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JEWISH LAWYERS IN AMERICAN POPULAR CULTURE

Abstract

Movies and television series often include stereotypical representations of Jewish characters. This article considers the portrayals of Jewish lawyers in American popular culture. These lawyer representations reflect several stereotypes, many of them quite negative. Jewish lawyers tend to be smarter than other lawyers, but not in a good way. They are cunning, manipulative, greedy and unethical. They are also physically unattractive and personally unpleasant. These negative presentations reflect the long history of discrimination against Jewish lawyers lasting from the 1880s to the 1960s and of latent anti-Semitic attitudes toward Jews and Jewish lawyers held by the general public. A minority of Jewish lawyers in popular culture are about the same as other lawyers and a few are presented in a very positive manner. These positive representations may reflect the commitment of many American Jews to social justice and to the concept of *tikkun olam* (repair of the world).

I. INTRODUCTION

This article considers the stereotypical way that Jewish lawyers are represented in American movies and television. Stereotypes are simplifying assumptions about the characteristics of particular groups of people. They serve as heuristics (meaning rules of thumb) that enable the holder of the stereotype to make quick judgments about people who belong to those groups.¹ If you hear that someone is a lawyer, for example, you are likely to make intuitive judgments about that person's character and behavior, based on your lawyer stereotype. Most stereotypes are useful and harmless, but some of them are inaccurate and can cause mistaken judgments and harm to the people in the stereotyped group.

This article fits into the large literature relating to Jewish film and television studies.² That literature identifies a vast number of films and television shows with Jewish characters. Many of these cultural products, often created by Jewish writers and directors, include negative characterizations of Jewish

¹ Kahneman, *Thinking Fast*, 3-15, 79-105, 129-174.

² See Bernardi, Pomerance & Tirosh-Samuelson, *Hollywood's Chosen People*; Epstein, *American Jewish Films*; Reznik, *New Jews?* Abrams, *New Jew in Film*; Erens, *Jew in American Cinema*; Friedman, ; of the Jew (1982).

Studies about Jewish characters on television: DAVID ZURAWIK, *THE JEWS OF PRIME TIME* (2003); NEAL GABLER, FRANK RICH, & JOYCE ANTLER, *TELEVISION'S CHANGING IMAGE OF AMERICAN JEWS* (2000); JONATHAN PEARL & JUDITH PEARL, *THE CHOSEN IMAGE* (1999).

characters.³ Jewish men and women are frequently presented as neurotic, crafty, and greedy. They are often physically unattractive and unpleasant to be around. This article is the first to situate pop-cultural Jewish lawyers within this literature.

Popular culture products often make use of stereotyped characters because it makes commercial sense to do so. Stereotypes simplify the process of script production and casting. The process by which proposed scripts are green-lighted rewards familiar stories and characters. Audiences comfortably accept and welcome familiar stereotyped characters and writers need to develop their characters quickly.⁴

Stereotypical characterization in pop culture should be taken seriously. Pop culture often functions as a mirror of society. It reflects the attitudes and beliefs of those who produce it and those who consume it, although reflections in the pop-cultural mirror are distorted by commercial concerns such as assessments of the market for the product and the need to avoid consumer backlash. Nevertheless, we can learn a lot about popular attitudes toward groups of people at particular times

³ REZNIK, *supra* note 2; ABRAMS, *supra* note 2 at 1-67; Joyce Antler, “*Not “Too Jewish” for Prime Time*,” in GABLER et al., *supra* note 2 at 48-60.

⁴ ZURAWIK, *supra* note 2 at 13-16 (describing a feedback loop in which writers and producers create shows and characters that they think buyer such as networks will accept); Antler, *supra* note 3 at 50; REZNICK, *supra* note 2 at 139-159; 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. 2011).

from studying the way these groups are represented in the pop culture of those times.⁵

Moreover, such pop-cultural characterizations produce what is known as “media effects” on the people who consume them. For many media consumers, movies and television are their primary sources of information about the world. People who do not often come into contact with Jews learn about them from watching media, especially dramatic and comedic series on television. A television series brings viewers into constant, repeated contact (often over a period of years) with the same characters. This repeated interaction can reinforce existing stereotypes and construct new ones.⁶ Negative stereotypes can harm the self-image of the subjects of the stereotype, while positive stereotypes create pleasurable self-esteem.

⁵ See MICHAEL ASIMOW & JESSICA SILBEY, *LAW AND POPULAR CULTURE: A COURSEBOOK* 6-7 (3d ed. 2020). During long periods in the history of both American film and television, recognizably Jewish characters were erased from the screen because the mostly Jewish owners and executives of film studios and television networks doubted the market for Jewish-themed products and because they feared an anti-Semitic backlash. The often repeated mantra was that such films or TV shows were “too Jewish.” ZURAWIK, *supra* note 2. This important subject is beyond the scope of this article.

⁶ See ASIMOW & SILBEY, *supra* note 5 at 7-8, 81-88; JENNINGS BRYANT & DOLF ZILLMAN, *MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH* (2002). The literature on media effects is vast and further discussion is beyond the scope of this article.

Negatively stereotyped Jewish lawyers tend to be smarter than other lawyers, but not in a good way. They are cunning, manipulative, greedy, devious, and unethical. They are also physically unattractive and personally unpleasant. These negative presentations reflect the long history of discrimination against Jewish lawyers lasting from the 1880s to the 1960s and of latent anti-Semitic attitudes toward Jews and Jewish lawyers held by the general public.⁷ However, not all Jewish lawyers in pop culture are portrayed negatively. Some of them are characterized in the same mildly positive way as other lawyers and a few are presented in a highly positive manner.

This article identifies numerous Jewish lawyers who appeared as regular characters on television dramas⁸ from the 1980s to the present or who appeared in movies.⁹ These characters self-identify as Jews or are identified as Jewish in the literature or have surnames that make it likely that they are Jewish.¹⁰ Most of these

⁷ See text at *infra* notes 70-74.

⁸ The article discusses all of the Jewish lawyers that I was able to identify who appeared frequently in televised series that are currently available to be viewed. See PEARL & PEARL at 97, *supra* note 2 at 97, which discusses a number of older TV shows I was unable to access.

⁹ The article discusses a sample of Jewish lawyers who appear in movies but is not intended to be comprehensive. For additional examples of Jewish movie lawyers up to the 1980s, see FRIEDMAN, *supra* note 2 at 144-46, 172, 210-11, 269.

¹⁰ The problem of identifying pop cultural characters as Jewish is discussed in JOSHUA LOUIS MOSS, WHY HARRY MET SALLY 10-14 (2017). I have required explicit textual identification of Jewish characters, although Moss employs broader criteria.

characters appeared in TV shows or movies with legal themes, but some are drawn from other genres, such as dramas, soap operas, romantic comedies, or police shows. Thus, this article deliberately disregards traditional genre boundaries in order to concentrate on Jewish lawyer characterizations across genres and across media.

I describe a spectrum that organizes the ways that Jewish lawyers are represented in popular culture. On the left end of the spectrum are representations that reflect negative stereotypes about Jewish lawyers (Part II). These suggest that Jewish lawyers are worse than other lawyers. To some degree, of course, the negative portrayals of Jewish lawyers are typical of the prevailing negative treatment of all lawyers in contemporary popular culture, particularly in movies.¹¹ However, the characterization of the Jewish lawyers discussed in Part II seems significantly more negative than the non-Jewish lawyers in the same story. At the midpoint of the spectrum are mildly positive portrayals (Part III). These representations suggest that Jewish lawyers are about the same as other lawyers. On the right end are characterizations that reflect highly positive stereotypes about Jewish lawyers (Part IV). These suggest that Jewish lawyers are better than other lawyers. Part V concludes.

