

The Portrayal of the Corporate Lawyer on TV: the US and British models from *L.A. Law* to *Trust and Suits*

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I. Introduction

Various forms of media, including television and cinema, were suggested by scholars like Stewart Macaulay¹ and Lawrence Friedman² in the 1980s as being the likely source of the public's knowledge of the legal system. Little was known through direct experience of the justice system or its personnel. More people have heard of Judge Judy than Mr Justice Scalia. In Britain, Judge Robert Rinder³ has a higher recognition factor than Brenda Hale.⁴ More recently, Richard Sherwin suggested in *When Law Goes Pop*⁵ that, in these days of media saturation, it is from popular culture learn about law. Frank Abagnale showed us how to become a lawyer in the film *Catch Me If You Can*⁶ - he watched a law show and learned the methods of Perry Mason from the TV.

People's knowledge of medicine comes from watching, over the years, a number of shows: *Dr Kildare*, *ER*, and *Gray's Anatomy* and, in Britain, *Dr Finlay's Casebook*, *Casualty* and *Holby City*. The non-lawyer learns about what lawyers do from the screen.⁷ Much attention has, hitherto, been focused on the big screen image of the lawyer and the claimed change in these role models.⁸ Paul Biegler⁹ and Atticus Finch¹⁰ have been replaced by the less worthy Frank Galvin¹¹ and Martin Vail.¹² Whatever the merits of this notion of decline, another, more interesting, shift has taken place. Scholars have finally started to pay attention to the other major source of lawyer images in popular culture, namely those found on our TV screens.

¹ S Macaulay, 'Images of Law in Everyday Life: The Lessons of School, Entertainment and Spectator Sports' (1987) 21 *Law and Society Review* 185

² L Friedman, *Law, Lawyers and Popular Culture* (1989) 98 *Yale Law Journal* 1579

³ Judge Rinder (ITV; 2014 -) – British version of Judge Judy with a telegenic and witty young gay judge shown daily on afternoon TV on one of the principal channels.

⁴ Lady Hale was the first, and at the time of writing, only woman judge on Britain's Supreme Court.

⁵ R Sherwin, *Law Goes Pop* (New York University Press, 2000) Introduction

⁶ 2002, Spielberg, Amblin Entertainment

⁷ M Asimow et al, 'Perceptions of lawyers: a transnational study of student views on the image of law and lawyers,' (2005) 12 *International Journal of the Legal Profession* 407

⁸ M Asimow, 'When lawyers were heroes,' (1996) 39 *University of San Francisco Law review* 1131; N Rafter, *Shots in the Mirror*, (Oxford University Press, 2000); S Greenfield, 'Hero or villain: cinematic Lawyers and the delivery of justice' (2001) 28(1) *Journal of Law and Society* 25; Greenfield, Osborn and Robson, *Film and the Law*, (Hart Publishing, 2010)

⁹ *Anatomy of a Murder* 1959, Otto Preminger

¹⁰ *To Kill a Mockingbird* 1962, Robert Mulligan

¹¹ *The Verdict* 1982, Sidney Lumet

¹² *Primal Fear* 1996, Gregory Hoblit

II. The Context

TV lawyer dramas have developed significantly in the past half century since the days of *Perry Mason*,¹³ *The Defenders*,¹⁴ and *Petrocelli*¹⁵ in terms of style, narrative approach, and personnel. In place of the simple trial-based episode in which the major protagonists achieved justice and, in the case of *Perry Mason*, revealed the true perpetrator, we have had developments in the areas of civil justice and, most recently, corporate law. In place of the one-off drama with a single major storyline dominating each weekly episode, we often have a combination of rolling issues which are resolved at some later dates, as well as a couple of series focusing on a single, long-running case. Finally, as far the lawyers we encounter, the shift in the balance of gender, ethnicity, and sexuality has undergone major changes. These changes have been noted elsewhere by various writers.¹⁶

This essay focuses much of its attention on the most radical of the approaches to a TV lawyer series in the seasons of *Suits*.¹⁷ As indicated, there has been a shift from the dominance of white male lawyers defending someone unjustly accused of a crime to a roster of male and female characters wrestling with crimes, divorces, and issues like intellectual property rights. The clients have ranged from the rich and privileged clients of Mackenzie Brackman in *L.A. Law*¹⁸ to the poor and disadvantaged clients of Bobby Donnell and his partners and associates in *The Practice*.¹⁹ In Britain, with its legal profession split between full-time court lawyers – barristers – and office based practitioners – solicitors – the focus has usually been away from office-centred legal practice and on the pleaders.²⁰ From *Boyd QC*²¹ and *Rumpole of the Bailey*²² to *Kavanagh QC*²³ and *Silk*²⁴ British TV has featured the trial process extensively from the 1950s until the present decade.

