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The Economy Rules: An Analysis of the Ever-Shifting Portrayal of Attorneys in Popular Culture

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THE ECONOMY RULES: AN ANALYSIS OF THE EVER-SHIFTING PORTRAYAL OF ATTORNEYS IN POPULAR CULTURE

Neely M. Peden¹

“When I grow up, I want to be a caterpillar or a principal.”² A child dreaming of his or her future is a common occurrence in America. Usually, those aspirations revolve around a certain set of career paths which include doctors, lawyers, and veterinarians. Throughout the last thirty or forty years, this list of proposed future professions has not evolved or changed much. It begs the question of why children are drawn towards these aspirations. Children must have some sort of an idea of societal prestige to rattle off such ambitious careers. Traditionally, the career paths of doctors and lawyers, and indeed veterinarians, have been held by pop culture to be elite professions. The education required for each is extensive and rigorous. The earnings of each are thought to be immense enough to elevate socio-economic levels. The sheer status of each profession is exclusive, as if only the best sorts of people are invited to interact socially and only the best food is to be consumed by each profession. However, there has most definitely been a shift in this long-held view of elite professionals within modern pop culture. Attorneys especially have come to face “anti-establishment” movement by popular culture. Those professions which used to be revered are now examples of ill-morals and ill-behavior. Indeed, popular culture goes out of its way to make villains out of attorneys by showing unprincipled characters in legal television shows or by churning out movies that revolve around attorneys whose lives and morals are so corrupt that they need to go through some sort of personal tragedy to be redeemed. It is

¹ Candidate for Juris Doctor, 2013, Barry University School of Law. Western Michigan University, Bachelor of Arts, English, 2007; Bachelor of Arts, History; 2007. Many thanks to my nephews who patiently waited to play “dinosaurs” with me as they watched me finish this paper.

this paper’s contention that this paradigm shift is in direct correlation to the American economy. As the economy rises and falls, the different socioeconomic classes pit themselves against one another. The trend in popular culture is to favor the views of the largest socioeconomic class, the largest of course being the middle-class. The middle class feels most heavily the flux of the economy, and it is the middle class that dictates how that flux is portrayed. By showing attorneys as terrible human beings who have no family, or a family in shambles, and who have substance abuse problems and are unable to make decisions that follow the engrained moral code of the country, the middle-class is effectively declaring: “I may not have gone through the rigorous education requirements, and I may not have the prestige or earning power, but at least I have what matters.” As the economy rises, popular culture shows attorneys as admirable advocates, and as the economy falls, popular culture shows attorneys as, quite literally, the Devil.3

I. Lawyers Then and Now

The first portrayal of a lawyer in a type of popular media was in a Western. The Western cowboy was a “law man” who enforced the laws with an iron fist come hell or high water.4 The explosion of television and the consequential popularity of early radio heroes paved the way for characters such as Gunsmoke,5 The Lone Ranger,6 and a favorite in my household growing up, The Rifleman.7 These lawyers were the lone characters in an array of secondary characters that upheld the local laws and became judge and jury to those convicted of wrong-doing. These men, and they were always men, were portrayed as righteous and unwavering in their pursuit of

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3 The Devil in this sly reference is of course Al Pacino’s famous character in The Devil’s Advocate.
4 For further clarification, listen to The Saturday Afternoon Matinee, Lash LaRue, and The Durango Kid. These early radio shows were the first popular media besides novels which showed cowboys as lawyers per se.
5 Gunsmoke ran on CBS from April 26, 1952 to June 18, 1961. It aired 432 episodes in total.
6 The Lone Ranger made his first appearance in 1933 on WXYZ radio in Detroit, Michigan. It ran on ABC from 1949 to 1957. It aired 221 episodes in total.
7 The Rifleman ran on ABC from September 30, 1958 to April 8, 1963. It aired 168 episodes in total.
justice. They were heroes within their respective television and radio shows, and they were heroes with their audience members.

A particularly wonderful example of a western-styled lawyer is James Stuart’s character of Ransom Stoddard in The Man Who Shot Liberty Valance. The reluctant, law-abiding Stoddard is badly beaten by Liberty Valance, a menacing outlaw, yet is unyielding to run afoul of the law and seek justice for his injuries himself. Stoddard is kind and community-oriented. He opens a school for children and teaches a local woman how to read. It is only when Stoddard is pushed to his limit by the beating of a fellow delegate for the town that he agrees to a duel with the famed outlaw Valance, and Stoddard eventually goes on to become governor of the state. Though Stoddard achieves fame and recognition, he eventually decides to retire from politics to open his own law practice. Stoddard is the standard for an uncorrupted man of the law. His character and humble values show him to be a steady, trustworthy man. James Stuart also gave Stoddard certain likeableness with his tall, thin, soft-spoken character physicality.

The Man Who Shot Liberty Valance was set in the Old West, yet it was the most notable basis of that era for a lawyer who was admirable in popular culture. The movie sent the message that men who upheld the law, both as police men and as attorneys, were indispensable to the growth and flourishing of a community. They were advocates. Stoddard never accepted money or property of value for his work. He advocated for the townspeople because it was the right thing to do.

