

# HOLLYWOOD

*Photographs courtesy of 20th Century Fox*



**T**

hings are getting out of hand in the courtroom. "This is not a court of law!" shouts the opposing counsel. "This is the rabbit hole, and we, like Alice, have fallen into Wonderland." Pausing, he looks straight at me. "Behold the Queen of Hearts," he sneers, sticking his hand in my face.

I've had about enough, but I keep my cool right up until he cries, "Welcome to the Mad Hatter's tea party!"

"Objection!" I yell, rising to my feet.

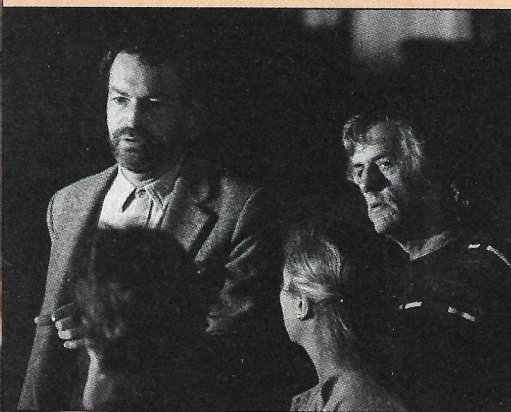
"Objection?" screams opposing counsel. "Why not 'Off with their heads?'"

My blood boils as we glare at each other. Behind the bar a dozen aging hippies jump to their feet and jeer at me.

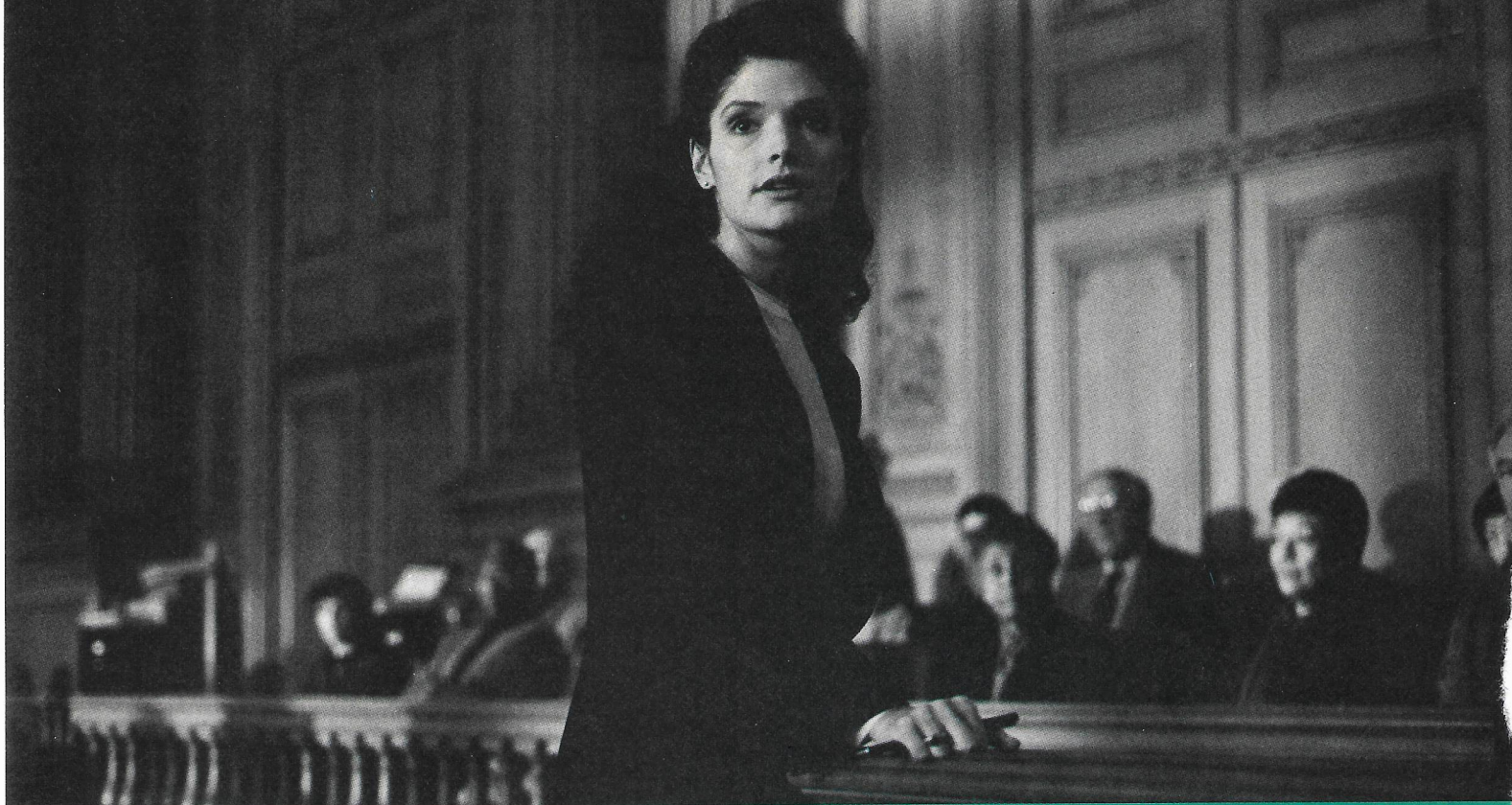
"And...cut!" says director Michael Apted, and actor Gene Hackman and I relax for a moment before doing one more take of our

