “totally reactive.”<sup>104</sup> Just as she lets men initiate career decisions for her, so too she lets men initiate personal decisions for her. Indeed, it seems purely fortuitous from Grace’s standpoint that she lives with Michael; he met her, pursued her, and carried her off—in a gorilla suit—from her own wedding to another man. Afterwards, when she asked him “his intentions”—for marriage or any other commitment—he admitted he had none. Lacking any agenda herself, Grace does not seem especially troubled.

Grace and Michael have lived together in his apartment since that time. They do not discuss marriage or children. In fact, they discuss little besides work, to which both are devoted. Furthermore, many of Grace’s personal problems are actually work-related. For example, she started taking tranquilizers after being shot at work, and her relationship with Michael became rocky when she was secretly troubled over using an unconstitutional confession.

Like Ann and Stuart, therefore, Grace and Michael do not have an egalitarian relationship, notwithstanding superficial appearances to the contrary. Just as Stuart is the voice of reason in his marriage, so Michael is in his relationship. He decides that he and Grace should live together, that she will not marry (neither her original intended nor himself), that she should move out when she becomes dependent on tranquilizers, and that she should be ignorant of his past, including the fact that he has been married. Once Grace did act contrary to Michael, but that was in court, where she always asserts her “male” self. At home, she is a vulnerable,

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103. Taylor interview, *supra* note 54.

104. Rosen interview, *supra* note 50.

emotional “lady.”

### 3. *Abigail Perkins*

Abby is *L.A. Law*'s single mother . . . at least nominally. When the series began, Abby had just graduated from law school, was married to an alcoholic, and had a young son named Eric. Shortly thereafter, Abby divorced her husband, who had become jealous of her new professional stature, and gained custody of her son. When her ex-husband kidnapped Eric, Abby's life revolved around finding him. Once the boy was returned, however, he disappeared from the story. In other words, *L.A. Law*'s writers have ignored the fact that Abby is a single mother. Once in awhile, she mentions Eric's name in passing, but otherwise, any work/home dilemma is untouched. In fact, the writers seem to have had Abby set up a solo practice despite her being a single mother, since, realistically, such a risky career move would be unlikely for someone in her precarious financial situation.

In setting up her own practice, however, Abby demonstrates an aspect of her character which distinguishes her, both professionally and personally, from Ann and Grace: Abby is a survivor. To be sure, Abby faces more obstacles than the others and seems to have been cast as the series' victim. But Abby has overcome much of her early “ladylike” vulnerability to become a more ambitious, or “male,” single mother who sets up her own practice and carries a handgun. She no longer lets men call the shots for her. For example, she decided to leave MBCK when partnership prospects seemed slim, and to break up with her lover after she discovered he was married. Although Ann and Grace are undeniably more commanding in court than Abby is, she has a “male” strength they lack outside the courtroom.

### 4. *The Women Lawyers as a Group*

Certain things stand out about the private lives of *L.A. Law*'s women lawyers. First, the private lives of all the women lawyers figure importantly in the plot. This season the viewer has seen little lawyering by Ann, who has been chiefly involved with childbearing and rearing, or by Abby, whose new solo practice set off both a murder and a romance that have occupied her. Grace, on the other hand, works all the time, but the viewer knows from week to week how things are at home.

Second, as media scholar Ella Taylor notes, there is a dissonance between their professional and private lives.<sup>105</sup> As trial attorneys, Ann and Grace have a sureness and purpose that fail them outside the courtroom. As a result, neither has a truly egalitarian relationship. Both women equal their mates in intelligence and professional stature, yet they tend ultimately to defer to the men's greater "reason." Indeed, women lawyers would logically face as much conflict in their domestic roles, where the traditional models of success have been nonprofessional women, as they would in their career roles, where the traditional models of success have been professional men. Ann and Grace suggest that it might be difficult to resist conforming to the models in either sphere. The disparity between Abby's professional and private lives is less striking for she is less confident professionally than either Ann or Grace, but she is more directed or "male" in her private life.

Third, with the introduction of Ann's baby, *L.A. Law* begins to explore the work/family dilemma for women attorneys. Until this season, Ann and Grace have had relatively stable, ongoing relationships that did not interfere with their careers. Abby, on the other hand, has had a husband jealous of her career and a young son to raise by herself, but the writers have chosen not to explore either conflict. Consequently, Ann's juggling of baby and career is the first time anyone on the series has been shown struggling with an issue facing thousands of women lawyers today. Ann is currently far from a "superwoman" effortlessly combining career and family; rather, the writers have shown she is beginning a balancing process that requires work. Yet the superwoman potential remains, especially if the writers decide that finding the perfect nanny "resolves" Ann's problem, television-style. By not going that route, the writers can plausibly help to "enlighten" legal employers, as Steven Gillers puts it, that lawyers—and especially women—with children face a conflict that requires institutional accommodation.<sup>106</sup> To a certain degree, scholars' responses to Ann's predicament vary by gender. While this certainly does not mean that all men and women would necessarily see or handle the situation differently, it does suggest that gender may affect how writers and viewers perceive the work/family conflict.

##### 5. *The Women Compared to the Men*

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105. Taylor interview, *supra* note 54.

106. Gillers interview, *supra* note 69.

In several respects the private lives of *L.A. Law*'s male attorneys differ from those of their female colleagues. First, there is no professional/private dissonance for the men, who seem to handle both parts of their lives similarly. Michael is an aggressive man in and out of court; after all, he not only litigates forcefully, but he pursues Grace and whisks her off from her own wedding. Likewise, Stuart is reasonable and considerate at work and at home. And such behavioral symmetry is evident in the other men's lives as well: Douglas is imperious and demanding; Victor is directed and fair; and Arnie is conceited and cunning. In very general terms, the men represent degrees of MacKinnon's archetypal male in both their professional and private lives, varying primarily in how much ladylike emotionality they display.

None of the men has the work/family conflict that Ann and, potentially, Abby have. Douglas is a divorced father whose ex-wife has custody of their children. Stuart, evidently, does not bear as much of the childrearing responsibility as Ann. It was Ann who brought Kelsey to the firm meeting, suggested leaving work altogether, and chose the nanny. However, it is not clear how, or why, Ann became the primary caretaker. Stuart appears to be potentially the better parent, given his more "rational" approach to nannies and his ability to mediate Ann's father-son case. In fact, it is uncharacteristic for Stuart to defer to Ann's judgment on any significant personal matters because she has an "irrational" streak. Ann's work as a litigator is no less demanding, and perhaps is more demanding, than Stuart's work as a tax attorney. Therefore, the only reason for Ann's becoming the primary caretaker is the most traditional one: Ann is the mother. But this may not be mere stereotype, as all the attorneys I interviewed, both working fathers and mothers, suggested that nominal co-parenting arrangements still usually require the mother to assume primary responsibility for childrearing.<sup>107</sup>

Notwithstanding such differences, the private lives of *L.A. Law*'s male attorneys are about as visible as those of its female attorneys. However, unlike their female counterparts, several of the men, especially Arnie, sleep with clients, opposing parties, and subordinates. Arnie's promiscuity debases women, particularly women clients, especially because there is not an iota of firm censure or personal remorse for such womanizing.

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107. Laden interview, *supra* note 49; Wolfe interview, *supra* note 78; Myers interview, *supra* note 83; Gillers interview, *supra* note 69.

## IV. WOMEN IN LAW

Among my motives for analyzing the women lawyers on *L.A. Law* is my concern about the changing role of women lawyers in our society and popular attitudes toward such change. In real life, the numbers are impressive. Women's enrollment in law school was negligible until the 1970's, when their admissions burgeoned along with the women's movement.<sup>108</sup> The ratio of women's law school enrollment to total law school enrollment rose from 4% in 1965 to 41% in 1986.<sup>109</sup> In addition, the June 1988 *A.B.A. Journal*, devoted to "Women in Law," reported that women constitute 20% of the legal profession and one of every three new associates hired.<sup>110</sup> According to the 1988 *National Law Journal* survey of large law firms, women comprise 19% of all new partners selected between 1986 and 1988.<sup>111</sup> In legal teaching there are also more women than ever before; A.B.A. figures for 1986 listed 1004 full-time women law teachers out of a total 4915 law teachers.<sup>112</sup> Along with the rise of women lawyers has come the emergence of feminist jurisprudence, which draws upon women's concrete experiences to construct legal theories and litigation strategies.<sup>113</sup>

Yet the numbers do not "speak for themselves," or, as feminist legal scholar Elizabeth Schneider has said, numbers are "*necessary* to begin to

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108. Kay, *Women as Law Students and Professors*, in TEXT, CASES AND MATERIALS ON SEX-BASED DISCRIMINATION 879 (H. Kay 3d ed. 1988).

109. A.B.A. SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES: FALL, 1986 LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS 66 (1987) [hereinafter REVIEW OF LEGAL EDUCATION]. Women applied in unprecedented numbers to Harvard Law School in 1989, comprising 41% of the applicants. Crain & Gershowitz, *Applications Soar, Women Apply in Record Numbers*, Harv. L. Rec., Mar. 10, 1989, at 1.

110. See *The Glass Ceiling*, A.B.A. J., June 1, 1988, at 49, 49. The June 1988 issue of the *A.B.A. Journal* was dedicated to Goal Nine of the A.B.A.: "to promote full and equal participation in the profession by minorities and women." A.B.A. J., June 1, 1988, at 4.

111. Weisenhaus, *White Males Dominate Firms: Still a Long Way to Go for Women, Minorities*, Nat'l. L.J., Feb. 8, 1988, at 48, col. 3. Yet by 1987 women still comprised less than 8% of all partners in law firms. *Id.* at 47, col. 3.

112. REVIEW OF LEGAL EDUCATION, *supra* note 109, at 66. However, the proportion of female law teachers is substantially lower than the proportion of female law students. Cf. Moss, *Would This Happen to a Man?*, A.B.A. J., June 1, 1988, at 50 (discusses low number of women faculty at nation's top law schools and resistance to their promotion).

