

CHAPTER 21

girls club Does Not Exist

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Did you start reading this chapter thinking, “*girls club*? What show is that?” You have certainly heard of *L.A. Law* and you have likely watched *Law & Order* or one of its spin-offs, but *girls club* simply does not ring a bell. Do not worry. You have probably never heard of this show because only two episodes of it ever aired on television. *girls club*, spelled in lowercase letters, was another David E. Kelley television program in a one-hour drama format, but it had an unbelievably short run. *girls club* both debuted and ended on the FOX television network in October 2002.

I tuned in to *girls club* for personal reasons. At the time, I was in the midst of research for my doctoral dissertation on mediation metaphors in movies. I was examining how female dispute resolvers—such as negotiators and mediators—were depicted in film, especially in contrast to male lawyers. I was particularly interested in how the metaphors and images used to describe dispute resolvers differed from those used for lawyers. As such, depictions of women problem solvers were at the forefront of my mind. Therefore, a new television program about women lawyers, created by someone with a successful track record for legal television

girls club

Aired:

- October 21, 2002–
October 28, 2002, FOX

Cast:

- Gretchen Mol
(Lynne Camden)
- Kathleen Robertson
(Jeannie Falls)
- Chyler Leigh
(Sarah Mickle)
- Giancarlo Esposito
(Nicholas Hahn)
- Sam Jaeger
(Kevin O’Neil)



Credit to come

girls club

Lynne (Gretchen Mol), Sarah (Chyler Leigh), and Jeannie (Kathleen Robertson) will take on the world, if their law firm doesn't crush them first.

programming, piqued my interest. I wanted to see what metaphors and images would be used and how young professional women, a group very rarely seen on prime-time television, would fare as protagonists in a legal drama.

As a young, female Canadian law professor, I also thought, "Hmm. . . finally a show specifically about the experience of junior female lawyers in big firms. This might be interesting." I am often asked by my students what they should expect when they join a law firm, because law school rarely prepares them for daily life in legal practice. Students also report that they turn to popular-culture depictions of legal practice to glean information. Therefore, I was fascinated to see what picture of law firm

life *girls club* would provide to its viewers. In particular, my curiosity was aroused because the advance promotional material for *girls club* noted that the pilot episode would address how one of the female protagonists, played by a Canadian actress with whom I was familiar, dealt with sexual harassment. Having worked in a very large corporate law firm myself and been exposed to sexual harassment, I was intrigued to see how this important topic would be handled.

Although the title of the show put me off, being a fully postmodern third-wave feminist with a sense of humor, I thought I could give the show a chance. Besides, based on the tag lines and promotional materials for the series (e.g., "You're In" and "If You're Not Part Of The Club, Make Your Own"), I correctly surmised that the title was a riff on the infamous "old boys club" that women are still unable to break into. I tuned in the pilot episode on Monday, October 21, 2002, at 9 PM.

In the first episode of *girls club*, viewers meet the three young and ambitious women protagonists, who became best friends in law school and are now roommates. They work at the same prestigious, male-dominated law firm in San Francisco. (Winding up at the same firm is a relatively common occurrence, given that very large law firms hire dozens of new associates every year.) Because it is a TV program, the three lead characters are all attractive. In fact, in a *Charlie's Angels* sort of way, each of the three woman protagonists has a different hair color: there is a blonde, a brunette, and a redhead.

Lynne Camden is blonde and facing her first real criminal trial. Unrealistically, it is a death penalty case that she is defending by herself, which would, of course, never happen in a real law firm of this size. (Indeed, such a firm would probably never undertake non-white-collar criminal defense work). However, realism is not the point of *girls club*. In fact, most of the "law stuff" in the show is not realistic, and that is OK. Being overly concerned with the distortions perpetrated by law shows is the pastime of lawyers with positivistic bents. After all, where does one find an undistorted version of law? There is no one legal truth or reality. There are, however, real feelings. Where viewers find realism in *girls club* is in the feelings experienced by Lynne and other young lawyers like her. Lynne, who is just embarking upon her career, receives virtually no support from her law firm and yet is somehow expected to know what to do. While such a lack of guidance would be unusual in most big firms, the arduous expectations placed on Lynne ring true. She is understandably

terrified, receives no mentorship, and, not surprisingly, does not handle her case well. Later, when she is devastated, viewers can easily empathize with her.