**A SAN FRANCISCO LAWYER  
FINDS HIS ADVICE  
GOES ONLY SO FAR  
IN A MOVIELAND COURTROOM**

BY RICHARD A. ZITRIN



Class Action's *Richard Zitrin* (left) and director *Michael Apted*.



COURTROOM CONFLICT: MARY ELIZABETH MASTRANTONIO PLAYS MAGGIE, AN INSURANCE DEFENSE LAWYER.

scene together in 20th Century Fox's new courtroom drama, *Class Action*.

I'm a lawyer, not an actor. I'd never been on a movie set in my life—never even taken a Hollywood studio tour. But I spent much of last winter as legal technical advisor and occasional cast member in *Class Action*.

It all started on the basketball court.

## M

OCTOBER

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I GET THE JOB

My basketball-playing buddy Randy Daar, a lawyer who works with San Francisco criminal defense attorney Tony Serra, takes me aside as we leave the court. Some movie folks he knows need an advisor for a film to be shot here about an automobile products liability case. Knowing my background in legal ethics and auto products cases, Randy's given them my name.

I say, "Great," figuring it's probably some UCLA film students. Weeks go by and I hear nothing. Then I get a call from Marty Ewing, who says he's the film's first assistant director and wants to know if I can meet with director Michael Apted right away.

I ask around about Apted. I'm told he directed *Gorillas in the Mist*, *Coal Miner's Daughter* and *Gorky Park*, among other movies, as well as a highly acclaimed series of documentaries about growing up in England. This guy is no UCLA student. Besides, the movie stars Gene Hackman.

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Apted, Ewing and I meet in the lobby of a surprisingly modest Fisherman's Wharf hotel. Production designer Todd Hollowell and Apted's wife, Jo, wander over. Right now this is pretty much the whole crew. It's not exactly my image of Hollywood.

Neither is Michael Apted. The opposite of movieland glitz, Michael (first names seem in order for everyone) is a modestly dressed Englishman with longish hippie-style silver hair and a quiet, easygoing manner. Perhaps it's his background in documentaries, but he manages to be interested without being condescending, casual while businesslike. His sense of humor is immediately apparent. It's difficult to imagine this guy as a tyrant on the set.

The movie is about a father (Hackman) and daughter (Mary Elizabeth Mastrantonio) who litigate an auto products liability case against each other. Gene's character, Jedediah Ward, is an old left-winger in the late '60s mold. Mary Elizabeth's character, Maggie, is a modern young career woman, a senior associate with a big firm.

By adding a twist to the usual generational conflict, the film will make a political point enhanced by focusing on a civil case. But Apted makes it clear that the goal here is entertainment—plenty of courtroom drama and a stormy father-daughter relationship.

Apted asks me to read the script from a lawyer's perspective. Perhaps later I'll meet with the principal actors. Before I leave, he suggests that I might "like a role as a judge or something." I can't tell if he's serious, but I tell him sure, who wouldn't?

Not having much else to occupy my time at the moment besides a heavy workload, classes to teach and going to the World Series, I read the script cover to cover the next day. I am surprised how short it is, and how flat some of it sounds on paper. But the lawyers' roles seem fairly realistic.

There is one major problem: Jed, Hackman's character, represents a number of plaintiffs who were seriously injured when their "Meridian" cars exploded. With a deadly defect, dissimilar injuries and potential punitive damages for each



GENE HACKMAN IS JEDEDIAH WARD, A PLAINTIFFS ATTORNEY AND MAGGIE'S FATHER.

accident, any self-respecting plaintiffs lawyer would litigate each case separately. Inexplicably, Jed files a class action.