II. NEGATIVE PORTRAYALS OF JEWISH LAWYERS

¹¹ See Michael Asimow, *Bad Lawyers in the Movies*, 24 NOVA L. REV. 533 (2000).

A. NEGATIVE LAWYER STEREOTYPES AND *ALL IN THE FAMILY*

Part II discusses negative Jewish lawyer representations in movies and television. These representations reflect the stereotype that Jewish lawyers are smarter and more cunning than other lawyers and that they are greedy, unethical, devious and manipulative.¹² Like many stereotypical Jewish characters in literature and popular culture who are not lawyers, they fit the profile of what one film theoretician described as “scheming scumbags.”¹³ In addition to their smarts, stereotypical Jewish lawyers in movies and television are usually physically unattractive and personally unpleasant in comparison to other actors in the ensemble who are better looking and more agreeable.¹⁴ And bad appearance matters; it is a signifier of bad personality and lack of competence.¹⁵ Obviously, my description of the physical appearance or personality of pop culture characters

¹² See Eli Wald, *Jewish Lawyers and the Legal Profession: The End of the Affair?* 36 *TOURO L. REV.* 299, 320 (2020).

¹³ REZNIK, *supra* note 2 at 113-38, identifies the “scheming scumbag” stereotype in 43 of the 53 films made between 2000 and 2013 featuring Jewish characters, none of them lawyers.

¹⁴ Historically, bad male physical appearance is part of negative “neurotic nebbish” Jewish stereotypes in film. See *id.* at 65-68.

¹⁵ As Deborah Rhode put it, “A wide array of research documents a phenomenon that psychologists describe as ‘what is beautiful is good.’ Less attractive individuals are less likely to be viewed as smart, happy, interesting, likeable, successful and well-adjusted...Appearance also skews judgments about competence and job performance. In studies where subjects evaluate written essays, the same material receives lower ratings for ideas, style and creativity when an accompanying photograph shows a less attractive author.” DEBORAH L. RHODE, *THE BEAUTY BIAS: THE INJUSTICE OF APPEARANCE IN LIFE AND LAW* 27-28 (2010).

is subjective. I leave to my readers the judgment on whether my assessments are accurate.

In describing negatively portrayed Jewish lawyers, I do not suggest that the creators of these pop culture products (many of whom are themselves Jewish) are anti-Semitic or that they intended to cause harm to Jews.¹⁶ On the contrary, the writers often 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.¹⁷ Indeed, in the *All in the Family* episode about to be described and perhaps in *Picket Fences* and *Better Call Saul*, the writers may be poking fun at the stereotypes or trying to subvert them. In one situation, the writer based a character on actual Jewish drug lawyers he had known.¹⁸ And, as observed earlier, the use of stereotypical characterizations makes commercial sense for filmmakers.¹⁹

¹⁶ David E. 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 (Stuart Markowitz and Ellenor Frutt) and one of whom is very positive (Harriet Korn). See Part III A. 1 and 2; Part III A. 1. He also created *Ally McBeal* who may have inspired creation of Rebecca Bunch. See note 45, *infra*.

¹⁷ See notes 36, 76, 80, 91 *infra*.

¹⁸ See text at note 29 *infra*.

¹⁹ See text at note 1, *supra*; REZNIK, *supra* note 2 at 139-159.

Norman Lear spoofed the negative stereotypes about Jewish lawyers in a famous episode²⁰ of *All in the Family*. Lear's inspired idea was to put all sorts of bigoted opinions and right-wing political slogans into the mouth of the buffoon Archie Bunker (Carroll O'Connor) as a way of ridiculing these ideas.²¹ In this episode, Archie has an auto accident with a Jewish woman driver. After spouting his usual bad opinion of Jews, Archie realizes that he can fake a back injury and make some real money. This plan requires finding a smart but crooked lawyer. Archie and his son-in-law leaf through the yellow pages looking for one and select Rabinowitz, Rabinowitz, & Rabinowitz. 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 Archie was at fault.

This episode of *All in the Family* satirized negative stereotypes about Jewish lawyers, particularly that they are more cunning and greedy but less ethical than other lawyers.²² Obviously, the stereotype that Jewish lawyers are smarter than others is not entirely negative. Indeed, it may bring them business, as it did in the

²⁰ "Archie's Aching Back," Seas. 1, Ep. 3.

²¹ JASON MITTELL, TELEVISION AND AMERICAN CULTURE 321-22 (2010). *All in the Family* ran from 1971-1979. It was inspired by the British series *Till Death Do Us Part* (1968-1975). The hero of the British series, Alf Garnett, strongly resembled Archie Bunker.

²² The character of Sol Rabinowitz in this episode demonstrates none of these proclivities. The stereotype was all in Archie Bunker's head.

All in the Family episode.²³ In these portrayals, however, the emphasis is on cunning, trickiness, borderline ethics, and the ability to manipulate others, rather than just intelligence or lawyerly wisdom. These negative portrayals fall at the left end of the spectrum of Jewish lawyer representation described at the beginning of this article.

B. EXAMPLES OF NEGATIVELY PORTRAYED JEWISH LAWYERS

1. *The Wire*—Maurice Levy

Maurice Levy is a Jewish lawyer for the drug trade in David Simon's great dramatic 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.²⁴

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

²³ Wald suggests that these stereotypes were good for Jewish lawyers because they caused law firms to want to hire more Jews in the second half of the twentieth century as business concerns became more important than traditional cultural or professionalism norms. Wald, *supra* note 12 at 320-22, 331.

²⁴ 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/>

laundering advice.²⁵ 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 office of the State's Attorney to obtain 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. 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. Then we see Levy introducing Stansfield to a group of Baltimore land developers who are all too eager to tap this new source of capital.²⁶

In an early episode in Season 1, Levy is called away from his Sabbath meal to spring one of his drug clients who is being grilled by the police.²⁷ 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."²⁸

²⁵ "Transitions" and "Late editions," Seas. 5, eps. 4 and 5.

²⁶ "-30-," Seas. 5, Ep. 10.

²⁷ "The Detail," Seas. 1, Ep. 2.

²⁸ Seas. 5, Ep. 10, "-30-." In Yiddish and Hebrew, the word "mishpocha" means "family."

Series creator David Simon (who is Jewish) was challenged because of the anti-Semitic implications of the Maurice Levy character. Simon 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?²⁹

2. *Breaking Bad* and *Better Call Saul*—Saul Goodman

Lawyer Saul Goodman (Bob Odenkirk) emerged during the second season of the epic dramatic series *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.”³⁰ Goodman is an engaging character

²⁹ 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).

³⁰ Seas. 2, ep. 8, “Better Call Saul.”

who is more than willing to violate every ethical rule in sight, yet usually gets away with it. He's actually quite capable and very resourceful. He functions as the consigliere of the White-Pinkman meth business in return for a cut of the profits.³¹ Goodman is neither physically unattractive nor personally unpleasant.

After *Breaking Bad* ended, Saul 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 tiny office behind a nail salon and a phony mail-order law school degree. Before taking up the law, he was a professional con man, and he often pulls off scams just for fun. Goodman detests the establishment (particularly affluent and pompous lawyers) and is prepared to do anything to make money. He frequently resorts to crimes such as extortion as well as unethical solicitation, altering documents, lying to the police, faking accidents and the like. In nearly every episode, Goodman tramples another ethical rule underfoot.³²

Although TV watchers and the characters within the *Breaking Bad* narrative probably assumed that Goodman was Jewish because of his name, he isn't. When he meets Walter White, he admits he's really an Irish Catholic, Jimmy McGill.

³¹ For a good summary of Goodman's work on behalf of White and Pinkman, see https://en.wikipedia.org/wiki/Saul_Goodman. A similar character is Neil Mink in *The Sopranos*—a Jewish lawyer who could be relied on to guard Tony's money and care for his wife if he had to go away for a while.

