

# Trial and Errors: Comedy's Quest for the Truth

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But I would rather have you learn, first, the art of terrestrial comfort; teach you how to laugh—if, that is, you really insist on remaining pessimists. And then it may perhaps happen that one fine day you will, with a peal of laughter, seen all metaphysical palliatives packing, metaphysics herself leading the great exodus.

Nietzche<sup>1</sup>

Comedy is a social phenomenon, a reflection, if not critique of the prevailing (or narrow-minded) beliefs of a given culture. It develops as a community outgrowth, a moment of light attack on the existing norms of a given population. Comedy finds its way into the smallest forms of human communication and expression, extending from tiny-witticisms or ill-mannered jokes to the full-blown parodies or comprehensive satires of human existence often found long-form in the mediums of novels or films, or, in other words, through the outlets of pop culture itself.

Comedy defines itself in relation to social categories<sup>2</sup>; directed as an often derisive attack on the status quo, it situates itself as a disrespectful observer of a given situation, society, culture, or even a particular human behavior. While comedy consists of universal components attributable to many facets of human interaction and activity, its true thrust (and intended goal) depends on its ability to delve into a commu-

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<sup>1</sup> FREDERICH NIETZCHE, *THE BIRTH OF TRAGEDY & THE GENEALOGY OF MORALS* 14-15 (Francis Golfing trans., Doubleday 1956).

<sup>2</sup> Mary Douglas, in her article, *Jokes*, approaches jokes and the process of joke telling as a sort of cultural ritual and a mode of expression that bridges categories of thought and categories of social experience. She hypothesizes that joking depends upon patterns of human behavior that produces humor when one accepted pattern is confronted by something else. Mary Douglas, *Jokes*, in *RETHINKING POPULAR CULTURE: CONTEMPORARY PERSPECTIVES IN CULTURAL STUDIES* 291, 291-292 (1991).

nal understanding of its intended comedic “victim”<sup>3</sup> as a sort of foil for its alternative proposition. This alternative is a model of possibilities, a substitute to the current approach that could potentially replace the generally accepted prototype. In a manner of speaking, comedy presents a playful challenge to traditionally held notions of social behavior by way of a light approach to the serious; it pokes fun at current conduct through parody or exaggeration while always depicting the existence of a different manner of acting in that particular situation.

The legal system itself is social construction, the epitome of social categorization of acceptable behavioral norms. Varied from culture to culture, law represents the classification of proper moral values according to the body politic (depending on the particular political structure) along with its complementary enforcement mechanism. Through and within its malleable structure, an aggregation of laws creates a hierarchy of social values that attempts to define proper human deeds in relation to an overarching ideology. The courtroom has come to represent the battleground of these values. It presents a forum for conflicting notions of proper social behavior. Borrowing from a Rousseauian theory of the social compact, the courtroom can be seen as the constant renegotiation of the terms of the communal contract. In this theoretical analysis of the ideal, the lawyers represent opposing approaches to the same situations, testing their philosophies of justice against the sounding board of the community—a jury composed of twelve members who, in the ideal, represent a cross-section of the community and its component values.

Now the question that arises here is: Where do the two intersect? What are the possibilities when law merges with comedy and exposes a connection through the medium of popular culture?

The links between comedy and the law are endless. Both depend upon a categorization of social norms; however, whereas law defines these customs, comedy exists as a foil of them, creating an alternative community<sup>4</sup> with different possibilities that could work within the existing community. Where law is the epitome of social structure, comedy functions as the anti-structure, the breakdown of hierarchy and

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<sup>3</sup> By victim, I simply mean to imply a category of social behavior at which the comedy is directed.

<sup>4</sup> Alternative community is not meant to indicate some sort of alien universe as different from present society. By alternative, I mean to say that comedy depends on the creation of another manner or behavior that has characteristics of the manner or behavior that it is trying to mimic. This other behavior is often an exaggeration of the current one, or a completely different approach that discords with our knowledge of the current manner of doing things. This separate community is funny precisely because it is out of the ordinary, a distortion of the traditional approach to the manner in which things are ordinarily conducted.

order and the comic subversion of dominant ideas.<sup>5</sup> Comedy presents breaks in traditional logic, demonstrating a play upon form that produces humor through its unconventional pattern. In addition, both comedy and the law depend on a sort of community consensus to attain their ends. One seeks order through the creation of social parameters; the other seeks laughter and social critique through the destruction of constraints. Both are, however, the construction of worlds that encapsulate a certain notion of behavior while attacking that which is outside of it, “the other.”

Together, comedy and the law present great possibilities of truth-seeking. Comedy has been often considered a truth-seeking mechanism with its constant consideration of that which challenges the status quo. Of all social creations, the law requires such a challenge in order to evolve towards a stronger understanding of truth and the proper means that should be exercised in order to attain those ends. Since popular culture has come to define and characterize the general public’s understanding of justice and the legal process<sup>6</sup>, a comic portrayal of the law can become a strong vehicle for social criticism (and eventual change) of the legal process.

This paper will analyze comic portrayals of lawyers in popular culture, using films and its particular focus. Part I will examine the nature of comedy and its artistic components. Why is something funny? What characteristics are unique to comedy? Part II will attempt to understand how comedy is produced and what are its requirements in order for comedy to “work.” Part III will apply the above analysis to a collection of specific films, exploring common themes and common techniques used in this media.<sup>7</sup> In this section, the useful coupling of comedy and the law will become clearer, illuminated with relevant ex-

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<sup>5</sup> Douglas, *supra* note 2, at 295.

<sup>6</sup> As there appears to be a great deal of academic ink spilled on this subject, I felt it unnecessary to provide statistics as to the powerful influence that popular culture has on our notions of the law, the courts, and the legal profession as a whole. One only needs to turn on the television to acknowledge its powerful influence on daytime programming (all the “Judge” shows) or turn to any TV lineup, cable or otherwise, to see television’s dependence on law shows. It seems clear, given the amount of television time devoted to legal shows and the constant use of law as a background-setting trope in many mediums of popular culture expression, that popular culture heavily influences (if not explicitly provides) our understanding of the law.

<sup>7</sup> For the purposes of this analysis, I have focused on films (with the exception of one) in which lawyers are the central focus. While there are numerous examples of films where lawyer jokes or comic references are made, I have found that taking small portions of many films proved ineffective as an analytical tool. Should I have missed any film that the reader feels should be included in this analysis, I apologize in advance and simply invite the reader to apply my theories to his/her selected film.

amples from films, some of which, I am sure, have been a part of the reader's own movie-going repertoire.

## I. WHAT IS COMEDY?

### A. Definitions

Comedy itself has numerous definitions, depending on the form which comedy takes. There is physical comedy, pure slapstick, high-brow wit, farce, parody, satire, comedy of manners, romantic comedy, and a wide spectrum in between. Dictionary definitions of comedy range from "a genre of dramatic literature dealing with the comic or the serious in a light or satirical manner" to "a ludicrous or farcical event or series of events."<sup>8</sup> While these definitions provide a starting point for general analysis, it is comedy's connotations rather than denotations that prove to be the most useful. Comedy, being a genre that is highly contextual as well as highly individual, escapes standard definition. Its function can be defined by its intended effect on its recipient: laughter, an intellectual challenge to closely held beliefs, or simply a light release of tension from an otherwise stress-filled situation.