113. Kay & Littleton, *Feminist Jurisprudence: What Is It? When Did It Start? Who Does It?*, in TEXT, CASES AND MATERIALS ON SEX-BASED DISCRIMINATION, *supra* note 108, at 885; see also Rhode, *Gender and Jurisprudence: An Agenda for Research*, 56 U. CIN. L. REV. 521 (1987) (describes feminist research agenda as one which must be sensitive to women's concrete experiences and how they vary across race, class, age, etc.).

affect attitudes but they are not *sufficient*.”<sup>114</sup> Despite their growing ranks, women lawyers continually confront discrimination.<sup>115</sup> Schneider has analyzed the New York Task Force Report on Women in the Courts (New York Report),<sup>116</sup> one of a number of state studies of courtroom gender bias which have either been completed or are being conducted.<sup>117</sup> The New York Report documents discriminatory treatment by male judges, attorneys, and court personnel of female litigants, lawyers, and court employees.<sup>118</sup> Women lawyers are subjected to comments about personal appearance, degrading remarks and conduct, and verbal and physical sexual advances.<sup>119</sup>

Television could do much to “make or break” society’s irrational prejudices against women lawyers. Given its power to reinforce and shape public opinion, especially with regard to appropriate occupational and sex roles,<sup>120</sup> television can help women lawyers to be accepted by the public as the equals of their male counterparts if they are so portrayed.

## V. THE POWER OF TELEVISION

### A. America's Favorite Pastime

Americans do more television watching than any other activity except sleeping.<sup>121</sup> The average viewer watches twenty-nine hours per week, and women, in general, view more television than men.<sup>122</sup> As of January

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114. Schneider, *Task Force Reports on Women in the Courts: The Challenge for Legal Education*, 38 J. LEGAL EDUC. 87, 89 (1988) (emphasis in original).

115. See generally C. EPSTEIN, *WOMEN IN LAW* (1983); Blodgett, *I Don't Think Ladies Should be Lawyers*, A.B.A. J., Dec. 1, 1986, at 48; Hazard, *Male Culture Still Dominates the Profession*, Nat'l. L.J., Dec. 19, 1988, at 13, col. 4; Moss, *supra* note 112, at 50.

116. *Report of the New York Task Force on Women in the Courts*, 15 FORDHAM URB. L.J. 11 (1986) [hereinafter *New York Report*]; Schneider, *supra* note 114, at 87.

117. In addition to New York, New Jersey has completed a report. See *The First Year Report of the New Jersey Supreme Court Task Force on Women in the Courts—June 1989*, 9 WOMEN'S RTS. L. REP. 129 (1986). Similar studies are underway in Arizona, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, Utah, and Washington. Schneider, *supra* note 114, at 87 n.2.

118. Schneider, *supra* note 114, at 87.

119. *Id.* at 88; *New York Report*, *supra* note 116, at 131-45.

120. See *infra* notes 137-38 and accompanying text (discusses television's influence on children's concepts of careers); *infra* Section V(B) (examines effect of television's sex-role stereotyping on children and adults).

121. F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 7.

122. A.C. NIELSEN CO., 1988 REPORT ON TELEVISION 8-9 (1988). The A.C. Nielsen Company generates its estimates of television viewing based on data collected from computerized boxes attached

1988, 88.6 million households in the United States owned at least one television set.<sup>123</sup>

Television's influence on Americans is unparalleled among the mass media. Unlike other agents of socialization besides the family, television influences children well before they enter school or can use media that require literacy.<sup>124</sup> In fact, television is so pervasive and embraced without questioning that media analyst George Gerbner has called it "the new religion,"<sup>125</sup> distinct from other media because:

Television is not used selectively. . . . It is used by practically all the people . . . all the time. It collects the most heterogeneous public of groups, classes, races, sexes and nationalities in history into a national audience that has nothing in common except television, or shared messages. Television thereby becomes the common basis for social interaction among a very widely dispersed and diverse national community.<sup>126</sup>

Television's power lies in its ability both to reinforce and shape public opinion.<sup>127</sup> It is essentially a conservative medium which plays a "sys-

to selected representative television sets across the country. For criticism of Nielsen's methodology, see F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 222-25 (questions accuracy and manipulability of Nielsen sample).

Weekly viewing activity for October 26 to November 22, 1987 was estimated (in hours:minutes per week): for all persons over two years old, 29:40; for all women eighteen and older, 33:42; and for all men eighteen and older, 28:58. A.C. NIELSEN CO., *supra*, at 8-9.

Because women constitute about 60% of primetime viewers, David Poltrack, CBS Research Vice-President, estimates that three of every four advertising dollars in primetime are aimed at women. Horowitz, *Sitcom Domesticus: A Species Endangered by Social Change*, in TELEVISION: THE CRITICAL VIEW 107 (H. Newcomb 4th ed. 1987). Women have historically watched more television than men, and even in the 1950's programmers believed that women chose what families watched. *Id.* A.C. Nielsen reports confirm that women have been the dominant primetime viewers for decades. Cable television has slightly increased women's dominance in the network primetime audience, presumably because of cable's sports channels. See Waters & Huck, *Networking Women*, NEWSWEEK, Mar. 13, 1989, at 48.

123. A.C. NIELSEN CO., *supra* note 122, at 3.

124. J. CARLSON, PRIME TIME LAW ENFORCEMENT: CRIME SHOW VIEWING AND ATTITUDES TOWARD THE CRIMINAL JUSTICE SYSTEM I (1985).

125. Gerbner, *The Dynamics of Cultural Resistance*, in HEARTH & HOME: IMAGES OF WOMEN IN THE MASS MEDIA 47 (G. Tuchman, A. Daniels & J. Benet eds. 1978) [hereinafter HEARTH & HOME].

126. *Id.*

127. See J. CARLSON, *supra* note 124, at 1-7; Stark, *supra* note 5, at 230-33; Tuchman, *Introduction: The Symbolic Annihilation of Women by the Mass Media*, in HEARTH & HOME, *supra* note 125, at 37 (mass media reflect dominant social values and act as agents of socialization); Cling, *On-Camera Sex Discrimination: A Disparate Impact Suit Against the TV Networks and Major Studios*, 4 LAW & INEQUALITY 509, 511 (1986) (television reinforces adults' beliefs and shapes beliefs developing in children).

tem-supportive" role by reinforcing or reflecting popular attitudes.<sup>128</sup> Just as other mass media historically have served to promote stability,<sup>129</sup> so too has television, where the major networks are owned and operated by those who have a vested interest in current economic and political arrangements.<sup>130</sup> Because television programmers design shows to appeal to the largest audiences, they offer programs consistent with American values.<sup>131</sup>

In addition, television shapes public opinion, especially in those areas of human experience, like law, with which most people have no direct contact.<sup>132</sup> Relatively few Americans have been in a lawyer's office, jail cell, or courtroom.<sup>133</sup> One study indicated that Americans receive 95% of their information about crime from the mass media.<sup>134</sup> Adults are vulnerable to television messages, and heavy viewers (i.e., those who watch twenty-five hours or more weekly) tend to believe that what they see on television approximates real life.<sup>135</sup> For example, heavy adult viewers overestimate the prevalence of crime in this country.<sup>136</sup> In addition, children get their principal information about careers from television.<sup>137</sup> Accordingly, many speculate that the 16% rise in the number of law school applicants in 1987-88 could be attributed to *L.A. Law's* depiction of a legal career as appealing and lucrative.<sup>138</sup>

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128. See J. CARLSON, *supra* note 124, at 2-7. In its reflection of social values, television lags behind real life. See Tuchman, *supra* note 127, at 8-9; Zemach & Cohen, *Perception of Gender Equality on Television and in Social Reality*, 30 J. BROADCASTING & ELEC. MEDIA 427, 428 (1986); Hampton, *The Camera Lens as Two-Edged Sword*, N.Y. Times, Jan. 15, 1989, at H29, col. 1 (television is a "cautious" medium which traditionally follows rather than leads social movements).

129. Gerbner & Gross, *The Scary World of TV's Heavy Viewer*, PSYCHOLOGY TODAY, Apr. 1976, at 41, 90.

130. J. CARLSON, *supra* note 124, at 2.

131. Tuchman, *supra* note 127, at 7.

132. See Macaulay, *supra* note 7, at 197; *Bill Moyers' Journal: TV or Not TV*, *supra* note 1 (statement of George Gerbner).

133. Macaulay, *supra* note 7, at 197.

134. Winick & Winick, *Courtroom Drama on Television*, 24 J. COMM. 67 (1975).

135. Cf. Gerbner, *Trial By Television: Are We at the Point of No Return?*, 63 JUDICATURE 416, 420 (1980) (majority of viewers could cite no difference between television lawyers and real life lawyers).

136. Gerbner, Gross, Eley, Jackson-Beeck, Jeffries-Fox & Signorielli, *TV Violence Profile No. 8: The Highlights*, 27 J. COMM. 171 (1977). It has been estimated that television crime is ten times more common than crime in the real world. J. CARLSON, *supra* note 124, at 29; see also Stark, *supra* note 5, at 230-31 (estimates one third of all primetime entertainment shows since 1958 have concerned law enforcement and crime).

137. Gerbner, *supra* note 135, at 420.

138. *Applications Up: Who Are These People?*, LAW SERVICES REP., Apr.-May 1988 at 1, 13 (suggesting surge in applicants could also be due to 1987 stock market crash, which made M.B.A.'s

### B. *Effects Analysis and Gender Roles*

Many researchers are exploring the relationship between television viewing and attitudes about gender roles.<sup>139</sup> These effects analyses, as I call them, are not completely conclusive for two reasons: specific television effects are difficult to isolate from those of other background variables, like parents, peers, schools, and church;<sup>140</sup> and the empirical studies only document the effects of brief exposure so that the impact of years of viewing particular programming is unknown.<sup>141</sup> However, the idea that television affects sex-role attitudes is strengthened by extensive evidence of television's influence on other aspects of life, such as the demonstrable effect violent programming has on children's behavior.<sup>142</sup>

Studies of the effects of sex-role stereotyping build on the theories of developmental psychologists who posit that children "imitate the behavior they see and model themselves after the images of men and women presented to them."<sup>143</sup> As children on average watch a great deal of

less attractive, and high visibility of lawyers in 1987 with Iran-Contra and Bork hearings); *see also* Orey, *supra* note 19, at 38 (quoting Joyce Curl, Director of Admissions at Harvard Law School, who suggests that there is "some truth" to the notion that *L.A. Law* affected applications); Parker, *supra* note 39, at 22 (quoting U.S.C. Law School Assoc. Dean Lawrence Raful, who suggests the connection sounds "frivolous" but would not "underestimate the importance of television on college students"). Furthermore, a survey of ninth and eleventh-graders in San Mateo, California found that "lawyer" outranked "performing artist" as the most desirable career for the first time in the ten years the survey had been conducted. The students polled said they ranked law first because it seems glamorous and lucrative on television and especially on *L.A. Law*. Orey, *supra*, at 38.