The prevalence of women lawyers, too, has changed in a number of subtle ways. Just as in the cinema of justice, women lawyers have gone from being simply absent, to virtual invisibility, to a major presence on the small screen.²⁵ Looking at the genre we can note the difference between the role of Della Street in *Perry Mason*²⁶ through those of Abby Perkins and

¹³ 1957 – 1966

¹⁴ 1961 – 1965

¹⁵ 1974 - 1976

¹⁶ P Robson, 'Lawyers and the Legal System on TV: The British Experience' (2007) 2(4) *International Journal of Law in Context* 333 and P Robson, 'Developments in Law and Popular Culture: The Case of the TV Lawyer' in A Masson and K O'Connor (eds.) *Representations of Justice* (Peter Lang, 2007); M Asimow, *Lawyers in Your Living Room: Law on television* (ABA, 2009) passim; P Robson in P Robson and J Schulz, *A transnational Study of Law and Justice on TV* (Hart Publishing, 2016) Chapter 3

¹⁷ 2011 – 6th season in progress at the time of writing

¹⁸ 1986 – 1994

¹⁹ 1997 – 2004

²⁰ In reality the distinction between court and office-based practitioners in Britain is now more blurred since many solicitors do appear in the lower courts in many matters. There has also been since 1990 the concept of the Solicitor Advocate in Scottish courts allowing solicitors to plead before the highest courts – Willock and White (2005)

²¹ 1958 – 1964

²² 1975 – 1992

²³ 1995 – 2001

²⁴ 2011 – 2014

²⁵ S Greenfield, G Osborn and P Robson, *Film and the Law* (Hart Publishing, 2010)

²⁶ 1958-1964

Ann Kelsey in *L.A. Law*²⁷ to the eponymous *Ally McBeal*,²⁸ Shirley Schmidt in *Boston Legal*,²⁹ and Patty Hewes in *Damages*.³⁰ Women have not only moved from behind the typewriter but also up the ladder, from background characters to enjoying major roles in the dramas in which they appear. In both the United States, Britain, and Australia we have series in the current decade in which women have been accorded the role of principal protagonist with Alicia Florrick in *The Good Wife*,³¹ Martha Costello in *Silk*,³² Claire Goose in *The Coroner*³³ as well as the eponymous Australian series, *Janet King*.³⁴

What has been missing from these changes, however, has been to have a woman as the undisputed head of the organisation. *Suits*³⁵ achieves this, and goes even further, with the character of the senior partner and powerhouse decision-maker in the practice being an African American woman. This is part of the interesting nature of this series which breaks new ground in a number of different ways. This essay seeks to explore these features and locate them in the context of how TV lawyer series have altered and developed over the past 50 years. *Suits* appears to draw on all the conventions of TV lawyer drama and yet subvert them at the same time. It is both a conventional TV lawyer series whilst simultaneously appearing to be mocking the genre. It playfully both meets and confounds our expectations. It is about law but, while there are plenty of plate glass offices and meetings, there are no trials. It is a post-modern knowing wink at the genre and its normal portrayal of law and justice. It is *Taggart*³⁶ without the “murrderrrs”.³⁷

In terms of style, *Suits* initially appeared to be a standard one hour show with an “issue” dominating the lives of the two principal protagonists, Harvey Specter and Mike Ross. They have a client who has a problem in the corporate world which they inhabit and the twosome must resolve this. The hostile takeover must be resisted at all costs. The matter, though, is almost always complicated and the resolution exacerbated by the Unique Selling Point of the series. Mike Ross is not the Harvard law graduate he claims to be and is not the qualified lawyer the world assumes him to be. He simply stumbled into an interview while on the run from the police in a drugs bust. He was given his job by his quirky boss who liked his mental dexterity and admired his *chutzpah*. This improbable “secret,” known only to 3 people, manages to remain hidden for several seasons within a drama rather than a comedy series.³⁸ The concern with the weekly cases, however, as the series develops, becomes less of a focus.

²⁷ 1986-94

²⁸ 1997 – 2002

²⁹ 2004 – 2008

³⁰ 2007 – 2012

³¹ 2009 -

³² 2011-2014

³³ 2015

³⁴ 2014-

³⁵ 2011 - although not shown in the UK on mainstream television there is also a women head in *Harry's Law* (2011-2012) and an African American one in *How to Get Away With Murder* (2014 -)

³⁶ 1983 – 2010

³⁷ Detective Jim Taggart was faced in the series between 1983 and 1994 with homicides in each episode and it became part of Scottish folklore to refer to the series with Mark McManus' extremely broad Glaswegian response in every episode “There's been a murrderr”. The series continued without the named character after McManus' death in 1994 for over 15 years but many more murders.

