

## NINE

### Teaching with Audio-Visual Aids

Increasingly, professors use a multi-media format in teaching, whether in the lecture itself or in extra-curricular exercises or other events. The most common of the recent tools, electronic blackboards, Powerpoint slide shows and the like, are beyond the scope of our manual at this time. However, videographs of movies and television shows are increasingly a part of the new electronic platform for instruction, and in some settings, such as showing brief scenes in class or sponsoring a movie festival after class, we believe students can benefit from this experience.

Both of us have used video clips for some years in our classes. George uses the confession of Bernard Goetz in his lectures on criminal law for this course, and we hope to make that available on the book web site, which is <http://www.oup.com/us/americanlaw>. Steve uses snippets to illustrate different problems in his courses, particularly those the students are likely not to understand as human problems but consider only as abstract, historical, or intellectual situations. One of the more important of these is to illustrate, and to give a foundation for discussion of, the stress of the case method dialogue, for which the *Paper Chase* scene discussed below is invaluable. Other problems Steve has used scenes to teach include helping students to see how race really affects the courtroom, how arguments before the court proceed, and to set a hypothetical for discussion. Students respond well to these tools, so long as they are not overused.

Several collections of movies and other media exist. Michael Asimow and Paul Bergman's *Reel Justice*, though dated, is a useful starting point. Several sites on the internet list movies related to the law, and we are impressed so far by these:

Picturing Justice, at <http://www.usfca.edu/pj/>

Lawyers and Film, James R. Elkin's collection of writings on law and film  
at

[http://myweb.wvnet.edu/~jelkins/film04/resource\\_readings.html](http://myweb.wvnet.edu/~jelkins/film04/resource_readings.html)

More impressive are the collections physically maintained and web-cataloged by the law libraries of the University of Texas and Stetson University, at

<http://tarlton.law.utexas.edu/lpop/film.html> and

<http://www.law.stetson.edu/lawlib/movies/search.asp>

These lists are daunting, and we here offer a short inventory of recommendations of such media to augment lectures related to the book. The list below is hardly exhaustive, and we welcome your suggestions.

## Part One, Common Law and Civil Law

### Legal Education

*The Paper Chase* (1977), directed by James Bridges.

John Houseman's Kingsfield resembles the famed law professors of Harvard in the mid twentieth century. While few law professors in the U.S. are as unremitting as this today, ten minutes in the opening scenes with Timothy Bottoms can provide a useful point of discussion about the ideas of case method instruction. Also, in that scene, they discuss *Hawkins v. McGee*, which is in chapter twenty-one.

### Appellate Argument from Laws, Facts, and Policies

*The People v. Larry Flynt* (1996) directed by Milos Forman.

Believe it or not, this movie has one of the finest scenes of appellate advocacy Hollywood ever produced. Edward Norton plays Alan Isaacman, Flynt's lawyer, arguing *Hustler Magazine, Inc. v. Falwell*, before a well-cast Supreme Court. The rest of the movie will not be particularly appropriate for your class, but this scene makes the tale of a pornographic magazine publisher an important aspect of the First Amendment. Useful particularly after chapter ten, which has *New York Times v. Sullivan*, and after chapter four on legal reasoning.

### The Conflict Between Romantic and Classical Modes of the Law

*The Life and Times of Judge Roy Bean* (1972), directed by John Huston.

About twenty minutes into the film is scene 18 in which Roddy McDowell's character Lawyer Frank Gass meets Paul Newman's Judge Bean. Gass has a deed to the lands Bean controls. Gass tries to enforce his deed with Bean's own law book, but Bean declares that law repealed and rips out its page. At first blush, Bean seems more outlaw than judge, but Gass is a shyster, who came by the deed from a dead client in what we suspect is a dishonest way. Neither is clearly right, but each represents a different approach to and weakness in the law, Gass taking refuge in but advantage of rules, and Bean exercising a swashbuckling discretion. The students' sympathies turn out to be easily divided between their approaches to the dispute. We might like to think that neither could resolve the issue, that a neutral arbiter would be found, but this is a Western.

## Part Two, Constitutional Identity

### Constitutional Problems

*Marbury v. Madison* (1977), *McCulloch v. Maryland* (1977), *Gibbons v. Ogden* (1977). All of these half-hour movies were produced for the Federal Judicial Conference, dramatizing the decisions in these landmark cases as part of the Bicentennial of the U.S. Constitution. Very useful for undergraduates and foreign lawyers, and American law students find them quite an eye-opener.

