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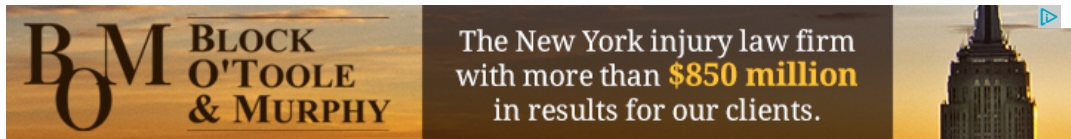
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## Celebrity Justice: What We (and Our Students) Learn from Hollywood Stars' Run-ins with the Law

By JOANNA GROSSMAN AND ALAFAIR BURKE

Monday, Aug. 20, 2007

Lately, the public has been receiving a detailed legal education from an unlikely source - the legal run-ins of celebrities. A recent incident provides a case in point:

At approximately 4:00 p.m. on July 20, 2007, actress/tabloid sensation Lindsay Lohan walked quietly into a Beverly Hills police station to face formal arrest for DUI and misdemeanor hit-and-run. The charges were a consequence of her single-car accident over Memorial Day weekend. As is routine for first time DUI defendants, she was released on her own recognizance.

The following weekend, Lohan was photographed modeling a hot pink bikini and a SCRAM ankle bracelet, which sends an alarm to a monitoring party if it detects alcohol in the sweat of its wearer. Lohan's publicist had said Lohan had chosen to wear the device "so that there's no question of her sobriety when she goes to places where alcohol is served."

Shortly before midnight on July 23, however, Lohan's attorney received an alert from her client's SCRAM bracelet. Unfortunately, the attorney's attempts to contact Lohan were unsuccessful, and, by 1:34 am on July 24, police were responding to a 911 call from Lohan's assistant's mother, who claimed she was being chased by an SUV. After Lohan failed field sobriety tests at the scene of the call-out, police arrested her at 2:16 a.m. for DUI, and found a small amount of cocaine in a search incident to arrest. Lohan posted bail and was released at 6:20 a.m.

Within two and half hours, the website [TMZ.com](http://www TMZ.com) (named for the thirty-mile zone surrounding L.A.) not only announced Lohan's arrest but posted a [document from the Los Angeles Sheriff's Department](#) detailing her processing and release. The starlet's [glazed-eyed booking photo](#) followed shortly thereafter.

By mid-morning, Lohan's most recent arrest was featured by mainstream television and print media, and the public knew more than it previously had about California's mandatory sentences for repeat DUI offenders, potential dispositions for small-quantity cocaine possession, joinder of multiple criminal charges, and the shortcomings of secure continuous remote alcohol monitors as a means to prevent recidivism.

### Celebrity Justice: A Collective Obsession?

We graduated from law school together in the spring of 1994. When we began our careers as law professors not many years later, we both assumed our youth would be an advantage in the classroom. Because only a few years separated us from our students on the other side of the lecture hall, we were confident in our ability to translate to the next generation of lawyers the knowledge one is supposed to gain in law school. Little did we know, however, that our subscriptions to *US Weekly* would prove useful in teaching about law, as well as providing a natural bond with our students, who entered law school believing they already knew about law through reading tales of celebrity justice.

Although we were part of the generation that swelled law school enrollments twenty years ago in response to the popularity of *L.A. Law*, the current fascination with law and celebrity, and the symbiotic relationship between them, strikes us as novel. We - like generations of lawyers before us - learned the law through the standard legal chestnuts, not through celebrities' legal debacles.

Just like Professor Kingsfield's students in *The Paper Chase*, we learned the law of contract remedies through the 1929 case of the man whose skin graft was supposed to give him a perfect hand, but instead resulted in a

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hairy hand. We studied the rescission of contracts with an 1887 decision involving the sale of a pregnant cow who had been thought to be barren. We learned the limits of tort liability thanks to poor Mrs. Palsgraf, injured when a 1924 dynamite explosion knocked over some scales on a Long Island Railroad platform. Granted, along with our peers, we may have attempted in our after-class hours to apply the lessons of these old classics to the scenarios that arose in the hallways of McKenzie-Brackman, or the office of Benjamin Stone. We did not, however, believe that the entertainment we found on television might teach us anything real about the legal system. Law is law, and fiction, after all, is fiction.

In more recent years, the public's fascination with the law has only increased, while the lines between reality and entertainment have blurred. On June 17, 1994, just weeks after we sat for our last final exams as students, the country watched the low-speed chase of O.J. Simpson's Ford Bronco on live television. As Simpson's arrest, arraignment, trial, and acquittal unfolded - all also on live television - we learned more than we previously knew about DNA evidence, exigent warrantless searches, and the skills that distinguish merely competent trial attorneys from the blessed ("If it doesn't fit, you must acquit").

Since the so-called trial of the century, the line between law and entertainment has continued to blur, and the public now learns its law in part from entertainment sources. As law professors, we slave over lengthy law review articles with hundreds of footnotes to document our thorough and careful legal research, all in the faint hope of contributing a noteworthy nugget to the existing legal discourse. But, to what effect? A recent survey of nearly 400,000 law review articles concluded that 43 percent of published articles are never cited. Ever. By anyone - not by a single court, not even by another lonely academic. Almost 80 percent of law review articles earn ten or fewer citations. Meanwhile, Court TV, a 24-hour, all-law-all-the-time network launched in 1991, enjoys a regular audience of more than 800,000 viewers. Nancy Grace - a commentator whom Arianna Huffington once dubbed "captain of the lurid crime cheerleading squad" - attracts half a million viewers for her show on CNN Headline News, even in the absence of any single courtroom drama dominating headlines. Despite budget cuts and layoffs, the Pulitzer-Prize-winning *L.A. Times* recently began searching for a "celebrity justice" reporter. And "Boston Legal," a television show starring William Shatner, draws more than 11 million viewers a week.