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9 (Spoiler) It is revealed that the gun-slinger Doniphon, as played by John Wayne, is the man who actually shot Liberty Valance. This clears Stoddard of any wrong-doing in the mind of the audience.
Of course, no examination of lawyers in popular culture can be conducted without mentioning Atticus Finch. The movie To Kill A Mockingbird\textsuperscript{10} starring Gregory Peck is undoubtedly one of the finest legal films of all time. Peck is Atticus Finch, an estate lawyer who is called upon to defend a controversial murder suspect. The film deals with race and class issues, and wonderfully coincides with the modern history of the country at the time of the film’s release. Atticus Finch has a calm, deep, and definitive voice that questions the jury’s beliefs and the justice system. His character gives the defense everything he has, and Finch risks family and injury to uphold his position as an officer of the court. Finch is the hero lawyer that has been cemented in the minds of so many attorneys from the first day of law school to the last day they are in court.

To Kill A Mockingbird and The Man Who Shot Liberty Valance were both released in 1962, yet To Kill A Mockingbird shows a different type of hero lawyer. Atticus Finch, unlike Ransom Stoddard, steps into his role as an advocate with determination. Finch shows passion as a father and as a man within his community, yet he shows great respect for the law. Finch will not rise to violate the law, even when he is physically threatened by the father of the plaintiff in his case and when his client is threatened by the angry townspeople. He respects the law enough to use procedural justice to soothe the wife of his client when it seems as though he will be found guilty. Though he is unwilling to take on the case of Tom Robinson initially, Finch understands and respects the judge’s wishes to have him as counsel in the case. When a hero-lawyer is manifested in popular culture today, the character of Atticus Finch is still relevant. Popular culture portrayed Finch as everything good. It would be easy to understand why a child would aspire to be a lawyer after watching Finch in the court room.

Witness For the Prosecution\textsuperscript{11} is yet another example of the golden age of lawyer portrayal in popular culture. Charles Laughton, as Sir Wilfred, is a barrister in London of some fame. Sir Wilfred is a respected attorney who agrees to take on a case involving the murder of an heiress by the beneficiary under her will. Suspense and surprise follow the murder trial as the accused’s wife takes the stand for the prosecution and in the end is betrayed by her beloved husband. Sir Wilfred witnesses the betrayal and declares that he will defend the wife against her impending murder charges.\textsuperscript{12}

Sir Wilfred is portrayed as a master of the courtroom. He is zealous in his representation of his client, and he is so well respected within the legal community that fellow solicitors are clamoring to have him defend their clients. He is artful, and uses a monocle to determine if a client is being truthful or not. Truth is Sir Wilfred’s mantra, and he is portrayed as a tenacious truth-seeker.

David Ray Papke illustrates the portrayal of lawyers in this as “the golden age.”\textsuperscript{13} Papke suggests that the legal films of the late 1950’s and early 1960’s are truly the best Hollywood portrayal of lawyers and the law because of the fictional lawyer’s contribution to what the legal system could provide for society.\textsuperscript{14} It was at this time that Hollywood wanted to assert its “Americanism”\textsuperscript{15}, and Americans wanted to believe in the law and the legal system. These films accomplished just that. The lawyer-hero exemplified all that was America, and Americans wanted to see these lawyer-heroes in popular culture. It was this time in popular culture that lawyers were exceptional and children’s aspirations included becoming an attorney.

\textsuperscript{11} Witness For the Prosecution, United Artists, 1957. Based on a novel by Agatha Christie. Starring Charles Laughton.
\textsuperscript{12} Sweet revenge! The cheating husband is eventually stabbed by the wife in a fit of rage and unbelief.
\textsuperscript{14} Id.
\textsuperscript{15} An idea that I return to in Part III of this essay.
How quickly things change. The modern lawyer is a far cry from the lawyer portrayed in the golden era of 1950-1960. The modern lawyer is a disorganized, substance abuser with little or no family and a shaky handle on legal ethics. Consequently, the modern lawyer is much more entertaining. Legal dramas and fictional legal characters are abounding in modern popular culture.\textsuperscript{16}

Perhaps the most revered of all legal dramas is \textit{L.A. Law}. \textit{L.A. Law}\textsuperscript{17} was a groundbreaking legal drama that was really the first television show to portray lawyers much differently than the old golden age attorney. The attorneys featured in \textit{L.A. Law} were drunks, sexual harassers, racists, bisexuals, and perpetual ethics violators.\textsuperscript{18} This television show became so wildly popular with audiences that the golden image of the attorney did not stand a chance. Popular culture fostered the image of an attorney as a rather slick, underhanded professional who was concerned with making money and billing clients for extravagant lunches. The season one pilot episode for \textit{L.A. Law} entitled “L.A. Law” portrayed an attorney taking advantage of a client by hiring a private investigator to take shocking pictures of her husband without her knowledge. Episode 16 “December Bribe” portrays how attorneys’ careers interfere with their personal relationships to the point that they are often lonely and without a monogamous relationship. Episode 17 “Beef Jerky” portrayed an attorney who used secret video tape to try and get a bigger settlement from an adversary. Episode 25 “Cannon of Ethics” portrays a district