### B. Drama vs. Comedy

*The office of drama is to exercise, possibly to exhaust, human emotions. The purpose of comedy is to tickle those emotions into an expression of light relief; of tragedy, to wound them and bring relief of tears.*

Laurence Olivier<sup>9</sup>

Perhaps the best place to begin defining comedy is to take a look at its antithesis: drama. Drama, in its purest form, is a depiction of the serious. Within drama, everything is tragic. The themes are weighty, the character's problems are of a large magnitude (often life or death, good vs. evil, right vs. wrong, financial/ professional/personal success or complete failure), and any critique of characters or social institutions are done through a showing of the insidiousness or contemptuous nature of the situation. Although drama often depicts a right and a wrong, it is often heavily textured, with layers of moral dilemmas that obscure the delineation between the correct outcome and the incorrect one.<sup>10</sup> Drama is about conflict, the more heightened the better. The

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<sup>8</sup> MERRIAM WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1994).

<sup>9</sup> Laurence Olivier, *CONFESSIONS OF AN ACTOR* (1982).

<sup>10</sup> An example of such a textured approach, keeping in mind our legal focus, is the movie *A Time to Kill*. In this film, a young lawyer by the name of Jake Brigance (played by Matthew McConaughey) takes up the defense of a local black man, Carl Lee Hailey, (Samuel Jackson) who is accused of killing two white boys. These boys were on trial for the brutal

need for conflict in drama is the reason why the legal model fits so well and is so commonly used with filmed dramas. The legal model is an adversarial one from the outset; there is always an antagonism between the individuals on the opposing sides of the courtroom. The battles they fight are often of a high moral nature, forcing the viewer to question notions of religion, spirituality, ethics, and a higher justice. Sometimes the conflict that occurs in drama is internal; drama is such that it does not always require an outside force to demonstrate conflict. Should the character give up her baby or not, can the character reconcile him/herself to his/her alternative lifestyle, etc. . . . These conflicts may be the internalization of external conflicts created by opposing social considerations, but they still can occur entirely within the individual and through the individual's own thought processes. Thus in drama, the tension is expressly created and released through the characters and the decisions that they make.

Comedy takes a counter-approach to most of what drama represents. That is not to say that comedy never deals with the serious; far from it, comedy *often* deals with the serious. It just approaches the serious in a comic manner, trivializing the serious by reducing its importance (or, alternatively, taking the trivial and making it very serious). Comedy attempts to take the opposite approach of what would be expected; whereas drama continues lineally with what rational logic would dictate, comedy departs drastically, purposefully breaking logic by using what is often termed as the law of opposites.<sup>11</sup>

Where drama relies on conflict, comedy relies on competition. The difference between the two is a question of degrees. Conflict is of a serious nature, a battle that focuses on the outcome of a particular issue. A competition is more about the players involved; the goal is often to win, and in the process of winning obtain vindication of the

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assault and rape of Tonya Hailey (Rae'ven Kelly), Carl Lee's nine-year old daughter. The movie, set in the deep south, shows the deep-seated racism of a community that would let two white boys go free simply because the crime that they committed was against a black girl. As the movie progresses out, there is no doubt that Carl Lee killed the two boys and that he was sane at the time that he killed them. However, one cannot escape the feeling that he was justified in so doing, in achieving justice outside of the law and protecting the rights of his own family. Eventually he is acquitted within the system (even though under the law, he is clearly guilty), but the movie clearly shows the town's and Jake Brigance's dilemma in fighting within the formalism of the law for a higher moral justice.

<sup>11</sup> The law of opposites is a term often used when describing acting technique for comedy. It is a very simple concept to understand. What comedy relies upon is the juxtaposition of entirely different things, the more extreme the discord, the better. For example, if you have a very tall, skinny actor, you place opposite him a very short, overweight one. If, during a scene, one actor gets extremely angry, yelling and throwing things, the other actor produces comedy by sitting extremely still and speaking in a very calm and low voice.

rights involved. In the context of legal comedies, the battles are not of a high moral nature nor do they have equally inconclusive belief systems in application. Although they tend to deal with the question of right or wrong, the notions of justice and its proper application is clear. There is no need for the observer to plow through layers of moral texturing in order to recognize what is the just outcome. Rather, the goal is to obtain that proper conclusion. As a result, comedy usually requires another; it is rare that a competition can be internalized and still produce a comic result.<sup>12</sup> Comedy requires a competitor, “the straight man”<sup>13</sup> who produces comedy only in relation to his opposite, the comedian.

As an additional note, full-length comedic stories always appear to have a common theme: the happy ending. The arc of a comedic film, as opposed to drama, must resolve in such a manner in order to maintain such a light treatment of the serious.<sup>14</sup> No comedy may end unhappily, unless it is done so in a comically tragic manner.

## II. HOW DOES COMEDY WORK? WHAT ARE COMEDY’S REQUIREMENTS?<sup>15</sup>

It is often said that comedy “works” when it produces laughter. While laughter is an essential part of comedy,<sup>16</sup> it is a bit limiting and shortsighted to delineate comedy by one of its by-products. This is a fact that has been recognized throughout the years and the reason that live audiences were introduced into the television sitcom taping process. When “I Love Lucy” first used a live audience during its tapings,

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<sup>12</sup> It may be argued that often one-man/woman shows are of a comic nature and intensely funny. While that is certainly true, in such a situation, the audience becomes the “other” in the scene. In those types of shows, the audience is often incorporated into the act, becoming the other character in the scene. Stand-up comedy functions much in the same manner.

<sup>13</sup> A “straight man” is individual who plays the “normal” person opposite the extreme comic. One of the best examples of a “straight man” is Desi Arnaz as Ricky Ricardo on the show “I Love Lucy.” In the show, he was the example of reason juxtaposed against Lucy’s crazy antics. He provided the “normal” reaction throughout the show. Ethel Mertz (Vivian Vance) was also often the “straight man,” but her involvement in many of Lucy’s plans destroys her stature as the constant example of normalcy. In contrast, Ricky was never involved and always outside of her “alternative” thinking.

<sup>14</sup> The function of the “happy ending” in the context of legal comedies shall be explained in greater detail later in this analysis.

<sup>15</sup> This section is a collection of insights from personal observation and acting notes received over the years from various acting coaches and professors. As a result, it is impossible to provide any citations to specific individuals.

<sup>16</sup> Indeed, from a directorial standpoint, the audience’s laughter is the tension release in a scene. Whereas in drama, the actors themselves release the tension through their own actions, in comedy, the tension is only released when the audience itself laughs. From that point, the tension can rebuild to the next comic eruption.

it was an acknowledgment that audience laughter was an essential component of the comedic process.<sup>17</sup> However, comedy contains many other technical elements necessary to make it “work.” In the following, I will attempt to dissect some of the more relevant components of comedy.