Sarah Mickle, the brunette, is doing badly at the firm because she cannot navigate office politics, and none of the senior members of the firm has reached out to guide her. She is battling with another associate, Rhanda, because both are competing for the attention of Meredith, a cynical and unpleasant female partner who is called “the preying mantis” behind her back. Rhanda lies to Sarah and outmaneuvers her, so she receives the choice piece of legal work and Sarah is passed over. Sarah reacts very unprofessionally and calls Rhanda a “dyke” in front of many colleagues. Consequently, Sarah is required by firm management to spend 10 weekends taking anger management classes.

Jeannie Falls, the redhead, has been asked to conduct settlement negotiations on behalf of a senior partner’s sister whose gynecologist fainted into her vulva during an exam. Although the partner’s sister understandably suffered emotional distress, this highly sexualized plot is unrealistic, is designed to grab viewers’ attention, and does not present a real legal claim, since it arose from an accident and not from negligence. (However, it must be stressed again that the point of *girls club* is not legal realism, but rather the feelings of the protagonists.) Interestingly, the pilot episode focuses on the negotiation that Jeannie conducts, and because of that it bears closer analysis.

Very few legal television programs focus on negotiation. We see plea bargaining, a form of negotiation, on shows like *Law & Order*, and *L.A. Law* used to depict some boardroom negotiations, but other than that, the vast majority of legal programming on television is focused on the trial. As a result, viewers are bombarded with images of dramatic wins and losses in highly adversarial courtroom settings, as opposed to the potentially more collaborative and creative outcomes that might be obtained through negotiation. Given that over 90 percent of all civil and criminal cases are settled rather than litigated, I was pleased to see such prominent airtime given to settlement negotiations in this first episode. In this way, *girls club* valiantly tried to expand our understanding of legal practice to include nonadversarial problem solving and settlement negotiation, thereby more properly depicting the reality of legal practice.

Surprisingly, the pilot episode made it clear that Jeannie, a junior female lawyer, handled the negotiation “brilliantly” even in the presence

of the senior male partner who was sexually harassing her. This is noteworthy because it is unusual to see young women depicted as competent in legal dramas. *Ally McBeal*, for example, often focused on the shortcomings of lawyer Ally, and virtually all legally themed films starring female lawyers portray them as in some way incompetent.¹ Thus, the fact that Jeannie is shown to be brilliant is nothing short of remarkable.

The viewer is supposed to think Jeannie is brilliant because she is tough, hard-nosed, and uncompromising. Jeannie adopts a very competitive negotiation style because her firm has a lot invested in the case, given that the plaintiff is the senior partner's sister. In addition, Jeannie, as a "green lawyer" (opposing counsel's words), has a lot invested personally because she wants to impress in an adversarial fashion, correctly deducing that this approach will best please her supervising counsel. She appears brilliant because, in the face of senior opposition, she emerges victorious. Jeannie manages to settle the case by threatening to "litigate it to death," which would, of course, greatly embarrass the physician. Opposing counsel, who originally wanted to offer nothing, is persuaded to make a settlement offer of \$71,000. Jeannie is thrilled, as is her supervising partner.

So on the plus side, for those of us who would advocate greater use and depiction of dispute resolution processes such as negotiation and mediation both in practice and on television, negotiation is not only highlighted in *girls club*, but made to look as interesting and exciting as courtroom work. On the negative side, Jeannie negotiates in a tough win/lose manner. In so doing, she mirrors the adversarial posturing we are used to seeing on legal TV shows, rather than employing the more creative, collaborative benefits of interest-based negotiation. Negotiation is supposed to be a principled dispute resolution process that achieves results through dialogue, not threats. Although dispute resolution scholars agree that collaborative, interest-based negotiation is to be preferred over competitive, positional bargaining,² *girls club* showed us the latter and called it "brilliant."