\textsuperscript{16} On any given day of the week, there is a legal drama on television. Notable examples include \textit{The Practice}, \textit{Alley McBeal}, \textit{Boston Legal}, \textit{Law & Order}, \textit{Damages}, \textit{Suits}, and \textit{The Good Wife}.
\textsuperscript{17} \textit{L.A. Law} ran for eight seasons on NBC from September 15, 1986 to May 19, 1994. The fictional law firm of McKenzie, Brackman, Chaney and Kuzak was a source of weekly drama with storyline that ranged from death to trans sexuality in the workplace.
\textsuperscript{18} The attorneys were also habitual accident victims. Perhaps the most famous accident involved an empty elevator shaft. Of course, these accidents only enhanced the story line of the drama.
attorney who unethically betrays another attorney.\textsuperscript{19} The episode list continues for eight seasons with the same running themes of sexuality, egoism, and a disregard for proper attorney conduct.

The wave of anti-attorney sentiment continued in popular culture with \textit{The Verdict}.\textsuperscript{20} Paul Newman stars as Frank Galvin, an attorney who is shamefully deficient in professionalism. Galvin drinks heavily, wallows in self-pity, and can barely practice law. His office is disorganized and full of trash. Even Galvin’s person is filthy and unprofessional. He is the epitome of the modern lawyer: dirty, alone, without ethics, and without empathy for his clients. It is only through the magic of cinema that Galvin finds redemption by finally understanding the plight of his clients and taking his role of an attorney and an advocate seriously. The movie’s storyline revolves around a character that is inherently untrustworthy and unprofessional to the point that he is only likeable when he is “redeemed” by his late action in his client’s case. The character of Frank Galvin is shameful when compared to the earlier portrayal of a similar profession in \textit{To Kill A Mockingbird}.\textsuperscript{21}

\textit{The Verdict} was not the start of popular culture’s portrayal of attorneys. This unpopular view of lawyers continues throughout the same decade with \textit{The Devil’s Advocate}.\textsuperscript{22} This movie paints a rather unflattering picture of attorneys and the law firms they work at. Reeves plays a small town trial attorney, Lomax, who is taken into a large New York firm by Al Pacino.\textsuperscript{23} It is while working for the firm that Lomax discovers that his boss has an affinity for evil, and Lomax

\begin{itemize}
\item[20]\textit{The Verdict} stars Paul Newman as Frank Galvin. It was released on December 8, 1982 by 20\textsuperscript{th} Century Fox.
\item[21]Though perhaps this comparison is a rather unfair as there has still not been a better pop culture portrayal of an attorney since Atticus Finch.
\item[22]\textit{The Devil’s Advocate} was released in 1997 by Warner Brothers Pictures. It stars Keanu Reeves, Al Pacino, and Charlize Theron.
\item[23]Reeves, as Kevin Lomax, has never lost a case, and Al Pacino, as John Milton, is a founding partner in the law firm of Milton, Chadwick, & Waters. The firm is very prestigious. Additionally, Milton’s character is often compared to that of the author Milton’s famed work \textit{Paradise Lost} in which the Devil tempts Adam and Eve from the Garden of Eden.
\end{itemize}
questions his place with such a man and a law firm. Lomax, of course, is not a model attorney. His legal ethics are rather questionable. He is not concerned with the guilt or innocence of his client, but rather his concern is if he can manipulate the legal process to find his client innocent. Though Lomax’s wife, played by Charlize Theron, expresses concern about Lomax’s work routine and experiences trouble fitting into her new environment, Lomax presses on with his work almost oblivious to its perils. Indeed, at the end of the movie, Lomax seems to regress back towards the Devil and the evil sin of vanity though he had previously renounced his former boss.

Lomax is portrayed as a ruthless, unethical, lone wolf who will stop at nothing to win a case. The characterization of Pacino as the Devil, though not subtle by any means, furthers the point that all law firms are “evil” and run by those who society would be better off without. The movie poster for The Devil’s Advocate even shows Al Pacino’s Devil standing over Lomax, as if he were a puppet master controlling his marionette. The purpose of the fictional law firm is portrayed as simply to make money and win cases, a far cry from the golden age attorney whose purpose was to advocate for the community.