#### A. Comedy Must Be Accessible

The first requirement of comedy is that it remains an accessible medium to the “masses.” Clearly comedy has broad appeal; comedies dominate both television and film. While comedies appear to have little critical success by way of the Academy of Motion Pictures,<sup>18</sup> comedies tend to have the greatest box office appeal and even greater box-office success (with the exception of big-budget action/adventure films). That is not to say that comedy requires such a wide audience pool to achieve its goal; its widespread success simply indicates an appeal to a cross-section of the community. Comedy in film, at its best, will provide an outlet for a broad section of its audience by way of themes that reach all classes.

#### B. Comedy Must Be Funny to Look At

An otherwise obvious point, comedy must be funny to look at. The clothing, the colors, the environment, the physical makeup of the characters as well as the pratfalls must all be funny. Comedy is contextual in both situation and visual environment. Sequences that are funny create an environment that is funny—that is, an environment that is composed of funny and often discordant elements. If a character falls, the fall has to be done in a comic manner. If the character speaks with an accent, the accent has to be exaggerated. Every element must be constructed in a way that generates comedy.

#### C. Comedy Through Character Suffering

Comedy often relies upon the audience witnessing a character in crisis; to produce a comedy, characters must suffer. This anguish is comic only because a seemingly trivial situation is intensely tragic to the

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<sup>17</sup> Before live audiences, laugh tracks were often used in sitcoms. This is not as effective as live audience as it imposes tension releases in a scene where they may not be appropriate. With a live audience, the laughter is produced spontaneously and it is easier to recognize when something actually is funny. As a result, the scene has a much more natural build and progression.

<sup>18</sup> There are of course exceptions to this general statement. In fact, Marisa Tomei in *My Cousin Vinny*, one of the films I will analyze, won the Oscar for Best Actress for her role as a fast-talking New Yorker with a vast knowledge of automobiles.

character. While the situation is comic, to the character the situation is catastrophic. The more the character struggles through the calamity, and the more devastated the character becomes, the funnier it is to the audience. This struggle results in the creation of what can be best called the “tragically comic.”

#### D. Comedy Through Audience Superiority

*Laughter is nothing else but the sudden glory arising from some sudden conception of some eminency in ourselves, by comparison with the infirmity of others, or with our own formerly.*

Thomas Hobbes

In order for comedy to evoke laughter, the audience must be given license to laugh. This privilege is granted through a reduction of dignity of the character which allows the audience to feel moments of superiority. It is only through these feelings of superiority that the audience is able to laugh. When the stature of the character is reduced, the viewer laughs either at a recognition of his own fallibility or at the sudden loss of poise of the character in relation to the viewer’s own composure.

Perhaps the best example of an ideal comedic character is a child. For most adults, the ability to laugh at a child is easy. Because of the carefree nature of a child in addition to the feelings of wisdom or maturity that an adult often possesses in relation to a child, an adult often feels at liberty to laugh at the antics or dilemma of the youngster. The same sort of liberty is experienced when an adult (character) regresses to child-like qualities. Once again, the viewer is able to laugh as a result of the loss of composure. The greater the struggle to regain that dignity, the more comedic the scene becomes.

From a plot standpoint, some of the characteristics of audience superiority are also gained through a higher level of knowledge given to the viewer that remains obscured to the character in the scene. While unexpected occurrences are always useful tools in comedy precisely because of the breaks in linear logic (i.e. the expected), when the viewer is aware of circumstances of which the character is not, there is a level of superior knowledge that allows the viewer to laugh as the character discovers information that the viewer knew all along.

#### E. Comedy Through Pools of Common Experience

Perhaps the most important requirement of comedy is that it plays upon pools of common experience.<sup>19</sup> Comedy, being contextual, de-

<sup>19</sup> Indeed, to achieve box-office success as a mainstream comedy, the film must contain

depends upon the viewer recognizing, if not identifying with the given situation. Without this viewer understanding, the situation will not have a comedic effect. The viewer "will not get the joke." Much like many third-hand stories that end with the tagline "well I guess you had to have been there," comedy requires that the viewer have experienced or at least *understand* or *recognize* the experience of the given situation. In this manner, comedy calls upon our established habits or closely-held conceptions of reality as a point of departure to enter the realm of the comic. In order to grasp the comedy in an awkward on-screen kiss, the viewer must have some knowledge of a passionate or well-executed kiss, either from on-screen visions or personal experience. To appreciate a courtroom joke, the viewer must be aware of the courtroom setting and the traditional manner in which court trials are conducted. Without this foundational knowledge, an understanding of its possible comedic variations is impossible.

What is the most fascinating part of the interplay between popular culture and communal experiences is that where personal experience of the viewer is lacking, popular culture enters and fills in the gaps, providing the familiarity where none previously existed. In this respect, popular culture has evolved to be the bridge between human understanding and human experience; often we feel that we understand something simply because of our remembrance of its repetitious depiction on screen. Despite the fact that we have not been through a given situation personally, popular culture demonstrates the experience for us, along with illustrating the situations coordinating emotions. Jodie Foster once characterized the function of the actor as the liaison between the circumstances and the audience, experiencing the scene for the audience.<sup>20</sup> As a result, the actor becomes the interpreter of emotions, directing the audience as to what they should be sensing in the given context and thereby creating what becomes the community experience.

As a result of the dominance of media images, popular culture is often the only source of public information. Especially in the legal context, most individual's knowledge of the legal world and its processes come from television, films, and other expressions of popular culture. This reliance on popular culture as the purveyor of pools of common experience proves especially effective for the genre of comedy; the media generation of specific environments that creates such communal

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references that will be understood by a broad spectrum of its audience. If the film is targeted towards to US audience as a whole, the references must be both relate to fundamental human qualities/sentiments or situations that bridge different tiers of society.

<sup>20</sup> *Siskel and Ebert: Actors on Acting* (Television special, June 15, 1991).

knowledge gives comedy a solid and widely understood foundation. Since the *locus in quo* is familiar to all those consumers of popular culture, subsequent breaks from that logic that discord with the created experience will be easily understood, and therefore produce the intended comic effect.

### III. LAW AND COMEDY: HOW DO THEY WORK TOGETHER?

Although rarely used together as the topic of a full-length film,<sup>21</sup> law and comedy together work quite well both as way of creating entertaining popular culture expression and as a vehicle for the law as a whole. The following analysis will illustrate common tropes and techniques used in legal comedies in which the protagonists are lawyers or interact with the law in the “lawyer” role for a substantial amount of the film.<sup>22</sup>

#### A. Comedy That Makes the Law More Accessible

Comedy, being a medium that is accessible to a broad spectrum of the population, has the unique ability to make the subjects it covers more accessible to its target audience. In the legal context, this is especially clear. In the first instance, legal comedies are almost always delivered through inherently comedic actors. While this observation seems brutally obvious, it is important in the context of the law because these actors generally appear to be more approachable and closer to “real” people.<sup>23</sup> Comedic actors have an already established comedic persona and a pattern of humorous gestures which the audience then

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<sup>21</sup> I only make mention of this fact to draw the reader’s attention to a perceived reticence of the media to degrade lawyer’s and the legal profession in comedies. While there is no shortage of lawyer jokes or dramas that depict lawyers as greedy and contemptuous, I sense a certain reticence on the part of the popular culture to degrade the profession in the manner necessary to create a comedy. As discussed earlier, some of comedy’s components require a certain level of audience superiority. This is difficult with the legal profession that is, despite its disdainful treatment, still highly regarded enough that it is difficult to cause such a drastic drop in a lawyer’s dignity. Most movies that do deal with law in the comedy sense use non-lawyers, or strictly comedic actors to play the lawyers. As a result, the audience is given license to laugh by virtue of the actor’s implicit permission derived from previous comedic roles.