³² See Eric T. Kasper, *Did Five Supreme Court Justices Go Completely Bonkers: Saul Goodman, Legal Advertising and the First Amendment*, 37 CARD. ARTS & ENT. L. J. 337 (2019).

“The Jew thing, I just do for the homeboys, they all want a pipe-hitting member of the tribe, so to speak.”³³ Thus, McGill is passing as a Jewish lawyer. Of course, many Jews have passed as non-Jewish, but reverse-passing is distinctly unusual.

The character switched from being Jimmy McGill to Saul Goodman simply by filing a fictitious name certificate when his law license was reinstated after a well-earned disciplinary suspension. Precisely why he made this transition has yet to be explained, except that the name sounds like “s’ all good, man.” Presumably, McGill wishes to get a new start with a different name and also to capitalize on the Jewish lawyer stereotype exemplified in *All in the Family*. Jewish lawyers get business (from “the homeboys”) because clients think that Jews are shrewder and less ethical than other lawyers, and McGill definitely wants all the business he can get.

3. *Picket Fences*—Douglas Wambaugh

Picket Fences (1992-1996)³⁴ was a much-honored program created by David E. Kelley, the originator of numerous legal and non-legal shows on U.S.

³³ *Breaking Bad*, Seas. 2, Ep. 8. Goodman refers to “the tribe,” often a term describing the Jewish people. Writer Peter Gould informed the author that he was referring to the Twelve Tribes of Israel. Email to from Peter Gould to Michael Asimow, April 23, 2021. The term “pipe-hitting” is obscure. Perhaps the word “tribe” also refers to Native Americans who supposedly pass the tobacco pipe around in group meetings.

³⁴ See ROBERT J. THOMPSON, *TELEVISION’S SECOND GOLDEN AGE* 167-77 (1996).

television.³⁵ The show tackled cutting-edge legal and social issues as they arose in the daily life of a small town and were fought out in the town courthouse. One of the recurring characters was a Jewish lawyer named Douglas Wambaugh, played by a famous actor from the Yiddish theater named Fyvush Finkel.³⁶

Wambaugh is physically unattractive (especially in comparison to the other members of the ensemble) and personally unpleasant. Nobody in the town can stand him, particularly Judge Henry Bone.³⁷ However, when somebody needs a

³⁵ Discussing his portrayal of Jewish lawyers on *Picket Fences* and *The Practice* (see text at notes 80-84 *infra*), Kelley recognized the conflict between responsible image-making and creative concerns. “Doing entertainment shows that dare to be daring, you’re always going to be on the boundaries,” he observed. He acknowledged a responsibility to viewers that impinged on his own artistic license; “at the end of the day, he hopes that his influence will have been more good than it is bad.” Antler, *supra* note 3 at 75.

³⁶ 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 Kelley, he asked Finkel if he wanted his TV character to be as adamant about his faith as Finkel himself was and Finkel responded with enthusiasm. Antler, *supra* note 3 at 49. 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 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. Author’s phone interview with Robert Breech. According to *Picket Fences* writer Jeff Melvoin, “Personally, I thought there were things that Wambaugh did in the early going that were offensive to me. But it was good drama.” ZURAWIK, *supra* note 2, at 138.

³⁷ 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* 375-383 (2009). McMillian writes: “A

lawyer, they hire 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.

The episode “Pageantry”³⁸ 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 Louise Talbot. The town hires Wambaugh to defend it, even though everybody detests him. Wambaugh loses, but the pageant is saved after being moved to a church. Talbot turns out to be transgender, a cutting-edge issue back in 1992. The school board fires Talbot for failing to disclose her sex change. Wambaugh switches sides, successfully challenging the discharge.

4. *Suits*—Louis Litt

pastor refers to Wambaugh as ‘a moral sinkhole,’ the sheriff thinks him ‘a reptile who disgraces his profession just by being alive,’ and his own rabbi chastises him, ‘With Jews like you who needs anti-Semitism?’ The town doctor wonders, ‘I don’t know what’s worse—being wrong or having it pointed out to me by Douglas Wambaugh.’ Finally, even Wambaugh’s wife admits to him, ‘In forty years of marriage a day hasn’t gone by I didn’t think about killing you.’” Wambaugh is even expelled from the synagogue for delivering a crude and tasteless eulogy, although a rabbinical court orders the synagogue to readmit him. PEARL & PEARL, note 2 *supra*, 106-07.

³⁸ Seas. 1, Ep. 11.

The premise of *Suits* (2011-2019) 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, at first, the only one who knows about the fraud. A recurring character on *Suits* is Louis Litt (Rick Hoffman), a junior partner who supervises the associates. Later, Litt becomes a senior partner.

Litt is Jewish and is portrayed quite negatively.³⁹ His character is often used to provide comic relief. Litt is much less physically attractive than others in the ensemble and has a terrible personality. His usual expression is a malicious smirk and his method of communication is often a nasty snarl. He is manipulative, a bully and a cheat. Litt is extremely ambitious but very insecure. The other senior

³⁹ "Best of Louis Litt, Season 1,"

<https://www.youtube.com/watch?v=QmZrUAPmcds>. "[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... '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." On New Zealand television, Hoffman said of the Litt character he plays, "he's a douche." <https://www.youtube.com/watch?v=i6R7ST7hWh8>

partners disrespect him. In one telling episode, Litt pretends to be Specter when meeting a new client—a ruse which, of course, ends in disaster.⁴⁰

We see another side of Louis Litt in his relationship with the non-Jewish law professor Sheila Sasz.⁴¹ Away from the office, Litt is tender and loving. Sasz knows that the key to their relationship is to stroke Litt's ego and help him feel secure and powerful. Litt and Sasz desperately want to have a baby and her water breaks during their marriage ceremony. The ceremony is non-Jewish and Litt gives in to Sasz on the issue of whether the child will be raised Jewish.

5. *Crazy Ex-Girlfriend*—Rebecca Bunch

Crazy Ex-Girlfriend (2015-2019) is a romantic comedy series aimed at the millennial audience. Rebecca Bunch is a Jewish lawyer who went to Harvard undergrad and Yale Law School. She leaves behind a partnership at a New York law firm and joins a small practice in the distinctly non-trendy town of West Covina, California, in order to re-ignite her relationship with Josh Chan, an old boyfriend. The creator of the show and its leading actress is Rachel Bloom, a prominent Jewish stand-up comedian.⁴²

⁴⁰ Season 9, Ep. 7.

⁴¹ For discussion of the common trope of Jewish-Gentile dating and marriage, see note 78, *infra*.

⁴² Bloom won a Golden Globe award in 2016 as best actress in a comedy or musical. The show received numerous other awards and nominations. Bloom made Bunch a lawyer because she and her co-author know a lot of them, law is a

We learn little about Bunch as a lawyer except that she specializes in real estate and, despite being smart and creative, has no interest in law practice or any regard for her clients or for legal ethics. She is a truly terrible lawyer. When at work, she's mostly having coffee with paralegal Paula Proctor and finding excuses to leave early. In two episodes, she invents a dubious class action to catch Chan's attention.⁴³ Bunch could lose a few pounds; some but not all of the other women in the ensemble are much more attractive.

Bunch's Judaism is emphasized in many episodes and is a frequent source of jokes. However, she seems ambivalent about her Judaism.⁴⁴ Bunch is insecure, anxious, obsessive-compulsive, depressed, lacking in judgment, and prone to self-destructive behavior.⁴⁵ Eventually she falls victim to mental illness and must

common career objective for smart and articulate women, and because many lawyers are so unhappy in their work. Author's interview with Rachel Bloom, Feb. 12, 2019.