³⁸ Donna Paulsen (Sarah Rafferty), Harvey Specter's PA, is also in the know as she was with Harvey at the “interview” where Mike got the job. Her ability to keep this secret is a powerful sign of her loyalty and commitment to Harvey.

The precise details of the legal issues are overtaken by both large and small office politics which begin to dominate the series.

The notion of shifts in time, developed in *Damages* is also adopted, to an extent, in *Suits* and serves to allow the background of some of the characters to be filled in. It is the standard goal of most series producers to achieve re-commissioning and to become a staple of the schedules. It does not seem unreasonable to suspect that the success of this “one trick pony” may have come as something of a surprise to those behind the series. This has led to some awkward and clunky “infilling” to be undertaken, as well as changes in characters like Louis Litt.

It is in the personnel encountered in Pearson Hardman that the conventional/unconventional mix is most vivid. In any series in the 21st century one would not be surprised to find women lawyers. Here, the senior partner is a woman, no less. By the same token, ethnic diversity would be expected. Here, this comes in the form of the two principal woman characters, Jessica Pearson and Rachel Zane. Jessica is powerful, driven, and compassionate, while Rachel is at the start of her career, ambitious and caring. By contrast, the two major players we encounter, Specter and Ross, are WASPs, with Harvey particularly “Aryan” and self-centred. Unusually, too, for the 21st century, we find a piece of blatant stereotyping in the part of the ambitious would-be partner, Louis Litt. Louis is a sneaky, conniving, self-serving lawyer on the staff with whom Specter appears to have a hate/hate relationship. Although apparently a brilliant lawyer, Louis is the butt of Harvey’s ill-humour and their ongoing relationship is one of the major drivers in the series. Litt is Jewish and appears to portray the role of the Jewish lawyer³⁹ in much the way that Stepin’ Fetchit represented African Americans in films in the 1930s.⁴⁰ This essay seeks to locate this innovative series in its context and provide a provisional assessment of corporate law as seen on TV.

III. Criminal Law

Watching the majority of TV’s doughty fighters-for-the-underdog over the years, from *Rumpole of the Bailey* and *Judge John Deed*⁴¹, to Martha Costello in *Silk*, what is clear over the years is that law involves criminal trials in which the police invariably get the wrong person. Our lone protagonist is on hand to prevent or cure miscarriages of justice. From the eponymous *Perry Mason*, and his English equivalent Richard Boyd in *Boyd QC*, to Jack Roper of *New Street Law*⁴² and from Ben Matlock in *Matlock* to *Kavanagh QC*, and *Silk*, television lawyers have been predominantly criminal law practitioners. They spend their time involved defending unjustly accused murderers, robbers, arsonists, and the like. Civil law hardly gets a look in. Occasional exceptions, such as suits for damages for defamation and the divorce work of Arnold Becker in *LA Law*, are mentioned below and are worthy of note. Here, the court actions result in damages or other remedies rather than jail time or execution. The courtroom location, however, is the same.

³⁹ on Louis as a crude Jewish stereotype see Asimow 2016

⁴⁰ Bogle, 2001

⁴¹ 2001 – 2007

⁴² 2006 – 2007

IV. The Mixed Legal Practice

The "new wave" law series started in 1986. *LA Law*⁴³ introduced a new notion into television lawyers of the firm. Hitherto, our fighters for justice had been lone practitioners - whether they were barristers like Margaret Lockwood's Harriet Peterson in *Justice*⁴⁴ or attorneys like Anthony Petrocelli in *Petrocelli*. Indeed, starting at the same time as *LA Law* and running for the same time, we find a version of the lone defender in the criminal courts, Atlanta's Ben Matlock in *Matlock*.⁴⁵ *LA Law* gave us a new approach, stemming from producer Steven Bochko's success in the police format with *Hill Street Blues*⁴⁶ and its multiple storylines and a range of ethnicities, genders, and sexuality.

LA Law offered a mix of civil and criminal issues but the common feature was the courtroom. The firm had a range of private client work. This covered divorce, contract cases, and defamation, along with criminal defence work. In the 8 series and 171 episodes the show was on air, the focus is on the problems of individuals and corporate law is seldom encountered. In a lone episode from series 1, aired in October 1986, Ann Kelsey defends a toy manufacturer who is trying to stop a takeover. That apart, the series shifts from the offices of McKenzie, Brackman, Chaney, and Kuzak to the court and back, covering criminal and civil issues and, of course, the negotiations for Arnold Becker's divorce practice.