Before I can shake up Apted with this news, the Bay Area gets a much bigger shakeup—the October 1989 earthquake. By the next morning the whole movie has fled to Los Angeles. Ewing calls to say the studio has decided to shoot the film there. It looks like the end of the shortest movie career on record—mine.

Since I've already read the script, I write Apted: "A case like this would never be handled as a class action," but fortunately "not much, other than your title, would need to change." After all, I figure, changing the title should be easy.

T

NOVEMBER

THE RETURN OF  
CLASS ACTION

Two weeks later Marty Ewing calls me again. The lure of San Francisco is too great. *Class Action* is back in the city, and I'm needed for script advice, a session with the property master and a tour of the courts with Michael and Gene.

Our trip to court is only partly successful. The moment Gene Hackman is recognized, proceedings tend to stop cold. One judge calls a recess to invite us into chambers for a half-hour visit. A bailiff says another judge is retiring tomorrow; could we stop by to say hello? I look at my watch, but Gene says sure. He takes it all with exceptional grace, while Michael, amused, takes a willing back seat to the star. The retiring judge is charming—he opens a bottle of champagne and asks us to join him in a quiet toast.

I have the first of many meetings with the property "master," Emily Ferry. Emily and her crew need to fill briefcases, deposition rooms, law offices and entire courtrooms with the right papers, books and general legal debris—things second nature to lawyers that no one else has any reason to know about. Except Emily. I begin to understand why movies need technical advisors.

I give her legal pads, deposition transcripts, advance sheets, copies of BAJI and Jefferson's. I find her a law book store that rents Cal. and Cal. App. reporters by the foot. She photocopies my trial notebook scribbles on evidence and borrows my dog-eared argument book. I display automobile technical service bulletins and National Highway Traffic Safety Administration reports. She'll have some mocked up about the Meridian. I show her pleading paper and she orders some printed for the "defense firm" of Quinn, Califan & Lunt.

But accuracy must be balanced with practicality. Emily loves my '70s-era trial briefcases for Jed and his team, and Gene himself asks to use my funky everyday briefcase. Great! But no one believes that the defense firm would really use the traditional big, black (and ugly) trial briefcases with the firm's name stenciled on. Besides, the other featured actors want something a little more fashionable; they've already picked out their favorites in glove leather.

After speaking with screenwriters Chris Ames and Carolyn Shelby by phone, I meet with Apted for what will be the first of several script sessions. At his request I've reread the script using a fine-tooth comb. It's clear he has a fondness for accuracy. When I tell him the script's ritual for delivering a verdict is wrong, he tells me he's cut that scene—but still insists on hearing the right way to do it.

A lot of the script's legal idiosyncrasies and terms of art get a quick fine-tuning. "Point attorney" becomes "lead counsel," court "schedules" become "calendars," "contempt" (for discovery failure) becomes "sanctions." A cynical associate's line changes from "So it's a money play" to "So? Lawsuits are a

dime a dozen." I add, "Submitted, Your Honor," "fast track" and "judicial discretion" and take out "exceptions" to objections, "countermotions" made in open court without notice and using the Bible to swear in witnesses.

We're making less progress on the class action issue. What I thought was an easy fix has caused considerable stir back in L.A. The writers are fairly adamant: The lawyer they consulted said a class action was fine. It turns out he defends securities cases; he's never moved to certify a class or handled a products liability case.

Michael seems ready to alter the script, but he's attached to the movie's title. I ask him whether the name can still be changed and he says sure, suggest another one. In the next several days I come up with *Malicious Intent* and *Conscious Disregard*. He is noncommittal.

**M**y job is expanding: Michael's asked if I can be around for both rehearsing and shooting of the courtroom scenes.

As rehearsals begin, Emily, Dan May, the set decorator, and I tour the magnificent San Francisco Board of Supervisors chambers that will serve as the main courtroom. They'll have to dress it down to make it look real. They'll add green metal file cabinets, and pile beige file folders everywhere. I get Emily sealed transcripts in white envelopes for the clerk's desk and open ones for counsel's table.

As we walk through the rehearsal, we position the courtroom figures. "Yes, the plaintiff always sits near the jury." "Yes, the jury can be on either side of the judge." "Yes, the plaintiff sits by the jurors no matter where they are." I turn the court reporter toward the witness in the trial scene. Apted, who doesn't miss much—and who once "read law" in England—calls me on it: "But she was turned the other way for law and motion." "Yes, but there was no witness." He is satisfied.