⁴³ "Josh and I Work on a Case!" and "Josh and I Go to LA," Seas. 1, Eps. 12 and 13. In another episode, Rebecca is in the middle of an arbitration and becomes hopelessly distracted. She has to rush away in the middle to get to Josh's phone to intercept a text message she mistakenly sent him. "This Text Was Not Meant for Josh," Seas. 1, Ep. 11.

⁴⁴ See "Will Scarsdale Like Josh's Shayna Punim," Seas. 2, Ep. 10. In this episode Bunch attends a bar mitzvah and seems deeply embarrassed by Jewish customs and hostile to the rabbi.

⁴⁵ *Crazy Ex-Girlfriend* seems influenced by *Ally McBeal* (1997-2002), which also involved a neurotic female lawyer protagonist trying to reunite with a former lover. Like several of the other television series discussed in this article, it was created by David Kelley. See note 16, *supra*. Both shows make heavy use of emotionality, unlike most legal shows where the lawyer characterizations are much less emotional. Both shows could have been situated in any kind of office environment,

receive treatment. These are negative characterizations, though not typical of the other Jewish lawyers in popular culture discussed in this article.

Crazy Ex-Girlfriend destabilizes the romantic comedy genre and disrupts the traditional and misogynistic pop-cultural characterizations of Jewish women as “Jewish American princesses” (or “JAPS”), sometimes described as “pampered princesses.” Stereotypical JAPS are shallow, spoiled, sexually repressed, and care only for attracting a husband who will be a good provider.⁴⁶ Bunch has none of these traits.

Instead, the series suggests a new 21st century vision of successful professional Jewish women who lack a strong Jewish identity and are sexually aggressive, neurotic, and self-centered. They have miserable personal lives and suffocating, guilt-tripping Jewish mothers.⁴⁷ One author refers to Bunch as “Jewy”

because neither gives much attention to creating legal stories. Both shows make use of well written and produced music and dancing to enhance the narrative. See Michael Asimow, *Ally McBeal and Subjective Narration* in Michael Asimow, Kathryn Brown & David Papke (eds.), *LAW AND POPULAR CULTURE: INTERNATIONAL PERSPECTIVES* ch. 1 (2014).

⁴⁶ On the subject of female Jewish stereotypes, see ABRAMS, *supra* note 2, 43-67; REZNIK, *supra* note 2 at 91-113; Antler, *supra* note 3 at 50-64, 77; RIV-ELLEN PRELL, *FIGHTING TO BECOME AMERICANS: ASSIMILATION AND THE TROUBLE BETWEEN JEWISH WOMEN AND JEWISH MEN* (1999); JANICE L. BOOKER, *THE JEWISH AMERICAN PRINCESS AND OTHER MYTHS: THE MANY FACES OF SELF HATRED*, Intro. & ch. 8 (1991). For pop-cultural personifications of the JAP trope, see *Marjorie Morningstar* (1958) or *Goodbye Columbus* (1969).

⁴⁷ For discussion of the stereotypical treatment of Jewish mothers on television, see Antler, *supra* note 3 at 64-67.

rather than Jewish.⁴⁸ Bunch resembles the male Woody Allen *schlemiel* character—what one writer describes as the “neurotic nebbish” who is often romantically inept and obsessed with gentile love objects.⁴⁹

6. Recurring minor characters in lawyer TV shows

a. *The Good Wife*—David Lee and Howard Lyman

In the long-running show *The Good Wife* (2009-2016), David Lee (Zach Grenier) is a senior partner in Lockhart, Gardner and its successors. He self-identifies as Jewish.⁵⁰ He is always portrayed as cynical and greedy. Physically he’s rather unattractive and his personality is unpleasant. Howard Lyman (Jerry

⁴⁸ Branfman analyzes *Crazy Ex-Girlfriend* as a disrupter of both the romantic comedy genre (which assumes that a woman is fulfilled by marriage) and familiar tropes of Jewish femininity. Jonathan Branfman, *Jewy-Screwy Leading Lady: Crazy Ex-Girlfriend and the Critique of Rom-com Femininity*, 19 J. OF MODERN JEWISH STUDIES 71, 73 (2020). Creator Rachel Bloom modeled the Rebecca Bunch character on many Jewish women she’s met who are professionally successful but have anxiety disorders. Author’s interview with Rachel Bloom, Feb. 12, 2019.

⁴⁹ REZNIK, *supra* note 2 at 63-90. Reznik identifies the “neurotic nebbish” stereotype in 47 of 53 films made between 2000 and 2013 that feature Jewish characters..

⁵⁰ The self-identification occurs during an episode when Lee represents Veronica (mother of protagonist Alicia Florrick). 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/>

Adler), another Jewish character who frequently appears on the show, is incompetent and mentally over the hill but clings to his perks.⁵¹

b. *Hill Street Blues*—Irwin Bernstein

Irwin Bernstein (George Wyner) appears as a prosecutor in 57 of the 144 episodes of *Hill Street Blues* (1981-1987).⁵² The show is primarily about the travails of the police, but prosecutors and public defenders often get into the stories. Bernstein is physically unattractive. He is consistently portrayed as amoral. When there is a sleazy plea bargain to be struck, Bernstein pulls it off.

c. *Sex and the City*—Harry Goldenblatt

Harry Goldenblatt (Evan Handler) appears in in the fifth and sixth seasons of *Sex and the City* (1998-2004). He is Charlotte's divorce lawyer and becomes her boyfriend. Goldenblatt is pretty unattractive (he has excessive back hair, for example, but none on his head) and a complete slob. Charlotte 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 a sexual relationship with Harry but won't let her friends meet him. Ultimately, however, Charlotte converts to Judaism and marries

⁵¹ 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 (Alan Cumming), a recurring Jewish character on *The Good Wife* is presented as a cynical and manipulative political campaign manager, but it is unclear whether he is a lawyer. If he is, his representation is quite negative.

⁵² See Thompson, *supra* note 34 at 59-74.

Goldenblatt. Goldenblatt is given a positive character arc and turns out to be quite a decent guy. We never learn much about him as a lawyer although in one phone call with an opposing lawyer he does a lot of yelling.

C. NEGATIVELY PORTRAYED JEWISH LAWYERS IN THE MOVIES

Negative stereotypes of Jewish lawyers appear frequently in the movies. For example, David Kleinfeld in *Carlito's Way* (1993) is a repulsive character who is heavily addicted to cocaine. In his personal behavior, he's crude and disgusting. Kleinfeld's clients, who are gangsters and drug dealers, describe him as a "Jew lawyer." Kleinfeld steals from his clients and betrays his client and best friend to try to escape prosecution. He is played by Sean Penn, no slouch in the looks department. David Jason (Jeff Goldblum) in *Deep Cover* (1992) is a similar character. At one point he's described as a bar mitzvah boy. Jason is a criminal defense lawyer, but he's much more interested in earning a fortune as a vicious and sleazy drug dealer.

In *Bonfire of the Vanities* (1990), the obnoxious and unattractive District Attorney Abe Weiss (F. Murray Abraham)⁵³ and his toady sidekick Assistant DA Jed Kramer (Saul Rubinek) pull out all the stops to inflame public opinion against Sherman McCoy (Tom Hanks). McCoy is an arrogant but innocent white man

⁵³ At one point, Weiss says: "Yesterday I was a respected Jewish liberal. Ten minutes of news like this and all of sudden I'm a hymie racist pig?"

charged with a hit-and-run vehicular homicide. Weiss and Kramer prosecute McCoy in order to impress black voters in Weiss' upcoming campaign to be mayor of New York.⁵⁴

Perhaps the most nuanced representation of a Jewish lawyer in the history of the movies is George Simon (John Barrymore) in the classic film *Counsellor at Law* (1933).⁵⁵ Simon escaped the lower East Side and became a skillful and successful New York lawyer. His ethics are dubious and he is ensnared by his own ethical lapses. The white shoe New York lawyers hate him and are delighted to take him down. Simon's personal life is a shambles. His gentile wife is cheating on him and his stepchildren despise him. Simon fits the category of extremely smart but greedy and unethical Jewish lawyers who will do whatever it takes to deliver for their clients and for themselves.