Again, as noted with the retro example of *Matlock* and its tribute to the Perry Mason crime-solving last-minute-reveal lawyer, a diverse set of lawyer programmes continued in the 1990s. There was another Steven Bochko offering with *The Practice*, with its clientele from a much less well-heeled district in Boston. The unusual surreal mixture of romance, music, and legal practice in *Ally McBeal* achieved great commercial and critical success between 1997 and 2002. Maintaining a slightly wacky relationship between straightforward cases and odd lawyers, Boston was also home to the mixed workload of the firm of Crane, Poole and Schmidt in *Boston Legal*. These programmes feature lots of interesting changes of emphasis with strong central female roles rather than the traditional white male lawyer

V. British Corporate Lawyers on Screen

From Britain, with *Wing and a Prayer*⁴⁷ and *North Square*,⁴⁸ there was a shift in the geographical focus and the income of the clients. Again, however, all criminal material. It is not until 2003 that we get a series set in the city of London and featuring people making deals in the BBC series *Trust*. This six part series from January to February 2003 features people engaged outwith the courtroom, involved principally in making deals for and on behalf of companies. It had a cast of experienced British TV actors - Robson Green⁴⁹ Neil Stuke⁵⁰ Sarah

⁴³ 1986 – 1992

⁴⁴ 1971 – 1974

⁴⁵ 1986 - 1995

⁴⁶ 1981 - 1987

⁴⁷ 1997 – 1999

⁴⁸ 2000

⁴⁹ *Soldier Soldier; Close and True*

⁵⁰ *Game On*

Parish⁵¹ and Ian McShane⁵² - alongside actors with existing film credits - Chiwetel Ejiofor⁵³ and Eva Birthistle.⁵⁴

This look into the life of a city law firm is the first legal drama that involves no time spent in court. The drama comes from the range of issues which affect our main protagonists; Steven Bradley (Robson Green) and Annie Naylor (Sarah Parish). Steven is a partner in the firm, seeking to become a senior partner, and Annie has ambitions to get to the partnership stage. Right from the start of the series, and throughout its run, we see how the commitment of these two to the office has affected their marriages. Steven's marriage is "on the rocks". During the series he divorces, although he pledges to spend "quality time" with his pre-teen sons in the future. Annie manages her work life balance a little better, due to the necessity of being a mother of a small girl and having a patient husband. Both end the series separated from their respective partners and in each other's arms.

Following the lines adopted by John Mortimer in the *Rumpole* series,⁵⁵ we have an intermix of three elements - legal issues, internal office politics, and family life. Unlike *Rumpole* and other shows which also relied on this formula, like *Kavanagh QC*, however, these three "areas" play out largely within the workspace.

This workspace makes for a high degree of intensity. For what is reputed to be a major city firm, the office space is cramped and by no means luxurious. The series of one hour episodes also introduces us to the other main players. Martin Greig (Neil Stuke) appears, initially as a relaxed gay lawyer, comfortable with his sexuality and lacking naked ambition. Vying for the place of the least ambitious assistant is Ashley Carter (Chiwetel Ejiofor). He is seen as a hedonist, drifting through life and relying on his charm rather than being truly committed to legal practice. He might, one begins to suspect, be employed by the law firm simply to fulfil a commitment to ethnic diversity. Less clear cut is the young ingénue lawyer, Maria Acklam (Eva Birthistle) who is making her way in the firm as Steven's assistant. She can see the strain her boss' commitment to his work is placing on his marriage and the impact on his family life. Maria clearly has doubts as to whether this is the path she wants to tread. The enigmatic Senior Partner, PG (the Power and the Glory) Alan Cooper-Fozard (McShane) flits in and out of the action unaccountably with little to do but to pronounce wise nostrums about commitment to the firm and its ethos.

The pattern of coverage centres around a mix of the lawyers and their personal problems and a client-centred issue. It would be misleading to use the term "case". The essence of the law being practiced here is about people coming to an agreement. The lawyers for the various parties merely seek to facilitate this process. In the first episode, for instance, Steven Bradley has concluded some unspecified all-through-the-night deal. He is then immediately involved in getting two brothers to wrap up their deal selling their family company to a large conglomerate. In a later episode, there is an agreement to be concluded with a travel agency business being bought over by one of the employees. The seller stalls at the last minute before signing. In both instances, the intuition of Maria and Annie in the two respective cases allows the sellers to see the error of their ways. As Steven himself opines:

⁵¹ *The Bill; Peak Practice*

⁵² *Lovejoy* and subsequently *Deadwood*

⁵³ *Love Actually*

⁵⁴ *Ae Fond Kiss*

⁵⁵ Mortimer 1993

*What's important is you put the people first and the law second*⁵⁶

Whilst this is the essence of the way the various client-centred issues are resolved in all the episodes of *Trust*, it is never clear why any lawyers are involved. In another episode, an American tycoon flies in to complete a deal with a couple running a young British magazine. They are seeking to get distribution in the United States but are unwilling to compromise their principles by not covering sensitive issues like a woman's right to choose. In the end, the American is won over by their belief in their product and the deal is signed.

