

Jewish Lawyers on Television

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In a 1971 episode of *All in the Family*,² Archie Bunker has an auto accident with a Jewish woman driver. After spouting his usual anti-Semitic opinions, Archie realizes that he can fake a back injury and make some real money. Clearly, this requires a smart but crooked lawyer. Archie and his son-in-law start leafing through the yellow pages looking for one and find Rabinowitz, Rabinowitz, & Rabinowitz. That's it! But the Rabinowitz firm sends over Whitney Fitzhugh IV, its token gentile. Archie throws him out and cries "Bring me a Jew!" Sol Rabinowitz soon arrives, but the case falls apart when witnesses (a station wagon full of nuns) declare that the accident was Archie's fault.

Norman Lear's inspired idea for *All in the Family* (1971-1979) was to put all sorts of bigotry and right wing political slogans into the mouth of the buffoon Archie Bunker as a way of ridiculing those opinions.³ In this episode, Lear was parodying the stereotypes surrounding Jewish lawyers—they are greedy, unethical, and more cunning than other lawyers. Fortunately, the anti-Semitic stereotypes that Lear lampooned in 1971 no longer exist, correct? Well, not so fast.

This article identifies about a dozen Jewish lawyers who have appeared as regular characters on fictional television dramas from the 1980s to the present.⁴ Most of these representations occur in lawyer shows, but some are drawn from other genres, such as soap operas or police shows. After a brief discussion of stereotyping and media effect in Part I, the article turns to a discussion of these portrayals and speculates about where the stereotypes came from. It describes a spectrum that organizes the ways that Jewish lawyers are represented. On the left end of the spectrum are strongly negative stereotypes (Part II). These suggest that Jewish lawyers are worse than other lawyers. At the midpoint of the spectrum are mildly positive portrayals (Part III). These suggest that Jewish lawyers are about the same as other lawyers. On the right end are strongly positive characterizations (Part IV). These suggest that Jewish lawyers are better than other lawyers. Part V concludes.

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² "Archie's Aching Back," Seas. 1, Ep. 3.

³ Jason Mittell, *Television & American Culture* (OUP, 2010) 321-22. The inspiration for *All in the Family* was the British series 'Till Death Do Us Part (1968-1975), created by Johnny Speight. The hero, Alf Garnett, strongly resembled Archie Bunker and, like Archie, constantly sparred with his left-wing son-in-law.

⁴ These characters self-identify as Jews or are identified as Jewish in the literature or have surnames that make it very likely that they are Jewish. I suspect that a number of other important lawyer characters in various television series may be Jewish, but I have not included them because their ethnicity is uncertain.

I. Stereotypes and Media Effects

Stereotypes are narrow, oversimplified, and often inaccurate definitions of cultural identity.⁵ A stereotype reduces all aspects of a group to a small set of characteristics. Television shows often contain stereotypical characters because their use simplifies script production and casting. The stereotypes are familiar to those who create series as well as those who write the individual episodes. Moreover, the process by which programs are green-lighted tends to reward familiar types of stories and characters that have been well received in the past. Finally, stereotyped characters are familiar and non-distracting to audiences and thus require less dramatic explanation than a non-stereotypical characterization.⁶

Stereotypical characterizations in mass media such as television are worth taking seriously for two distinct reasons. First, pop culture is a mirror, reflecting the attitudes and beliefs of those who produce and consume it. Of course, pop culture is far from a perfect mirror, since it always distorts reality for dramatic, commercial or ideological reasons. This paper is an example of mirror methodology. It suggests that the stereotypical characterizations of Jewish lawyers on television reflect deep-seated societal attitudes.

Second, pop culture serves as a lamp, constructing and reinforcing public opinion through the process of cultivation.⁷ Those who consume a large quantity of televised material are likely to perceive the world in ways that reflect recurrent messages of the television world, as compared to people who watch less television but are otherwise demographically similar. Since this article documents only about a dozen Jewish lawyer characters (many of them in supporting roles) over a thirty-five-year period, these characterizations are probably not recurrent enough to produce a cultivation effect.

II. Strongly Negative Portrayals of Jewish Lawyers

All in the Family satirized various negative stereotypes about Jewish lawyers, particularly that they are more cunning, more greedy, and less ethical than other lawyers.⁸ Obviously, the stereotype that Jewish lawyers are smarter than others isn't all negative. Indeed, it may bring them business (as it did in the *All in the Family* episode). In these portrayals, however, the emphasis is on cunning, trickiness, and the ability to manipulate others, rather than just intelligence. In addition to their smarts, stereotypical Jewish lawyers on television are physically unattractive and personally unpleasant.⁹ These negative portrayals fall at the left end of the spectrum of Jewish lawyer representation described at the beginning of this article.

⁵ Mittell (n. 2) 309.

⁶ Richard Butsch, 'Ralph, Fred, Archie, Homer, and The King of Queens,' in Gail Dines & Jean M. Hume (eds.), *Gender, Race and Class in Media* (3d ed. Sage Pub. 2011).

⁷ See George Gerbner, et. al., 'Growing Up with Television: Cultivation Processes,' in Jennings Bryant & Dolf Zillman (eds.), *Media Effects: Advances in Theory and Research* (L. Elbaum, 2d ed. 2002) 43; Michael Morgan, 'Cultivation Analysis and Media Effects,' in Robin L. Nabi & Mary Beth Oliver (eds.), *The Sage Handbook of Media Processes and Effects*, (Sage Pub. 2009) 69-82.

⁸ The character of Sol Rabinowitz in the *All in the Family* episode that introduced this paper displayed none of these proclivities. The stereotype was all in Archie Bunker's head.

⁹ My statements about physical attractiveness and unpleasant personality are subjective. Some of those with whom I've discussed this article disagree with them. I leave to my readers the judgment on whether my assessments are accurate.