<sup>22</sup> In this discussion I will focus on the following films: *Liar Liar*, *Trial and Error*, *Adam’s Rib*, *Bananas*, *Jury Duty*, and *My Cousin Vinny*. *LIAR LIAR* (MCA/Universal 1997); *TRIAL AND ERROR* (New Line Cinema 1997); *ADAM’S RIB* (Metro-Goldwyn Mayer 1949); *BANANAS* (United Artists 1971); *JURY DUTY* (Tristar 1995); and *MY COUSIN VINNY* (Twentieth Century Fox 1992).

<sup>23</sup> Although these characters may often seem as real as “Jerry Springer” guests, they are more authentic than most movie star characters. They may present what appears to be the lower stratum of society, but the characters and the personalities are more genuine and more closely approximate ordinary or average individuals that could exist in real life.

recognizes. The comic personality of the character is then laid on top of this persona. When the movie star glamour of an actor can be more easily separated from the character he is portraying, the situation and the subject becomes more lucid and authentic to the viewer.

Aside from the actor, the characters themselves are notably accessible to the public and often intentionally created to pattern real people. Often the characters are individuals representing themselves in pro se or they are characters who are incompetent lawyers with a weak grasp on the law themselves.

In the film *Bananas*, Woody Allen plays Fielding Mellish, a below-average, unattractive office products tester. The casting of Allen as Mellish, from the outset, places this film firmly in the comedic genre. Allen has built an entire career on parody and an acknowledgement of himself as a primarily comedic actor. The character he plays, Mellish, layers a comedic personality on the comic persons. In the film, Mellish, after a long series of events (some of which include a kidnapping by a rebel group in the area of San Marcos) gets arrested and put on trial for treason against the US government for his role as president of San Marcos. During his trial, he represents himself and even does his own witness examination—of himself. Although this is extreme slapstick humor with many parody elements, the fact that Mellish, an average, or below-average individual, is accessing the court systems in his own defense shows the audience that the courts are approachable by the average individual.

Similarly, in *My Cousin Vinny*, Joe Pesci plays, Vincent (Vinny) La Guardia Gambini the First, a lawyer who failed the bar six times before finally passing the exam. In the film, his first case ever is a murder trial to help his cousin Bill Gambini (Ralph Macchio) who is wrongly accused of killing a convenience store clerk. After several rough starts in the preliminary proceedings, Vinny does brilliant cross-examinations of the prosecution's witnesses. Despite his lack of technical legal expertise or basic knowledge of criminal procedure, Vinny ends up winning the case and obtains justice through application of his practical, real-world knowledge in the courtroom. Even though Vinny has a law school degree, he is no different than any other non-lawyer trying to access the legal system. The trial advocacy knowledge is "not stuff they taught you in law school," but rather information he had to learn on his own. Despite his limited understanding, he was able to grasp criminal procedure and inject his own common sense into the system in order to get vindication. It is through this practical knowledge that the truth emerges, giving the viewer a sense that the truth can prevail amidst complicated law and procedures. Even the public defender, an attor-

ney who is well-versed in procedure but unable to form a complete sentence without stammering, is ineffective at cross-examining key witnesses. Only Vinny, the outsider with the tough New York attitude and accent, is successful.

Some comedic films even approach the lawyer role through non-lawyers. In *Trial and Error*, Michael Richards plays Richard (Ricky) Rietti,<sup>24</sup> an actor who is forced to pretend he is a lawyer after getting his friend Charles “Charlie” Tuttle (a real lawyer Jeff Daniels) drunk for his bachelor’s party. When Rietti is unable to obtain a continuance on the scheduled trial, he is forced to continue throughout the trial as the lead attorney with Tuttle playing his legal assistant and coaching him on the technicalities of the law. The interesting twist happens when Rietti ends up being successful in his “role” as a lawyer, winning the jury over with a concocted story to protect his otherwise guilty client from a conviction for fraud. Although he has a crisis of morality in the end and assents with the prosecution, a curvy motorcycle-riding blonde with whom he ends up having an unlikely affair, his success in the court system, even unassisted (Tuttle gets thrown out of court midway through the trial) is yet another example of an average person, a true non-lawyer, navigating the legal system with success. Even a non-lawyer can “act” as a lawyer and obtain the desired result.

Yet another perspective of the legal system is shown in the utterly awful movie *Jury Duty*, starring Pauley Shore as Tommy Collins, an unemployed trailer park resident who seeks jury duty as a source of income and guaranteed room and board. Throughout the entire film, Collins seeks to delay the trial, using every tactic possible to turn around a guilty verdict by eleven of his twelve fellow jurors. Despite his own abuse of the system, even Collins seeks out the truth and finds it, resulting in the release of a man falsely accused of murder. Eventually Collins discovers the mastermind behind the whole plot to frame Carl Wayne Bishop (Sean Whalen), and justice prevails. Although the casting alone makes the film’s message accessible (who does not feel superior to Pauley Shore?)<sup>25</sup>, the fact that the truth was secured through an unskilled and seemingly unintelligent man such as Collins

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<sup>24</sup> The casting of Richards for the role of the actor, Rietti, places the movie into the comedic genre. Richards, known for his “Seinfeld” character Kramer, has a collection of physical comedy for which he is known. Any physical antics performed during the movie instantly recall this prior role and its rich comic background.

<sup>25</sup> Actually, the casting is more important that it appears. Any film with Pauley Shore is immediately directed to a certain target audience. Shore, from MTV fame, aims to capture a certain market, likely the teenager to young adult category. This is interesting to note as the film’s possible themes of finding truth within the legal system may be directed at its youth oriented audience which has its own sort of community understanding.

places a certain responsibility upon the average person in their search for truth from the jury box. In addition, if Pauley Shore can discover the truth and have it be recognized in a court of law, then the court system is certainly accessible to the average person.

All of these examples of legal comedies show the law as depicted through eyes of the average person.<sup>26</sup> As a result, the viewer is presented with examples of ordinary characters, real people (or even people whom the viewer regards as being inferior) who surmount the legal system with success. In this manner, whether subconsciously or not, the viewer is given an indication that the legal system is accessible by non-lawyers, and justice can be obtained with their own hands.

