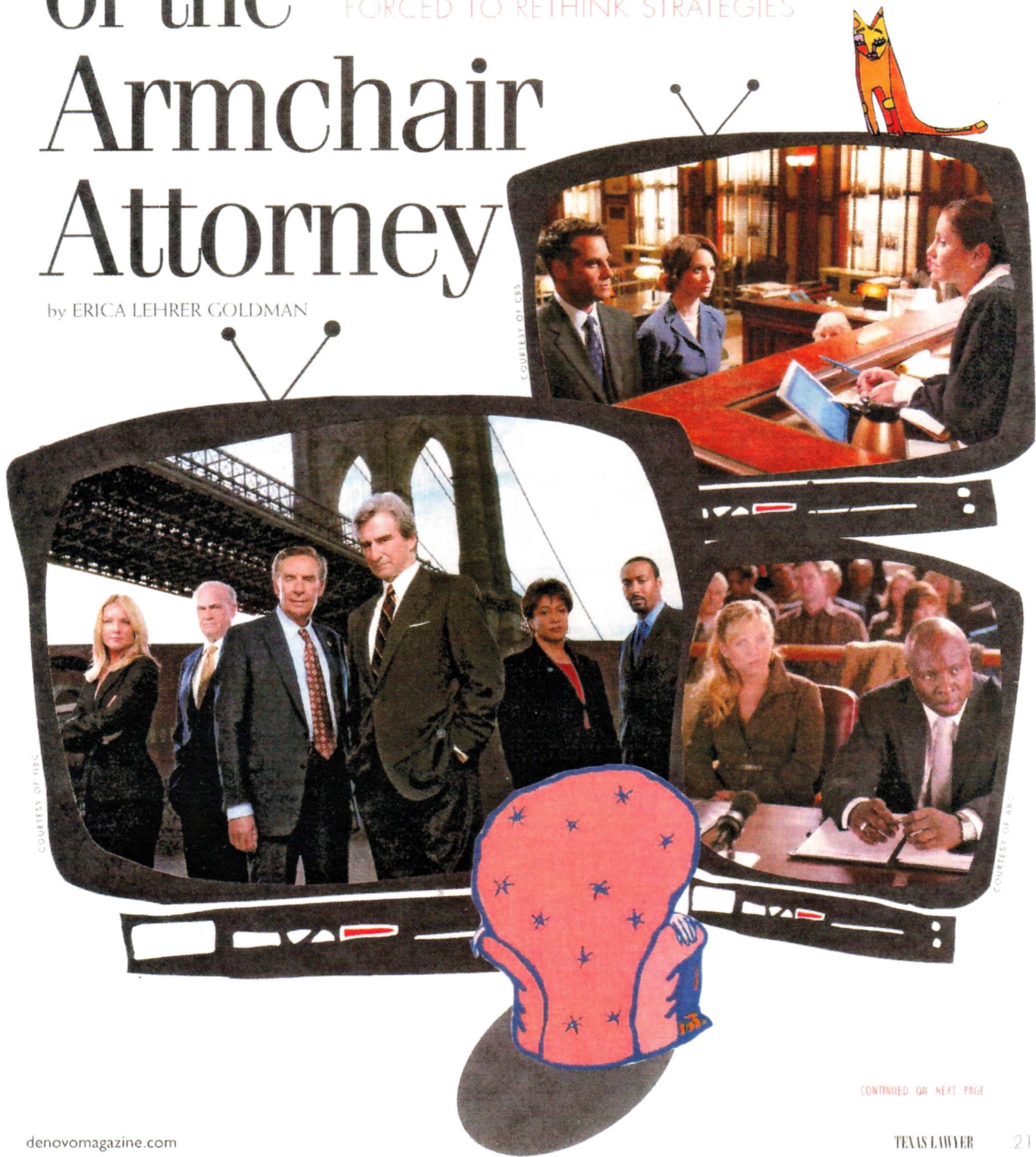


# The Advent of the Armchair Attorney

WITH TV-WISE JURORS, LAWYERS  
FORCED TO RETHINK STRATEGIES

by ERICA LEHRER GOLDMAN



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that the public is interested in the legal system. So Parnham believes that the criminal justice system and public would be well served by allowing the television camera into the courtroom in real life. That way, they'll know the truth, not Hollywood-created fiction.