139. Zemach & Cohen, *supra* note 128, at 428-31; D. MEEHAN, *LADIES OF THE EVENING: WOMEN CHARACTERS OF PRIME-TIME TELEVISION* 114 (1983). ("[T]he effects of television's image of women has been well-researched with over 100 studies on television and sex roles published in this country in the last fifteen years.")

140. D. MEEHAN, *supra* note 139, at 114; Gross & Jeffries-Fox, *What Do You Want to Be When You Grow Up Little Girl?*, in *HEARTH & HOME*, *supra* note 125, at 254.

141. *See* Cling, *supra* note 127, at 538 ("With their negative messages about women's subservience, lack of importance, and use as sexual objects, one can only guess how much damage stereotyped female images produce on a daily basis."); Gross & Jeffries-Fox, *supra* note 140, at 254-55. This lack of research on the long-term effects of television viewing does not pertain to studies examining correlations between social perceptions and general viewing patterns (i.e., heavy vs. light). *See infra* notes 145-46 and 149 and accompanying text.

142. *See* Sprafkin & Liebert, *Sex-Typing and Children's Television Preferences*, in *HEARTH & HOME*, *supra* note 125, at 232. There are hundreds of studies of the effect violent programming has on children; *see, e.g.*, Signorielli & Gerbner, *Women and Minorities in Television Drama, 1969-1978*, quoted in 8 *MEDIA REP. TO WOMEN*, January 1980, at 9; U.S. COMMISSION ON CIVIL RIGHTS, *WINDOW DRESSING ON THE SET: AN UPDATE* 46-48 (1979) [hereinafter *UPDATE*] (summarizes pre-1978 studies on effects of violent programming); F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 22-28.

143. Cling, *supra* note 127, at 516 (work of Sigmund Freud, Lawrence Kohlberg, and Walter Mischel suggests children learn gender-appropriate behavior from observation of female and male role models).

television, researchers believe they learn sex-stereotyped behavior from observing and imitating television role models.<sup>144</sup> Studies indicate that children who are heavy viewers (twenty-five hours or more a week) tend to have more stereotyped views of men and women than light viewers (ten hours or less a week).<sup>145</sup> Likewise, research suggests that brief exposure to non-sex-stereotyped programming produces less stereotyped behavior.<sup>146</sup> According to one study, children prefer to watch characters of their own sex,<sup>147</sup> thereby undermining the oft-heard programming rationale that audiences prefer to see male characters.<sup>148</sup> Studies of adults show similar results.<sup>149</sup>

A number of media analysts have speculated more theoretically about the social implications of women's underrepresentation and stereotyping on television. Several have stressed television's harmful effect on women's economic opportunities. Appearing before a Congressional committee in 1978, media analyst Gaye Tuchman testified that the mass media "facilitate[] the underemployment of women by encouraging prospective employers to identify women workers with low-paying traditional female jobs."<sup>150</sup>

144. *Id.*

145. *See, e.g.,* Frueh & McGhee, *Television Viewing and the Learning of Sex-Role Stereotypes*, 6 *SEX ROLES* 1979 (1980); Frueh & McGhee, *Traditional Sex Role Development and Amount of Time Spent Watching Television*, 11 *DEV. PSYCHOLOGY* 109 (1974) (same study conducted in 1974 and 1980 with children in grades one through seven).

146. *See, e.g.,* O'Bryant & Corder-Bolz, *The Effects of Television on Children's Stereotyping of Women's Work Roles*, 12 *J. VOCATIONAL BEHAV.* 233-37, 243 (1978) (children ages five to ten shown commercials with women in traditional or nontraditional jobs; those who saw only traditional jobs thought women should only have those jobs, while those who saw nontraditional jobs expressed broader notions of appropriate female careers); Davidson, Yasuna, & Tower, *The Effects of Television Cartoons on Sex-Role Stereotyping in Young Girls*, 50 *CHILD DEV.* 597 (1979) (5-6 year old girls exposed to "low-stereotyped" cartoons less likely to stereotype than those exposed to "high-stereotyped" cartoons); *cf.* Cobb, Stevens-Long & Goldstein, *The Influence of Televised Models on Toy Preferences in Children*, 8 *SEX ROLES* 1075 (1982) (after seeing videotapes with sex-stereotyped toys, children of both sexes spent more time playing with toys identified as sex-appropriate).

147. *See, e.g.,* Sprafkin & Liebert, *supra* note 142, at 234-39 (left alone in a home-like setting, first and second graders chose to watch shows with characters of their own sex).

148. *Id.*; *see also infra* notes 190-92 and accompanying text. The theory is weakened considerably when one considers that females constitute the majority of the primetime audience. *See supra* note 122.

149. *See, e.g.,* Ross, Anderson & Wisocki, *Television Viewing and Adult Sex-Role Attitudes*, 8 *SEX ROLES* 589-91 (study of college students and elderly people who were heavy and light viewers); Jennings, Geis & Brown, *Influence of Television Commercials on Women's Self-Confidence and Independent Judgment*, 38 *J. PERSONALITY & SOC. PSYCHOLOGY* 203 (1980) (female college students viewed commercials with traditional sex roles and reversed sex roles; viewers of reversed-role commercials showed more independent thinking and more self-confidence when making a public speech than before the viewing).

150. Tuchman, *The Impact of Mass Media Stereotypes upon the Full Employment of Women*, in *AMERICAN WOMEN WORKERS IN A FULL EMPLOYMENT ECONOMY, A COMPENDIUM OF PAPERS*

Other analysts are particularly concerned about television's effect on women's self-perception. B.J. Cling, for example, contends that because girls imitate female role models, they experience diminished self-esteem from seeing their sex portrayed on television as inactive and invisible.<sup>151</sup> In the same vein, Diana Meehan observes that all viewers, especially frequent ones, evaluate real-life behavior as appropriate or not in relation to that of male and female television models.<sup>152</sup>

Finally, several researchers express concern about the belief system television perpetuates. James Carlson contends that television's mainstream messages homogenize audience attitudes, for television both reinforces the beliefs of those who are well socialized to hold mainstream views, and influences heavy viewers who are initially without such views to adopt them.<sup>153</sup> Yet in this power of television, researchers Frank Mankiewicz and Joel Swerdlow see a potential for social change. Given that television's impact on children is so strong, they believe television can "change patterns of role perception, and it can change them in one generation."<sup>154</sup>

### C. *L.A. Law's Audience*

Given television's enormous impact on viewers' perceptions, it is important to see how *L.A. Law's* writers portray women lawyers succeeding, if at all. Their "take" on the issue reaches nearly twenty-five million people every week. A sizable number of these people—the so-called "yuppie" target audience—probably already have some impressions of women lawyers. The other viewers—the majority—are less affluent or educated, and many are probably seeing women lawyers for the first time

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SUBMITTED TO THE SUBCOMMITTEE ON ECONOMIC GROWTH AND STABILIZATION OF THE JOINT ECONOMIC COMMITTEE, CONGRESS OF THE UNITED STATES 249-68 (U.S. Congress ed., 1978), *quoted in* C. Lewis, *Television License Renewal Challenges By Women's Groups 20-21* (Jan. 1986) (Ph.D. thesis).

151. Cling, *supra* note 127, at 510, 516-17.

152. D. MEEHAN, *supra* note 139, at 4.

153. J. CARLSON, *supra* note 124, at 8-9.

154. F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 134; *but cf.* Greenfield, *TV is Not the World*, TELEVISION Q., Fall 1978, at 48, 53 ("There seems to be an unspoken premise that we can define reality by looking at what is on television; and that therefore the way to change reality is to change what we see on television."). Indeed, television is *not* reality, but "if the viewer perceives television content as representative of reality, one way to change society is to change what we see on television." D. MEEHAN, *supra* note 139, at 115. *But see supra* note 128 and accompanying text (television tends to follow social change, not lead it).

on *L.A. Law*.<sup>155</sup>

Some contend that for *L.A. Law*'s target audience of "yuppies" or upscale professionals the series has no significant impact because such sophisticated viewers already have opinions about law and lawyers before turning on the set.<sup>156</sup> Media scholar David Marc calls it "preaching to the converted,"<sup>157</sup> but this expression may oversimplify the social function *L.A. Law*'s portrait of women lawyers serves for upscale viewers. Such people do tend to respond to the series by evaluating its realism relative to their own experience. But by generating the images such viewers accept or reject, *L.A. Law* performs the social function of television generally; in the words of one media observer it "reinforces or extends certain collectively-perceived norms about the world [and] lays out areas of cultural argumentation."<sup>158</sup> Even for its upscale viewers, *L.A. Law* suggests what issues are relevant in the public dialogue about law and lawyers, and it reinforces positions on those issues.

"Preaching to the converted" also assumes more consensus, or "conversion," among *L.A. Law*'s upscale viewers than I think exists, especially in regard to women lawyers. Of course, *L.A. Law* does stress a commonly recognized body of stereotyped yuppie values. Such values have been described by the scholars I interviewed as consumerism, materialism, professionalism, middle-of-the-road feminism, and neo-traditionalism. But what would stereotyped yuppie notions about women lawyers be? I contend there simply is not much stereotype—or reality—to draw on because women lawyers, as a type, are a new phenomenon. Apart from knowing that women lawyers exist, most yuppies, and even yuppie lawyers, have no standard notions of how women lawyers should act or think. Accordingly, Catharine MacKinnon suggests women lawyers feel "schizoid" precisely because available norms conflict.<sup>159</sup> Indeed, role models for women lawyers are few; at Harvard Law School, for example, there were only six tenured female professors for its 1600 students in 1989. Therefore, it is no surprise that *L.A. Law*'s women lawyers would become legal heroes for entering students at the University of Pennsylvania

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155. See *supra* note 15 (*L.A. Law* has higher proportion of upscale viewers than most primetime series, but majority of viewers are not upscale.).

156. Stark interview, *supra* note 95.

157. Marc interview, *supra* note 68.

158. Telephone interview with Joseph Turow, Asst. Prof. of Communications, Annenberg School of Communications, U. Penn. (Mar. 3, 1989) [hereinafter Turow interview].

159. See *supra* notes 90-93 and accompanying text.

Law School.<sup>160</sup> The writers of *L.A. Law* are creating cultural prototypes for women lawyers. Of course, they are not writing on a completely clean slate; they can draw on images of women professionals generally, on their own experiences as lawyers and on their assumptions about what viewers want to see.