The merging of a green energy company and a large polluting oil company to get the oil company some environmental credibility stalls in a later episode. This has happened because two of the in-house lawyers involved have been acting in bad faith to further their own career interests. This is revealed when a secret memorandum is unearthed by Maria while being instructed to do "due diligence" on the potential takeover company.

The key to the success of the agreements, however, is not so much hard facts but the intuition of the lawyers at the firm. Whether it is Steven, Annie, Maria, Ashley, or Martin, all rely for their success in being able to sniff out when something is "not quite right". Ashley does this when a client is seeking to bring a "wonder drug" to market. He starts to suspect that the test data is flawed. Annie "senses" that the reason the seller of the travel business does not want to complete, despite there being no alternative offer on the table, is because of a past affair with the buyer which ended on a sour note. Steven works out from taking the food and drink order of a trio of young fashion entrepreneurs that they are all really best mates who do not want to break up at all. Maria deduces that the reason one of the brothers does not want to sell their company is because he fears he will lose his brother. Martin relies on his sense that his client's crucial financial backing will emerge at the last minute and this duly occurs. As Steven Bradley points out, success in their line of work is "70% instinct". As has been pointed out in the context of reality entertainment, this is precisely the concern of scholars analysing the way in which *Judge Judy* Scheindlin reaches her decisions.⁵⁷ Law is in danger of going back to being a product of some kind of priestly revelation to those with the gift rather than the product of rational analysis of established facts.

If Richard Sherwin is right, and the viewer learns about the law from watching television, then what can we glean from watching *Trust*? Corporate law involves little sleep. It involves one firm buying out another firm and people having to sign agreements. Finalising these mergers is often fraught. Corporate lawyers, themselves, have complicated social lives. Corporate lawyering is incompatible with family life. Corporate law takes place in shiny glass towers? There are no actual courtrooms involved. Corporate lawyers are obsessed with intra-firm infighting and this occupies, it appears, 65% of their time in *Trust*.

⁵⁶ Episode 1

⁵⁷ N Marder 'Judging Judge Judy' in M Asimow (ed.) *Lawyers in your Living Room*, (ABA, 2009) and 'Judging Reality Television Judges' in P Robson and J Silbey (eds.) *Law and Justice on the Small Screen* (Hart Publishing, 2012); K Podlas 'Impact of Television on Cross-Examination and Juror "Truth"' (2009) 14 *Widener Law Review* 483 and 'Testing Television: Studying and Understanding the Impact of Television's Depictions of Law and Justice' in P Robson and J Silbey (eds.) *Law and Justice on the Small Screen* (Hart Publishing, 2012)

This entertaining and interesting series ran in 2003 for a single season. This analysis of what *Trust* tells us about corporate law might sound rather churlish. It is worth bearing in mind that, as David Papke has suggested, the entertainment industry which produces these shows about law and lawyers

*..... does things and shapes works in hopes of financial success.....the culture industry tries almost desperately to produce works it thinks will appeal to the public, will catch the public's eye, will win its favor*⁵⁸

More recent British law series have taken the more conventional approach of looking at criminal law: *New Street Law*,⁵⁹ *Outlaws*⁶⁰, and *Silk*; or set in either the 18th century as in *Garrow's Law*⁶¹; or the modern equivalent, Norfolk, in *Kingdom*.⁶² The latter does involve some civil disputes as well as criminal law. Whilst we do not see the inside of a courtroom in the 3 series, this is a world well away from the deals of *Trust*. It involves minor matters of inconvenience and frustration rather than world shattering issues.

VI. Corporate Lawyers – the American Way

Despite the caveats that Papke mentioned, one might expect the United States to have ventured beyond the criminal and civil courtroom. There is, indeed, a strong hint of corporate law practice in the much-lauded series aired late on Sunday nights in Britain with Glenn Close - *Damages*.⁶³ This was hailed for its innovative use of time shifts and its focus, in its five series, not on a string of cases for our lawyer protagonist but rather on a single matter. In its first, and most successful, series, *Damages* is centred on Patty Hewes and her attempt to defend a businessman. He is accused of having siphoned off money from his firm and of leaving the hapless employees to a future without jobs or pensions. The crucial question revolves around whether the asset stripping which Arthur Frobisher (Ted Danson) is accused of has taken place and whether or not it involves serious criminal actions. The plot demands a high level of concentration and cannot really be "dipped into" on a casual basis. Even with the advantage of a box set, one gets a great deal of plot with very little law. Using the Richard Sherwin "law learning" test provides precious little. This is not to say that the plot is not worth sticking with, but it does not pretend to provide a glimpse into the running of a law firm with rich clients owning big companies. We learn that corporate bosses sometimes siphon off money from the pension schemes of their companies and then shut down the companies. In addition, we discover that the lawyers who represent corporations have very complicated lives and will resort to drastic action, including the murder of dogs. The same kind of complex and convoluted plotting is encountered in the later series. These give tantalising glimpses into the