In describing negatively portrayed Jewish lawyers, I am not suggesting that the creators of these shows were anti-Semitic or intended to cause harm to Jews.¹⁰ On the contrary, the writers had legitimate dramatic reasons to make these characters Jewish and endow them with negative traits. These reasons include developing interesting plot material, creating contrast in the acting ensembles, and exploiting the strength of the actors they cast in lawyer roles.¹¹ In one situation, the writer based a character on actual Jewish drug lawyers he had known.¹²

A. Examples of Negatively Portrayed Jewish Lawyers

1. *Picket Fences*: Douglas Wambaugh

Picket Fences (1992-1996)¹³ was a much honored program created by David Kelley, the originator of numerous legal and non-legal shows on US television. The show tackled major, and often cutting-edge, legal and social issues as they arose in the daily life of a small town. Often, these issues were fought out in the town courthouse. One of the recurring characters was a Jewish lawyer named Douglas Wambaugh, played by a famous Yiddish actor named Fyvush Finkel.¹⁴

Wambaugh is physically unattractive (especially in comparison to the other members of the ensemble) and is personally obnoxious (although never mean or malicious). Indeed, hardly anyone in town can stand him, particularly Judge Henry Bone.¹⁵ However, when somebody needs a lawyer, they want Wambaugh because he is fearless and crafty. He often wins hopeless cases because of his innovative arguments.

Wambaugh grabs every case he can get and sometimes cuts ethical corners. Yet he also displays more noble attributes, such as representing people despised by public opinion. Wambaugh explains: “My parents were murdered during the Holocaust. I know bigotry when I see it. I know oppression.”¹⁶

The episode “Pageantry”¹⁷ captures Wambaugh’s shrewdness and his obnoxious traits as well as his willingness to represent underdogs. A local rabbi challenges the town’s decision to hold a Christmas pageant in a public facility. The pageant is organized by beloved teacher

¹⁰ David Kelley, who is responsible for the negative Douglas Wambaugh character, created three other important Jewish characters discussed in this article, two of whom are mildly positive (Stewart Markowitz and Ellenor Frutt) and one of whom is very positive (Harriet Korn).

¹¹ See notes 13, 40, 43, and 57.

¹² See text at note 25.

¹³ See Robert J. Thompson, *Television’s Second Golden Age* (Continuum, 1996) 167-77.

¹⁴ Finkel was nominated for an Emmy for outstanding supporting actor in a drama series in 1993 and won the award in 1994. He also played a prominent role in Kelley’s series *Boston Public*. According to producer Robert Breech, Kelley had seen Finkel in a movie role as a gangster and wanted him for the *Picket Fences* cast. Kelley especially admired Finkel’s ability to play comedy and to switch on a dime from being funny to dead serious. Another advantage of casting Finkel in the lawyer role was his highly distinctive appearance and accent which created contrast with the other prototypical mid-western characters. The characterization of Douglas Wambaugh was developed to fit Finkel’s persona. He was extremely popular with viewers. Phone interview with Robert Breech, March 25, 2016.

¹⁵ See Lance McMillian, ‘All Roads Lead to Rome, Wisconsin: Judge Henry Bone, Douglas Wambaugh, and the Strange World of *Picket Fences*,’ in Michael Asimow (ed.), *Lawyers in Your Living Room* (ABA Publishing, 2009) 375-383.

¹⁶ McMillian (n. 14) 382.

¹⁷ Seas. 1, Ep. 11.

Louise Talbot. The town hires Wambaugh to defend it, even though nobody can stand him. Wambaugh loses, but the pageant is saved after being moved to a church. Later, Louise Talbot turns out to be trans-gender—quite a cutting-edge issue in 1992. The school board fires her for failing to disclose her sex change. Wambaugh switches sides, successfully challenging the discharge. In the process, as always, he greatly exasperates Judge Bone.

2. *Suits*: Louis Litt

The premise of *Suits* (2011-date) is that a big New York firm hires an associate named Mike Ross who is extremely smart but never went to law school. Senior partner Harvey Specter is Ross' mentor and the only one who knows about the fraud. Ross is always on the brink of being found out. A recurring character on *Suits* is Louis Litt, a junior partner who is supervisor of the associates. Litt is Jewish¹⁸ and is portrayed quite negatively. He is the only physically unattractive character in the cast and has a terrible personality. His usual expression is a malicious smirk. He is a bully, a cheat, and highly manipulative. He always has a scheme (usually to humiliate Ross or outmaneuver Specter), though he usually fails.¹⁹ Litt bills tremendous hours and seems a competent transactional lawyer. When he actually litigates, however, his insensitivity causes him to butcher the case.²⁰ In the pilot episode (and frequently thereafter), Litt is cruelly mocked by Harvey Specter.

3. *The Wire*: Maurice Levy

Maurice Levy is a Jewish lawyer for the drug trade in David Simon's great series *The Wire* (2002-2008). Levy (played by Michael Kostroff) exemplifies every negative Jewish lawyer trait. He is physically unattractive, arrogant and greedy. He is shrewd and utterly unethical. Indeed, Levy is as much a drug criminal as his clients.²¹

¹⁸ Litt mentions his rabbi and asks to take off work for Rosh Hashanah.

<http://tvtropes.org/pmwiki/pmwiki.php/Series/Suits>. <http://nypost.com/2015/08/05/meet-the-man-you-hate-to-love-on-suits/>

¹⁹ “[Show creator] Aaron Korsh and the writers decided to take their time to make this guy a true human being,” says the affable [Rick] Hoffman, 45, who’s played the annoying, obnoxious — and, yes, sweet and lovable — Louis for all five seasons of USA’s popular legal drama (it’s been renewed for a sixth season). ‘He’s the guy everyone has come across, whether it be at work or playing sports or any type of social environment. Most of the time we don’t want to go near this guy ... who just steps on his own feet, can’t get out of his own way and is broken — like everyone else.’” <http://nypost.com/2015/08/05/meet-the-man-you-hate-to-love-on-suits/>. See also ‘26 Signs Louis Litt from *Suits* is Your Soulmate,’ <http://www.usanetwork.com/suits/blog/26-signs-louis-litt-from-suits-is-your-soulmate>. It begins: “Sure we all get a kick out of Louis Litt. Even when he’s being a complete prick, there’s something endearing about a guy who plays mahjong with old ladies and loves Gilbert and Sullivan.” Litt describes a positive character arc over the five years of *Suits* and has become steadily less obnoxious and better liked by his colleagues.