The movie's two law and motion scenes are to define the adversarial relationship of father and daughter in court. In the first, Jed uses a trick to best her; in the second, she does the same to him.

We rehearse Law and Motion I. It's a motion to compel discovery. In trying to get the names of the car company's employees, Jed asks the judge if he's familiar with two cases. The judge says he is, and he knows Jed tried them. Jed then asks the judge to have Maggie tell the court what she knows about the cases.

Gene stops the rehearsal. He's not happy with the scene. He's right. It's stilted, contrived. Michael decides to rework both this scene and its companion. He asks me to come up with a device the lawyers can use to turn the tables on each other.

**T**he first courtroom scene we shoot is the one I'm in. I didn't make it as a judge but settled for typecasting as a

trial lawyer. No chance to watch how it's done; I just do it. It goes pretty smoothly. It's also a whole lot of fun.

That afternoon Michael and I have another script meeting. We're making progress on Law and Motion I. I've come up with an idea based on my own experience. Michael asks Chris and Carolyn to incorporate it into a redraft of the scene.

There's no progress on the class action issue, though. I've persuaded Michael that Jed's case should really not be a class action. But so far both the movie title and the script remain unchanged. Producer Scott Kroopf has come in for the shooting. I have no idea what he thinks, or what the studio has to say. I don't even know what the lines of authority are.

As technical advisor, I want the movie to be accurate. But maybe I'm taking it too seriously. After all, this is "The Movies." As Charles Rosenberg, legal advisor to television's *L.A. Law*, once wrote, the goal is "to portray law and lawyers as accurately as drama will permit."

The following week we rehearse the revised Law and Motion I scene. Using my suggestions the writers have come up with a new draft, then a redraft. We try a walk-through.

It's still a motion to compel. Jed asks for the defendant's employees' names and current addresses. Maggie gives him the names but stonewalls on the addresses. It's an undue burden, she says; she can't keep track of everyone who once worked for the defendant. Jed says that without addresses the names are useless. Then he pulls a trick from his sleeve.

The new approach works, but there's one remaining problem: The case is called just as Jed and Maggie walk into the courtroom. Too pat.

Michael asks me for a piece of business that can cover their entrance. I suggest a lawyer arguing a summary judgment motion. "Does she win?" "No, they're usually denied." "What does she say after she loses?" "She says, 'Thank you, Your Honor.'" Apted cracks up. "Thank you for losing?" It's the funniest thing he's heard all week. Not to me; I've said it many times.

Shooting starts in the supervisors chambers, first Law and Motion I, then the final courtroom scene. We've got only six days over two weeks, during the supervisors' Christmas vacation.

The law and motion scene takes a day. The next evening I join Michael, producer Scott Kroopf and a few others to watch the "dailies." "Thank you, Your Honor" is great. The judge's "Denied" is the height of boredom, and, from behind the judge, we see the clerk already handing up the next case file. Carolyn, the screenwriter, plays the lawyer. Her "Thank you" gets testier with each take.

Ultimately, though, it's Gene Hackman who makes the scene come alive, as Jed executes his trick on Maggie.

By now I've spent some time with all the principal actors, talking about their roles, the law, the meaning of the script. During the frequent dead time on the set, while director of photography Conrad Hall gets the lighting just so, there's plenty of time to schmooze. This is an intelligent, thoughtful bunch: Colin Fries, an Australian emigre; Matt Clark, a veteran of countless roles, also a director; Larry Fishburne, a young veteran and the star of Spike Lee's *School Daze*; and Donald Moffat, longtime movie and stage actor, who was one of the principals in producer Joseph Papp's famed Circle in the Square theatrical company.

But Hackman seems different. He's much older than Fries and Fishburne, yet much more visceral and instinctive than Moffat and Clark. He seems to think physically, spatially,

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# Hollywood Law

(Continued from page 44)

rather than emotionally. He's a natural trial lawyer. We talk about his part, but not about motivation. Instead we discuss what the words mean, whether the script works.

When Gene gets a script change, he seems barely to read it. He might say noncommittally, "I can try it." He rehearses once in monotone, says okay. Then we shoot it, and he just explodes; the flattest lines jump to life. It's a thrill to change a phrase and then watch what Gene does with it.