Therefore, I believe *L.A. Law*'s "high-budget" audience *is* impressionable in regard to the depiction of women lawyers. I am not suggesting that *L.A. Law*'s upscale viewers necessarily believe what they see nor that television influences their beliefs about women lawyers more than do other social factors, like school and family. However, I do believe *L.A. Law* provides a set of images of women lawyers that help to shape its upscale viewers' notions about women lawyers in real life.

The majority of *L.A. Law*'s twenty-five million viewers are not affluent professionals familiar with law and lawyers.<sup>161</sup> Whereas upscale viewers may have some ideas about women lawyers from real life with which to compare the fictional images of *L.A. Law*, most Americans have no basis for comparison. Most Americans, in fact, have no real-life experience with any lawyers.<sup>162</sup> Therefore, *L.A. Law* fills a gap in their knowledge of the law and legal profession. For many of these viewers, *L.A. Law* presents the first and only women lawyers they have seen. As one scholar notes, television "creates horizons of expectation that actually affect the way people understand things in life."<sup>163</sup> Accordingly, *L.A. Law* can create expectations about women lawyers among the general population. Regardless of whether viewers aspire to a legal career or whether they ever meet a woman lawyer, what *L.A. Law* says about gender politics, egalitarian relationships, sexism, feminism, and the work/family dilemma can have meaning in their own lives.

## VI. THE HISTORY OF WOMEN ON TELEVISION

In looking at the women lawyers of *L.A. Law*, one must explore the historical context in which they were created. Although the role of women lawyers on television has not yet been the focus of any in-depth study,<sup>164</sup>

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160. See Laden interview, *supra* note 49.

161. See *supra* notes 15-17 and accompanying text.

162. See Macaulay, *supra* note 7, at 197.

163. Thorburn interview, *supra* note 95.

164. I arrived at this conclusion after considerable research. Hopefully, the situation will improve before long. Indeed, the portrayal on television of one female occupational group—nurses—has already

the image of women in the mass media, and specifically on television, has been abundantly researched by scholars, feminists, and government commissions for several decades. In her 1963 classic, *The Feminine Mystique*, Betty Friedan condemned the “happy housewife heroine” pervasive in novels and magazines,<sup>165</sup> and noted that by the 1960’s female roles in films and television had eroded from “complex individual[s] of fiery temper, inner depth, and a mysterious blend of spirit and sexuality” (like Greta Garbo and Katharine Hepburn) to “a sexual object, a babyface bride, or a housewife” (like Marilyn Monroe and Lucille Ball).<sup>166</sup> Later that year the President’s Commission on the Status of Women criticized the mass media for “projecting, intentionally or unintentionally, an image (of women) that contains old myths, misconceptions, and even distortions of a true image.”<sup>167</sup>

#### A. Underrepresentation

Throughout much of the forty-year history of television, women have been either invisible or stereotyped.<sup>168</sup> The “invisibility” of women on television refers to the fact that women have been disproportionately underrepresented on television at ratios from 2:1 to 3:1 (men to women).<sup>169</sup> Between 1950 and 1980, women appeared in only 25% to 30% of all primetime roles.<sup>170</sup> The visibility of women in starring roles, however, has improved: the proportion of leading women in primetime rose from 25% in 1975-76 to 37% in 1978.<sup>171</sup> However, total female representation has changed little for most of television’s history, though

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been exhaustively documented in P. KALISCH, B. KALISCH, & M. SCOBAY, *IMAGES OF NURSES ON TELEVISION* (1983).

165. B. FRIEDAN, *THE FEMININE MYSTIQUE* 28 (1963).

166. *Id.* at 47.

167. PRESIDENT’S COMM. ON THE STATUS OF WOMEN, *AMERICAN WOMEN* (1963), *quoted in* C. Lewis, *supra* note 150, at 11.

168. *See* Cling, *supra* note 127, at 509-11; Zemach & Cohen *supra* note 128, at 428-29. The word “much” here signifies disagreement among media scholars about women’s portrayal over the last decade.

169. *See* Dominick, *The Portrayal of Women in Prime Time, 1953-1977*, 5 *SEX ROLES* 405, 407-08 (1979); Signorielli & Gerbner, *supra* note 142; N. SIGNORIELLI, *ROLE PORTRAYAL AND STEREOTYPING ON TELEVISION: AN ANNOTATED BIBLIOGRAPHY OF STUDIES RELATING TO WOMEN, MINORITIES, AGING, SEXUAL BEHAVIOR, HEALTH AND HANDICAPS* at xiv (1985) (numbers had not varied much by 1985).

170. UPDATE, *supra* note 142, at 5.

171. Signorielli & Gerbner, *supra* note 142, at 8. A recent *Newsweek* article listed 17 primetime shows starring women. Waters & Huck, *supra* note 122, at 49.

media analysts debate what has occurred in the last few years.<sup>172</sup>

### B. Content Analysis and Stereotyping

Numerous content analyses of women's television roles have found that when women do appear on television, they are often portrayed in "negative, socially disadvantaged ways, as powerless and inferior."<sup>173</sup> The stereotyping of women on television extends to their career choices as well as to more general characteristics. As several scholars note, "[m]arriage, romance, and family [have been] women's concerns in the world of television."<sup>174</sup> Women on television have been far more likely than men to have no identifiable occupation.<sup>175</sup> Although most working women were married during the years 1950 to 1980, television did not show this; primetime women were either working *or* married.<sup>176</sup> Even in their traditional domestic role, women were trivialized, for they not only

172. Signorielli & Gerbner, *supra* note 142, at 8; Zemach & Cohen, *supra* note 128, at 428 ("Although there is a trend towards a less biased depiction of women than in the past . . . the dominance of men on the screen is still widespread. . . .").

One might imagine that the numbers have improved measurably in the last ten years, but no systematic studies have been conducted since the early 1980's. See M. Cantor, *Women and Diversity: A Report to the Benton Foundation 28* (May 1987) (unpublished manuscript on file with the author). However, media scholars debate the degree to which women's underrepresentation and stereotyping have changed in the last decade. On one hand, Signorielli and Gerbner contend there has been little improvement. See N. SIGNORIELLI, *supra* note 169, at xv (indicates numbers have not changed). Moreover, certain seminal studies conducted in the late 1970's, e.g., Signorielli & Gerbner, *supra* note 142, and UPDATE, *supra* note 142, are still cited and relied on by researchers in the field. See Zemach & Cohen, *supra* note 128, at 428; Cling, *supra* note 127, at 509.

On the other hand, some media analysts believe that both the numbers and stereotyping have changed substantially in the 1980's. See Waters & Huck, *supra* note 122, at 49 (discussion of current female-dominated series). See generally MTM: 'QUALITY TELEVISION' (J. Feuer, P. Kerr & T. Vahimagi eds. 1984) (essays about programming of MTM Enterprises Inc., e.g., *The Mary Tyler Moore Show* (1970-77), *Hill Street Blues* (1980-87), and *St. Elsewhere* (1982-88), which improved the image of women on television to some extent); Horowitz, *supra* note 122, at 106-11 (explaining that programming has become more female-dominated to parallel changes in family structures).

173. Cling, *supra* note 127, at 510. Fifteen years earlier lawyer Nancy Stanley used stronger language: "Television is one of the largest purveyors of prejudice and contempt toward women in this country. In program after program, it presents women as flighty, frivolous, simple-minded persons, childish in need of masculine guidance." Stanley, *Federal Communications Law and Women's Rights: Women in the Wasteland Fight Back*, 23 HASTINGS L.J. 15, 16 (1971). Cf., U.S. COMM. ON CIVIL RIGHTS, WINDOW DRESSING ON THE SET 71 (1977) [hereinafter WINDOW DRESSING] ("Stereotyped portrayals of women and minorities, which have been part and parcel of successful program formats, are perpetuated by the networks in their pursuit of higher ratings and higher profits [because such] formats . . . have already proven popular.").

174. Signorielli & Gerbner, *supra* note 142, at 9.

175. UPDATE, *supra* note 142, at 61.

176. D. MEEHAN, *supra* note 139, at 124; see also Zemach & Cohen, *supra* note 128, at 428 (on television "fewer women worked outside the home than in reality"); W. CHAFE, THE AMERICAN WOMAN 195 (1972) (notes that after World War II majority of working women were married).

deferred to men as superior problem-solvers outside the home, but inside the home as well.<sup>177</sup>

Outside the home, working women on television historically have been restricted to traditional "feminine" jobs, such as nurses, secretaries, teachers, servants, students, and actresses.<sup>178</sup> Until recently, women have rarely been shown as lawyers, judges, doctors, or scientists, which are predominantly male roles.<sup>179</sup> Furthermore, working women have often been depicted as incompetent and subservient to competent male workers. Female nurses and secretaries cater to male doctors and lawyers.<sup>180</sup> One scholar has noted that patterns of television violence implicitly condemn both working women and unmarried women, for single women are more likely to be victims of violence than are married women, and working women are more likely to be villains than are housewives.<sup>181</sup>

Recently there has been a trend toward less biased depictions. Yet shows like *Cagney and Lacey*, starring two female detectives, are still the exceptions.<sup>182</sup> Most television roles continue to fit female stereotypes,<sup>183</sup> and "the [television] job force bears little relation to the actual job force."<sup>184</sup>

Substantial evidence demonstrates that many general characteristics of women on television are also sex-stereotyped. In their 1986 study, researchers Tamar Zemach and Akiba Cohen summarized many of the previous findings about sex-stereotyped traits as follows:

Women were depicted as passive, dependent, submissive, and

177. Tuchman, *supra* note 127, at 14 (noting that women's television image contradicts psycho-social concepts of traditional sex roles, which posit that women are "affective" or emotional leaders in solving personal problems at home).

178. Zemach & Cohen, *supra* note 128, at 428; Tuchman, *supra* note 127, at 13; UPDATE, *supra* note 142, at 61.

179. Zemach & Cohen, *supra* note 128, at 428.

180. Tuchman, *supra* note 127, at 13. In her book Diana Meehan outlines the typical roles primetime women play: imp, goodwife, harpy, bitch, victim, decoy, siren, courtesan, witch, and matriarch. See D. MEEHAN, *supra* note 139, at v.

181. Gerbner, *Violence in Television Drama: Trends and Symbolic Functions*, in MEDIA CONTENT AND CONTROL 28, 52-56 (G. Comstock & E. Rubinstein eds. 1972).