D. SOURCES OF THE NEGATIVE STEREOTYPE OF JEWISH LAWYERS

1. Prejudice against Jewish lawyers

⁵⁴ In addition to the films discussed in the text, two Jewish law firm senior partners are greedy, unethical, and unattractive. Marty Bach (Sydney Pollack) in *Changing Lanes* (2007) and Herb Myerson (Tom Aldredge) in *Intolerable Cruelty* (2003) are over-the-top parodies of the Jewish lawyer stereotype.

⁵⁵ Simon is not explicitly identified as Jewish in the movie, but his ethnicity is obvious from the character of his mother and from the use of Yiddish words in dialogue. In the stage play on which *Counsellor at Law* is closely based, Simon is identified as Jewish. For discussion of *Counsellor at Law* and the character of George Simon, see ASIMOW & SILBEY, *supra* note 5, chapter 5.

The negatively stereotyped Jewish lawyers in movies and television⁵⁶ echo the not-so-distant past when Jewish lawyers were referred to as “shysters”⁵⁷ and were the victims of pervasive discrimination in the legal profession. The era of anti-Semitism directed toward American lawyers dates from around 1880 to the 1960s.⁵⁸ During this era, the number of Jewish lawyers increased rapidly, but they were excluded from prestigious law schools both as students and professors. Corporate law firms hired few Jews and even fewer made partner. Big business clients (such as banks or insurance companies) refused to be represented by Jewish lawyers. Jews were excluded from bar associations and mentoring programs.⁵⁹ As

⁵⁶ Negative literary stereotypes of Jews long predate modern popular culture. See EDGAR ROSENBERG, FROM SHYLOCK TO SVENGALI: JEWISH STEREOTYPES IN ENGLISH LITERATURE (1960). Shylock in *The Merchant of Venice*, Isaac of York in *Ivanhoe*, and Fagin in *Oliver Twist* come to mind. To take a less exalted literary 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 with a long nose.

http://disney.wsikia.com/wiki/Sylvester_Shyster

⁵⁷ The etymology of the word “shyster” is unclear and disputed. The term first appears around 1840 and was used to describe crooked non-Jewish lawyers. It may be derived from the German word for excrement (*Scheisse*). Later the term took on an anti-Semitic connotation and was often applied to Jewish lawyers. See GERALD LEONARD COHEN, ORIGIN OF THE TERM “SHYSTER” (1982).

⁵⁸ Wald, *supra* note 12 at 307-15 (2020). Discrimination against Jews still existed in the early 1960’s. Note, *The Jewish Law Student and New York Jobs—Discriminatory Effects in Law Firm Hiring Practices*, 73 YALE L. J. 625 (1973).

⁵⁹ Pervasive discrimination against Jewish lawyers led to the formation of numerous Jewish law firms. Wald, *supra* note 12 at 315-317. Even within the Jewish community, the better established German Jews often despised those of Eastern European origin. See JEROLD S. AUERBACH, UNEQUAL JUSTICE ch. 4, 6

a result, Jewish lawyers were forced to compete for business in such fields as personal injury, criminal defense, and divorce—low-paying clients who elite lawyers and law firms did not care to represent.⁶⁰ Anti-Semitic statements from well-known lawyers during this period are not difficult to discover.⁶¹

These sentiments are dormant but not extinct. A 2003 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.⁶²

(1976); Eli Wald, *The Jewish Law Firm: Past and Present*, in Ari Mermelstein et al. *JEWS AND THE LAW* (2014); Russell Pearce & Adam Winer, *From Emancipation to Assimilation: Is Secular Liberalism Still Good for Jewish Lawyers*, in *id.*

⁶⁰ See Lawrence E. Mitchell, *Gentleman's Agreement: The Antisemitic Origins of Restrictions on Stockholder Litigation*, in Mermelstein, *supra* note 59; Sophia Sperdakos, 'A Forum for Discussion' and a Place of Respite: Jewish Lawyers and Toronto's Reading Law Club, 30 WINDSOR Y.B. ON ACCESS TO JUSTICE 163 (2012) (recounting same phenomenon in Canada).

⁶¹ According to Auerbach, *supra* note 59 at 107, 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?" Auerbach quotes Bar luminary Theron Strong who 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." Supreme Court Justice McReynolds was a blatant anti-Semite and made no effort to conceal it. He refused even to speak to fellow justices Brandeis and Cardozo. See the anecdotes in https://en.wikipedia.org/wiki/James_Clark_McReynolds

⁶² Gary Tobin & Sid Groeneman, *Anti-Semitic Beliefs in the United States* (Inst. for Jewish and Community Research 2003) 15, http://www.anijudaism.com/uploads/8/1/0/5/8105580/a_s_report_web.pdf

Regardless of their actual feelings, most people now avoid explicitly racist, sexist or anti-Semitic jokes and comments, but not everybody has gotten the message. In 2007, Micheal Ray Richardson, a former pro basketball star and now a 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.⁶³

For these candid comments, Richardson lost his coaching job.

2. American anti-Semitism

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 the respondents agreed that the statement is “probably true.” *Id.* 17.

⁶³ <http://espn.go.com/nba/news/story?id=2816356>, quoting Richardson’s remarks.

The historic prejudice against Jewish lawyers is deeply rooted in the broader subject of American anti-Semitism. Virulent anti-Semitism was long a reality of Jewish life in America.⁶⁴ 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.⁶⁵ In 1946, 64% of Jewish respondents in a poll by the American Jewish Committee responded affirmatively to the question of whether they “had heard any criticism or talk against the Jews in the last six months.” Only 34% answered no.⁶⁶ In the movie industry, Joseph Breen, czar of the Production Code Administration, the film industry’s self-censorship board from 1934 to 1954, said that Jews are a “rotten bunch of vile people with no respect for anything beyond the making of money...They are, probably, the scum of the earth.”⁶⁷

⁶⁴ For an excellent survey of the history of American anti-Semitism, see ROBERT H. MNOOKIN, *THE AMERICAN JEWISH PARADOX: EMBRACING CHOICE IN A CHANGING WORLD* ch. 8 (2018).

⁶⁵ Mitchell, *supra* note 60 at 158-160; BERNARD SUSSEY & CHARLES S. LIEBMAN, *CHOOSING SURVIVAL: STRATEGIES FOR A JEWISH FUTURE* 43-44 (1999). In 1948, Gerald L.K. Smith ran for president on a platform of deporting all Jews. *Id.* at 43.

⁶⁶ Mnookin, note 64 at 154.

⁶⁷ Wheeler Winston Dixon, *Joseph Breen, The Hollywood Production Code, and Institutionalized Anti-Semitism in Hollywood*, in BERNARDI et al., *supra* note 2 Breen wrote these words in 1932 before he headed the PCA and started watching his words more carefully.

For most American Jews today, this kind of overt, hateful anti-Semitism is thankfully in the past. It is not socially acceptable today for non-Jews to publicly voice anti-Semitic sentiments or tell Jewish jokes.⁶⁸ 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.⁶⁹

Yet anti-Semitism is far from extinct. Millions of Americans still hold anti-Semitic beliefs.⁷⁰ As this article is written, in the aftermath of the hostilities in Israel and Gaza in May, 2021, there has been an upsurge of violent attacks against Jews on the street.⁷¹ According to the Pew Report's 2020 analysis of American Jewry, 75% of American Jews say there is more anti-Semitism in the U.S. than five years ago.⁷² Of the Pew respondents, 37% say they have seen anti-Jewish graffiti or vandalism in their local community in the past 12 months, while 19% say they

⁶⁸ 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, note 59.