⁵⁸ D Papke, 'Comedic Critique: The Pop Cultural Divorce Lawyer' in M Asimow, K Brown, and D Papker (eds.) *Law and Popular Culture: International Perspectives* Cambridge Scholars Press, 2014) 37

⁵⁹ 2006 – 2007

⁶⁰ 2004

⁶¹ 2009 – 2011

⁶² 2007 – 2009

⁶³ 2005 - 2009

world of business, with a Ponzi scheme featuring in the third season and whistleblowing in season five.

The trope of the strong female justice protagonist is also encountered in the recent long-running series, shown in Britain on niche channel More 4, *The Good Wife*. This is a story of redemption. With her husband jailed for bribery, Alicia Florrick returns to legal practice as a lowly Assistant. Over the next 7 seasons and 155 episodes, we see her rise in the firm of Stern, Lockhart and Gardner and then break away to set up her own, rival firm. Again, initially we encounter a powerful woman in charge of the firm who recognises Alicia's qualities. She shows these skills in the same kind of mix of criminal defence work and private civil litigation as was found in *LA Law*. Although, in fairness, it does involve shiny towers, lack of sleep, and a huge amount of office in-fighting and intra-office skulduggery.

As we noted above, the most recent American law show to be shown in Britain on Channel 5 late at night, *Suits*, is set in a high powered New York law firm. Its special factor is that it is a version of a single comic/tragic Shakespearean notion of mistaken identity – here, as mentioned, a young man accidentally gets a job as an associate in a law firm although his boss knows intuitively that he has no law degree. The young man just happens to have a brilliant memory. Given the limited theme, one might be forgiven for not persisting with this programme. The Managing Partner, the head, of the firm of Pearson Hardman however was an African American woman, Jessica Pearson. This factor alone was, at the time, worthy of attention.

For the next 6 seasons and some 76 episodes we follow the firm, the progress of the pseudo-lawyer and that of the man who hired him knowing him to be unqualified, along with supporting roles for 4 other characters. The difference here is that they are working in the corporate division of a large successful New York law firm. This is a firm with 12 senior partners and a variety of divisions. The first two major male characters we meet, Harvey Specter and Mike Ross, are in Mergers and Acquisitions. We discover in due course that the firm has various divisions: Real Estate, Contracts, Bankruptcy, Mergers, and Taxes. What these individuals do, within these divisions, remains largely a mystery.

The show is still running at the time of writing and there are changes between the first two seasons and the next two in the issues covered. The characters, their presentation, and the narratives veer wildly between the realist and the caricature. The tone shifts from absolutely serious to wildly improbable. Some characters, such as Harvey Specter (Gabriel Macht) and Stephen Huntley (Max Beesley), appear as hard-headed, if ruthless, operators. Others, like Louis Litt (Rick Hoffmann) and his English counterpart in Series 3 and 4 Nigel Nesbitt (Adam Godley), are portrayed as small-minded, petty buffoons who, in spite of their inability to relate to others in the office, nonetheless possess highly valued, although largely unspecified, skills. One of the perplexing features of *Suits* is the way in which it shows the viewer a world in which personal qualities, rather than background, are valued. This work environment is one in which people from ethnic minority backgrounds, like Jessica Pearson and Louis Litt, are not held back from securing advancement. Lack of high social status is not a barrier to progress, either. We see this with the treatment by the firm of Mike Ross. He is promoted on his demonstrated merits irrespective of his humble origins.

The male lawyers and associates all have an extraordinary ability to think three steps ahead of those with whom they interact. Harvey Specter is the finest deal closer in New York. He flashes his lupine smile a great deal and wears the smart suits of the title. His style is part foreknowledge and part bluff. Sometimes he magically knows what someone's weakness is and, at other times, he takes a chance that his guess is right. This includes, on the one hand, having evidence of the crimes of the former District Attorney and using this knowledge whilst also playing poker to win back a client's company which has been lost in a gambling spree in Atlantic City.