182. Cling, *supra* note 127, at 510.

183. *Id.*; but cf. *supra* note 172.

184. Dominick, *supra* note 169, at 411 (television women overrepresented in household and service work, and certain professions (education, nursing) as compared to U.S. Census); NAT'L COMMISSION ON WORKING WOMEN, WHAT'S WRONG WITH THIS PICTURE? A LOOK AT WORKING WOMEN ON TELEVISION (1982) (working women on television have been more likely to be professionals than in real life, but they primarily appear as nurses and teachers).

weak. Men, however, were presented as strong, dominant, rational, independent, and active . . . Women also were shown as warmer and more friendly . . . as more emotional . . . and as less rational . . . They usually appeared younger . . . more attractive than their male counterparts . . . and often served as sex symbols.<sup>185</sup>

Therefore, the question which logically follows is: *why* have women been so consistently underrepresented and stereotyped on television for so long? The rationales offered by media analysts are as much a part of *L.A. Law*'s background as are the stereotyped depictions themselves. First, some suggest that much of television's stereotyping accurately reflects the sexist reality of our society.<sup>186</sup> To some extent, this is true; occupations do tend to be sex-segregated in our country.<sup>187</sup> But it is not true insofar as television misrepresents reality, i.e., underrepresents women numerically and overrepresents women who have "feminine" attributes and roles. Nevertheless, the "reflection hypothesis"<sup>188</sup> does not *justify* the perpetuation of these sexist patterns on television any more than it would justify racist television to say society is racist.<sup>189</sup> Second, programmers have historically sought the largest audience possible and have claimed that audiences prefer male and sex-stereotyped programming.<sup>190</sup> However, recent television history and research weaken this argument; programs with strong female characters have proven successful,<sup>191</sup> and researchers have

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185. Zemach & Cohen, *supra* note 128, at 428 (citations to research studies omitted); *see also* B. GREENBERG, LIFE ON TELEVISION: CONTENT ANALYSES OF U.S. TV DRAMA 49 (1980) ("[T]he average television female has been a young, white, married mother. . . . Physically women are usually tall, thin, attractive, well-dressed, and less physically active. . . . [In] personality assessment . . . women show up as more dependent . . . submissive, weaker, less intelligent, more emotional, and more peaceable."). Female characters have typically been in their twenties, males in their thirties and forties. UPDATE, *supra* note 142, at 61. Furthermore, "[w]omen age faster than men [and] more women are cast in older roles than men of the same chronological age." Signorielli & Gerbner, *supra* note 142, at 9. However, in recent female-dominated shows, women over thirty are appearing more often. *Cf.* Waters & Huck, *supra* note 122, at 48, 49 (listing, e.g., *Murphy Brown*, *Golden Girls*, *Murder, She Wrote*, and *Kate & Allie*).

186. *See* Gross & Jeffries-Fox, *supra* note 140, at 254.

187. *See* Reskin, *Introduction*, in SEX SEGREGATION IN THE WORKPLACE: TRENDS, EXPLANATIONS AND REMEDIES 1-3 (B. Reskin ed. 1984).

188. *See supra* note 128.

189. Gross & Jeffries-Fox, *supra* note 140, at 254.

190. Sprafkin & Liebert, *supra* note 142, at 232; *but cf. infra* Section IX(B) (on trend toward programming for rich audiences as opposed to large ones).

191. *See* Waters & Huck, *supra* note 122, at 48-49 (on current popularity of series with leading women).

demonstrated that young girls prefer to watch female characters on television.<sup>192</sup> Finally, many media observers believe males and male values dominate television simply because men have always controlled television offscreen, both in creative capacities (writing and directing) and in executive capacities (producing, programming, and management).<sup>193</sup> While there are no systematic evaluations of this hypothesis, there was substantial consensus supporting it among the media analysts I interviewed.<sup>194</sup>

### C. *Women Lawyers on Television*

Before *L.A. Law*, women lawyers were seldom seen on television, and when they were seen, it was mostly in supporting roles and on short-lived shows or shows other than primetime dramas.<sup>195</sup>

192. See Sprafkin & Liebert, *supra* note 142.

193. See M. Cantor, *supra* note 172, at 1-35; Waters & Huck, *supra* note 122, at 48-54; F. MANKIEWICZ & J. SWERDLOW, *supra* note 5, at 152-57; UPDATE, *supra* note 142, at 86-126; Signorielli & Gerbner, *supra* note 142, at 9; T. GITLIN, *INSIDE PRIME TIME* 155 (1983) ("the 'old boys' are almost entirely white boys . . . and no one can doubt it affects the product's stereotypes. Women and minorities in key positions would be more likely than white males to collect their mass audience by affirming female and minority characters. . . .").

194. See *infra* Section IX(B); see also M. Cantor, *supra* note 172, at 1-35 (proposing research agenda for studying connection between women offscreen and on because no such studies have yet been done).

195. As explained *supra* at note 8, this paper focuses on women lawyers in primetime drama and is not a survey of all women lawyers on television. However, I will provide a brief overview of primetime series with women lawyers to convey a sense of their relative scarcity in television history. For my analysis of the earlier programs, I rely on two television guides: T. BROOKS & E. MARSH, *THE COMPLETE DIRECTORY TO PRIME TIME NETWORK TV SHOWS* (3d ed. 1985), and A. MCNEIL, *TOTAL TELEVISION: A COMPREHENSIVE GUIDE TO PROGRAMMING FROM 1948 TO THE PRESENT* (2d ed. 1984). In addition, I spoke with the authors of both books. McNeil interview, *supra* note 84; Marsh interview, *supra* note 84.

For eight months in 1951 there was a daily, fifteen-minute soap opera on NBC called *Miss Susan*, starring a paralyzed actress who played a wheelchair-bound lawyer in her Ohio hometown. A. MCNEIL, *supra*, at 432. *The Jean Arthur Show*, which lasted four months in 1966, was a situation comedy about a widowed defense attorney who worked with her lawyer son. The comic plots often involved her being one of "the most eligible women" in town. T. BROOKS & E. MARSH, *supra*, at 418. In the fall of 1970, a woman was one of three attorneys on *Storefront Lawyers*, which was set in a legal aid clinic for half the season, until the show was redesigned as *Men at Law* (apt title) and moved to a private law firm for the other half of the season. *Id.* at 800-01. *The D.A.* was a short-lived courtroom drama in 1971-72 with a female public defender in a supporting role. *Id.* at 193. In 1973 the film *Adam's Rib* became a situation comedy. It lasted four months and featured a woman as a junior partner at a law firm who often worked opposite her prosecutor husband. The show built many stories around the wife's crusade for women's rights (half of the show's writers were women). *Id.* at 11-12. Thereafter, Beth Davenport was a recurring character on *The Rockford Files* from 1974 to 1978; she served as defense attorney and romantic interest to star Jim Rockford. *Id.* at 717-18. Subsequently, two female associates at a private law firm appeared for two months in 1979 on the situation comedy, *The Associates*. A. MCNEIL, *supra*, at 52. The first primetime drama to feature a woman lawyer in the lead role was *Kate McShane*, which aired in 1975. T. BROOKS & E. MARSH, *supra*, at 442-43. Lasting only eight

Not until the 1980's did a woman lawyer become a lead in a successful primetime drama. From 1980 to 1987, "cooly professional"<sup>196</sup> public defender Joyce Davenport appeared on the crime drama *Hill Street Blues*,<sup>197</sup> the series Steven Bochco produced before *L.A. Law*.<sup>198</sup> Married to the show's star, police captain Frank Furillo, Davenport's role centered on encounters with Furillo at work and in bed.<sup>199</sup> In fact, although Davenport was seen working, her sexual role was perhaps more important than her work role; bedroom scenes capped most episodes and virtually all critics mentioned the "split/link between [her] physical appearance and professional role."<sup>200</sup> Thus, while Davenport was perhaps the first featured woman lawyer on a successful primetime drama who was meant to be taken seriously as a lawyer, her character was sex-stereotyped to the extent that her looks and sexuality overshadowed her professional role.<sup>201</sup>

Currently two situation comedies feature women lawyers—*Night Court* and *The Cosby Show*—but on neither series is the woman's lawyering role significant.<sup>202</sup> In the fall of 1986, when *L.A. Law* began, another still-running lawyer series, *Matlock*, also began. The show stars a fatherly attorney who has a female associate in a supporting role.<sup>203</sup> *L.A. Law*

episodes, Stark, *supra* note 5, at 262, the show was about an Irish-American woman who teamed up with her father, a former policeman who worked as her investigator, and her brother, a Jesuit priest who doubled as a law professor and helped with "stickier legal and moral questions." T. BROOKS & E. MARSH, *supra*, at 443. Recently there have been several situation comedies with women lawyers. *Sara*, lasting thirteen episodes in 1985, was about a legal aid office that employed two women lawyers, one white and one black. Marsh interview, *supra*. Marsh believes this was the first black woman lawyer to appear on a primetime television series. Shortly thereafter, *Foley Square* survived for fourteen episodes in the 1985-86 season and had a female prosecutor among its cast. *Id.*

196. A. MCNEIL, *supra* note 195, at 293.

197. *Id.* at 292-93.

198. Blodgett, *supra* note 25, at 25.

199. Jenkins, *Hill Street Blues*, in MTM: 'QUALITY TELEVISION', *supra* note 172, at 190.

200. *Id.* (Davenport was variously described as the "tanned, leggy beauty from the Public Defender's office" and "the sexy girlfriend . . . who often gets into Furillo's way at work, but also into his bed at home"). Even Todd Gillin, who described Davenport as the "New Woman" who "lives for her work," noted she was a "connoisseur of whatever pleasures of bed, table and beach can be snatched from the rigors of Furillo's and her dutiful lives." T. GITLIN, *supra* note 193, at 312.

201. This is *not* to say that Davenport's sexuality *per se* was problematic, for certainly a portrait of a woman lawyer devoid of sexuality would itself be a stereotype. Furthermore, the fact that Davenport's role centered around Furillo could be viewed as itself sex-stereotyped, but in my opinion this was largely a plot device that affected all the characters since Furillo was the main player.

202. These are personal observations. On *Night Court*, the laugh track/one-liner humor overshadows all the characters' work roles; on *The Cosby Show*, the stories are about the family, and the viewer sees little of the mother's lawyering or father's doctoring. See also Waters & Huck, *supra* note 122, at 50 (mentioning Claire Huxtable's superwomanish lack of credibility).