While The Devil’s Advocate was a horror-based movie, The Firm is a thriller-suspense movie that shows how greedy and easily seduced attorneys are portrayed to be in modern popular culture. Tom Cruise is Mitch McDeere, a Harvard graduate who is invited to join the law firm of Bendini, Lambert, & Locke upon graduation. The firm gives McDeere a fancy house and a fancy car as a signing bonus, and consequently, McDeere is blinded to the suspicious wrong-doings of the firm. It is only when McDeere is threatened with disbarment

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24 Spoiler: Al Pacino is the Devil.
25 The Firm was released in 1993 by Paramount Pictures. It stars Tom Cruise as Mitch McDeere and Gene Hackman as Avery Tolar.
26 Because of course every Harvard graduate has the charm and good looks of Tom Cruise circa 1993.
27 Wrong-doings include murdered associates and mob connections to name a few.
that he comes up with a plan to give the Federal Bureau of Investigations the information it needs as well as satisfy the mob bosses who control the law firm.

In between McDeere’s fabulous running scenes and abundant gun shots, are shaky ethics and corrupted integrities. McDeere cheats on his wife, is careless with clients, and focuses mostly on increasing his personal wealth. McDeere is very much an attorney who is concerned with himself as opposed to the attorneys of old who are portrayed as selfless officers of the court. The expensive gifts that the law firm initially gives to McDeere symbolize the legal profession’s unhealthy obsession with material things to the detriment of legal duties. McDeere is a perfect example of a modern attorney who is untrustworthy and a predator to unsuspecting members of society.

Certainly this change from lawyer-hero to lawyer-villain has not gone unnoticed by scholars. Amy Beard suggests that as the Model Ethics Code has evolved, so has the portrayal of attorneys in popular culture. The American Bar Association, which is the governing body that writes the ethics code for all legal professionals, has become less aspirational in its conduct code. This, Beard concludes, is what has so radically changed the portrayal of attorneys in popular culture. Of course, Beard’s analysis begins with Atticus Finch.

Finch was portrayed as the model attorney in popular culture when the American Bar Association’s Canons of Legal Ethics was mostly unchanged from the original canons of 1908. These canons emphasized the high standard of integrity and honor of the legal profession.

“Instead of imposing specific requirements on lawyers, the Canons are infused with aspirational

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28 From Hero to Villain: The Corresponding Evolutions of Model Ethical Codes and the Portrayal of Lawyers in Film, Amy S. Beard, 55 N.Y.L. Sch. L. Rev. 961 2010.
29 Id.
30 Id.
31 Id.
language of respect, fairness, restraint, and above all, duty.” These Canons gave advice on how to deal with unethical conduct and situations rather than prohibit the conduct. They were in essence an honor code for attorneys. Atticus Finch embodied the 4th Canon which “reminds lawyers who serve as counsel for the indigent to ‘always exert [their] best efforts in [the client’s] behalf.’”

It was not until the Model Code of Legal Ethics was replaced by the Model Rules of Professional Responsibility that popular culture portrayed attorneys as the modern-day despicable characters that are so easily found on late-night television. These attorneys, theorizes Beard, are simply the products of the lofty and unintelligible Model Rules of Professional Responsibility. Modern attorneys are not “bad”; they are simply following bad rules.

Other scholars have similarly tried to hypothesize the change in popular culture portrayal of attorneys. Professor Judith McMorrow presents the theory that attorneys become villains when they advocate for good cause by stretching or bending ethical rules. This occurs mostly when attorneys defend clients accused in criminal cases. McMorrow also opines that the prominence of attorneys in modern popular culture allows society many opportunities to find negative qualities in attorneys. Attorneys are in movies, television, and novels as well as in our public lives and our historical culture. As a result of attorneys infiltrating so many aspects of

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32 Id. quoting Canons of Prof’l. Ethics Canons 3, 17, 18 (1908).
33 Id.
34 Id. quoting Canons of Prof’l. Ethics Canons 4 (1908).
35 Id.
36 Law and Lawyers in the U.S.: The Hero-Villain Dichotomy, Judith McMarrow. Boston College Law School Faculty Papers, 1-1-2010.
37 “Lawyers,” McMorrow writes, “are criticized for lacking ethics, being for sale to the highest bidder and willing to do anything to advance the interests of the client.” Id. McMorrow also presents a rather humorous attorney joke in illustration of her point of negative portrayal: “Question: How can you tell when a lawyer is lying? Answer: His lips are moving.” Id.
38 Id. Interestingly, 26 of our U.S. presidents have been attorneys.
our lives, McMorrow reasons that it is the role of law in American society and the adversary system that encourages the popular culture portrayal of lawyers from hero to villain.\textsuperscript{39}

Though both learned authors present several well-reasoned theories of why there has been such a shift of lawyers portrayed as heroes and villains, both theories seemingly rely on intrinsic factors within the legal community rather than focusing on external societal factors such as changes in societal structure, new personal troubles, evolving definitions of lawyers, or the economy.