²⁰ Seas. 1, Ep. 8 “Identity Crisis.” Litt cross-examines a witness to death in a deposition he shouldn’t have taken, hopelessly antagonizes the decedent’s widow, and is caught attempting to bribe a witness. However, he manages to redeem himself through his skill with numbers and computer hacking.

²¹ See Keith Kahn-Harris, ‘The Politics of Brisket: Jews and *The Wire*,’ in *Dark Matter* (May 29, 2009), <http://www.darkmatter101.org/site/2009/05/29/the-politics-of-brisket-jews-and-the-wire/>

Although Levy appears throughout all five seasons of *The Wire*, he is especially repellent in Season 5 where he represents the murderous drug kingpin Marlo Stansfield. Levy repeatedly furnishes Stansfield with valuable money laundering advice.²² Ultimately, the police bust Stansfield's gang with the aid of an illegal wiretap. Then it is discovered that Levy is paying off an attorney in the State's Attorney's office for inside information. In a deeply ironic conclusion, Levy negotiates an elaborate plea bargain for himself and for Stansfield. His leverage is based on threatening to expose the illegal wiretap, which would be highly embarrassing to the police and prosecutors. Levy avoids prosecution for his own corruption while winning freedom for Stansfield (if he leaves the drug trade). Other members of the gang get long prison terms. Levy exults over this great result which will generate lots of new drug business. We then see Levy introducing Stansfield to a group of Baltimore land developers who are happy to tap this wealthy new source of capital.²³

In an early episode in Season 1, Levy is called away from his Sabbath meal to spring one of his clients who is being grilled by the police.²⁴ He refers to his wife's brisket in that episode and refers to it again in the closing episode when he invites his investigator Herc (a former cop who moved to the dark side) to his home. "You should come over for dinner tonight. Yvette's making brisket...You're *mishpocha* now."²⁵ Herc was responsible both for leaking Stansfield's cell phone number to the police, which enabled the wiretap, and then feeding that information back to Levy.

Series creator David Simon (who is Jewish) was challenged for the anti-Semitic implications of the Maurice Levy character. He replied:

Why did we make this guy Jewish? Because when I was covering the drug trade for 13 years for the [Baltimore] Sun, most of the major drug lawyers were Jewish. Some of them are now disbarred and others are not but came pretty close. Anyone who is anyone in law enforcement in Baltimore knows the three or four guys Maury Levi is patterned on. If I have people from every other tribe in Baltimore portrayed negatively, everyone is maligned in some way, how can I not do that to the Jewish guy? How can I pull that punch? At that point, I'm just being hypocritical. Here are good people from my own tribe who say how can you do that, and my answer is how can I not?²⁶

4. *Hill Street Blues*: Irwin Bernstein

Irwin Bernstein (played by George Wyner) appears as a prosecutor in 57 of the 144 episodes of *Hill Street Blues* (1981-1987).²⁷ The show is primarily about the travails of the police, but prosecutors and public defenders often get into the stories. Bernstein is physically unattractive.

²² "Transitions" and "Late editions," Seas. 5, eps. 4 and 5.

²³ "-30-," Seas. 5, Ep. 10.

²⁴ "The Detail," Seas. 1, Ep. 2.

²⁵ Seas. 5, Ep. 10, "-30-." In Yiddish and Hebrew, the word "mishpocha" means "family."

²⁶ Curt Schleier, "'Wire' creator finds a muse on the streets of Baltimore," Jweekly.com.

<http://www.jweekly.com/article/full/30512/-wire-creator-finds-a-muse-on-the-streets-of-baltimore/> (Oct.6, 2006).

²⁷ See Thompson (n. 12) 59-74.

He is consistently portrayed as amoral. When there is a sleazy plea bargain to be struck, Bernstein pulls it off.

For example, in “GQ,”²⁸ three members of the housing police get into a fight with Ware, a black tenant in the public housing facility they patrol. The inference is that blacks have just started moving in and the housing cops don’t like it. They frame Ware for car theft. Bernstein is part of a scheme to cover this up and persuade Ware (who has a long record) to accept a plea bargain and get the cops off the hook. The politically motivated deal came straight from the District Attorney and Bernstein tries to implement it. He is always contrasted with the beautiful public defender Joyce Davenport, who is tough and principled.

5. *The Good Wife*: David Lee and Howard Lyman

In the long-running show *The Good Wife* (2009-2016), David Lee (played by Zach Grenier) is a senior partner in Lockhart, Gardner and its successors. He self-identifies as Jewish.²⁹ He is always portrayed as cynical and greedy. Physically he’s rather unattractive and he has an unpleasant personality. Howard Lyman is another Jewish character who frequently appears on the show; Lyman is incompetent and mentally over the hill but clings to his perks.³⁰

6. *Sex and the City*: Harry Goldenblatt

Harry Goldenblatt (played by Evan Handler) was Charlotte’s divorce lawyer and became her boyfriend in the fifth and sixth seasons of *Sex and the City* (1998-2004). Goldenblatt is pretty unattractive (he has excessive back hair, for example, but none on his head) and a complete slob. She says “He’s bald and short and talks with his mouth full. I don’t want to be seen in public with him.” Charlotte wants to have sex with Harry but doesn’t want her friends to meet him. Ultimately, however, Charlotte converts to Judaism and marries Goldenblatt, who turns out to be quite a decent guy. We never learn much about him as a lawyer.