203. Marsh interview, *supra* note 84. *Newsweek* suggests that more series about women lawyers

marks the first primetime drama that has featured several women lawyers in leading roles.

## VII. THE WOMEN LAWYERS OF *L.A. LAW* IN HISTORICAL CONTEXT

### A. *Their Professional Lives*

The image of women lawyers on *L.A. Law*, according to one notable authority, “contrasts with and challenges the general presentation of women on television.”<sup>204</sup> All the media scholars I interviewed agreed that *L.A. Law*’s women lawyers are different from their television predecessors. Simply casting three women lawyers as leading characters is novel for television, given the dearth of working women and women professionals (other than nurses and teachers) historically. Furthermore, the degree to which the women lawyers resemble their male counterparts at work—in intelligence, competence, and devotion to career—distinguishes them from women portrayed on television in the past. Indeed, the fact that all the women are in litigation, a traditionally male area of law, augments the distance between them and their historical prototypes. On the other hand, the womens’ attractiveness and lack of power in the legal hierarchy conform to historical stereotype. Television scholar Earle Marsh observes that despite the increasing appearance of professional women on primetime television, few women are ever in top positions. Marsh also notes that while the female judges represent a symbolic break with the past, their impact is diminished by the passivity of their roles.<sup>205</sup> And one critic has commented that the apparent novelty of *L.A. Law*’s women lawyers must be balanced against certain sexist conduct perpetuated on the series, like Arnie’s womanizing, which undermines the overall pro-female slant the show might be thought to have.<sup>206</sup>

Despite the consensus among media scholars that *L.A. Law*’s women lawyers are generally distinct from their television predecessors, the critics

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are on the horizon; Terry Louise Fisher, for example, has been working on a pilot about a female district attorney. Waters & Huck, *supra* note 122, at 54.

204. Telephone interview with Dr. George Gerbner, Dean and Prof. of Communications, Annenberg School of Communications, U. Penn. (Feb. 22, 1989) [hereinafter Gerbner interview].

205. Marsh interview, *supra* note 84.

206. Telephone interview with Nancy Signorielli, Asst. Prof. of Communications, U. Delaware (Mar. 6, 1989) [hereinafter Signorielli interview].

disagree on how distinct they are.<sup>207</sup> Some critics think women's depiction has not evolved much overall, and that the few leading women every season on series like *L.A. Law* are token exceptions to the underrepresentation and stereotyping which still dominate television.<sup>208</sup> Others believe *L.A. Law*'s portrait of strong women is an outgrowth of nearly two decades of pro-female programming like that of MTM Enterprises (MTM), the company that produced *The Mary Tyler Moore Show* and *Hill Street Blues*.<sup>209</sup> Beginning in 1970, MTM programming marked a trend toward series which were more attentive to the lives of women. Because the realism, "gentle feminist bias," and "progressive values" of such shows appealed to the upscale audience programmers target, such shows have succeeded and multiplied. *L.A. Law*, these scholars believe, is one more step in the evolution of women characters that began with *The Mary Tyler Moore Show*.

Added to the debate is an observation made by both Dan Amundson<sup>210</sup> and Steven Stark<sup>211</sup>: television does everything by stereotype and, to some extent, always will. Stark wonders how free of stereotype men or women will ever be on episodic television, where time constraints necessarily undermine attempts to be realistic. Likewise, Amundson questions whether series like *L.A. Law* portend a new stereotype for women on television: the "superwoman," who effortlessly combines work and family life.

### B. *Their Private Lives*

"Private life" was a redundancy for the traditional television woman: she had no other. Careerless, she faced none of the issues confronted by the women lawyers of *L.A. Law*—the dissonance between professional and private life, or the work-family dilemma. Even after television women began working, career and family were mutually exclusive—they could do one or the other with some aptitude, but not both. Mary Tyler Moore, for example, was the archetypal "modern" woman with a successful career and a rocky private life, while her neighbor Phyllis was her married but

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207. See *supra* note 172.

208. Gerbner interview, *supra* note 204; Signorielli interview, *supra* note 206.

209. Thorburn interview, *supra* note 95; Amundson interview, *supra* note 80; Taylor interview, *supra* note 54.

210. Amundson interview, *supra* note 80.

211. Stark interview, *supra* note 95.

unemployed alter ego. Even now, according to one media scholar, television rarely depicts women trying to balance work and family.<sup>212</sup> Likewise, as another critic notes, professional women have at most been shown to have trouble mixing career and romance, but not career and family.<sup>213</sup>

In some obvious ways, *L.A. Law*'s women lawyers are different. "*L.A. Law* is not busy telling women they can't have both," notes one observer.<sup>214</sup> Ann and Grace have successful legal careers and relatively stable, ongoing relationships. Abby has a child, yet is slowly managing to establish herself in the profession. For all three, neither their professional nor their private lives are expendable. But in some less obvious ways, *L.A. Law*'s women lawyers are not so different from their television predecessors. Ann and Grace still defer to their "more rational" mates at home, and Abby was until recently the stereotyped emotional, vulnerable female victim. Furthermore, when children have entered the picture—with Abby, Ann, even Douglas—the mother is still the primary caretaker.

I do not mean to suggest that these traditional characteristics of *L.A. Law*'s women lawyers are merely stereotyped artifacts. Rather, they might represent the writers' self-conscious attempt to display plausible paradoxes and conflicts in the lives of contemporary women lawyers. In fact, the professional/private dissonance may be one face of the "schizoid" quality MacKinnon suggests women lawyers feel in a profession dominated by men and male values. Perhaps Ann and Grace deliberately and successfully assimilate the prevailing male norms for trial lawyers but find sex-role expectations at home less certain or manageable. Perhaps, too, Abby does represent the "different voice"<sup>215</sup> of women in law, and as her difference will not be embraced by a traditional male hierarchy, she must break away. Similarly, it might not be "mere stereotype" to suggest that women, even high-powered professional women, still typically occupy the primary caretaker position at home. On the contrary, the lawyers I interviewed suggest that this is still the case.

Thus, *L.A. Law* represents an advance over traditional television fare in showing women who have both professional and private lives and who

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212. Signorielli interview, *supra* note 206.

213. Turow interview, *supra* note 158.

214. Podheiser interview, *supra* note 77.

215. See generally C. GILLIGAN, IN A DIFFERENT VOICE (1982) The "different voice" of women refers to Gilligan's observation that females perceive themselves and their relations in society differently from males as a result of gender differences in moral development.

experience conflict in combining the two. Yet *L.A. Law* risks perpetuating old stereotypes and generating new ones when it glosses over the conflicts. For instance, the series verges on old stereotypes when it pays lip service to Ann's concerns about personal autonomy and allows otherwise rational women to lose their ability to reason when confronted with personal problems. Likewise, it verges on a new stereotype—the "superwoman"—when it ignores or oversimplifies Ann and Abby's conflicts in bringing up children.

### VIII. THE WRITERS' INTENT

Television writers of hit dramatic series like *L.A. Law* often feel misunderstood when viewers read "meanings" into their shows. After all, the writers primarily want to entertain. Nonetheless, *L.A. Law*'s viewers are not watching passively, "merely" being entertained: they are thinking about what they see.<sup>216</sup> Because the writers take pains to make the show seem realistic, and because they succeed at this, people watching it week after week do not simply dismiss it as mere writers' fancy. Instead, they think about it in relation to real life, and might scrutinize and construe the stories and characters in ways the writers do not intend.

However, the gap between writers' intent and viewers' perception may be narrower than usual for *L.A. Law* simply because the writers anticipate viewers' attentiveness and are therefore self-conscious about the messages they convey. On one hand, the series targets a sophisticated, affluent audience for whom the plots must be compelling yet not too "offensive" or "political." At the same time, writer David Kelley says they steer clear of endings "that may be too tough to take,"<sup>217</sup> and they avoid stories, observes writer William Finkelstein, that sound like "preaching . . . or too much in earnest."<sup>218</sup> On the other hand, apart from not wanting to strain viewers' credulity or tolerance for controversy, the writers also want to probe some unexplored issues and to treat them fairly. Finkelstein has remarked, "partly we just try to put issues on the table that don't always get addressed."<sup>219</sup> He adds that they do not want to oversimplify complex issues so as to "distort" them or to be "exploitative about the people

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216. Cf. *infra* Sections V(B) and V(C).

217. Orey, *supra* note 19, at 37.

218. Finkelstein interview 2, *supra* note 48.

219. *Id.*

portrayed."<sup>220</sup>

The women lawyers of *L.A. Law* are a product of its writers' self-conscious concerns about being fair and dramatically compelling without being "too political." Their thoughtful but cautious outlook came through in talks I had with writer-lawyer Finkelstein about the women lawyers.<sup>221</sup> The women, Finkelstein declares, are written like the men: they are "multi-dimensional" characters who are in the "morally ambiguous" position of representing "clients, not convictions."<sup>222</sup> He believes it is important to "differentiate the women as individuals rather than subsume their individuality into generalized concepts of women at the workplace."<sup>223</sup> Nevertheless, Finkelstein does acknowledge some heightened sensitivity about how the women *qua* women are represented. For example, he allows that "if there were only one woman attorney and she was a sex kitten, there is no question that would be harmful."<sup>224</sup> Furthermore, there are "women's issues" the writers want to address, like Ann's relationship with her baby and Abby's ambition not being taken seriously at MBCK (which, he says, is "not specifically because she's female but that goes into the mix").<sup>225</sup>

## IX. FUTURE TRENDS

### A. Demographics

What *L.A. Law* portends for future depictions of women on television is a matter of some debate among media observers. George Gerbner argues that neither the number of women nor the type of roles they play has changed significantly in the last decade. Consequently, characters like the strong women lawyers of *L.A. Law* will not become common on television until the creators of the programming change.<sup>226</sup>

Many other media scholars do not share Gerbner's appraisal of the

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220. *Id.*

221. *Id.*; Finkelstein interview 1, *supra* note 75.

222. The lawyers and writers of *L.A. Law* have an orthodox notion of lawyers' zealous duty to their clients which does not always correspond to modern legal codes of ethical behavior. *See, e.g.*, *supra* note 66 and accompanying text.