Societal structure in the United States has radically changed since the golden age of attorneys in the 1950s and 1960s. The gender of attorneys, the race of attorneys, and the socio-economic status of attorneys have all changed to become more encompassing. The ratio of female to male attorneys is currently at 58 percent female to 61 percent male.\textsuperscript{40} The number of female attorneys in the United States during the golden age is almost insignificant compared to the number of practicing male attorneys at the time. During the golden age of law, all attorneys were Caucasian. Modern lawyers are Caucasian, Hispanic, Asian, African-American, and a mix of many other races that before 1970 would never have been admitted to practice law.\textsuperscript{41} Certainly the socio-economic status of attorneys and their socio-economic backgrounds have shifted to include all backgrounds and statuses. Those who became an attorney in the golden age usually came from middle to upper class families.\textsuperscript{42} Modern-day attorneys can come from any social caste with the help of scholarships and other financial assistance.

\begin{flushleft}
\textsuperscript{39} Id.
\textsuperscript{40} Law Library Blog. Stanford University. This is in stark contrast to the male to female ratio of attorneys in 1950: less than 5%. \textit{Law as a Profession}, uscb.edu.
\textsuperscript{41} \textit{Law as a Profession}, uscb.edu. 5% of attorneys were minorities in 1970.
\textsuperscript{42} \textit{Start Socioeconomic Affirmative Action Now}, Elie Mystal. Above the Law, 2011. “Talent will take you far, but having a financially sound family will take you farther.”
\end{flushleft}
Changes to social structure have not shifted popular cultures portrayal of attorneys; rather, changes to social structure have allowed more people to be included in this portrayal. Certainly this cannot be the reason for the now negative depiction of lawyers in modern movies and television.

Personal troubles have evolved from family finances and worries about war to a highly individualized stream of worries that revolve around personal possessions and societal prestige. This is easily translated into the personal troubles of popular culture attorneys: substance abuse, personal wealth, family dynamics, personal triumph, and superiority with one’s peers. Modern attorneys are all attributed with having these personal struggles, yet so are other characters in popular culture such as doctors, mobsters, and animated housewives. These personal struggles have not been given exclusively to attorneys. Consequently, this cannot be the reason behind the unflattering portrayal of modern attorneys in pop culture.

The definition of what an attorney does and who an attorney is has developed from a community advocate into a rather cold, self-possessed individual who yells that “they deserve the truth!” as they bang their fists on the counsel table in the courtroom. It is never portrayed as a pleasant ordeal when one needs to see an attorney. It is analogous to visiting a mechanic: a cautionary three hours where you question the diagnosis of the vehicle, without actual knowledge of anything under the hood of your car, and guard your wallet suspiciously in a defensive move against the certain deception of the feared yet overly-helpful mechanic. Though the vagueness of what an attorney does coupled with the suspiciousness of any and all bills that arrive on an attorney’s letterhead may contribute to the negative popular culture view of lawyers,

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43 This is in reference to the rather egocentric titled The Mindy Project, the HBO hit drama The Sopranos, and the FOX mainstay in popular culture, Family Guy, respectively.
44 A sly reference to the dynamic, albeit rather loud and fond of yelling something dramatic, Tom Cruise in A Few Good Men.
this in itself is not exclusive to attorneys. Popular culture encourages distrust of doctors in general, politicians always, and spouses whenever things seem too good to be true.\footnote{References to the comedy \textit{Children’s Hospital}, Barak Obama’s admitted obsession \textit{Homeland}, and Oprah Winfrey’s rather depressing television show \textit{Unfaithful}.}

The economy is the most constant external factor that when coupled with the rise and fall of popular culture’s portrayal of attorneys seems to fit its pattern of hero-lawyer to villain-lawyer as well as the odd years in between.

\section{The Economy Then and Now}

The United States economy is a dramatic story of its own. It has fallen to unpredicted lows and risen astronomically to facilitate nation-wide prosperity. The subject of Economics, even the more focused scholarly review of American Economics, is so broad that it would be irrational to analyze it as a whole. Instead, this paper focuses on the American deficit, American job growth percentages, and American trade and export revenue beginning from 1950 to the modern day as illustrative models of the trends of the American economy at this time.\footnote{The author is aware that several other factors may and perhaps should be considered to get an accurate depiction of all trends in the American economy; however, these three factors are certainly sufficient to garner the point of all major trends.}

The point of beginning for this analysis will mirror that of the first lawyer portrayed in pop culture: 1950.\footnote{The reader will recall that \textit{The Lone Ranger} first appeared on television in 1949.} The 1950’s was decade of prosperity. Dwight D. Eisenhower was elected president in 1953 and remained in office until 1961.\footnote{\textit{The Eisenhower Presidential Library and Museum Homepage"}, Eisenhower.utexas.edu. 2012.} A Republican, Eisenhower smartly balanced taxes, public spending, and budgeted realistically to allow the economy to grow at a steady pace. Americans were recovering from World War II, and with American focus on the family unit, housing and real estate markets soared. The G.I. Bill fueled growth in education, and a new type of “consumerism” drove shoppers to stores in search of all things plastic and pastel.
The American deficit was at a low of $237,357,352,351.04\textsuperscript{49} American job growth was rising steadily.\textsuperscript{50} As the war ended, and several housewives were displaced back into their homes and kitchens, the demand for goods drove the job market to a new high in that era. American trade and export revenue was also up from the previous decade. In fact, America was an export giant.\textsuperscript{51} The end of the war created The Marshall Plan, which called for Europe and Japan to be rebuilt. These countries were rebuilt by the exports from other developed countries, mostly the United States, and consisted of “textiles, apparel, and sophisticated airplane parts.”\textsuperscript{52} American trade was at a surplus, and America profited handsomely from the misfortunes of the Europeans and Japanese.\textsuperscript{53}