7. The Strange Case of Saul Goodman

Lawyer Saul Goodman (Bob Odenkirk) emerged during the second season of the epic show *Breaking Bad* (2008-2013). He became the lawyer for Walter White (the chemistry teacher turned crystal meth cooker) and his young partner Jesse Pinkman. The writers introduce Goodman by showing his sleazy TV commercial which ends “Better Call Saul.”³¹ Goodman is an engaging character who is more than willing to violate every ethical rule in sight, yet always gets away with it. He’s actually quite capable and very resourceful. And he functions

²⁸ “GQ,” Seas. 4, ep. 21.

²⁹ The self-identification occurs during an episode when Lee represents Veronica (Alicia Florrick’s mother). Veronica says “David Lee, that doesn’t sound Jewish, that sounds Chinese.” Lee replies: “Ellis Island, Lee for Leibenbaum.” Veronica replies, “I’ve always liked Jewish men. I never thought a penis looked quite right unless it was circumcised.”

<https://relativelyentertaining.wordpress.com/2012/11/29/the-good-wife-a-defense-of-marriage/>

³⁰ In the final episode of *The Good Wife*, Lyman marries Peter Florrick’s mother Jackie and signs a *ketuba* (a Jewish marriage contract.). Seas. 7, Ep. 22. Eli Gold, a recurring Jewish character on *The Good Wife* is presented as a cynical and manipulative political campaign manager but probably is not a lawyer.

³¹ Seas. 2, ep. 8, “Better Call Saul.”

as the consigliere of the White-Pinkman meth business.³² He takes a cut of the profits and has many good ideas on money laundering. He is neither physically unattractive nor personally unpleasant.

After *Breaking Bad* ended, Goodman got his own spinoff, *Better Call Saul*, a prequel set six years before *Breaking Bad* (2015-date). Here he is portrayed as a struggling lawyer with a phony mail-order degree. Before taking up the law, he was a professional con man and he often pulls off scams just for fun. He is prepared to do anything to make money and frequently resorts to crimes such as extortion, unethical solicitation, lying to the police, faking accidents, and the like. In every episode in seasons 1 and 2, Goodman tramples another ethical rule underfoot.

Although TV watchers and the characters within the *Breaking Bad* narrative must have assumed that Goodman was Jewish because of his name, he wasn't. He is really Jimmy McGill, an Irish Catholic. Thus he is passing as a Jewish lawyer. Of course, many Jews have passed as non-Jewish, but reverse-passing is distinctly unusual. How and why this character switched from being Jimmy McGill to Saul Goodman has not yet been disclosed, as of the time this article was written. Presumably, however, McGill wishes to capitalize on the Jewish lawyer stereotype exemplified in *All in the Family*. Jewish lawyers get business because they are thought to be shrewder and less ethical than other lawyers and McGill definitely wants all the business he can get.

B. Sources of The Negative Stereotype of Jewish Lawyers

The negatively stereotyped Jewish lawyers on television echo the not-so-distant past when Jewish lawyers were referred to as “shysters”³³ and discrimination against them was pervasive.³⁴ The era of anti-Semitism directed toward American lawyers dates from around 1880 to somewhere in the 1960s.³⁵ During this era, the number of Jewish lawyers increased rapidly but Jews were mostly excluded from top law schools as both students and professors. Hardly any were hired at large corporate law firms and, of those few, even fewer made partner. They were excluded from bar associations and mentoring programs.³⁶ Most Jewish lawyers

³² For a good summary of Goodman's work on behalf of White and Pinkman, see https://en.wikipedia.org/wiki/Saul_Goodman

³³ The etymology of the word “shyster” is unclear and disputed. The term first appears around 1840 and was used to describe crooked lawyers who were not Jewish. It may be derived from the German word for excrement (*scheisse*). See Gerald Leonard Cohen, *Origin of the Term “Shyster”* (Peter Lang, 1982). Later the term took on an anti-Semitic meaning and was often applied (though not exclusively) to Jewish lawyers.

³⁴ Obviously, the negative literary stereotypes of Jews go back much further. Shylock in *The Merchant of Venice*, Isaac of York in *Ivanhoe*, and Fagin in *Oliver Twist* come to mind. To take a less exalted example, a character named Sylvester Shyster appeared in Walt Disney comic strips dating back to 1930 and in early Disney cartoons. Sylvester was a crooked lawyer who schemed to deprive Minnie Mouse of her inheritance. In appearance he looked like a canine rat and had a long nose. http://disney.wsikia.com/wiki/Sylvester_Shyster

³⁵ A careful statistical study by the Yale Law Review of hiring at New York law firms indicated that discrimination against Jews still existed in the early 1960's, primarily with respect to Jews in the bottom two-third of their class. Note, ‘The Jewish Law Student and New York Jobs—Discriminatory Effects in Law Firm Hiring Practices’ (1964) 73 Yale LJ 625.

³⁶ This discrimination led to the formation of numerous elite Jewish law firms. Even within the Jewish community, the better established German Jews often despised those of Eastern European origin. See Jerold S. Auerbach, *Unequal Justice* (OUP, 1976) chap. 4, 6; Eli Wald, ‘The Jewish Law Firm: Past and Present, in Ari Mermelstein et al. *Jews and the Law* (Quid Pro Books, 2014); Russell Pearce & Adam

had to compete for clients at the bottom rung of the ladder—personal injury, criminal defense, and the like.³⁷ The institutions engaging in lawyer anti-Semitism were mostly too discreet to make public statements evidencing their attitudes, but such statements are not difficult to discover.³⁸

These sentiments have gone underground today, but are not extinct. The negative lawyer stereotypes on television mirror those beliefs. A recent study of anti-Semitism showed that, depending on how the question was asked, 10% or 19% of Americans believe that Jewish lawyers are less honest and more unscrupulous than other lawyers and an additional 10% didn't know.³⁹

Regardless of their actual feelings, most people now avoid explicit racist, sexist or anti-Semitic jokes and comments, but not all of them. In 2007, Micheal Ray Richardson, former pro basketball star and now coach, had a contract dispute and hired a Jewish lawyer. He said:

I've got big-time Jew lawyers... They're real crafty. Listen, they are hated all over the world, so they've got to be crafty... They got a lot of power in this world, you know what I mean? Which I think is great. I don't think there's nothing wrong with it. If you look in most professional sports, they're run by Jewish people. If you look at a lot of most successful corporations and stuff, more businesses, they're run by Jewish. It's not a knock, but they are some crafty people.⁴⁰

For these candid comments, Richardson lost his coaching job.