### B. Comedy Through Personal Competition, Not Legal Conflict

Although the legal model is an adversarial one, in comedy this paradigm is not antagonistic but rather competitive in nature. The two lawyers are fighting for different conceptions of the law or out of personal motivations, but invariably the battle is not one of tense conflict but rather light competition. As a result, the confrontations are often child-like, yet personal, where the lawyer's private desire to win comes to the forefront. Thus, sometimes the issue that is being litigated is pushed to the background and the character's personal stake (from the standpoint of career or pride) in the win becomes the central focus.

In *Liar Liar*,<sup>27</sup> the competitive spirit is present throughout the courtroom sequences. As the movie progresses and Reede discovers he cannot lie, the film's focus is Reede's own discovery towards truth and less on the merits of the actual divorce proceeding. His courtroom battle is not about vindication for his client but his own need to keep his job and obtain partnership status. This private desire to win en-

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<sup>26</sup> As an aside for the purposes of this section, I mention Jim Carrey's role in *Liar Liar*. Although it may be argued that this role speaks against the average person theory as Fletcher Reede (Jim Carrey) is a high-priced Ivy League educated lawyer, I pose that the only courtroom sequences that are shown demonstrate Reede unable to lie. As a result, he is stripped of many of his lawyer-like qualities and procedural techniques and instead is forced to rely on the truth itself and his common sense as a way to get at that truth. For these purposes, and by this stage in the film, his stature as a lawyer has been reduced to that of an average person with real-life dilemmas (in regards to his own child).

<sup>27</sup> For those of you who have not seen this film, *Liar Liar* involves a big-firm lawyer (Jim Carrey) who is unethical in his approach of the law. He is a bad father, perpetually putting his career ahead of his family. His son, disillusioned over his father's absence, makes the wish that his father cannot lie for "one whole day." As a result, Reede's career takes a downspin because he can no longer pursue the legal theories he concocted for a large divorce proceeding in which the wife clearly committed adultery. In the end, he is able to win the lawsuit relying on nothing but the truth, voiding the prenuptial agreement in question because the wife (Jennifer Tilly) was a minor when she signed the agreement.

forces the competitive spirit of the courtroom battle. In fact, Reede's interactions with opposing counsel reflect these the competitive nature of this dispute. In one particular sequence, opposing counsel Dana Appleton (Swoosie Kurtz) makes a comment that prompts the following dialogue:

Appleton: "I object!"

Reede: "You would!"

Appleton: "Bastard!"

Reede: "Hag!"

This interaction, occurring in the courtroom, shows two adults reduced to childish name-calling in the heat of the competition.

In *My Cousin Vinny*, the competitive aspect is clearly pointed out by the characters themselves. In a telephone conversation between the prosecutor and Vinny, the prosecutor even states, "I enjoy the competition." The prosecutor seems bent on winning, not because the facts indicate that he should win, but because of his trial record and his own prowess as an attorney. Vinny also wants to win, but his focus is less on the obtaining justice for the two boys on trial and more on vindication of his own ability to conduct and win a trial.

Even in *Trial and Error*, Rietti, an actor playing a lawyer, gets swept up in the competitive aspect of the trial. Unaware of the legal implications, Rietti simply wants to "win the case." He argues with Tuttle, the real lawyer – about carrying through with the trial. Many of the courtroom sequences are interspersed with showing of the competition between the prosecutor and Rietti, snide faces and comments to illustrate the competition between the two.

As the above three films indicate, in comedy it is often the "lawyer's" personal stake in the outcome that drives the competitive edge forward. This emphasis on the individual instead of the larger issue being litigated not only removes the dramatic tension surrounding the legal issue, but it personalizes the battle to the litigator himself and not the subject of the litigation. Because of this personal competition, the viewer's attention is drawn to considerations outside the courtroom, recognizing, in an unconscious way, the multi-dimensional nature of the character. This understanding, in turn, humanizes the character to the viewer, making both the character and message more accessible.

### C. Comedy Through "Suffering" of the Lawyer

Especially in the context of a legal comedy, the "requirement" of character suffering is important. In order for the audience to laugh at a lawyer and the legal profession, there needs to be a reduction in stature

of the character and a process of suffering. This suffering is tragic to the character but comic to the viewer.

This process of suffering is clearly illustrated in the movie *Liar Liar*. In this film, Reede starts out as a big-firm lawyer. His small jokes and light physical humor are amusing at the beginning, even at some points funny, but clearly not at the same level of hilarity as later on in the film. The viewer laughs at the beginning simply because his antics recall antics seen in Carrey's previous films. Reede's struggle to maintain his composure after discovering that he cannot lie creates the true comedy in the film. In the courtroom scenes, the viewer watches Reede undergo levels of increasing desperation, including beating himself up in the men's restroom in order to get a continuance on the trial. One of the clearest images of this torment is Reede's anguished face before the examination of Kenneth Falk (Christopher Mayer). Contrast that image with the self-assured Reede at the beginning of the film, and the effects of character suffering on comedic effect will be clear.<sup>28</sup>

#### D. Comedy Through Contempt of the Witness (Sometimes Your Own)

The use of the cross-examination is a common technique used throughout film and television as a dramatic way of extracting the truth from an antagonistic witness. The breakdown of the witness of the stand and the compulsion to tell the truth are themes familiar to all viewers of legal drama. In comedy, however, this familiar trope is slightly altered. In comedy, often the truth emerges as the result of a brutal witness examination – of your own witness. Throughout legal comedies, the “lawyer” character often discovers or extracts the truth through contempt and sheer hostility towards his own witness. This is a mechanism unique to legal comedies; such exaggerated enmity towards one's own witness is rare to find in a legal drama.

Such contempt is seen in both *Liar Liar* and *My Cousin Vinny*. In *Liar Liar*, Reede, unable to lie, must examine his own witnesses. Due to his “infirmity” he is unable to complete his prepared line of questioning since he cannot ask the question when he knows that the answer will be a lie. When examining Kenneth Falk (Christopher Mayer) he attempts to ask question after question yet consistently asks that the

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<sup>28</sup> As character “suffering” exists in all comedies and is not necessarily specific to legal comedies, I felt it unnecessary to belabor the point. In my opinion, *Liar Liar* was the clearest illustration of this point of the analysis. For other examples, see the struggles of the following characters: Vincent Gambini in *My Cousin Vinny* and Charlie Tuttle (Jeff Daniels) in *Trial and Error*.

question be stricken from the record. Eventually he asks a question, badgering his own witness into admitting his guilty adulterous ways (which nearly destroys his case). During this sequence, even opposing counsel objects, saying that “he is badgering the witness,” to which the judge replies helplessly, “it is his own witness.” During this whole sequence, the truth regarding the extramarital relationship does come out, demonstrating the use of contempt as a truth-seeking mechanism. Reede later examines Samantha Cole (Jennifer Tilly) in a similar manner, asking about age, hair color, and weight in the same scornful fashion to arrive at the truth.

In *My Cousin Vinny*, Vinny extracts key information from his girlfriend, Mona Lisa Vito, in a similar fashion. Approaching her much in the same way he would a hostile witness, Vinny begins his questioning with asking her if his case holds water. He later asks the judge to direct her to answer, and repeatedly asks her the same question until she finally answers. Despite the fact that Ms. Vito is his own expert witness, Vinny begins the questioning reproachfully, only changing his tone when the truth is revealed.

