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Ethics Panel Addresses Effects of TV on the Legal Profession

By Greg Racz

L.A. Law ended its run on TV this spring. But its effects will likely be felt for years.

And that’s bad news for the legal profession, say judges and lawyers who spoke at a Law and Ethics panel at UB Law School this spring.

Through nearly 200 episodes, L.A. Law riveted viewers with its wildly confrontational courtroom scenes. Lawyers took turns yelling at judges, badgering jurors and screaming at each other. The high-voltage antics won fans and spawned copycat TV shows and movies such as Law and Order and A Few Good Men.

What worries the speakers is that now life may be imitating art.

“There’s a school of thought that is L.A. Law, it’s confrontational,” said Hon. Michael A. Telesca ’55, a federal judge in Rochester. “It makes great TV. It makes good box office but it’s not what works. If anything will turn us off, it’s the in-your-face approach.”

Judge Telesca says he sees more and more lawyers, especially young ones whose only trial experience may have been watching Victor Sifuentes litigate, act in less and less civil ways.

Telesca is not alone in his view.
Both U.S. Supreme Court Justice Sandra Day O’Connor and New York Supreme Court Chief Judge Judith Kaye have spoken out about what they call the trend toward incivility.

In response, UB Law School has reaffirmed its commitment to teaching its students about legal ethics. Its “lawyering” course is required for all first-year students. And its trial technique course, in which professors invite practicing attorneys to class to discuss proper courtroom etiquette, is now taken by more than 90 percent of UB Law students.

Hon. M. Dolores Denman ’65, presiding justice of the Fourth Department, New York State Supreme Court, who also spoke at the UB panel, says students need to learn at the wings of good lawyers, not highly rated TV shows. To that end, she urges students to take part in the Erie County Bar Association’s one-on-one mentoring program. The program allows law students and newly minted lawyers to work closely with senior attorneys and judges in Western New York.

Learning how to be a professional used to be easier, Justice Denman admits. When she studied at UB Law School, she and her classmates spent hours in nearby courtrooms, watching and listening and picking up tips.

“Because of the distance to the courts, and perhaps as a result of so many lawyer movies and TV shows and books,” says Justice Denman, “there’s a distorted view of how one behaves professionally.”

Approximately 100 law students turned up at O’Brien Hall for the law and ethics panel, which was held in conjunction with the Trial Technique course. One third-year student who attended says he wishes he had more time to devote to the subject. He commented, “Going through school, with graduation, finding a job, and preparing for the bar exam, legal ethics is the last thing on your mind.”

But it should not be, argues Telesca, if only for reasons of self-interest. Telesca says lawyers with poor reputations suffer, especially in close-knit communities such as Erie County, where many UB Law students end up practicing.

First, such lawyers tend not to receive many referrals from their peers. Second, such lawyers give judges and opposing counsel a cause to turn their backs on requests for adjournments.

“And the most valuable currency you can have is to get adjournments,” says Telesca. “It’s the one thing you’ll live and die for. It pays to get along with the other attorneys.”

Is it a stretch to hold a TV show to blame for rising nastiness? Perhaps.
The speakers note that fierce competition for jobs and growing pressure for maximum billable hours also play a part in the trend toward incivility.

But Barry Boyer, dean of the UB Law School, says not to discount a TV show that won Top 10 ratings and awards for best drama.

“It doesn’t help,” Dean Boyer says. “It contributes to the feeling that that’s the way the game is played.”

Students agree and look at L.A. Law with a critical eye. Chris Gresham, then a third-year student, used to like L.A. Law.

“Now I see L.A. Law and laugh,” Gresham says. “Half the show is just dramatization. Overdramatization.”