III Mildly Positive Portrayals of Jewish Lawyers

The portrayals of Jewish lawyers discussed in this section form the mid-point of the spectrum of Jewish lawyer characterizations. They are essentially neutral. Viewers of these shows would be left with the impression that Jewish lawyers are competent professionals and decent human beings. These lawyers are not presented as heroic or saintly, but they are likable and sometimes admirable. They are conscious of their Judaism but don't make a big deal of it. Interestingly,

Winer, 'From Emancipation to Assimilation: Is Secular Liberalism Still Good for Jewish Lawyers' in Mermelstein (supra).

³⁷ See Lawrence E. Mitchell, 'Gentleman's Agreement: The Antisemitic Origins of Restrictions on Stockholder Litigation,' in Mermelstein (n. 35).

³⁸ For example, an unnamed lawyer wrote "of the great flood of foreign blood...sweeping into the bar...with little inherited sense of fairness, justice and honor as we understand them...How are we going to preserve our Anglo-Saxon law of the land under such conditions?" Bar luminary Theron Strong wrote that the rising proportions of Jewish lawyers was "almost overwhelming—so much so as to make it appear that their numbers were likely to predominate, while the introduction of their characteristics and methods has made a deep impression on the bar." Auerbach (n.35) 107. Supreme Court Justice McReynolds was a blatant anti-Semite and made no effort to conceal it. He refused even to speak to Justices Brandeis and Cardozo. See the tasty anecdotes in https://en.wikipedia.org/wiki/James_Clark_McReynolds

³⁹ Gary Tobin & Sid Groeneman, *Anti-Semitic Beliefs in the United States* (Inst. for Jewish and Community Research 2003) 15, http://www.jewishresearch.org/PDFs/A_S_Report_web.pdf

The wording of the question affected the results. 10% *agreed* that Jewish lawyers are a little more dishonorable and unscrupulous than other lawyers but 19% *disagreed* with the statement that Jewish lawyers are no more dishonest or unscrupulous than other lawyers. The Tobin & Groeneman study cites another by the Anti-Defamation League which asked whether people agreed with the statement that "Jews are more willing than others to use shady practices to get what they want." 16% of them agreed that the statement is "probably true." *Id.* 17.

⁴⁰ <http://espn.go.com/nba/news/story?id=2816356>, quoting Richardson's remarks.

however, some of these positively portrayed Jewish lawyers (Stuart Markowitz and Ellenor Frutt) are less physically attractive than the other actors in the ensemble.

The mildly positive Jewish lawyers are similar to most of the non-Jewish professionals who play prominent roles in the series. A television series must provide at least some characters with whom mainstream audiences can empathize in order to keep them tuning in. Thus most recurring characters on TV series (whether or not lawyers) have nuanced personalities and are reasonably likable but are neither heroic nor anti-heroic.

A. L.A. Law: Stuart Markowitz

Stuart Markowitz is a fixture on all 8 seasons of the pioneering show *L.A. Law* (1986-1994).⁴¹ He is the tax and estate planning lawyer at the firm of McKenzie, Brackman. As a person, Markowitz is kindly and loyal, although a bit on the nerdy side. He briefly becomes managing partner (meaning the partner in charge of running the business) and drives everyone crazy with his meticulous attention to trivial details involving firm expenses. He is quickly relieved of duty.⁴²

Markowitz is a competent tax lawyer and estate planner and pretty ethical, especially in comparison to some of the other lawyers at the firm. However, he is never presented in noble and heroic terms like Ann Kelsey or Michael Kuzak. Markowitz is the least physically attractive member of the ensemble (with the possible exception of managing partner Douglas Brackman or Bennie Stulwicz, a learning-disabled staff member). Markowitz is lonely and socially inept, so is thrilled when the beautiful Ann Kelsey (who is about four inches taller) takes an interest in him. Ultimately, Markowitz and Kelsey fall in love and get married. Their highly contrasting appearance and personality, as well as their differing ethnic backgrounds, provide humorous plot material for many episodes.

In a notable episode in Season 2,⁴³ Markowitz met Kelsey's blatantly anti-Semitic mother for the first time. For a while, he politely ignored such comments as "my deceased husband 'used to say that if we'd had a Jewish bookkeeper, we'd all be millionaires.'" At a party, however, he overhears Kelsey's mother and another relative talking about how Jews look different and keep to their own kind. He asks whether Jews have ever done anything to you to earn such hostility. They say no, and he says "well you do now," as he overturns a cabinet full of precious china. Later he apologizes to Kelsey for this uncharacteristic tantrum, explaining "I'm not a very good Jew, I don't go to temple or observe the holidays, but it's who I am. It's the weight of 5000 years."

⁴¹ Thompson (n. 12) 121-30; Philip N. Meyer, 'Revisiting *L.A. Law*' in Asimow (n. 14). Markowitz was played by Michael Tucker who was a close friend of series creator Steven Bochco. The characterization reflected what the actor did best, which was often humorous. Phone interview with Robert Breech, March 25, 2016.0

⁴² "The Unbearable Lightness of Boring," Seas 3, ep. 15.

⁴³ "Rohner v Gradinger," Seas. 2, ep. 7.

B. *The Practice*: Ellenor Frutt

Ellenor Frutt⁴⁴ is a member of Bobby Donnell's firm on *The Practice* (1997-2004)⁴⁵ who self-identifies as Jewish.⁴⁶ This series involves a bottom-feeding Boston law firm that accepts low-grade civil or criminal cases and struggles to pay the rent. Frutt shares in the negative appearance stereotype. She is obese and physically unattractive in sharp contrast to the rest of the ensemble. She has a miserable personal life, is insecure about her appearance, and can't get a date. When she manages to form romantic relationships, they end disastrously.