The technique of contempt of your own witness is also seen in *Bananas*, Woody Allen, in pro se, does his own witness examination. During the course of his examination, when in his position as “lawyer,” he takes a scornful tone, talking down to himself. He asks himself questions in a condescending manner, disapproving of the answer before the answer is even given. When acting as the “witness,” his answers are confused and somewhat evasive.<sup>29</sup> Although this is a mechanism commonly used in drama – hostility against a witness – it is generally against the opposing side’s witness, not one’s own.

The comedy in this type of maneuver comes from the unexpected approach; one would assume that one’s own witness would be a helpful one and deserving of gentle treatment. On the other hand, it appears that contempt is often the only way to get at the truth. In a way, this speaks to the client’s desire to hide the truth in personal interest and the duty of the lawyer to seek out the truth in any manner possible.

## E. Comedy as the Battleground for Social and Legal Norms

Despite the personalized nature of comedy, it still presents an adequate battleground for larger social and legal norms. Serious issues may be dealt with in comedy; it is simply the manner in which they are treated that is comic. Numerous comedic films touch on greater social

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<sup>29</sup> In some ways this is a play on our popular conception of trial conduct. I will explain that forthwith under the heading of “Comedy and the Pool of Common Experience.”

issues and call into question our understanding of the law in that area. In this regard, courtroom comedy can be similar to courtroom drama; significant social and legal matters can be litigated or, at the minimum, vigorously debated.

The 1949 comedy *Adam's Rib* is perhaps one of the better examples of the comedic litigation of a social issue – gender equality. In this legal classic, Katherine Hepburn (Amanda Bonner) and Spencer Tracy (Adam Bonner), both lawyers, are husband and wife. Adam is a prosecutor while Amanda is a defense attorney. Amanda agrees to take on the case of a woman who is accused of attempted murder of her husband after she caught her husband committing adultery. As it turns out, Adam is the prosecutor on the case. Amanda, for the defense, opens with a demand for equal treatment under the law and continues to pursue her case on the platform of gender equality and protection for the woman who was simply protecting her home, in self-defense. In one of the great scenes in the movie, Amanda calls forth a parade of diversely trained women, ranging from a highly educated and prized scientist to an immensely strong female circus performer, all of whom are there to attest to the qualifications of woman and how they are equal to man in most every way. While this performance is highly amusing, it is incredibly progressive for its era and speaks to the broader social issue of equal rights in the workplace and equal treatment in the courtroom. Historically a male-dominated profession, Amanda's role as defense attorney against her husband is a testament to the feminist undertones of this comedy. The lightheartedness of the attack only serves to soften the impact of this issue on the viewing audience; it does not eliminate the presence of the argument itself.

Another example of a broader social issue in a legal comedy can be seen, once again, in *Liar Liar*. At the end of the divorce proceedings, the judge raises the question of child custody, asking the litigants if they did in fact agree to joint custody. Samantha Cole, the ex-wife, indicates her intent to seek sole custody of the two children for the extra child support money, despite her multi-million dollar judgment. In response, Reede says "But you said that he was a good father," to which Samantha responds "So!" As a result, Reede has a crisis of conscience (no doubt a reflection of his personal situation with his own son) and ends up getting thrown in jail for contempt. This final sequence in the courtroom raises the issue of child custody and the greedy battle that often develops in bitter divorce proceedings. Although arguably not the central focus of the entire film, this scene calls into question the greed of many litigants and the misguided motivations behind some custody battles.

## F. Comedy and the Pool of Common (Legal) Experience

As examined above, one of the most important requirements for comedy is that there exist pools or categories of common experience to which comedy can make reference. To clarify, comedy requires that the audience have a basic (and similar) understanding of the underlying references within a given situation. For something to be funny, the audience must be aware of the “normal” approach to a situation.<sup>30</sup> From this point of departure, comedy functions by exaggerating or distorting these preconceived or already established images. It is these modifications that produce humor. However, these variations are little more than indecipherable circumstances if there is no familiarity with the original foundation. If there is an understanding of the presented interaction, or at least the category to which it belongs, then comedy has a Dr. Jekyll from which to develop Mr. Hyde.

These categories are all the more important in the context of legal comedies. However, with respect to the law, most of the public’s common experience stems from popular culture depictions; regardless of the medium of expression, popular culture has indelibly provided most of the background knowledge that the average person possesses with regards to the legal system and its processes. There are numerous examples of this dependence on common experience throughout legal comedies. They vary from small commentary on “lawyers as sharks” to dramatic courtroom spoofs that require pre-established notions of trial conduct and processes.

A brilliant example of this can be seen in the film *Bananas*.<sup>31</sup> The entire courtroom scene, albeit short, plays upon the viewer’s understanding of the trial process and its truth-finding goals. The courtroom sequence is a textured double attack on the legal system and showboat-

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<sup>30</sup> It is for precisely this reason that comedy is also highly contextual and does not often cross cultural boundaries. Because each culture has different conception of the “normal” approach, any exaggeration or variation of what is normal by one community’s standards may not be funny by another community’s standards. This is a direct result of the fact that each community may have different “common experiences” which consequently alters what is funny.

<sup>31</sup> For this section, I chose to examine *Bananas* as it is the clearest example to demonstrate this dependency on common experience. However, every film that I have chosen for analysis in this paper has clear elements of this dependency. For example, in *Liar Liar*, Fletcher Reede’s entire focus depends on the viewer’s underlying notions of the legal system. From the showboating in the courtroom, the physical humor, his uncontrollable outbursts in the courtroom, and his despicable existence as a greedy lawyer all depend on the audience having some pre-existing bias of lawyers as greedy, composed individuals who articulate well and maintain a certain courtroom decorum. Without this, any of Reede’s dramatic departures are incomprehensible, or at the very least, humorless.

ing courtroom tactics.<sup>32</sup> Beginning with a voir dire in which Mellish attempts to eliminate a juror because of his “homosexuality,” to a cross-examination of J. Edgar Hoover dressed as an overweight black woman (in disguise for safety reasons), *Bananas* attacks our traditional notions of the manner in which trials are conducted. He takes the traditional voir dire and exaggerates it, seeking juror excusal on the fact “that there are no homosexuals on that jury.” He attacks the notion of witness anonymity for the purposes of trial testimony by carrying it out to an extreme, dressing a middle-aged white male (Hoover) as a middle-aged black woman (using the law of opposites, again, for its comedic effect). Beyond these exaggerations of our traditional notions of law, Mellish also plays upon the fact that the source of our community understanding of the law is popular culture. During one witness examination, Mellish, bound and gagged, manages to make the witness break down on the stand. By asking muffled questions that result in the utter discomposure of a witness, Mellish is mocking the traditional views of the courtroom examination as presented in popular culture. Many dramatic representations in the courtroom result in the revelation of truth by brutally attacking the testimony of the witness and unraveling the web of lies, which eventually results in the emergence of the truth in a nervous outburst.<sup>33</sup> Here, Mellish’s words are soft-spoken and incomprehensible, yet they result in the emotional collapse of the witness.