223. Finkelstein interview 1, *supra* note 75.

224. *Id.*

225. *Id.*

226. Gerbner interview, *supra* note 204.

image of women on television, and their reasons are largely demographic.<sup>227</sup> In the 1970's, programming strategies changed when sponsors no longer sought the biggest audience but the richest—the “POM's” (professionals, officers, and managers, in A.C. Nielsen lingo).<sup>228</sup> The introduction of cable television further stimulated this class-oriented strategy by diminishing the size of the network audience.<sup>229</sup> Professional women became especially prime targets because of their buying power, their interest as females in certain kinds of products sponsors promoted, and above all, the fact that there were more women than men watching primetime television.<sup>230</sup>

To appeal to such upscale viewers, programmers wanted shows that presumably reflected “upscale” values, i.e., consumerism, middle-of-the-road feminism, and professionalism. Series with strong female characters, like *The Mary Tyler Moore Show* in the 1970's, and now *L.A. Law*, are believed to have this appeal.<sup>231</sup> *L.A. Law*'s overall success, as well as its popularity with upscale viewers, confirms that the formula for upscale appeal is still a winning one. As long as programmers continue to seek upscale viewers to whom series like *L.A. Law* appeal, such programs—and their strong female characters—will also continue.

### B. *Women Behind the Screen*

In contrast to their debate over demographics, media scholars generally agree that women in production do bring a different perspective to television. *L.A. Law* writer Finkelstein believes women writers have a different perspective than men, and he seeks out “women's voices” when writing parts about women.<sup>232</sup> However, sociologist Muriel Cantor notes that there is no empirical support for drawing a connection between more women in production and more female-oriented programming.<sup>233</sup> Cantor observes that there are far more women in production than ever before, but she believes that women followed a change in programming—like a move

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227. Marc interview, *supra* note 68.

228. See Stark, *supra* note 5, at 271-72.

229. Marc interview, *supra* note 68.

230. See Stark, *supra* note 5, at 271-72.

231. See *supra* Section VII (on *L.A. Law*'s place in this programming trend).

232. Finkelstein interview 2, *supra* note 48.

233. Telephone interview with Muriel Cantor, Prof. of Sociology, Am. Univ. (Mar. 2, 1989) [hereinafter Cantor interview].

toward more domestic comedies—rather than led the change. Yet many analysts believe that women in production do affect programming, and that women-oriented programming will continue to flourish as long as women in production do.<sup>234</sup>

Many media analysts I spoke with suggested that writer/co-creator Terry Louise Fisher made a difference to the pro-female direction *L.A. Law* took. For instance, Fisher co-wrote the stripper story, but she had left the series when the episodes about the c-section and the nudist colony (when the centerfold was shown) were done. A former prosecutor and entertainment attorney, Fisher has stated she drew on her background and personality for characters and stories.<sup>235</sup> Having encountered admirable women lawyers in her career, she created autonomous women attorneys for the show.<sup>236</sup> She aimed to portray egalitarian relationships because she was “not interested in exploring the paternalistic role or submissive female . . . of nighttime soaps.”<sup>237</sup> The women lawyers, she said, are “armored [because] they’ve had to be and it’s a little hard to . . . let it down.”<sup>238</sup>

One suspects that a woman lawyer might have problems with the centerfold scene, which writer-lawyer David Kelley wrote by himself. Yet it is impossible to know what impact Fisher or the other women writers—Michele Gallery and Judith Parker<sup>239</sup>—have had on *L.A. Law* without their specifying what they have written. Absent such information, all comments about *L.A. Law*’s female voice are speculative. I am not suggesting *L.A. Law*’s male writers contribute nothing to the pro-female elements of the series; my discussions with William Finkelstein indicate otherwise. However, it is my impression that Fisher’s special commitment to present strong women, and her own background as an attorney, contributed significantly to the centrality of women lawyers on the show.

Thus, *L.A. Law*’s women lawyers might be harbingers of a future with

234. Among those concurring with this viewpoint are Dan Amundson, David Marc, Earle Marsh, Alex McNeil, Horace Newcomb, Nancy Signorielli, and Ella Taylor.

However, male producers and writers have been responsible for some notable series with strong female leads, like those produced by MTM Enterprises (e.g., *The Mary Tyler Moore Show*, *Rhoda*, and *St. Elsewhere*) and by Norman Lear (e.g., *Maude*, and *Mary Hartman, Mary Hartman*). See A. McNEIL, *supra* note 195, at 408, 410, 416, 542, 560. Furthermore, women are still far from dominant off screen. Earle Marsh states that women are still a minority of primetime writers and producers and hold virtually no positions in network programming. Marsh interview, *supra* note 84.

235. Kort, *supra* note 12, at 42-43.

236. *Id.* at 38, 44.

237. *Id.* at 44.

238. *Id.* at 43.

239. See Orey, *supra* note 19, at 35.

strong, professional women characters on television. While cautious about predicting sudden or dramatic change after years of invisible and stereotyped women, I am generally optimistic about the future for women both on and off the screen. As long as the prized upscale viewers want to see strong women, and as long as writers—female and male—continue to write them, I believe the primetime audience will be seeing more female characters like Ann, Grace, and Abby—and maybe even stronger ones.

#### X. CONCLUSION

*L.A. Law* marks the first time in television history that a successful primetime drama has featured several women as lawyers. For decades television has reflected and reinforced societal prejudice against women in nontraditional roles. *L.A. Law* is different: its writers attempt to portray women lawyers as serious and intelligent professionals who are the equals of their male counterparts. In general, the writers succeed in this attempt, though the result is marred by some residual stereotyping.

The series provides models of women lawyers performing with skill and confidence in diverse positions—as litigators, prosecutors, and judges. While none of the regulars are pillars of the profession, neither are they pigeon-holed in so-called “female” or “mommy-track” areas of law, like trusts and estates. The series also shows that career plays an equally important role in the lives of its male and female lawyers. In addition, both an aggressive “male” style and a more mediation-oriented “female” style have been shown to be successful approaches in law. The independence and diverse caseload of the women lawyers can benefit their real-life counterparts. As one attorney observes, “some clients are reluctant to be represented by women because they don’t see them as authority figures. *L.A. Law* could give them confidence that female lawyers can handle more than domestic relationships and probate.”<sup>240</sup>

Although the women lawyers of *L.A. Law* occupy positions in a male-dominated legal profession, there is little discourse on sexism or feminism in their own lives. Occasional remarks suggest they all have feminist sympathies, and the show does treat favorably certain areas of feminist concern in law, such as date rape and wife-battering. But the lives of the female attorneys are generally free from the sexism of superiors,

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240. Waters & Huck, *supra* note 34, at 88 (quoting Los Angeles attorney Gloria Allred).

colleagues, and clients which affect women lawyers in real life.<sup>241</sup>

The behavior between and among the sexes conveys some important ideas about the way women lawyers cope at work and home. The mentoring relationship between Ann and Abby, unmatched among the men, demonstrates one way women lawyers do adjust in a male-dominated field. Yet the superficially egalitarian relationships Anne and Grace have at home suggest a professional/private dissonance in their lives that the men do not experience.

Finally, *L.A. Law* has to a limited extent displayed the work/family dilemma for women lawyers. The show has been praised for exploring the extent to which women have to "become like men [and] sacrifice personal lives for their work to succeed."<sup>242</sup> However, if the series glosses over the problem for Ann as it has for Abby, it runs the risk of perpetuating the superwoman stereotype. On the other hand, to the extent *L.A. Law* continues to show Ann trying to cope in some meaningful way with the problem, it can contribute to public dialogue about an important issue for Ann's real-life counterparts.

Therefore, as Americans begin to formulate their impressions of women lawyers, *L.A. Law* fosters this process by providing generally strong models of women lawyers for twenty-five million Americans to view each week. Given current trends in network viewership and production, it is likely that series like *L.A. Law* which depict strong female professionals will continue into the future. After so many years and so much stereotyping, it is heartening to envision a future where television promotes, rather than inhibits, gender equality.

## XI. EPILOGUE

It is March 1990 as I write this, and a year has passed since I finished my research and writing of the preceding analysis. Now in its fourth season, the *L.A. Law* saga continues.<sup>243</sup> Generally, my earlier impressions of *L.A. Law* remain intact; most of the women lawyers depicted are smart and strong, and the show continues to delve into issues relevant to women lawyers in real life. However, the program still contains flaws.

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241. See *supra* notes 115-19 and accompanying text.

242. Rowe, *supra* note 43, at 25.

243. The firm is now called MacKenzie, Brackman, Chaney, Kuzak and Becker [hereinafter "MBCKB"].

What follows is a brief update and general appraisal of recent events on the show.

A. *Ann Kelsey*

Pregnancy and motherhood still dominate Ann's life. At the end of the third season, Ann and Stuart lost their adopted daughter to her natural mother, but they subsequently had their own baby, Matthew. Ann continued working until late in her pregnancy and resumed working after some period of maternity leave.

Before Ann gave birth, the writers seemed to use her pregnancy to heighten dramatic tension by placing Ann on the less predictable side of certain issues, as if to say, "look what side the pregnant lady's on." For example, during her pregnancy Ann wanted to litigate against anti-abortion advocates whose protests outside an abortion clinic traumatized the teenage daughter of a friend of hers. However, Leland and Douglas convinced Ann to refuse the case, claiming several large clients would leave the firm if she took such a stand. With some difficulty, Ann accepted the outcome. Similarly, a very pregnant Ann represented an obstetrician in a malpractice suit brought by a woman whose newborn infant died during delivery. Ann won the case, but only after her verbal attacks on the bereaved woman in court became so strident and personal that Abby had to take over the questioning. In her closing argument, Ann apologized for her vitriole, explaining that she wanted to blame the plaintiff for her own misfortune rather than blame fate, which neither the plaintiff nor Ann could control.

In both of these cases, Ann ultimately "proved" that pregnancy does not necessarily detract from being a good lawyer, as long as a pregnant woman, like women generally, does not let personal feelings and convictions—her "ladylike" side, according to the MacKinnon typology—cloud her judgment. Of course, viewers cannot know whether refusing the abortion case would actually prevent clients from leaving the firm or, even if it did, whether such refusal would necessarily constitute "good" lawyering. Nonetheless, *L.A. Law* seems to demonstrate once again that a successful litigator is one who adheres more to the male model in the MacKinnon scheme, level-headed above all else.

After Matthew's birth, Ann's adjustment to leaving work and later to juggling work and motherhood presented several layers of conflict. During her maternity leave, Ann was anxious about being homebound while Stuart was out litigating and while a new female partner, Rosalind Shays,

occupied her office and perhaps her place at the firm. Now back at MBCKB part-time, Ann's life has centered on her competitive feud with Rosalind.