Yet Frutt is positively portrayed. She cares deeply about her colleagues. She persistently takes cases involving underdogs who can't pay fees. She declares that all she ever wanted to do was to represent the little guy.⁴⁷ Her clients include a woman claiming intentional infliction of emotional harm after being taunted because of her obesity⁴⁸ and an intelligent chimpanzee targeted for medical research.⁴⁹

Like her colleagues, Frutt is a tough and resourceful litigator. She and her partner Eugene Young run the "Plan B" gambit in which they try to pin the murder on the defendant's innocent brother to create reasonable doubt. Both of them feel terrible about it afterwards.⁵⁰ She is also known to cut ethical corners for clients,⁵¹ yet she has a strong personal ethical code. Thus, she refuses to help her colleagues in a case involving a rabbi who encouraged his parishioner to commit a revenge killing.⁵² She says: "You wore that yarmulka on that television program. When a rabbi speaks as a rabbi, he represents Judaism. You represented it as vengeful, and as a Jewish person I am offended."

C. *Law and Order*: Adam Schiff and Danielle Melnick

Law & Order (1990-2010) is tied with *Gunsmoke* for the longest-running US television series of all time. Adam Schiff (Steven Hill) was the District Attorney for the first ten years. I am not aware of whether Schiff ever self-identified as Jewish, but his name is likely Jewish and a reference work on the show identifies him as such.⁵³ Schiff is a wise old owl who has seen it

⁴⁴ Frutt was played by actress Camryn Manheim who won an Emmy for Outstanding Supporting Actress in a Drama Series (1998). Producer David Kelley cast Manheim because she could project great authority as a lawyer while also seeming personally vulnerable. Her appearance provided a good contrast with the other actors. When interviewed, producer Robert Breech did not even remember that the character was Jewish. Phone interview with Robert Breech, March 25, 2016.

⁴⁵ See Jeffrey E. Thomas, 'The Practice: Debunking Television Myths and Stereotypes' in Asimow (n. 14).

⁴⁶ "Part V," Seas. 1, ep.5.

⁴⁷ "End Games," Seas. 3 ep. 16.

⁴⁸ "Checkmate," Seas. 2, ep. 23

⁴⁹ "Food Chains," Seas 2, ep. 25.

⁵⁰ "One of These Days," Seas. 3, ep. 6.

⁵¹ She gets in trouble for failing to report an unintentional contact with a juror. "Dog Bite," Seas. 2, ep 4. She advises a client arrested for drunk driving to consume more alcohol after the accident to confuse the breath test. "Passing Go," Seas. 3, ep. 1

⁵² "Part V," Seas. 1, ep. 5

⁵³ Kevin Courier & Susan Green, *Law & Order: The Unofficial Companion* (Renaissance Books, 1998) 151.

all. He's always conscious of the political realities, often tamping down the enthusiasm of the ADAs who work for him.⁵⁴

Danielle Melnick (Tovah Feldschuh) was a defense attorney who appeared in 13 episodes of *Law & Order*. In one episode, she was described by her disgruntled client as a "Jew lawyer."⁵⁵ Melnick (a longtime personal friend of prosecutor Jack McCoy) is shown as a skillful and zealous lawyer, totally devoted to her clients and usually operating within appropriate ethical limits.

Both Schiff and Melnick are portrayed positively as consummate professionals, working within the system to achieve justice as best they can. Neither is unattractive or personally unpleasant. Thus, I regard them as falling near the middle of the spectrum—mildly positive but neither terrible nor heroic.⁵⁶

IV. Strongly Positive Portrayals of Jewish Lawyers on Television

This section considers two strongly positive portrayals of Jewish lawyers on TV. These characterizations fall at the right end of the Jewish lawyer characterization spectrum. They suggest that Jewish lawyers are more noble and heroic than other lawyers.

A. Examples of Strongly Positive Portrayals

1. *Harry's Law*: Harriet Korn⁵⁷

Harry's Law (2010-2012) starred the great actress Kathy Bates as Harriet Korn (better known as Harry).⁵⁸ Korn is a burned-out patent lawyer who is fleeing big firm law practice and opens a storefront office in Cincinnati's African-American ghetto. She is joined by Adam Branch, who is much younger and also a big-law refugee. Korn is rather gruff, but nevertheless inspires loyalty from her staff and trust from the local community.

Since nobody in the community can pay a fee, this practice cannot possibly be profitable.⁵⁹ Indeed, the firm survives by selling high fashion shoes left behind by a prior tenant. Moreover, there are serious issues of personal security for the lawyers and staff because of gang activity and drug trade on the street. The decision to open a practice in the ghetto seems motivated entirely by Korn's social justice concerns. Her practice tackles all manner of urban problems and she is totally committed to helping the community. Korn self-identifies

⁵⁴ See Michael Asimow & Shannon Mader, *Law and Popular Culture—A Course Book* (Peter Lang, 2d ed. 2013) 163.

⁵⁵ "Open Season," Seas. 13, Ep. 7.

⁵⁶ As this article was written, a Jewish patent lawyer named Buzz (played by Richard Masur) emerges as Shelley's boyfriend in *Transparent* (Seas. 2, Ep. 7, 8). He seems a decent fellow and not bad looking. He's the president of his temple, but we know little else about him. Of course, nearly all the characters on this show are Jewish and most are pretty dysfunctional.

⁵⁷ See Michael Asimow, 'When Harry Met Perry and Larry: Criminal Defense Lawyers on Television' (1977) 1 Berkeley J. of Enter. & Sports L. 77

⁵⁸ Producer Robert Breech stated that producer David Kelley made Korn Jewish to make the character more interesting and provide story ideas. Phone interview with Robert Breech, March 25, 2016.