⁶⁹ Mnookin, *supra* note 64 at 148; Susser & Liebman, *supra* note 65 at 43.

⁷⁰ Tobin & Groenman, *supra* note 62.

⁷¹ <https://www.adl.org/news/press-releases/preliminary-adl-data-reveals-uptick-in-antisemitic-incidents-linked-to-recent> The Anti-Defamation League reported 2024 anti-Semitic incidents occurred in the year 2020, the third-highest figure of any year since ADL reporting began. <https://www.adl.org/media/16191/download>

⁷² Pew Research Center, *Jewish Americans in 2020*. <https://www.pewforum.org/2021/05/11/jewish-americans-in-2020/> Pew Report.

have been made to feel unwelcome because they are Jewish and 15% say they have been called offensive names. About three-quarters of Jewish adults have heard someone claim that “Jews care too much about money,” including about 30% who report this was said in their presence in the past year and an additional 43% who say they have heard or read about this claim secondhand.⁷³ Thus anti-Semitism is alive and well in the U.S. This unfortunate reality is mirrored in the profusion of negative Jewish stereotypes in popular culture⁷⁴ and makes those representations a matter of serious concern.

III. MILDLY POSITIVE PORTRAYALS OF JEWISH LAWYERS

The portrayals of Jewish lawyers discussed in this section form the midpoint of the spectrum.⁷⁵ They are essentially neutral. Viewers of these TV shows and movies would be left with the impression that Jewish lawyers are competent professionals and decent human beings, though they are not presented as heroic or

⁷³ The American Jewish Committee’s 2020 report on anti-Semitism reported similar data. 88% of its respondents think anti-Semitism is a very serious or somewhat serious problem in the U.S. today. During the past five years, 37% had experienced an anti-Semitic physical incident or comment in person or online. *The State of Antisemitism in America 2020: Survey of American Jews*, <https://www.ajc.org/AntisemitismReport2020/Survey-of-American-Jews>

⁷⁴ See text at *supra* note 13.

⁷⁵ Judge Joe Rifkind of Sidney Lumet’s *100 Centre St.* (2001-02) might also be discussed in this part though he is a judge rather than a practicing lawyer. Rifkind is a decent and compassionate liberal judge, neither a villain nor a hero. See ZURAWIK, *supra* note 2 at 218-21, 237-38.

saintly. Interestingly, however, some of these mid-point lawyers share an unattractive physical appearance with the bad lawyers. The actors playing Stuart Markowitz, Ellenor Frutt, Alan Dershowitz, and Sam Weinberg are less attractive than the other actors in the ensemble.

The mildly positive Jewish lawyers on television are similar to most of the non-Jewish lawyers 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. MILDLY POSITIVE JEWISH LAWYERS ON TELEVISION

1. *L.A. Law*—Stuart Markowitz

Stuart Markowitz (Michael Tucker) appears in all eight seasons of the pioneering show *L.A. Law* (1986-1994).⁷⁶ He is the tax and estate planning lawyer at the firm of McKenzie, Brackman. As a person, Markowitz is kindly and loyal, although rather unaggressive and a bit nerdy. He briefly becomes managing

⁷⁶ Thompson, note 34 at 121-30; Philip N. Meyer, *Revisiting L.A. Law* in Asimow ed., *supra* note 37. 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. Author's phone interview with producer Robert Breech, March 25, 2016.

partner and drives everyone crazy with his meticulous attention to trivial details involving firm expenses. He is quickly relieved of duty.⁷⁷

Markowitz is a competent lawyer and reasonably ethical, especially in comparison to some of the other lawyers at the firm such as the unscrupulous divorce lawyer Arnie Becker (Corbin Bernsen) or the greedy managing partner Douglas Brackman (Allan Rachins). However, he is never presented in noble and heroic terms like several of the others, such as Michael Kuzak (Harry Hamlin). Markowitz is the least physically attractive member of the ensemble, with the possible exceptions of managing partner Brackman or Bennie Stulwicz (Larry Drake), a mentally disabled staff member. Markowitz is socially inept, so is thrilled when the beautiful partner Ann Kelsey (Jill Eikenberry) takes an interest in him. Ultimately, Markowitz and Kelsey fall in love and get married. Their highly contrasting appearance and personalities, as well as their differing ethnic backgrounds, provide plot material for many episodes.⁷⁸

⁷⁷ “The Unbearable Lightness of Boring,” Seas 3, ep. 15.

⁷⁸ See ZURAWIK, note 2 *supra* at 136. Intermarriage between Jewish men and non-Jewish women (often referred to as “shiks-appeal”) is an enduring plot device in film and television about Jewish characters. See MOSS, *supra* note 10; PEARL & PEARL, *supra* note 2 at 195-227; Vincent Brook, *Boy-Man Schlemiels and Super-Nebishes: Adam Sandler and Ben Stiller*, in BERNARDI et al., *supra* note 2 at 185-88; Antler, note 3 at 67-70. Antler suggests that in the eyes of industry gatekeepers, having Jews marry other Jews made the shows “too Jewish”—which historically was the excuse for refusing to greenlight media products with Jewish themes and characters. See note 5, *supra*.

In a notable episode in Season 2,⁷⁹ Markowitz meets Kelsey's blatantly anti-Semitic mother for the first time. For a while, he politely ignores her insensitive comments, such 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. Markowitz asks whether Jews have ever done anything to either of them to deserve 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 lapse, 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."

2. *The Practice*—Ellenor Frutt

Ellenor Frutt⁸⁰ is a member of Bobby Donnell's firm on *The Practice* (1997-2004).⁸¹ She self-identifies as Jewish.⁸² This series involves a bottom-feeding

⁷⁹ "Rohner v Gradinger," Seas. 2, ep. 7.

⁸⁰ Frutt was played by actress Camryn Manheim who won an Emmy for Outstanding Supporting Actress in a Drama Series (1998). David Kelley says that Manheim "embraced the idea of her character being Jewish and we went from there." Antler, *supra* note 3 at 49, 64, 74. Producer Robert Breech recalled that Kelley cast Manheim because she could project authority as a lawyer while also seeming to be personally vulnerable. Her appearance provided a good contrast with the other more physically attractive actors. Author's phone interview with Robert Breech, March 25, 2016.

⁸¹ See Jeffrey E. Thomas, *The Practice: Debunking Television Myths and Stereotypes* in Asimow, ed., *supra* note 37.

⁸² "Part V," Seas. 1, ep. 5.

Boston law firm. Frutt is physically unattractive, in sharp contrast to the rest of the ensemble. She has a miserable personal life and can't get a date. When she manages to form romantic relationships, they end disastrously. Frutt is positively portrayed but not in a heroic way.

Like her colleagues, Frutt is a tough and resourceful litigator. She is also known to cut ethical corners for clients,⁸³ yet she has a strong personal ethical code. Thus, she refuses to represent a rabbi who encouraged his parishioner to commit a revenge killing.⁸⁴ 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."

3. *Law and Order*—Adam Schiff and Danielle Melnick

Law & Order (1990-2010) is tied with *Gunsmoke* for the longest-running U.S. 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 several references identify

⁸³ 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

⁸⁴ "Part V," Seas. 1, ep. 5

him as such.⁸⁵ Schiff is a wise old owl who has seen it all. He is always conscious of the political realities, often tamping down the enthusiasm of the attorneys who work for him.

Danielle Melnick (Tovah Feldschuh) is a defense attorney who appears in 13 episodes of L&O. In one episode, a disgruntled client describes her as a “Jew lawyer.”⁸⁶ 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 professionals, working within the system to achieve justice as best they can. Neither is unattractive or personally unpleasant. Thus, they fall near the middle of the spectrum—mildly positive but neither heroic nor anti-heroic.