*L.A. Law's* portrayal of Ann after she gave birth has had both strengths and weaknesses. On one hand, the writers have tried to articulate Ann's anxiety about being a professional working mother. Further, they have shown her attempt to resolve such anxiety by choosing to work part-time. On the other hand, instead of continuing to illustrate how Ann copes with the work/family dilemma, the writers have her consumed by her competition with another woman partner. This competition is unfortunate; not only does it detract from Ann's otherwise serious attempts to cope at work, but it suggests that women lawyers commonly fight among themselves. In a profession where women, and especially women partners, are in the clear minority, it is more typical, according to most women lawyers with whom I have spoken, that women are supported by their female colleagues rather than the opposite. While it may be unreasonable to expect a television drama like *L.A. Law* to take a near-political stand by exhibiting pronounced solidarity among women lawyers, it is surprising that manifestations of sexism by men against women in the legal profession are less visible on the show than a stereotyped "catfight" between two women partners.

#### B. *Grace Van Owen*

Because of two recent changes in her life, Grace appears to be even stronger and more autonomous than in previous seasons. On the professional front, she has become a state court judge, appointed by the governor to fill a vacancy left when another judge died. On the personal side, Grace and Michael have separated, by mutual choice, after an extended period of squabbling and disenchantment.

Grace's judgeship squarely places one of *L.A. Law's* women lawyers in a position of authority in the legal profession. According to Michael, Grace became known as the "hanging judge" shortly after becoming judge, chiefly because she gave a juvenile convicted of murder an unprecedented life sentence. While Grace's hard line comes as no surprise in view of her prosecutorial background, what is novel is the degree to which Grace's steeliness is tempered by a heavy dose of compassion—evidently, the emergence of Grace's heretofore concealed "female" side at work. For example, while Grace was prepared for the procedural aspects of the

judgeship, she was initially quite insecure with the substantive decision-making. She worried about the juvenile sentence and even looked to a more experienced male judge for guidance. Confiding that he, too, struggled with decisions, the male judge instructed Grace to leave the soul-searching behind when she renders decisions so that she can control her courtroom. It is interesting to note that before becoming a judge, Grace had exhibited signs of mellowing—her gentleness with an abused child on the stand, her sympathy for Victor's raped girlfriend, Alison. But perhaps it is only as a judge on *L.A. Law* that Grace can successfully mesh stereotyped male and female attributes because, in the popular imagination as rendered in *L.A. Law*, successful judges are both strong and compassionate, and thus less clearly comport to stereotyped gender-specific behaviors than do successful litigators.

In her personal life, Grace's break-up with Michael appears to have made her more self-reliant. While viewers have not seen what, if anything, has happened in Grace's personal life, we do know that she does not depend on Michael's guidance anymore, either personally or professionally. In fact, while Grace and Michael have stayed friends, it appears that she, not Michael, is "calling the shots" in regard to their possible reconciliation. Thus both in and out of court, Grace may be adopting more gender-balanced behaviors according to the MacKinnon scheme.

### C. *Abigail Perkins*

Abby rejoined the firm at the end of last season, invited back by Leland after she proved her litigation skills in solo practice and the firm had trouble replacing her. While on her own, Abby had become assertive and decisive in court once she overcame her initial hesitation about being financed by drug-dealing clients. In fact, she developed a "male" courtroom style like that of Grace, maneuvering at trial with no hint of indecision.

This season viewers have seen Abby's newly-honed litigation skills only twice. On one occasion, she performed competently, taking over for Ann in the obstetrical malpractice trial. Yet on another occasion, she did not perform so admirably. Representing a divorced woman in a civil action against the ex-husband who battered her, Abby—herself battered by her ex-husband—became personally involved in the case. The judge, also female, had to chastise Abby repeatedly for her outbursts, e.g., when Abby exclaimed during the ex-husband's testimony, "Permission to vomit, your

Honor.” In the end, Abby’s client won only nominal damages.

Like Ann in the malpractice case, Abby erred in the battered-wife case by letting her emotions take over. However, Abby’s personal involvement in the case did not have only bad results. Her obvious concern for her client’s welfare proved valuable, as Abby was able to discourage the woman from reconciling with her evidently nonreformed ex-husband. It will be interesting to see whether Abby’s litigation style evolves toward one which combines an aggressive “male” courtroom posture with “ladylike” empathy for clients.

Abby’s personal life has been wholly unmentioned since last season. She listened to Ann confide her own anxiety about being a working mother as if she herself had experienced similar self-doubt. However, Abby, a single mother whose childrearing burden is clearly greater than Ann’s, has not articulated any similar concern during the past season.

#### D. *Dorothy Wyler, Rosalind Shays, Diana Moses*

Dorothy Wyler is gone, rather mysteriously. At the beginning of the season, Douglas announced that Dorothy, suffering from the Epstein-Barr Syndrome, was improving physically but had to be fired because her work was unsatisfactory. Since many women lawyers with whom I spoke expressed interest in the role of an older woman returning to legal work, it is unfortunate that Dorothy left without a trace.

Rosalind Shays is a new partner at MBCKB. In the most recent episode I viewed, she was voted senior partner at MBCKB after Leland resigned. The post fell to her largely by accident, however, since Douglas, who otherwise would have won, voted against himself in his pessimism about winning. Like Grace, Rosalind is a leading figure in the legal profession—a “rainmaker” or partner who has and who attracts big clients. Rosalind was asked to join MBCKB because the firm needed revenue which she could supply. However, Rosalind is virtually a caricature of an evil, manipulative female. Savvy, domineering, and deceptively charming, she seeks out and exploits everyone else’s weaknesses for her own advantage.

Ann alone among the partners “sees through” Rosalind. Consequently, they battle over everything from office space to clients with cartoon-like “pistols-at-dawn” dialogue, e.g., Ann challenges Rosalind, “Don’t take you on? Don’t you take me on!” It is unfortunate that *L.A. Law*’s writers have chosen to make Rosalind such a soap opera-ish stereotype because the strengths she has are nearly completely obscured by her evilness. She is

evidently a very intelligent and articulate lawyer, and she has been strong in the face of male opposition in a way that Ann has not been. Further, she is a rarity in real life: a middle-aged female lawyer who has reached the top echelon in the world of private law firms. Therefore, Rosalind could be more that the firm troublemaker if the writers so choose.

Another new female character on *L.A. Law* is Diana Moses, a young, black law student working part-time at MBCKB. Diana has chiefly been used as a foil and romantic interest for the firm's only other black lawyer, Jonathan. To illustrate, when the firm considered acquiring a client with substantial South African investments, Jonathan vowed to quit but Diana would not, claiming she resented having to choose between her job and a show of black solidarity.

What has been most troubling about Diana is the fact that she was hired at least partly because Jonathan, her interviewer, was attracted to her. Now, conveniently, they are living together, and she has since divorced the man she was married to at the time of her interview with Jonathan. While the Diana-Jonathan romance clearly serves a dramatic purpose, the fact that she was hired at least partly because of her looks demonstrates perhaps the most ancient form of sexism in the workplace. That Diana is also intelligent does not mitigate the harm. Adding insult to injury, not only has nothing been said on the show about Jonathan's blatant exhibition of sexism, but Jonathan's personal life has been enhanced because of it.

#### *E. Judges and Adversaries*

*L.A. Law* continues to be populated by many women lawyers in the roles of adversaries and judges, in numbers that certainly exceed those in real life. Several of these characters have had featured parts. For example, Margaret Flanagan, the female prosecutor in a death penalty case of Michael's, became the focus of attention because prosecutorial misconduct was the winning grounds for appeal of the conviction. Smart but overzealous, Margaret overstepped the bounds of legal ethics by concealing evidence from the defense. Her prosecutorial style thus provided an interesting contrast to Grace's, for while both women were aggressive in court as would be the stereotyped MacKinnon male, Margaret's maleness—her competitiveness and desire to win—overpowered her ethics in a way that Grace's conscience would never permit. Thus, the outcome of the Flanagan case conveyed the message that even a prosecutor, commonly

regarded the most “macho” of litigators, cannot succeed with an undiluted “male” approach.

#### F. *Off-Screen Changes*

Steven Bochco is no longer executive producer of *L.A. Law*; writer-lawyer David Kelley is. Both Kelley and William Finkelstein, whom I interviewed, have written most of the episodes this season. Occasionally, too, the name of a new woman writer will appear. However, while I still firmly believe women off-screen bring a different perspective to television, I must credit Kelley and Finkelstein for what appears to be the increasingly pro-female slant of *L.A. Law*—the large number of women lawyers and judges, their manifest skill, and now, finally, their leadership roles in the profession.

#### G. *Final Thoughts*

I hope *L.A. Law* continues to portray women lawyers who are clearly the equal of their male counterparts. Nevertheless, I have two reservations. First, while the strength and abundance of *L.A. Law*'s women lawyers does acclimate the viewing public to the growing number of women in law, the show generally paints a rosier, more sexism-free picture than exists for most women lawyers. While Grace fell into her judgeship, and Rosalind appeared with rainmaker status and suddenly was elected senior partner, and Abby triumphed quickly in solo practice, judgeships, rainmaking, senior partnerships and solo practice have not come so easily to women lawyers in real life. Of course, *L.A. Law* is only a drama, but with a drama so seemingly “real,” there is the danger that the reassuring picture will render suspect the real-life problems of women lawyers.

My second reservation about *L.A. Law* actually has less to do with the show than with its reception. As a feminist, I have researched and written from the perspective that gender equality in the legal profession is to be championed and encouraged. However, I was recently reminded that not everyone shares this basic tenet. The following remark about *L.A. Law* was made by the celebrity divorce lawyer Marvin Mitchelson:

*L.A. Law* portrays its women lawyers realistically. In real life female attorneys tend to be over-aggressive too. They generally lack a sense of humor; they're more defensive and have a

misconception about what their male counterparts do. I can have a real fight in a courtroom with a guy, and then be laughing with him 10 minutes later. With a man you don't carry a grudge down the hall. You can't do that with a woman attorney.<sup>244</sup>

Clearly, a single television show like *L.A. Law* cannot erase years of deeply entrenched sexism in law. I still hope, however, that it can make a difference.

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244. Elm, *America's Top Attorneys Tell: What We'd Like to See on L.A. Law*, T.V. GUIDE, Mar. 10-16, 1990, at 6.