Despite her failure to implement negotiation theory in her practice, Jeannie, the lawyer-negotiator, is depicted as effective, fearless, and articulate. If she were a man, the story would end here, with the male lawyer emerging heroic. However, in *girls club*, the story is not over. Rather, a sad reality of life in a large firm is played out in the next scene. Jeannie's supervising senior male partner is "so impressed" with Jeannie's negotiation

pro prowess that he sexually assaults her. The partner touches Jeannie on her breastbone and invites her out to dinner, promising her better legal work if she will date him. Jeannie's negotiation victory is tainted, and she leaves the room swallowing tears. This is a very depressing, well-captured, and realistic scene that is experienced far too frequently by junior women members of law firms.

By showcasing sexual harassment, *girls club* was unique. The pilot episode highlighted the legitimate concerns women have about reporting sexual harassment. Reporting rarely results in any real repercussions for the harasser, and it usually results in negative consequences for the victim. Jeannie, for example, is devastated, angry, confused, and concerned about job security should she tell anyone. When she is at home with her girlfriends she displays her anxiety and the insecurities she has as a junior lawyer in such a poisoned environment. Although this young woman lawyer–negotiator is effective, fearless, and articulate, she is not portrayed as heroic because she has insecurities and is the victim of sexual harassment. Female lawyers have fewer opportunities than male lawyers to emerge as heroes.³ Unlike male television and film lawyers, female lawyers cannot have it all. The male lawyer who questions his motives and his commitment to the law is perceived as heroic for being willing to do so.⁴ The same is certainly not true for female lawyers, who are characterized as inexcusably weak for questioning their own convictions or their commitment to law.

Sometimes lawyers emerge from the end of their workday victorious, and other times they go home depressed over their shortcomings. The three women protagonists in *girls club* are no different. They are still learning the skills of lawyering, and they are not afraid to share their worries with one another. This is remarkably different from popular images of male television lawyers, who seem to have no insecurities whatsoever. Most shows featuring male lawyers are too busy portraying them as heroes to show any lack of confidence. *girls club*, despite its unrealistic plot lines, was realistic in its portrayal of lawyerly doubts.

girls club showed viewers the difficulties faced by many female lawyers and highlighted the fact that young female lawyers are not treated well in law firms. Law firms are not fair workplaces, senior lawyers rarely right wrongs perpetrated against junior lawyers, and some, such as the sexual harasser in *girls club*, commit those wrongs themselves. Many lawyers simply do not support junior lawyers, preferring to encourage rival-

ries between them. Sadly, this appears to be true regardless of the gender of the senior lawyer. The only female partner we meet at the law firm in *girls club* is just as obnoxious as the male partners, and is called “the preying mantis” behind her back. This is unfortunate because it perpetuates the stereotype that strong, successful female lawyers in positions of power must be evil. The fact that the young female lawyer protagonists call the female partner by this derogatory name further demonstrates the work women need to do to support one another better. In one poignant scene, the “preying mantis” makes Jeannie tell her what her nickname is. When Jeannie reveals the nickname, the partner responds that to survive at a large law firm like theirs, women *have* to be that way. How depressing. *girls club* underlines the sad reality that many women lawyers do their work at great personal cost in highly dysfunctional professional environments.

In the second episode of *girls club*, Jeannie continues to battle sexism and harassment at the law firm, but this time it is Lynne who talks about “the preying mantis.” Lynne’s male colleague notes that the preying mantis is “a little sexy in a bite-your-head-off kind of way.” When I heard that I thought, “Why are women still enduring this?” (These types of comments continued even after *girls club* was cancelled. Internet commentary after the series went off the air included such comments as “Not enough lesbian sex—well, I was hoping to see some. Weren’t you?”⁵) Despite the fact that over half of all first-year law students in Canada and the United States are women, we are still enduring extremely sexist commentary and behavior in law school and in practice. While it is true that men are also subjected to nicknames, theirs seem to lack the negative connotations of the nicknames ascribed to women. For example, in episode two, the three women protagonists refer to the powerful senior male partners in their firm as the “power dicks.” This nickname, like “preying mantis,” also sexualizes its recipient, but the nickname suggests the men are powerful in a positive way, whereas the sole female “preying mantis” is so power-hungry and evil that she might actually kill someone!