⁵⁹ In one episode, Korn accepts \$26 in quarters in an old sock for an armed robbery defense. "Heat of Passion," Seas. 1, ep 2.

as Jewish, so she is among the few strongly positive portrayals of Jewish lawyers. However, she is less physically attractive than others in the ensemble and appears to have no personal life.

2. *The O.C.*: Sandy Cohen

The O.C. (standing for Orange County) was a successful teenage-oriented soap opera that ran from 2003-2007. It is set in Newport Beach, California, amid great wealth and opulent homes. Sandy Cohen (played by Peter Gallagher) is a key adult character. Cohen, who self-identifies as Jewish, has been a public defender for 15 years. He is married to Kirsten, who is one of the richest women in Orange County. He came from the Bronx, via Berkeley.

We see Cohen engaged in various noble actions. Ryan Atwood is one of Cohen's juvenile clients. Ryan comes from a terrible home in the working class town of Chino and gets in trouble because of the evil influence of his older brother. Cohen spots Ryan's intelligence and essential goodness and adopts him into his own household, despite his wife's opposition. Later in Season 1, Cohen switches from being a public defender to taking a law firm job, but the only work we see him doing is a big environmental case to block a development in the Orange County wetlands. His opponent is his father-in-law and his wife's employer.

Cohen is a wonderful father to his son Seth as well as to Ryan. He resists all attempts at seduction by the beautiful women of Orange County. He is handsome and attractive (although noticeably different looking than the various golden blondes who surround him). In Sandy Cohen, we find a Jewish lawyer who is more noble than other lawyers.

B. Sources of the Positive Stereotypes of Jewish Lawyers

1. Commitment of Jews to Social Justice

The highly positive stereotypes of Sandy Cohen and Harriet Korn resonate with data about the attitudes of contemporary American Jews. A commitment to social justice seems to be an essential element of contemporary Jewish religious belief, especially among Reform Jews and among self-identified Jews who are not affiliated with any religious institutions. The Pew study on Jewish Americans concluded that 56% of American Jews say that working for justice and equality is essential to what being Jewish means to them.⁶⁰ According to two perceptive commentators on Jewish attitudes, "For many American Jews, the non-Orthodox in particular, political liberalism is constitutive of what it means to be a good and caring Jew. For them, the quest for social justice, civil and human rights, and the concern for the welfare of the disadvantaged are the moral and religious content of the Jewish tradition."⁶¹

⁶⁰ Pew Research Center, 'A Portrait of Jewish Americans,' (Oct. 1, 2013). Jewish voting preferences are related to this phenomenon. The Pew study states: "As a whole, Jews support the Democratic Party over the Republican Party by more than three-to-one. 70% say they are Democrats or lean toward the Democratic Party, while 22% are Republicans or lean Republican. Among Orthodox Jews, however, the balance tilts in the other direction: 57% are Republicans or lean Republican and 36% are Democrats or lean Democratic." Space limitations on this article preclude further discussion of Jewish voting behavior.

⁶¹ Bernard Susser & Charles S. Liebman, *Choosing Survival: Strategies for a Jewish Future* (OUP, 1999) 63.

However, this commitment varies with Jewish denominational preference. A 1988 study by the Los Angeles Times asked: “As a Jew, which of the following qualities do you consider most important to your Jewish identity: a commitment to social equality, or religious observance, or support for Israel, or what?” About half answered “equality.” But the proportion giving this answer was only 18% of those defining themselves as Orthodox, 44% of those defining themselves as Conservative, 65% of those defining themselves as Reform, and 63% of those who were nondenominational.⁶² And studies of Conservative and Reform Jews indicate that “many measures of liberalism were found to be inversely proportional to synagogue attendance.”⁶³

2. Representation of Jewish Lawyers in Social Justice Organizations

The Jewish commitment to social justice has often played out in the lives of Jewish lawyers. Many of them have led the way in fighting for civil rights for both Jews and non-Jews. The names of Louis Marshall, Julius Cohen, Louis D. Brandeis, Jack Greenberg, Joseph Rauh, and numerous other historically important figures are often referred to in the literature.⁶⁴ Jewish lawyers were instrumental in establishing the doctrines of international human rights.⁶⁵

Jewish lawyers appear to be over-represented on the staff of liberally-oriented public interest organizations, including public interest law firms, legal aid,⁶⁶ leftist-oriented bar associations,⁶⁷ and organizations promoting international human rights, civil rights, or environmental or feminist agendas.⁶⁸ For obvious reasons, it would be difficult to provide precise statistics on this point. According to Donna Arzt, however:

That Jews are over-represented among the public interest bar is an undocumented but commonly acknowledged fact. A partial list of the most prominent could not fail to include [Arzt gives 46 examples of prominent Jewish lawyers and judges with leadership roles in a variety of public interest organizations and campaigns.] These are the historically and nationally known. Any glance at the directories of local ACLU chapters, Lawyers’ Committees for Civil Rights Under law, legal services and public defender offices, volunteer lawyers’ projects, public interest law firms, miscellaneous law centers and legal defense and education foundations will yield thousands more Jewish names.⁶⁹

⁶² Quoted in *id.* 64.

⁶³ *Id.* 64.

⁶⁴ See Samuel J. Levine, ‘Louis Marshall, Julius Henry Cohen, Benjamin Cardozo and the New York Emergency Rent Laws of 1920’ in Mermelstein (n. 35).

⁶⁵ See Dore Gold, ‘Tikkun Olam, Israel and a Just World Order’ (2014) 25 *Jewish Pol. Stud. R. No.* 3-4, p. 7; Moria Paz, *Jewish Lawyers and International Law: A Sphere Between Nations* (CUP, 2016).

⁶⁶ See Felice Batlan, ‘Forging Identities: Jewish Women, Legal Aid, and the Secular Liberal State’ (2016) *Indiana J. L. & Equality*

⁶⁷ Auerbach (n. 35) 209.

⁶⁸ Jewish lawyers are also well represented in conservative public interest organizations but not in proportions greatly different from the percentage of Jewish lawyers in the overall lawyer population. Ann Southworth, ‘Jewish Lawyers for Causes of the Political Right,’ in Mermelstein (n. 35).