4. *Grace and Frankie*—Sol Bergstein

Grace and Frankie (2015-2020) is a comedic series about the lives of two women (Grace Hanson and Frankie Bergstein, played by Jane Fonda and Lily Tomlin). They are married to two family lawyers who are business partners (Robert Hanson and Sol Bergstein, played by Martin Sheen and Sam Waterston). All are in their 70’s. When Robert and Sol disclose that they have been lovers for

⁸⁵ KEVIN COURRIER & SUSAN GREEN, LAW & ORDER: THE UNOFFICIAL COMPANION 151; PEARL & PEARL, *supra* note 2 at 97.

⁸⁶ “Open Season,” Seas. 13, Ep. 7.

many years, the two marriages break up and the four lead characters and their families and friends must deal with the fallout. Little is disclosed about Robert and Sol's law practice except that they don't enjoy it much and they dislike their clients. They retire in season 3.

Sol is Jewish and is positively presented in the series. He struggles with guilt over the damage he inflicted on Frankie and he is kind and protective of her, more so than Robert is toward Grace. It is Robert, for example, who insists on cutting off the wives' credit cards.⁸⁷ Sol is reduced to tears at the last family Shabbat in the old house.⁸⁸ He rushes to Frankie's house during an earthquake, knowing that she is terrified of quakes, and talks her out from under the table.⁸⁹ Sol is thus portrayed as a decent person with emotional depth, but not as a heroic character.

B. MILDLY POSITIVE JEWISH LAWYERS IN THE MOVIES

Lt. Sam Weinberg (Kevin Pollak) in *A Few Good Men* (1992) is an example of a mildly positive portrayal of a Jewish movie lawyer. Weinberg is one of three lawyers assigned to represent two Marines in a court martial for murdering a fellow Marine. He is a sober and somewhat boring foil to the brilliant and mercurial Lt. Dan Kaffee (Tom Cruise) and the enthusiastic but rather incompetent Lt. Com. JoAnne Galloway (Demi Moore). Weinberg was added to the defense

⁸⁷ Season 1, Ep. 2.

⁸⁸ Season 1. Ep. 13.

⁸⁹ Season 1, Ep. 6.

team because he is better at research and knows how to prepare a witness.

Weinberg is less physically attractive than his defense colleagues, not to mention the opposing lawyer Cap. Jack Ross (Kevin Bacon) or the real villain Col. Nathan Jessep (Jack Nicholson).

Another mildly positive representation is Alan Dershowitz (Ron Silver) in *Reversal of Fortune* (1990). Claus von Bulow has been convicted of attempted murder of his wife. His new girlfriend urges him to “get the Jew.” Dershowitz, a Harvard Law School professor, agrees to represent Von Bulow in his appeal to the Rhode Island Supreme Court. Dershowitz assembles a large team of students and lawyers to work on the von Bulow appeal. Most of them think von Bulow is a despicable person and undoubtedly guilty. Dershowitz takes the case anyway, evidently because there is a big fee involved. He wins a reversal of the trial court decision (Von Bulow was acquitted at the later retrial). Dershowitz is neither a hero nor a villain. The actor playing Dershowitz is relatively unattractive.

IV. STRONGLY POSITIVE PORTRAYALS OF JEWISH LAWYERS

This section considers strongly positive portrayals of Jewish lawyers. 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. The section then speculates on the source of the positive Jewish lawyer stereotypes.

A. STRONGLY POSITIVE PORTRAYALS OF JEWISH LAWYERS ON TELEVISION

1. *Harry's Law*—Harriet Korn⁹⁰

Harry's Law (2010-2012) starred Kathy Bates as Harriet Korn (better known as Harry).⁹¹ 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's rather gruff at times but inspires loyalty from her staff and trust from the local residents. She is joined by another big-firm refugee, Adam Branch, who is much younger.

Since nobody in the community can pay a fee, this practice cannot possibly be profitable.⁹² Indeed, the firm survives by selling high fashion shoes left behind by a prior tenant. Moreover, their office has security issues 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.

⁹⁰ See Michael Asimow, *When Harry Met Perry and Larry: Criminal Defense Lawyers on Television*, 1 BERK. J. OF ENTER. & SPORTS L. 77 (2012).

⁹¹ Producer Robert Breech stated that series creator David Kelley made Korn Jewish in order to create a more interesting character and to provide story ideas. Author's phone interview with Robert Breech, March 25, 2016.

⁹² In one episode, Korn accepts \$26 in quarters in an old sock for an armed robbery defense. "Heat of Passion," Seas. 1, ep. 2. A similar highly positive Jewish character, who is an idealistic labor organizer rather than a lawyer, is Ruben Warshofsky in *Norma Rae* (1979). See ERENS, *supra* note 2 at 344-45.

Korn self-identifies as Jewish. She is much 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 soap opera oriented to teen-age viewers that ran from 2003-2007. It is set in Newport Beach, California, amid great wealth and gigantic 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. Cohen is an outsider in the community since he came from the Bronx, via Berkeley.

Cohen is presented very positively, both as a lawyer and a family man. For example, Ryan Atwood is one of his juvenile clients. Ryan comes from a terrible home 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, over the opposition of his wife and son. Later in Season 1, Cohen switches from being a public defender to taking a law firm job. The only work we see him doing is a big environmental case in which his firm seeks to block a development in the Orange County wetlands. His opponent is his father-in-law. Cohen is a wonderful father to his son Seth as well as to Ryan. He resists all

attempts at seduction by the local golden blondes. He is handsome and attractive (although noticeably different looking than the blondes).

B. STRONGLY POSITIVE PORTRAYALS OF JEWISH LAWYERS IN THE MOVIES

A number of films portray Jewish lawyers in a highly favorable light. Each of them is based on actual events and real people. Since true stories are often inspired by the deeds of heroic characters, it is not surprising that the lawyers in these films are positively represented.

1. *On the Basis of Sex*—Ruth Bader Ginsburg

On the Basis of Sex (2018) concerns *Moritz v. Commissioner of Internal Revenue*,⁹³ an early case in the career of Supreme Court justice Ruth Bader Ginsburg (Felicity Jones). She couldn't get hired by a law firm and had to take a job as a law professor at Rutgers. Together with her husband, tax lawyer Martin Ginsburg (Armee Hammer), Ruth takes a pro bono appeal to the Tenth Circuit. They appeal a Tax Court decision that upheld a statutory gender classification

⁹³ 469 F.2d 466 (10th Cir. 1972). The movie exaggerates the importance of the *Moritz* case which actually was decided after the Supreme Court had already settled the issue. See MICHAEL ASIMOW & PAUL BERGMAN, *REAL TO REEL: TRUTH AND TRICKERY IN COURTROOM MOVIES* 60-64 (2021).

unfavorable to men (permitting single women but not single men to deduct the costs of a caretaker).

The Ginsburgs overcome opposition from the ACLU, which thought that a loss in *Moritz* would jeopardize a pending Supreme Court case. The team resoundingly defeats Ruth's condescending Harvard law professors Ernest Brown and ex-Dean Erwin Griswold who represent the government. The taxpayer's victory in *Moritz* was a vital first step toward the recognition that sex discrimination could violate equal protection (even in the tax code!). The representation of the two Ginsburgs (who, of course, are Jewish) is extremely positive.

2. *Woman in Gold*—Randy Schoenberg

In *Woman in Gold* (2015), Jewish lawyer Randy Schoenberg (Ryan Reynolds) represents Maria Altmann (Helen Mirren) in her effort to repatriate Gustav Klimt's iconic portrait of her aunt. The painting was seized by the Nazis and displayed in the Belvedere in Vienna. It is, perhaps, the most beloved artwork in the entire museum, so the Austrians fight tenaciously to keep it. In his single-minded battle against Austria, Schoenberg gives up his law firm job and goes deeply into debt, severely jeopardizing his family finances. Against long odds, he

wins a critical case in the U. S. Supreme Court holding that the Austrians were subject to suit in an American court⁹⁴ and ultimately prevails in an arbitration.