A clearer example of this double play upon the common experience of the viewer can be seen in a sequence near the end of the short courtroom scene in *Bananas*. While conducting his own witness examination – of himself –, Mellish races in and out of the witness box, asking himself questions in a mocking and condescending manner while answering the questions in a somewhat evasive yet defensive manner.

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<sup>32</sup> A Transcript of the sequence is as follows:

As Lawyer (L) - “Mr. Mellish, What is your nationality?”

As Witness (W) - “Well you might say that I have two nationalities.”

L- “Are you being coy?”

W - “Well I am an American citizen and also the President of San Marcos.”

L- “I would not joke with this court if I were you.”

W- “Wouldn’t you, or couldn’t you?”

L- “Does the code name sapphire mean anything to you?”

W- “I swear to God. . .”

L- “You swear to God that you have no compunction about teaching evolution. . .where were you on the night of June 23rd?”

<sup>33</sup> An easy courtroom example is the legal drama, *A Few Good Men*. Few people do not remember the cross-examination of Colonel Nathaniel R. Jessup (Jack Nicholson) by Lieutenant Daniel Kaffee (Tom Cruise) in which Jessup, after a brilliant attack by Kaffee breaks down and admits to issuing the “Code Red.” Although the emotional collapse is not one of tears, the result is the loss of composure by the witness and the revelation of the truth by way of hard and heavy legal trial tactics.

The entire process, in and out of the witness box, is a double attack, criticizing both the legal system and out popular culture perception of it. In this manner, Mellish approaches the system from both angles, an insider to the legal system as a "lawyer" and a viewer who uses his previous popular culture references to understand the exaggerations and humor. This double approach is particularly useful at breaking down a community experience to minimized basics, disrupting the security that the viewer possesses in his knowledge of the experience. That is to say that when the foundational common experience (in this case the understanding of the manner in which witness examinations should be conducted during trial) is shaken, an opening occurs which allows for the insertion of a new understanding of what the normal procedure should be. In attacking the examination procedure, Mellish allows (or forces) the viewer to formulate new theories, and thereby replace his previous understanding of the legal system.

#### G. Comedy as a Frontal Attack on the Legal System

Comedy, although a light approach to serious topics, still has the capacity to provide an intensely rich criticism of that which it is mocking. Legal comedies vary from mild criticisms to full frontal attacks of the legal system and its attendant structure. Their very function is to draw the viewer's attention to flaws in the legal system and its processes; without such disparagement of the institution's imperfections, the comedic intentions would have little on which to focus. These evaluations of the legal system highlight defects, albeit exaggerated ones, and force the viewers to perhaps search for corrective measures.

The entire film *Bananas* is parody and witty criticism of many social institutions. The attacks are directed at a wide variety of topics ranging from politics, to media, to the legal institution as a whole. In particular, *Bananas* focuses on the media exploitation and mischaracterization of many important events, mocking the manner in which the media misuses and misreports the news. In examining the court sequences, it is easy to see its attack on the media hype surrounding a trial. The film presents an early criticism of "trial by media" and the reporting procedures of newscasters when parlaying information regarding the trial and its subject matter. The courtroom sequence begins with a horde of reporters surrounding Mellish, mobbing him upon his entrance to the courthouse. Later, it mocks the subsequent reporting of the trial with the interposition of a commercial in which the clergy promotes a special brand of "New Testament" cigarettes. This criticism demonstrates media misrepresentation of facts and hypocrisy, high-

lighting the media's fascination with trials and acknowledging the public's misguided source of information regarding trials.

A clearer example of an even stronger attack on the entire legal system is seen in the movie *Liar Liar*. The whole film picks apart the big law firm practice, exposing a hierarchy of greed and distortion of the truth in the name of money and job enhancement to the coveted partner position. In one particular sequence, Reede is called into a partner's meeting and is asked to comment on "what he thinks" of a particular partner. As Reede is unable to lie and heap artificial praises upon his boss, he jeopardizes his career and answers the question by telling the most senior partner that he is a "pedantic, pontificating, pretentious bastard. A belligerent old fart. A worthless steaming pile of cow dung – figuratively speaking." Reede's comments reflect a commonly held opinion about senior partners at law firms; they are generally considered to be money-hungry, self-promoting and unwarrantedly pompous individuals. However, the attack does not end there. The senior partner Mr. Allan (Mitchell Ryan), unable to accept the reality of the statement, laughs off the entire statement as one big joke and turns the entire partner's meeting into a "roast" session. Rather than become angry, his illusions of self-importance drive him to request that Reede "do everyone" in the same manner. This inability to believe that such comments could be true or could come from one his fellow attorneys makes the scene an even greater attack on the pompousness of law firms. As Reede continues his roundtable criticism, all the lower level attorneys join in the self-deprecating laughter in their own efforts to ingratiate themselves to the senior partner. In this manner, the film presents the image of a large, greedy law firm composed of nothing but over-ambitious partners, and faceless, lower-level associates who willingly destroy their own dignity and develop one-dimensional personalities in an effort to flatter the senior partner and advance up the legal ladder. The result is a film that viciously attacks such large legal institutions, criticizing the morality (or lack thereof) of such legal structures that are little more than big business that peddles falsehood.

#### H. Comedy and the Redemptive Legal Process<sup>34</sup>

*Humor is perhaps a sense of intellectual perspective: an awareness that some things are really important, others not; and that the two kinds are most oddly jumbled in everyday affairs.*

Christopher Morley

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<sup>34</sup> This element also clearly exists in many dramas. As seen in class, Paul Neuman in *The Verdict* does seek some sort of personal redemption in attempting to procure vindication for

Despite its attacks on the legal system, comedy often attempts to find merit within the legal system itself. Comedy presents a challenge to make human existence more meaningful, to recognize and place in proper perspective that which is important and to dismiss that which is not. Most legal comedies recognize this possible function, and present characters who undergo a sort of personal redemption in the legal process. These individuals, misguided at the outset, find both the truth and themselves within the legal system and through the legal processes. Throughout the trial, each "lawyer" character establishes a stronger moral foundation which results in the clarification and ultimate resolution of many attendant personal relationship issues.

Personal redemption is a common theme throughout many of the previously mentioned legal comedies. In *My Cousin Vinny*, Vinny begins as incompetent attorney with a poor grasp on the application of the law and criminal procedure. Throughout the course of the trial, he learns proper application of the law, makes intelligent and well-researched objections to the introduction of surprise witnesses, and ends up winning his first case while resolving personal issues with his long-time girlfriend, Mona Lisa Vito. As a result of this trial, Vinny emerges a confident individual, able to surmount his previous inability to request assistance from anyone and able, after winning his first case, to finally marry his girlfriend.