His protégée, Mike Ross (Timothy J Adams), has a photographic memory and an uncanny ability to remember data. As indicated, although he has no qualifications he is able to pass as a lawyer with the connivance of Harvey and Harvey's Personal Assistant, Donna Paulsen (Sarah Rafferty.) She, like Harvey, has a level of prescience which is extraordinary. She is able to second-guess her boss' needs and knows all his secrets and foibles, as well as those of many others in the firm. She is not, however, some self-serving Iago figure intent on her own self-promotion. There are early hints that the relationship between her and Harvey has perhaps more to it than employer/employee.

Most odd of all is the character of the ambitious Louis Litt. Although portrayed as socially dysfunctional, he is entrusted with the task of looking after the training of all the firm's Harvard-sourced Associates. He is also the recognised firm expert on Corporate Finance. We see him glancing at files presented to him and immediately spotting the flaw or weak spot which the firm can exploit. We also see him as manipulative and mendacious in a childish way, seeking to buy friendship and loyalty and ready to cast these alliances aside at the merest hint of a slight to his perceived authority. This has both serious and comic aspects. He is susceptible to the crude flattery of Andrew Hardman on his return to the firm in series 2 and is easily swayed into giving him his support in exchange for promotion. In a very different vein, however, we see him negotiating with the new power in the firm, Nigel Nesbitt, over the role of quartermaster so that he can guarantee access to free Raspberry nutribars and a certain kind of ballpoint pen. Both actions have negative impacts on his work but are treated in the same way in the narrative.

By contrast, two of the five principal characters are women who appear to be grounded in reality and value effort. Jessica Pearson, the Managing Partner, runs the firm efficiently, although without ever having so much as a file or a piece of paper in her hand and without any obvious administrative support. The engaging paralegal, Rachel Zane, has managed to keep from the firm that her father is a highly successful and respected African American Attorney with whom the firm clash on occasion. She is naive and ambitious but also seems to have none of the "special" gifts of the three men. It seems to be a reverse of the division noted by Kamir in her analysis of *Adam's Rib* in which she complained that Adam got all the rational "male" arguments and Amanda was left with the emotional "female" appeals to sentiment.⁶⁴

Watching *Suits* provides a view of contemporary corporate lawyers in America in the wake of the financial meltdown of 2008. Again, as Papke stresses, the perspective provided interacts with public expectations as to what such lawyers are like. Papke wrote about TV

⁶⁴ O Kamir, 'X-raying Adam's Rib: multiple readings of a (feminist?) law film' (2000) 22 *Studies in Law, Politics, and Society* 103

divorce lawyers being "manipulative, money-grabbing and lusty"⁶⁵ because this was what the culture industry took the "public sentiment" generally to be. As far as corporate lawyers are concerned, this expectation is similarly negative but allied with notions of envy that these "masters of the universe" (and increasingly "mistresses")⁶⁶ deserve, perhaps, their rewards for their Stakhanovite workloads and personal sacrifices.

Again, we get a sense of immense workloads and sacrificing of personal time. Corporate lawyers work through the nights and do not need sleep. Corporate lawyers have very complicated personal lives. Corporate law is incompatible with normal family life and maintaining healthy inter-personal relationships. Corporate law involves people taking over companies or merging. Corporate law negotiations are fraught. Corporate lawyers know things about other lawyers which gives them an edge in fraught negotiations. Corporate law takes place in very shiny glass towers. Corporate lawyers in the United States, if we follow *Suits*, spend most of their time involved in intra-firm infighting - by now up to 75% of their time.

Allied with this awe at their ability to work selflessly on "deals", is a suspicion that, like criminal defence lawyers and compensation seeking lawyers, their work perhaps does not have much to do with the public interest. As the DA ex-boss of one of our protagonists says when accusing ex-prosecutor Harvey Specter of having sold out by working as a Corporate lawyer -

You help rich people keep their money and that's all you do

This is reflected in the contrast between the lyrics of the theme song and its title and refrain – Greenback Boogie. Here the references to the modest aspiration for a “bean pie” with “little cream cheese” contrasts with the megabucks deals the lawyers are involved in and their lifestyles. The repeated refrain - Greenback Boogie – implies that the enterprise is about making money and has nothing to do with justice. It may be one of the reasons for the varying tone and shifts of perspective that have been mentioned in the lawyers working in *Suits*. Harvey Specter may be the new Gordon Gecko for the post-2008 capitalism but there is an ambivalence in our view of him.⁶⁷ We are not sure if he is Louis Litt with a better suit and hairstyle. He too switches his allegiances and loyalties in a capricious way. At the end of each segment, however, he seeks to justify these actions according to a grand scheme centred on the interests of the firm, whether it be Pearson Hardman, Pearson Darby, Pearson Specter, or Pearson Specter Litt. Quite why a man whom we see as a narcissist should be so concerned with the collective good is only hinted at. Given that the narrative is ongoing, that is an issue which the various writers have not really had to address. He is surrounded, throughout the various series, however, by a group of equally unadmirable characters. He hovers between icon and hate figure. His loyalty to his friends may be his saving virtue but that is mediated by his betrayals over the years. As the series progresses his moral arc is not yet fully determined. There is the possibility that he may achieve a state of grace. He may, on the other hand, defy