Episode two of *girls club* also highlighted another conundrum faced by junior female associates in large law firms: their appearance. Jeannie is counseled by Lynne that she should wear less makeup. When Jeannie asks why, Lynne says, “Because the men look for any opportunity to dismiss us.” Thus, women receive mixed messages. Looking too good is

taboo because it might result in men dismissing us, yet not looking good enough means we will not be hired in the first place. In big law firms, "looking good" is part of the job. Indeed, during the opening credits of *girls club*, one of the images is of stiletto heels under the negotiating table. The message is that powerful women negotiators and lawyers must have (hetero) sex appeal. What are junior female lawyers to make of these mixed messages? On the one hand, episode two of *girls club* tells women that they should be concerned about wearing too much makeup. (Even Jeannie's boyfriend accuses her of sending the "wrong signals.") On the other hand, the same episode depicts Sarah wearing an unbelievably low-cut blouse to work and experiencing only "positive" repercussions. Young female lawyers might be forgiven for feeling they cannot win.

Focusing on young professional women, highlighting negotiation, and depicting lawyers' real feelings made *girls club* unique. The show posed interesting questions for young women lawyers: Can we be in the "boys club"? Do we want to be in it? Can we change the club? Should we just form our own club? Alas, we did not receive answers to any of these questions, because after two episodes *girls club* was cancelled for lack of viewership.⁶ Although there could be many reasons, *girls club* probably failed because it lacked central male protagonists. Viewers are accustomed to seeing middle-aged men as their television lawyers, and *girls club* challenged these expectations by presenting viewers with the perspectives of young women. *girls club* showed what it is like to be a young female associate in a male corporate world. That world involves sexual harassment, nonsupportive partners, mixed messages, and real anxiety. A television program about young women professionals and the feelings engendered by working in a sexist law firm was presumably too much for the ordinary viewer to take.

I believe that *girls club* might have been interesting had it not been canceled. *girls club* focused on young women lawyers trying to manage their careers in a big firm. It accurately depicted the insecurities and feelings of anxiety suffered by lawyers, and it highlighted the importance of negotiation and dispute resolution skills to legal practice. The show also examined the dark side of life in a big firm by tackling a serious problem like sexual harassment, thereby exposing problems with the way partners run law firms. *girls club* portrayed the tough, unpleasant reality

of legal practice for women, and was canceled for doing so. The show was not on television long enough to determine whether it would ever attempt to mount any real feminist critique of legal practice. (Indeed, any attempt it might have made to challenge legal practice would more likely have reproduced legal hierarchies.) However, it was never given the chance. The cancellation of *girls club* after only two episodes speaks volumes about sexist sentiments in North America.

Endnotes

1. Among numerous discussions of female lawyers in pop culture, see Carole Shapiro, *Women Lawyers in Celluloid: Why Hollywood Skirts the Truth*, 25 U. TOL. L. REV. 955 (1995).

2. Andrea Kupfer Schneider, *Shattering Negotiation Myths: Empirical Evidence on the Effectiveness of Negotiation Style*, 7 HARV. NEGOT. L. REV. 143 (2002).

3. Judith Grant, *Lawyers as Superheroes: The Firm, The Client, and The Pelican Brief*, 30 U.S.F. L. REV. 1111, 1114 (1996).

4. Christine A. Corcos, *We Don't Want Advantages: The Woman Lawyer Hero and Her Quest for Power in Popular Culture*, 53 SYRACUSE L. REV. 1225, 1231 (2003).

5. <http://www.imdb.com/title/tt0316984/board/thread/82021666> (last accessed September 2, 2008).

6. According to industry reports, *girls club* did badly in its debut, scoring only a 5.1 rating and a 7 share to come in fifth in its 9 PM time slot. Despite lavish promotion for the show, the ratings were 35 percent below those of its lead-in, *Boston Public*, another Kelley production, which scored a 7.9/11 in its season premiere. Moreover, the numbers were off 39 percent from its predecessor, *Ally McBeal*, and critics were harsh. For example, David Bianculli, writing in the Oct. 21, 2002, *New York Daily News*, stated, "What's really shocking about *girls club* is how unimpressive it is."