3. *Marshall*—Sam Friedman

Sam Friedman in *Marshall* (2017) is another favorably portrayed Jewish lawyer. The movie dwells on an early case in the career of Supreme Court justice Thurgood Marshall (Chadwick Boseman). Marshall works for the NAACP and travels around the country defending unjustly accused African Americans. He is dispatched to Bridgeport, Connecticut to defend a Black man accused of rape and attempted murder of the white woman who employed him as a chauffeur.

Local lawyer Sam Friedman (Josh Gad) usually handles insurance defense cases and has no experience in criminal law. He is drafted to serve as the local lawyer, but he expects that Marshall will try the case after being admitted on motion as a non-member of the Connecticut Bar. Unaccountably the trial judge denies the motion, and Friedman has to try the case. Marshall can advise Friedman but cannot speak in court. This is a disaster for Friedman since it might cost him his usual clients, but he rises to the occasion and does a brilliant job. As a result, he

⁹⁴ Republic of Austria v. Altmann, 541 U.S. 677 (2004). For additional information about the case and the lawyers, see ASIMOW & BERGMAN, *supra* note 93 at 243-46.

quits insurance defense and becomes a lawyer for the wrongly accused. His characterization is very positive.⁹⁵

C. SOURCES OF THE POSITIVE STEREOTYPES OF JEWISH LAWYERS

The highly positive stereotypes of Sandy Cohen, Harriet Korn, Ruth and Martin Ginsburg, Randy Schoenberg, and Sam Friedman align with data about the attitudes of contemporary American Jews. A commitment to social justice is an essential element of contemporary Jewish religious belief, especially among Reform Jews and among self-identified Jews who are not affiliated with any religious institution. Creators of pop culture products are aware of this tradition, and it is reflected in the occasional positive characterizations of Jewish lawyers.

The Hebrew phrase *tikkun olam*, means “repair of the world.”⁹⁶ Since about the 1970s, the doctrine of *tikkun olam* has become for many Jews a fundamental part of their Jewish identity. It entails an obligation to pursue social justice and it

⁹⁵ The actual facts of the case are even more positive toward Friedman than the movie narrative. Friedman did a great job and Marshall did very little. ASIMOW & BERGMAN, *supra* note 93 at 52-55.

⁹⁶ The discussion in this paragraph is based on Levi Cooper, *The Assimilation of Tikkun Olam*, 25 JEWISH POL. STUD. REV. 10 (2013); Byron L. Sherwin, *Tikkun Olam: A Case of Semantic Displacement*, *id.* at 43; Jonathan Krasner, *The Place of Tikkun Olam in American Jewish Life*, *id.* at 59; Mnookin, note 64 at 226. The phrase can be traced back to ancient prayers, to Jewish legal sources, and to Jewish mysticism, but in those iterations it lacked the secular, social-justice and universalistic connotation that it has developed today. The current use of the phrase probably dates back to the 1950s.

extends beyond the Jewish community. *Tikkun olam* has been fervently embraced by the Reform and Conservative movements and by Jews who consider themselves culturally Jewish but who are religiously unaffiliated. Many of them see *tikkun olam* as a reason for Jews to remain Jewish, given the advance of secularism and assimilation in modern American life.

The 2020 Pew study on Jewish Americans concluded that 59% of American Jews say that working for justice and equality is essential to what being Jewish means to them.⁹⁷ 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.”⁹⁸

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

⁹⁷ Pew Report, *supra* note 93. Jewish voting preferences are related to this phenomenon. The Pew Report stated: “Politically, U.S. Jews on the whole tilt strongly liberal and tend to support the Democratic Party... 71% said they were Democrats or leaned Democratic.” Among Orthodox Jews, however, the balance tilts in the other direction: In the run-up to the 2020 presidential election, 75% of Orthodox Jews said they were Republicans or leaned Republican, compared with 57% in 2013. Jewish voting behavior is a major subject in the political science literature. Further discussion of it is beyond the scope of this article.

⁹⁸ SUSSER & LIEBMAN, *supra* note 65 at 63.

equality, or religious observance, or support for Israel, or what?” About half answered “social equality.” The proportion giving this answer was 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.⁹⁹ Thus the positive stereotypes of some Jewish lawyers in popular culture is solidly based on the reality of contemporary Jewish belief (outside the Orthodox community) that being Jewish means being committed to social equality.

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 Ruth Bader Ginsburg, Louis Marshall, Julius Cohen, Louis D. Brandeis, Jack Greenberg, Joseph Rauh, and numerous other historically important figures are often referred to in the literature.¹⁰⁰ Jewish lawyers were instrumental in establishing the doctrines of international human rights.¹⁰¹

⁹⁹ *Id.* at 64.

¹⁰⁰ See Samuel J. Levine, *Louis Marshall, Julius Henry Cohen, Benjamin Cardozo and the New York Emergency Rent Laws of 1920* in Mermelstein, ed., *supra* note 59.

¹⁰¹ See Dore Gold, *Tikkun Olam, Israel and a Just World Order* (2014) 25 JEWISH POL. STUD. R No. 3-4, p. 7 (2014); PAZ, MORIA, *THE LAW OF STRANGERS: JEWISH LAWYERS AND INTERNATIONAL LAW IN THE TWENTIETH CENTURY* (2019).

Jewish lawyers appear to be over-represented on the staff of liberally-oriented public interest organizations, including public interest law firms, legal aid,¹⁰² leftist-oriented bar associations,¹⁰³ and organizations promoting international human rights, civil rights, or environmental or feminist agendas.¹⁰⁴ For obvious reasons, it would be difficult to provide precise statistics on this point. According to Donna Arzt:

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,

¹⁰² See Felice Batlan, *The "Rabbi's Daughter" and the "Jewish Jane Addams: Jewish Women, Legal Aid, and the Fluidity of Identity, 1890-1930*, 4 IND. J. L. & SOC. EQ. 135 (2016).

¹⁰³ Auerbach, *supra* note 59 at 209.

¹⁰⁴ 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, ed., *supra* note 59.

miscellaneous law centers and legal defense and education foundations will yield thousands more Jewish names.¹⁰⁵

V. CONCLUSION

Popular culture products are produced for profit and intended to be consumed by mass audiences and quickly forgotten. Nevertheless, this vast outpouring of cultural product should be taken seriously. Pop culture serves as a crude mirror of public opinion. Stereotypes projected through movies, television and other instrumentalities of popular culture likely reflect the opinions of many people. Moreover, pop cultural representations may create or reinforce those stereotypes. As a result, consumers of pop culture products—meaning all of us—should be sensitive to and critical of stereotypical representations of minority groups, especially when those characterizations are unfairly negative.

The numerous strongly negative portrayals of Jewish lawyers in movies and television unfortunately echo the long history of contempt for Jewish lawyers in the American legal profession as well as residual anti-Semitism in the general public. These representations suggest that negative stereotypes of Jews in general and Jewish lawyers in particular still linger. On the other hand, the mildly positive portrayals of Jewish lawyers are not stereotypical. They are neither heroic nor anti-

¹⁰⁵ Donna E. Arzt, *The People's Lawyers: The Predominance of Jews in Public Interest Law*, JUDAISM 47, 48-49 (Winter 1986).

heroic. These mildly positive portrayals suggest that pop culture creators and many viewers view Jewish lawyers as being decent and competent human beings, with nuanced personalities, that are about the same as other lawyers. The message of these portrayals is assimilational; Jews are much like everybody else. Finally, the relatively few strongly positive portrayals of Jewish lawyers in popular culture may 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 in the 21st century.