The American economy in the 1960’s was helmed by John Fitzgerald Kennedy and Lyndon Baines Johnson. It was arguably the most expansive period of American economics as well as the most profitable for every day Americans.\textsuperscript{54} America saw a surge in consumerism and big industry that event the Vietnam War could not diminish.\textsuperscript{55} The American deficit was at $286,330,760,848.37.\textsuperscript{56} American job growth was still high, and American unemployment was at a little higher than 5.1%.\textsuperscript{57} Inflation was stable and minimum wage increased from $1.00 to $1.25 per hour.\textsuperscript{58}

\textsuperscript{49}Treasurydirect.gov, Historical Debt Outstanding- Annual, Rounded to Millions. This deficit is low as compared to modern deficit numbers.

\textsuperscript{50}Several sources purport to have job growth numbers, but in this author’s opinion, there cannot be an accurate percentage of job growth because the women leaving the pre-war work force and the men taking those post-war jobs are not factored into any calculated growth rate.


\textsuperscript{52}Id.

\textsuperscript{53}Id.

\textsuperscript{54}A Critique of Crisis Theory from a Marxist Perspective, Sam Williams. Wordpress.com, 2009.

\textsuperscript{55}Id.

\textsuperscript{56}Treasurydirect.gov, Historical Debt Outstanding- Annual, Rounded to Millions. This is a slightly higher deficit than the reported number for 1950, but considering that the United States was embroiled in the Vietnam War at the time, the number is still relatively low.


\textsuperscript{58}Id.
This was the golden age of American economics. The country was comfortable in a strong economy that continued to grow despite involvement in a major war. The idea of an American Dream began to take shape for most young Americans. Economic independence and prosperity was achievable to those who put in the time and effort or were willing to “work to the top.” Our leaders were trusted, our family units were neatly defined, and our economy was everlasting.

The modern economy is not quite as optimistic or as steady as the economy of the 1950s and 1960s. From 1980 to 2011, the American economy improved little in comparison to how it rapidly fell. There was a recession in 1980 that struck Americans and their American savings hard. The recession is recorded as starting in July 1981 and ending in November 1982. The energy crisis of 1979 and high inflation rates bungled by the Federal Reserve System contributed to the recession. American unemployment jumped from 5.1% in the 1970s to 7.5% in the 1980s. At the peak of the recession, unemployment reached 10.8%. American export and trade was down as China’s goods became more popular than our own. Banks felt the pinch of the economy as Americans had less to invest and rising interest rates heavily impacted bank loans. The 1980 recession drove the American deficit over 1 trillion dollars to 1,142,034,000,000.00.

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59 The American Dream today is best known as the mystical, unicorn-like dream of owning a home, having a family, and going to college all because you work hard and are American. This dream today has changed form into a right that young Americans expect entitlement to, and deferment of this dream has led to several poorly organized demonstrations outside of reputable businesses by young Americans carrying misspelled signs.

60 For purposes of this paper, a modern economy shall begin at 1980 and end at 2011.


62 Id.

63 Id. Some notable highs include Michigan at 14.5%, Rockford, Illinois at 25%, Alabama at 14.3%, and West Virginia with 14%.


65 Treasurydirect.gov, Historical Debt Outstanding- Annual, Rounded to Millions
The recession of 2008 is recorded as having begun in December 2007.\textsuperscript{66} United States mortgages were sucked into a bubble of speculation that suddenly burst and spread world-wide credit and loan problems.\textsuperscript{67} Large banks went out of business, the cost of goods rose, and the housing market collapsed.\textsuperscript{68} Currently, the American deficit is projected at over 1.4 trillion dollars.\textsuperscript{69} American unemployment is currently projected at 7.9%.\textsuperscript{70} American trade and export fell by 2.3 billion dollars.\textsuperscript{71} America has yet to recover from this devastating economic disaster. The modern day American economic picture is bleak. Even with the short-lived economic touting of Bill Clinton, the economy has never come close to repeating the same golden age of economics seen in the 1950s and 1960s.\textsuperscript{72}

The American economy in both the 1950s and 1960s to the 1980s and today reveal many patterns that seem to reflect the same positive and negative patterns in popular culture regarding the depiction of attorneys. It is when the two ideas are superimposed that the theory of economics shaping popular culture begins to take form.