⁶⁵ D Papke, 'Comedic Critique: The Pop Cultural Divorce Lawyer' in M Asimow, K Brown, and D Papker (eds.) *Law and Popular Culture: International Perspectives* Cambridge Scholars Press, 2014) 38

⁶⁶ T Wolfe, *Bonfire of the Vanities*, (Farrar, Straus, Giroux, 1987)

⁶⁷ *Wall Street*, 1987, Oliver Stone

the tradition of moral redemption and join Graham Greene's Harry Lime⁶⁸ and Patricia Highsmith's Tom Ripley⁶⁹ as one of the great fictional amoral protagonists.

VII. Concluding Remarks

Portraying corporate law on television has faced the same problems which all fictionalisations of the justice system face. In real life, the law and its machinations are highly dramatic, at turns both shocking and inspiring. Fictionalising this should be easy. Achieving originality after almost 60 years of TV lawyers is the problem. One part of the solution has been a shift from plot driven narratives to character focused material. This focus is far more suitable for exploring characters and their lives over as many series as possible, as opposed to fresh cases appearing every week and being disposed of within an hour of TV time. The emergence of the rolling storyline in the wake of *Hill Street Blues* has produced a soap opera like quality to many legal dramas which have adopted the serial form. We find this in *Judging Amy*⁷⁰ about a corporate lawyer “dropping out” to become a Family Court judge in Hartford, Connecticut.⁷¹ This is not to say that the neatly packaged episodic television law drama has had its day. As noted, it continues to thrive in its natural setting of the criminal legal series and it makes the syndication of a series easier. When, however, programme makers have turned their attention to the world of law and its interaction with business, they have opted to focus on the personal and private. In a sense, here any lack of due process and resultant injustice from Mike Ross being unlicensed means there are no obvious victims. The clients’ goals and problems centre on making or retaining money. No-one is going to languish in jail for a crime they did not commit when a takeover goes awry. A further possible explanation is assumptions about the audience; those in charge of running modern justice systems take the view that lay juries cannot absorb complex material and that issues like corporate fraud should be left to those who can follow such matters with professional acumen.⁷² This may be why there is a difference between the corporate law world on television and that of the criminal mainstream. The viewing public would not be able to cope with the abstruse nature of corporate business. In fairness, this lack of confidence is not entirely fanciful if the recent excellent films on the workings of modern capitalism are anything to go by.⁷³

Judge John Deed was reportedly popular with High Court Judges with its portrayal of a crusading fighter for justice with a remarkably active sex life with counsel, witnesses, and others.⁷⁴ Corporate lawyers watching the portrayals of themselves in television will know how their lives measure up to the fictional version. In their real working lives they know if, indeed,

⁶⁸ *The Third Man* 1949, Carol Reed

⁶⁹ *The Talented Mr Ripley* 1999, Anthony Minghella

⁷⁰ 1999 – 2005

⁷¹ see most recently *Billions* (2016 -) on the Federal prosecution of financial crimes as a “soapy melodrama”

⁷² Criminal Justice (Mode of Trial) Bill 1999 and Criminal Justice (Mode of Trial)(No2) Bill 2000 both sought to limit the right to elect for jury trial. Provision for such restriction, as yet not in force, is, however made in the Criminal Justice Act 2003. Section 43 allows, where serious and complex fraud cases are likely to make “the trial so burdensome” to the jury for the trial to be conducted without a jury.

⁷³ see *The Wolf of Wall Street* (2013, Martin Scorsese), *99 Homes* (2015, Ramin Bahrani) and *The Big Short* (2015, Adam McKay) – hugely entertaining but far from simple to follow.

⁷⁴ Interview by author with members of the Court of Appeal in October 2010 on the reactions of the judiciary to the series

they do have complicated personal lives with no sleep, relying on their secret knowledge of the foibles of the lawyers of the other side, and confident that can resist the backstabbing that pervades corporate law on television. The rest of the population will assume that is what they do. Their role, and the perceived reality, may be far from the heroic noble role which popular culture has generally assigned to their criminal law counterparts from Perry Mason and Richard Boyd to Alicia Florrick and Martha Costello. In the post-2008 political climate helping rich people keep their money is, however, only slowly beginning to emerge as something which is problematic. It does offer scope, though, for a fictional exploration of how and why the wealth and power gap in many advanced societies is widening and what role the hitherto little examined world of corporate law plays in this process.