⁶⁹ Donna E. Arzt, ‘The People’s Lawyers: The Predominance of Jews in Public Interest Law’ (Winter, 1986) *Judaism* 47, 48-49.

3. *Explanations of Jewish Commitment to Social Justice*

There are two ways to understand the persistent American Jewish commitment to social justice. It can be traced to the history of American anti-Semitism and to shared feelings of social responsibility embodied in the phrase *tikkun olam* (meaning ‘repair of the world.’)

a. American anti-Semitism

One plausible account roots the social activism of contemporary Jews in the history of anti-Semitism in Europe and in the U.S. Perhaps Jews believe that their history of being subject to discrimination and prejudice obliges them to fight similar injustice against others less fortunate than themselves. Or perhaps Jews feel that they might once again be the victims of anti-Semitism in the U.S. and should act in a way that might make that less likely (for example by building bridges to other minority groups). As this article is written in 2016, some American politicians are scapegoating defenseless minorities. Many Jews believe they could be next, as they have been so often in their long and tragic history.⁷⁰

Anti-Semitism was long a reality of Jewish life in America. In 1938, 36% of respondents agreed that Jews had too much power; by 1945 that figure rose to 58%. In 1944, 24% identified Jews as greatest menace to American society with only 9% identifying Japanese and 6% identifying Germans.⁷¹

For most American Jews today, this kind of virulent anti-Semitism is thankfully in the past. It is not socially acceptable today for non-Jews to publicly voice anti-Semitic sentiments or to tell Jewish jokes.⁷² Overt anti-Semitism isn’t part of the daily experience of assimilated American Jews of the 21st century. Staunch support for Israel is mainstream doctrine for both liberals and conservatives. Probably, there has never been a time in all Jewish history where Jews have become so assimilated, so successful, and so accepted by non-Jewish society as in the U.S. today.⁷³

Yet anti-Semitism is far from extinct. Millions of Americans still hold anti-semitic beliefs.⁷⁴ Some Jews still experience anti-Semitism in their daily lives and even more believe it is a real concern⁷⁵ or fear that some terrible event will force rampant anti-Semitism back to the surface.⁷⁶ Thus the reality of past and present discrimination and fear of renewed discrimination probably motivate many Jews to identify themselves as social liberals.

⁷⁰ “Trump Will Face Jewish Voters Wary of His Agenda and Bluster,” *New York Times* (March 21, 2016).

⁷¹ Mitchell (n. 36) 158-160; Susser & Liebman (n. 60) 43-44. In 1948, Gerald L.K. Smith ran for president on a platform of deporting all Jews. *Id.* 43.

⁷² The world’s leading authority on lawyer jokes reports that once-common jokes about Jewish lawyers as well as Jewish litigants have virtually disappeared, while lawyer jokes have flourished. Marc Galanter, ‘Lawyer Jokes and the Jewish Question: Jews, Lawyers, and Legalism in American Life,’ in Mermelstein (n.35).

⁷³ Susser & Liebman (n. 60) 43.

⁷⁴ ‘Anti-Semitic Beliefs in the United States’ (n. 38).

⁷⁵ The Pew Report (n. 59) reported that 43% of Jews “say Jews face a lot of discrimination;” 15% stated they had been snubbed or called offensive names during the past year.

⁷⁶ Susser & Liebman (n. 60) 46, 54-60.

b. Cultural Judaism and tikkun olam

The doctrine of *tikkun olam*, literally “repair of the world,” incorporates the idea that Jews owe an obligation to pursue social justice.⁷⁷ Indeed, *tikkun olam* has become a fundamental tenet of contemporary Jewish thought, at least in the Reform movement and among the many Jews who consider themselves culturally Jewish but are religiously unaffiliated. The phrase can be traced back to ancient prayers, to Jewish legal sources, and to Jewish mysticism, but in those sources it lacks the secular, social-justice, and universalistic connotation that it has developed today. The current use of the phrase probably dates back to the 1950s.

Since about the 1970s, the doctrine of *tikkun olam* has become for many Jews the emblem of what it means to a Jew in the modern world. It connotes an obligation to achieve social justice and is not limited to helping other Jews. It has been fervently embraced by the Reform and Conservative movements. Many see *tikkun olam* as a reason for Jews to remain Jewish, given the advance of secularism and assimilation in modern American life.

IV. Conclusion

Much of popular culture is trash produced for profit and most of it is intended to be consumed by mass audiences and quickly forgotten. Nevertheless, this vast outpouring of cultural product should be taken seriously. As discussed previously,⁷⁸ pop culture serves as a crude mirror of public opinion. As a result, stereotypes projected through movies, television, and other instrumentalities of popular culture likely reflect the opinions of many people and may reinforce those opinions. I hope that this article will cause its readers to view more critically stereotypical representations in pop culture of Jews in general and Jewish lawyers in particular.

The numerous strongly negative portrayals of Jewish lawyers on television unfortunately echo the long history of contempt for Jewish lawyers in the legal profession and the general public. These representations suggest that negative stereotypes of Jews and Jewish lawyers still linger. On the other hand, the mildly positive portrayals of Jewish lawyers on television suggest that most people now view Jewish lawyers as being about the same as all other lawyers. These representations signify a strongly assimilationist message. Finally, the relatively few strongly positive portrayals of Jewish lawyers reflect the fact that a commitment to social justice has become, for many American Jews, an essential element of what it means to be a Jew.

⁷⁷ The material in this and the following paragraph is drawn from Levi Cooper, ‘The Assimilation of Tikkun Olam’ (2013) 25 *Jewish Political Studies Review* 10; Byron L. Sherwin, ‘Tikkun Olam: A Case of Semantic Displacement’ *id.* 43; and Jonathan Krasner, ‘The Place of Tikkun Olam in American Jewish Life,’ *id.* 59.

⁷⁸ See text at notes 5-6.