A similar example of redemption occurs in the movie *Trial and Error*. Through the course of the trial, both Tuttle (the actual lawyer) and Rietti (actor playing lawyer) undergo personal transformations. At the outset, Tuttle was typical big-city lawyer, ambitious and driven to enter the proper strata of society by marriage to his requisite trophy wife. As the trial continues, he is reduced from a lawyer to a mere legal assistant to Rietti and is eventually kicked out of the trial entirely. He ends up meeting a beautiful free spirit, Billie Tyler (Charlize Theron) who transforms him completely. By the end of the film, Tuttle abandons his façade of a relationship with the socialite and runs off with the free spirit, thereby absconding the social ladder and his ambitious needs as dictated by his stature as a legal professional. Tuttle thus abandons the big-city lawyer stereotype and escapes such classification.

Rietti undergoes a similar transformation highlighted by a personal crisis of morality. Rietti, placed in the unique position of pretending to be a lawyer, gets caught up in the entire legal process and becomes driven to win. Falling into typical lawyer semantics and trial

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his hospitalized client. His entire quest to obtain a proper verdict appears to be driven by personal motivations to better himself as a person and a lawyer.

tactics, Rietti manages to extract a gut-wrenching story about his client's wretched childhood that produces enough jury empathy to nearly guarantee a not-guilty verdict. Although reveling in his success, Rietti ends up having a moral dilemma, torn between obtaining freedom for his client (and personal success) and vindication of the rights of those whom his client had swindled. He eventually concedes to his higher sense of justice and effectively sides with the prosecution. Although he does end up establishing a relationship with the beautiful female prosecutor, his sense of justice compels him to make the right decision and concede a legal victory for a moral one.

In *Jury Duty*, another non-lawyer, Collins also finds redemption in the legal process. Initially driven by personal interests, Shore wills the juror deliberations to continue endlessly. However, in the process of his delay tactics, he discovers the truth and brings it to light, thereby turning the entire jury around and producing a not-guilty verdict for a seemingly guilty murderer. Although his previous hypocrisy was later discovered, Collins redeems himself by discovering the true murderer and, of course, getting the girl as well.

Perhaps the most illustrative example can be found in *Liar Liar*. In this film, Reede begins as a high-priced, yet corrupt attorney who willingly bends the truth in order to obtain a victory for his clients and professional advancement on the partnership track. All his energies are directed towards the partnership track. Proclaiming, "How much ass do I have to kiss around here to make partner?" he even "makes [a senior partner] squeal" thinking it would help his career. He is divorced and a neglectful parent, unable to maintain any personal commitments to his son. As the story goes on and Reede becomes unable to lie, he undergoes a personal transformation that culminates in a dramatic courtroom sequence in which the truth reveals the proper path in his own life as well as vindication for his client. In the last courtroom sequence, with the partnership evaluation committee in the audience, Reede is forced to scramble for truthful legal arguments that shall help his client win half of the marital estate in a divorce proceeding. Although his client's adulterous ways seemingly negate any opportunity for recovery under the terms of the prenuptial agreement, Reede eventually discovers that his client was a minor at the time of the signing of the agreement, thereby invalidating the contract altogether. As a result, Reede's client gets half of the marital estate under reigning community property laws. In the dramatic examination of his own client, Reede badgers his own witness into admitting her real age, thereby winning his case based on the genuine facts. Even Reede, upon hearing

the real age of his client, victoriously raises his hands in the air and proclaims “and the truth shall set you free.”

It is the truth, and the Reede’s compulsion to tell the truth, that redeems his character. Through the course of this trial, he begins to recognize his own inadequacy as a father. The trial itself becomes a mirror of his own existence. In the end, he attempts to dissuade his client from seeking sole custody because her ex-husband was “a good father.” He later gets thrown in jail for contempt, to which Reede responds, “I hold myself in contempt.” Thus the redemption is complete. After being released from jail, Reede goes on a quest to regain his son and goes on to establish a better father-son relationship. In addition, Reede quits his big law firm job and abandons the coveted partner position that he earned by way of the divorce victory. Thus, through the course of the film, Reede undergoes a complete transformation from a deceitful big-firm lawyer and neglectful parent to a more honest solo practitioner and a considerate parent. In this manner, his legal redemption reflected a change in his personal character as well.

## I. Comedy and Reaffirmation of the Legal System

However critical comedies are of the legal system, many do result in an implicit reaffirmation of the legal system and its processes. Although the comedies, as indicated above, point out the many flaws and inherent biases of the law, driven by the personal motivations of greedy lawyers, the end result is that justice does prevail. Not only does the truth emerge from under layers of semantics and legal techniques, but it does so from within the system and through the mouth of its redeemed messengers – the lawyers who have seen the errors of their ways and have sought to correct them. In this manner, the truth is achieved and justice is served within our pre-existing legal framework. Although change is necessary, vindication of the truth is possible. This prospect of victory can be seen as an affirmation of the system. The average person can obtain justice in a system when he is not occluded with personal biases, desires, and greed. Even though the legal system has its defects and the truth has many obstacles, those who function within the system can find absolution.

For example, in *My Cousin Vinny*, Bill Gambini and his friend are acquitted of murder charges within the legal system. Despite their false arrest, Vinny manages to navigate the legal system and apply its rules, and his common sense, to make the truth emerge and thereby exonerate his clients. In *Liar Liar*, Reede’s concocted scheme to obtain a large settlement for his client failed; only the truth functioned within the courtroom and obtained his desired result. In *Jury Duty*, Collins

managed to turn around an entire panel of jurors, making them see the truth and thereby acquit an innocent man of murder. The examples go on and on.

The result of all these courtroom victories in legal comedies is that the system, despite its flaws, is affirmed as a fact-finding forum. The truth can emerge in a courtroom, and when it does, the accused are exonerated and victory achieved.

#### IV. CONCLUSION

*Nothing is more serious in man than his sense of humor; it is a sign that all he wants is the truth.*

Mark Van Doren

The intersection of law and comedy can produce dramatic results. Comedy breaks down the structures of the legal system, exposing its flaws and presenting problems in need of remedies. Comedy breaks down hierarchies and levels social classes; it presents the basics minimized. The joke represents the loss of control, a sort of liberation from traditional conscious perceptions.<sup>35</sup> If this idea is combined with the law, then comedy can be a form of liberation from traditional notions of the law. In targeting defects in the existing structure, it forces the development of new approaches to achieve the goals of justice and social order. In this manner, comedy combined with the law can be a source of social transgression and social cohesion in the same instance. It breaks with pre-established notions of the law while reaffirming the legal system's capacity for vindication.

Legal comedies thus can become instructive models; more accessible than dramas, comedies mildly direct us to navigate a better social path. Comedic representations of the law in popular culture create a malleable communal understanding of the law and better the viewer's ability to steer through the legal processes. Comedy has the potential to be the great truth-seeking vessel of the law; in its own quest for truth, a stronger sense of justice and the proper means to obtain that justice just might emerge.

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<sup>35</sup> Mary Douglas, in her analysis of Freud, hypothesizes that the joke "breaks down the control, gives the monitoring system a holiday. Or, as Freud puts it, since monitoring costs effort, there is a saving in psychic expenditure. For a moment the unconscious is allowed to bubble up without restraint, hence the sense of enjoyment and freedom." Douglas, *supra* note 2, at 294. The result from this release of control is laughter, a sort of liberation of a preconceived thought. It is in this moment of escape that new ideas can develop.