### Effects of Race in America

*To Kill A Mockingbird* (1962), directed by Robert Mulligan.

This classic movie has the single most powerful scene for displaying the problem of racial bias in the law. The testimony of Brock Peters as Tom Robinson, the Black man wrongly accused of rape, is juxtaposed with the verdict of the all-male, all-white jury. Tough to watch, but it is a powerful tool for explaining the problem of race in law. Very useful in chapter eight.

*Separate But Equal* (1991), directed by George Stevens, Jr.

A dramatization of *Brown v. Board of Education*. Sidney Portier plays Thurgood Marshall, who of course was then counsel for the NAACP Legal Defense Fund, and who argued *Brown*. Useful after chapter nine.

*Advise and Consent* (1962), directed by Otto Preminger

Depiction of a politically charged Senate confirmation of a nominee for Secretary of State, it can provoke a useful discussion on not only the roles of advice and consent and separation of powers but also on the difference between law and politics.

*Mr. and Mrs. Loving* (1996), directed by Richard Friedenberg. A somewhat flawed but not horribly inaccurate depiction of *Loving v. Virginia*.

### The Jury

*Twelve Angry Men* (1957), directed by Sidney Lumet.

Henry Fonda plays the holdout juror in a classic tale not only of the dynamics of a jury room but also the problem of evidence in determining a verdict. Useful after chapter eleven.

### **Part Three, The Theory of the Common Law**

#### **Property**

*The Wrong Box* (1966) opens with a wonderful scene in which a Tontine trust is entered with all the signatories applying their marks under seal in a flourish of nineteenth century formality in sealing an instrument.

*Body Heat* (1981), directed by Lawrence Kasdan.

While many scenes are risqué, the movie's critical plot twist turns on a violation of the rule against perpetuities.

#### **Contract**

Interestingly, we don't yet know of any media featuring the creation or litigation of a commercial contract.

#### **Tort**

*Class Action* (1991), directed by Michael Apted

Based loosely on the litigation over the Ford Pinto, this is fictional account of a class action over faulty wiring in an automobile presents good images of the problems of discovery in large cases.

*The Verdict* (1982), directed by Sidney Lumet.

A trial for medical malpractice, with a judge clearly biased against the plaintiff. Several great courtroom scenes with Paul Newman as the lawyer-in-winter, although the surprise witness might not have been allowed by some judges under the rules of evidence.

See also *A Civil Action* for environmental tort.

#### **Civil Procedure**

*A Civil Action* (1999) directed by Steven Zaillian.

This movie depicts the non-fiction book by Jonathan Harr, which followed a toxic tort claim from investigation through discovery, settlement negotiations, and trial. Useful after chapter twenty-six on civil procedure.

For a single scene on pretrial proceedings, you might enjoy the scene in *It Happened to Jane* (1959), in which Jack Lemon attaches a train locomotive in an action for damages over a shipment of spoiled lobsters.

#### **Part Four: Criminal Law**

There are any number of criminal-law expositions on television and in the movies. The television show *Law and Order* is quite popular among lawyers, and it is indexed in several trade-press books. For a dated but surprisingly competent treatment of criminal procedure, old episodes of Earl Stanley Gardner's *Perry Mason* are also useful, even if the discovery rules now make the "surprise witness" less likely.

The Confession of Bernard Goetz. This, we hope, is on-line at the course web site, <http://www.oup.com/us/americanlaw..> You may find this useful given the tracking of these chapters to the Goetz case.

#### **Criminal Procedure and Criminal Trials:**

*Gideon's Trumpet* (1980), directed by Robert E. Collins.

A nice dramatization of Anthony Lewis's classic book on *Gideon v. Wainwright* (1964) Useful after chapter twelve.

*Anatomy of a Murder* (1959), directed by Otto Preminger.

Based on Robert Traver's novel, the movie is dated but still *A Civil Action* for the criminal procedure set. Certain procedures, such as the proximity of lawyers to a witness on the stand, have changed, but the arraignment, arguments, and dynamic between the judges and the lawyers, Jimmy Stewart opposing George C. Scott, are pretty close to the real thing. Different scenes in the film are especially nice in demonstrating the benefits of a lawyer having researched the issues in the case and having researched its facts, in order to prepare for trial.