We start shooting the climactic courtroom scene, bit by bit. It's an exciting, almost magical time for me. We're making script changes on the fly, often right before we shoot. With the screenwriters not around, Michael, Gene, Scott, producer Robert Cort and I huddle in a corner during a lighting break with Judy Townsend, the script supervisor, penciling the changes in her book.

Little nuances can make a big difference. Moffat's character, Quinn, objects, but his "Objection, inflammatory!" is wrong. I argue for the real objection, "Asked and answered," which gives Jed the opportunity to respond, "It's been asked, but it *hasn't* been answered." As always, Gene makes the most of it.

I've been lucky to work with this group. First, the team approach means what I say can make a difference. But even more, the set is a pleasant place, with tension at a minimum. Without exception the crew members tell me this is rare. Michael's calm professionalism sets the tone; Marty's competence and unflagging good humor are equally important. Michael's hours are very long, but Marty's are even longer. He's the first on the set at 7 a.m. and the last to close it up at night. He's late to dailies, even at 9:30 p.m., but back on the set, in good spirits, the next morning.

JANUARY and on

THE WRAP-UP

AFTER CHRISTMAS we move to the fantastic set that Todd Hallowell has built for Quinn, Califan & Lunt in a South of Market high-rise. There's an-

other round of script conferences: We work on Law and Motion II (I suggest we move it into chambers as a change of pace) and the big deposition scene (Maggie goes too far in badgering a witness—very tricky to do realistically). And there are still the references to a class action.

We film the depo scene. The Quinn Califan conference room looks clean and elegant. I'm glad I persuaded them to have no books and, God forbid, no computers! I wish I had been as persuasive about Quinn's office, which suffers from an entire wall of books that belongs in the firm's library.

Once again, script changes happen on the spot. Between rehearsals Mary Elizabeth wants to talk to me. After Maggie's deposition battle with the witness, she must sit there as Jed and Quinn go at each other. Does Maggie know she's stepped over the line? the actress asks me. At this moment how does she feel about the case? About herself? It's crucial, because the camera will be right on her face and will catch every flicker of movement.

Mary Elizabeth seems the shyest, and by some years the youngest, of the principal players. She's also thoroughly charming. Her grasp of her craft is obvious. She asks me technical questions ("How would a lawyer stand?" "What tone of voice would I use?") and assimilates and executes it all like an old pro. I look forward to watching the depo scene dailies. It's an impressive performance. I can see the whole range of Maggie's emotions in the closeups on her face.

On the weekend we break from the Quinn Califan set for Law and Motion II. We decide to borrow Superior Court Judge John Dearman's chambers. The scene, in which Maggie turns the tables on Jed, has been trouble from the start. Everyone has had a hand in the five or six script drafts. We've got several actors and the usual crew and equipment jammed in the tiny office. My job is to set the tone of being in chambers versus in the courtroom. I suggest that the informality be emphasized by the judge getting up to pour a cup of coffee, while he says over his shoulder, "Okay, folks, whadaya got?" This movement makes a tight space even tighter.

The actors all want to know how to ease up in

this less formal setting. We spend more time rehearsing this scene than any other. It starts out stilted, uncomfortable, but the last rehearsal looks good. We try shooting a take. I go into the hallway to watch the scene on the monitor with Scott Kroopf. It's perfect, first time out. Scott knows it too; we exchange grins.

I go back into chambers and tell everyone how great it was. "It was the real thing. You all got it, right on the nose!" Everyone seems genuinely pleased. Too bad the scene was eventually cut.

A FEW DAYS later, Michael calls me at home right after the Rams-49ers playoff. "Joe Montana here," he announces, but his British accent and his tongue in cheek betray him. Maybe he wants to soften the blow: They've decided to keep the movie title and a script reference to a class action. It's clear the studio played a part in the decision. But all is not lost—the remaining class action reference is to another firm's having filed the suit years before. Jed comes along and "refiles."

It's not what I wanted, but I call it a draw. I'm immediately aware that the refile creates a statute of limitations problem. But I'm an experienced filmmaker by now. We can let this one slide for the sake of "The Movies."

My job is essentially done, but I stick around another day just to watch. Just as in the law, the movies have their rituals. It's a comfort to hear Marty saying, "All right, lock it up! Let's try one with picture." Off the set the production assistants all repeat, "Lock it up! Rolling!" The second assistant camera operator holds the scene marker up to the camera: "Scene 39 Beta, take 3, marker." Marty: "Camera ready?" "Yeah." "Sound speed!" "Rolling..." "And...action!" ■