"It's reality TV," he says of what happens inside courtrooms.



"All this television-watching creates an expectation" among jurors, says Mary Griffiths, because these shows essentially spoon-feed the viewers.

"The objections I hear most frequently involve an opinion that the participants will play to the camera, but what needs to be understood is that lawyers will do a better job representing their respective clients — either the state or defense — when those attorneys are aware that the public is watching. I think bringing the camera into the courtroom [also] will keep judges on their toes. . . . It's naïve to assume that the public is ignorant and oblivious, [but] let's show the real deal in the

courtroom. [It's] the public's right to know," Parnham says.

Although he confesses to having occasionally tuned in before dozing off at night, Parnham says he goes out of his way to avoid watching television's programs involving legal fiction. "What I do is either criticize the reality of the proceedings that are being put forth on the screen or I get disgusted with the portrayal of the criminal justice system and the defense lawyers," he says. "I prefer

**With the success of shows such as "Law & Order," it's apparent that the public is interested in the legal system.**

to read a good book."

Williamson County District Attorney John Bradley, for his part, when asked if he watches such shows admits: "Not voluntarily." Bradley says that his wife enjoys them — particularly CBS's "CSI," about crime scene investigators, and that if he wants to spend time with her, he winds up having to see some of these shows. However, Bradley adds, he never has been able to sit through an entire episode of "The Practice." He says he runs "screaming" from the room before it's over.

"Prosecutors cringe when these shows come out," Bradley explains. "They make our jobs immensely harder. They create very, very bent perceptions of how police work is done and how investigations are conveyed to a jury in the courtroom. The distance between television and reality is immense."

Bradley finds that many of the shows portray prosecutors negatively, "subtly suggesting that prosecutors are willing to try

anything just to get a conviction and will cut corners. Dramatically, that's more interesting than the truth," he says. "In reality, prosecutors are well-trained and take their jobs seriously — but that is not [as] dramatically interesting."

The threat of "armchair attorneys" being created by these legal dramas is very real, Bradley says. Those who watch such shows regularly, upon becoming jurors in an actual courtroom, may be inclined to second-guess or be skeptical of what they are being shown or told during trial. For example, the layman's perception of *Miranda* warnings often is based on television dramatizations, Bradley notes. "Consequently, my juror sitting out there is going to look negatively on conversations the prosecution is trying to bring into evidence that are perfectly legal, [and] may not give them the weight they deserve because of their preconceptions [about *Miranda* warnings]."


"It's not just the law I worry about," Bradley adds. It's also the "dangerous" theme that runs through a number of the programs: the "false presumption" that all crimes can be solved scientifically. In fact, most involve talking to witnesses and rigorous detective work, he says.

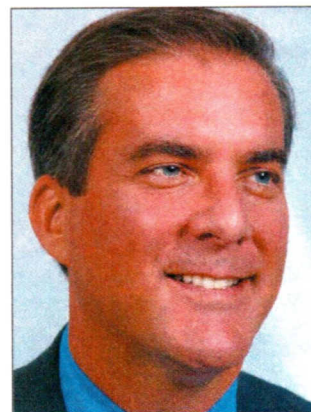
Realizing the impact television shows have on potential jurors has made Bradley and other prosecutors reconsider such factors as courtroom demeanor and presentation of evidence, in what Bradley calls an example of "life imitating art."

Bradley encourages his prosecutors and investigators to take classes in the use of software and computers; Powerpoint and multimedia presentations are regularly used, which is not only dramatic, but effective in focusing the jury on the evidence during testimony.

Because of all the TV shows depicting lawyers and the justice system, "We are much more aware of how we have to behave in the courtroom," he says. "Jurors expect some fireworks." So, for example, reacting in court with "a small explosion" at appropriate times "enables the jurors to pick up that this prosecutor cares very much about this case," he says.

Perhaps what is most telling, though, is the fact that lawyers such as Bradley and Parnham and jury consultants such as Griffiths regularly evaluate potential jurors on the basis of what television shows those citizens watch.

"It's a common question now when we pick a juror," Bradley says. "If someone is regularly watching 'The Practice,' and loves what they do, I have to believe they have great sympathy for the defendant and think the prosecutors do bad things. If they favor 'NYPD Blue,' that's probably my juror." 



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