\section*{III. The Economy Rules}

The Economy Rules hypothesizes that when the American economy is viewed positively by popular culture, then elite professionals, specifically attorneys, are depicted in a positive way. Conversely, when the American economy is viewed negatively by popular culture, the same elite professionals are depicted negatively.

\begin{itemize}
\item \textsuperscript{67} The Depression of 2008, Fred E. Foldvary. The Gutenberg Press, 2007.
\item \textsuperscript{68} Id.
\item \textsuperscript{69} Id.
\item \textsuperscript{70} U.S. Bureau of Labor Statistics, 2011-2012.
\item \textsuperscript{71} U.S. Census Bureau, Goods Exports and Imports in September 2012.
\item \textsuperscript{72} The author will return to the small trend in popular culture portrayal during the Clinton-era in Part III.
\end{itemize}
The golden era of lawyers in popular culture being the same golden era of the American economy is no coincidence.\textsuperscript{73} Similarly, the most famous examples of negative attorney portrayal in popular culture coinciding with the first recession of 1980 and continuing into the modern day recession did not occur by happenstance.\textsuperscript{74} This hypothesis of popular culture being driven by the economy is even sensitive to small upward or downward trends. An excellent example is the presidency of Bill Clinton.\textsuperscript{75} It was during this time that popular culture lightened its harsh depiction of attorneys and other elite professionals with television shows like \textit{Alley McBeal} and \textit{Frasier}.\textsuperscript{76}

As previously noted, the middle class is what popular culture revolves around. It is this middle class which has denounced elite professionals like attorneys as out of touch individuals who suffer from a myriad of problems both professionally and personally. This is a radical paradigm shift from the memorable “What I Want to be When I Grow Up” speeches every American at one time has had to give. To be sure, characteristics of certain classes are carelessly announced, printed on a sticky note, and then stuck to the forehead of someone who falls within that particular category of person at least once a day on FOX News. However, this sharp trend against attorneys may signal not only mistrust and dislike of the profession. It may also signal a coping mechanism used by the majority of Americans to dismiss the achievement of the minority.

\textsuperscript{73} The reader will recall the examples of positive attorney portrayal began in 1950 with \textit{The Lone Ranger} and continued throughout 1962 with \textit{To Kill A Mockingbird}.
\textsuperscript{74} The reader will recall that the examples given of negative attorney portrayal began in 1982 with \textit{The Verdict} and continued with \textit{L.A. Law} in 1986.
\textsuperscript{75} \textit{Bill Clinton’s Legacy}, Peter Baker. The Washington Post, 2010. This time period is often hailed by Democrats as one of the longest economic expansions in America. The Congressional Budget Office reported surpluses of $69 billion in 1998.
\textsuperscript{76} Both shows were popular comedies in the 1990s and light-heartedly included a dancing baby and an always-watching dog.
The recent demonstrations of the so-called “99 Percent” against big business seems to focus on the age old battle of the “haves” against the “have nots.” Young people and the underemployed have focused their feeling of inadequacy and non-fulfillment on those who seem to have much more material possessions and wealth than they have. These demonstrators are the “99 Percent” that are struggling to have the American dream that they are entitled to, and everyone else, including elite professionals like attorneys, are those who subtract from that dream ever becoming a reality.

As claimed, the “99 Percent” is a vast majority of Americans. These Americans are who buy weekly magazines at the grocery store and vote for their favorite American Idol performer. They control popular culture. No American wants to see his or her adversary enjoying a fruitful career as a legal advocate or working with integrity to free the falsely imprisoned. Instead, popular culture is going to depict attorneys and every other adversarial profession as negatively as possible to cater to those individuals who make up a majority of the demographic of television viewers.

Sid Berman is often quoted as saying, “A bird on the ground won’t crap on your head.” It is not the aspirations that have changed in America, it is only the circumstances. Americans are known for ingenuity and creativity, but when the economy is pit against them, Americans can only achieve so much. The majority of Americans feel satisfied by knowing that within popular culture even those who achieve will struggle. In fact, the television shows that depict attorneys as substance abusing pathological liars are the most popular with average Americans. By creating a negative portrayal of an attorney, popular culture allows Americans the opportunity to feel

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77 This author knows how satisfying it is to see super stars in a reality show crying because they don’t really have perfect lives after all. They may have a perfect back-side, but they had a sham marriage that took place while they wore an awful head piece, and they don’t have a husband, meaningful friendships, or real eyelashes. Victory for this author.
secure about their personal situations and lives. The average American may not have a luxury vehicle like a fictional attorney may have, but the average American has more important things like family and food on the table. A fictional attorney may have “achieved” a certain status or bought a large mansion, but unlike the same fictional attorney, the average American is not hooked on illegal drugs or alcohol and knows the difference between right and wrong. While actual attorneys may not appreciate the negative depiction of their profession in popular culture, these depictions are therapeutic in nature when the economy is down.\textsuperscript{78}