As the lines between the law and entertainment have blurred, the distance between celebrities and the rest of us has narrowed. Reality television transforms regular but publicity-starved people into celebrities. Indeed, magazines such as *US Weekly*, *Star*, and *In Touch* are filled with photographs of casually clothed celebs eating fast food, pumping gas, and searching for their lost keys in enormous and obviously disheveled handbags. The lesson, we are to gather, is that celebrities are "just like us."

### How the Internet Feeds the Fascination with Celebrity Justice

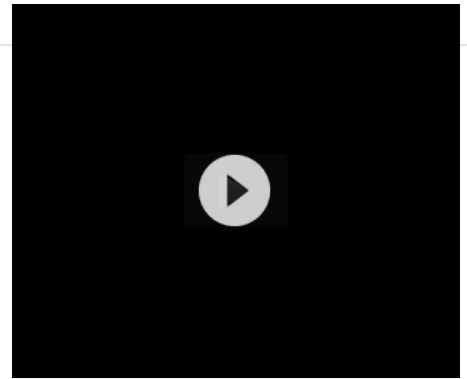
Thanks to the Internet, too, our access to both celebrities and their legal problems is endless and immediate. Whereas traditional legal reporting summarizes and translates events for a lay audience, the reporting of celebrity justice is hands on, permitting a lay audience to do its own translating. The [Smoking Gun website](#) doesn't just cover celebrity arrests; it contains a library of hundreds of celebrity mugshots. When TMZ broke the story of Alec Baldwin's ranting voicemail to his daughter, left when she didn't answer the phone for a scheduled call, web surfers didn't just hear *about* it; they heard the recording itself: "It's 10:30 here in New York on a Wednesday, and once again I've made an ass of myself trying to get to a phone to call you at a specific time." When Baldwin called his daughter "a rude, thoughtless little pig," it was a slur heard round the world.

Thanks to the Internet, we not only knew about the rape allegations against Kobe Bryant, but could also read the 57-page transcript of his graphic police interview in its entirety in PDF form. Accustomed to an unprecedented flow of information, we not only cared that Angelina Jolie's son, Pax, was about to become a Jolie-Pitt; we also wanted to see the required legal notices that had to be published before such a name change could occur. The easy availability of court pleadings, affidavits, photographs, and other evidence, combined with an abundance of blogs and message boards, means that any layperson can become a legal pundit, at least as long as he's in front of his computer.

### Celebrity Legal Dramas: Teachable Moments

The obsession with celebrity justice may seem like a mere extension of our superficial fascination with celebrity itself, but celebrity legal dramas transform the public's understanding of law and colors our response to it. Twenty years ago, *L.A. Law* increased the public's curiosity about the law, but much of the show's fan base understood that its farfetched stories were entirely fictional. Arnie Becker's practice of sleeping with his divorce clients was understood as entertainment, rather than as a depiction of the typical life of a divorce lawyer. The legal problems of celebrities, in contrast, are not only real, but they strike us as representative because, after all, celebrities are just like us. As a consequence, while the public may be drawn to celebrity legal dramas because of the entertainment value, they are unwittingly learning something about the law.

The reality, though, is that what we learn about the law through celebrities is not necessarily representative of the law. Sometimes, this is because the celebrity encounters with the legal system are simply not representative. For example, unlike Paris Hilton, the average defendant would receive neither a 45-day jail sentence for a



minor driving probation violation (too harsh), nor an early release for ill-defined medical reasons (too lenient). Nor, of course, can the average defendant afford to pay for the A-Game of the talented defense counsel to which viewers of celebrity trials have become accustomed.

In other instances, what we learn about the law from celebrities is inaccurate because the reporting is inaccurate or because readers draw inaccurate, though reasonable, inferences from the documents they see or stories they read. The lay reporting inherent in the emerging celebrity justice trend invites distortions of legal realities. As just one example, consider a single line from the will of Anna Nicole Smith, which was widely read in cyberspace: "I have intentionally omitted to provide for my spouse and other heirs, including future spouses and children and other descendants now living and those hereafter born or adopted, as well as existing and future stepchildren and foster children." (Emphasis added.) Speculations flew that perhaps Anna Nicole had unacknowledged biological children (not a problem women usually encounter) or was anticipating future children she would want to disinherit. In fact, the legal reality is this language is boilerplate that is included in any lawyer-drafted will to prevent alleged out-of-wedlock children from coming out of the woodwork seeking to share in a dead man's estate. (One of us, Joanna Grossman, has written several columns for this site on the Smith case - including [this most recent one](#).)

As law professors, we have responded to the growing interest in celebrity justice (an interest we unabashedly share) -- and its attendant, occasional distortions of law - by using celebrity legal dramas in two ways. First, we have jumped into the celebrity justice punditry ourselves by fielding questions from reporters and writing about the real story behind celebrity legal dramas. The public is curious about the Lindsays and Parises of the world, whether we think they should be or not, and part of our role as legal commentators is to translate legal events for a non-legal audience.

Second, we use the cases of celebrities to teach our students. Celebrity legal dramas often provide good "teachable moments" for those of us in the law teaching profession. Students walk into the classroom knowing the facts of these cases and often believing that they already know the law. When they learn the real law behind the tabloid stories, they not only learn the relevant legal doctrine but also start to believe that what they study in the classroom might pertain to what they think of as the "real world."

So it's back to the classroom next week, armed with our casebooks, teaching notes, and the latest issue of *US Weekly*.

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Joanna Grossman, a FindLaw columnist, is a professor of law at Hofstra University. Her columns on family law, trusts and estates, and discrimination, including sex discrimination and sexual harassment, may be found in the archive of her columns on this site.

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