Though therapeutic in nature, it is worrisome to wonder what impact these popular culture depictions will have on American aspirations in the future. It is possible that the youngest generation of Americans will always have a negative connotation of attorneys, and consequently, the negative depiction of lawyers in popular culture will continue far past a future upswing in the economy.\textsuperscript{79} Associate Professor Eli Wald suggests that the modern recession, much like The Great Depression, will usher in a new era of legal reform.\textsuperscript{80} Wald suggests that it was The Great Depression that allowed a new group of legal scholars and attorneys to become head of the profession by heading the legal aspect of The New Deal and the following reforms.\textsuperscript{81} This recession should be no different, as new laws and legal reforms will allow lawyers to show their professionalism, integrity, and golden era appeal to Americans again.\textsuperscript{82}

While the future of how Americans will choose to portray legal professionals in popular culture is unknown, it is certain that the economy will always be an integral part to that depiction. Whether the economy is trending up or down will determine if a Saturday night

\textsuperscript{78} Of course, no one ever has any troubles with attorneys when the economy is doing well. The surge in law school applications after the release of \textit{To Kill A Mockingbird} must have been more outrageous than the surprise of all the entering class to find that there was no such thing as an attorney that looked like Gregory Peck.

\textsuperscript{79} Rather like the image of the misunderstood, yet perpetual “bad guy”, bank robber.

\textsuperscript{80} \textit{The Great Recession and the Legal Profession}, Eli Wald. Fordham University School of Law. 2010.

\textsuperscript{81} Id.

\textsuperscript{82} Id.
television broadcast will include a villain attorney who swindled a once loving wife into seeking a divorce from her husband because of incriminating pictures, or an attorney who risks life and limb to defend a social outcast from charges they are positively innocent of committing.

IV. Conclusion

Several factors combine to determine how popular culture will depict attorneys. The middle class, as the driving class behind popular culture, determines who will be depicted, and the American economy determines how that person will be depicted. The Economy Rules will predict if that depiction is negative or positive, and those who are depicted are at the mercy of the combination of all of the above.

Attorneys will always be advocates for their clients, whether they are portrayed as heroes or villains. It is the function of the law to give procedural fairness to all who seek a remedy to a wrong, and it is the attorney’s function to stand as interpreter and guide for those seeking justice. Though popular culture may depict an attorney, or any elite professional, as having an unflattering characteristic or as intrinsically being good or evil, these professionals will still be there to assist those who seek their assistance. It may be that popular culture will always hold a negative view of lawyers and the legal system in general, and perhaps it is best for attorneys to simply accept that popular culture view point.

Several scholars have submitted that attorneys are depicted negatively because of the rules that they follow or because of who they represent. It is this author’s contention that a person accused of a crime still has the right to zealous representation, and the Model Rules of Professional Responsibility were rewritten for good purpose. Attorneys may or may not have

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83 This is very apparent with the following of public outcry when the verdict in the Casey Anthony trial in Florida was read as “not guilty.” An earlier version of this public outcry happened at the conclusion of the O.J Simpson trial in California when Mr. Simpson was pronounced similarly ‘not guilty”. It was apparent at that trial that the glove, indeed, must not have fit. Even “non-partisan” news broadcasting stations showed public rage and cries of injustice for both trial conclusions, which translated into rage about their respective attorneys.
brought this sort of negative attention to the profession by flaunting material possessions or seeming to belong to an elitist social club.

The fact remains that attorneys in a bad economy and a good economy are still attorneys. It would seem rather Hammurabi-an to suggest that since popular culture portrays attorneys as dark and terrible overlords who manipulate the legal system to their advantage, attorneys have a sense of permission to act accordingly. It is only attorneys that can change their portrayal in popular culture. Appealing to a middle class who has been once fooled will not be as effective as actual community involvement from attorneys who understand that there is a modern American community that has fallen on harsh economic times.

Attorneys who are concerned with the vast spread of negativity in popular culture need to channel that concern into public works and regression to the public image so widely accepted in 1950: attorneys were there to help. Attorneys were confidants that were invited to family functions. Attorneys were easy to access with store-front offices or easy to find buildings and firms. Attorneys were who Americans used to turn to in times of desperation and need. This is no longer the popular culture perception. Attorneys are depicted rather like lepers. Modern popular culture maintains that attorneys should seek their own kind and smile ever so graciously when they are told attorney jokes at a holiday function.

As a person looking forward to the practice of law, this author is concerned with the uphill battle needed to turn the tide of public perception about lawyers as well as the lack of concern about this perception from practicing attorneys. The split between attorney and John Q. Public will continue to increase unless action is taken. The start of this change should happen within the legal community. No more snide remarks about those lawyers who work in the public sector, and no more cold shoulders to those lawyers who work for a non-profit. Modern lawyers

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84 Of course, Hammurabi is most famous for his “eye for an eye” code of ethics.
should realize that if the tide of public sentiment from popular culture turns against them, their businesses, which are client-centered, will no longer function.

Regardless of the economy, lawyers are in control of their own destiny. Yes, as the American economy bends and curves, the public portrayal of attorneys and other elite professionals will change and reflect the majority of American’s financial situation. However, as predictable as these changes may now be, a lawyer and a legal profession that is infinitely helpful, knowledgeable, truthful, and a model of integrity will withstand any public opinion throughout the test of time.