

'How to Get Away With Murder' Takes a Somewhat Realistic Look at Law School and Legal Employment

You see? I told you I'd get away from Netflix (at least momentarily). Fall has finally arrived, and as the new season begins, so do the new seasons for many television series. Maybe I won't have to stream as much to get content. Regardless, I can't promise I won't go back to the well.

How to Get Away with Murder—a legal drama/thriller that currently airs on ABC (and streams on Hulu)—is one such show to recently start its newest (fifth) season. Honesty alert: I don't watch this show. I've never seen one full episode. My wife loves it though.

Consequently, she asked me to watch the first episode of the new season with her, and I begrudgingly agreed. She's brought up the notion of me writing about the series before, but I've always stayed away. You see, *How to Get Away with Murder* is the type of legal thriller at which I usually poke fun. It's one of those shows that really takes the fictional aspect of law and runs with it. The underlying plot line, and many of the twists and turns I've overhead while she watches, is just too incredible for me to take seriously.

When the last (fourth) season started, I had only been writing this column for a couple of months. Back when she suggested I take a look at the show to see whether it would work for content, I already had plenty of instances of law in pop culture to focus on. But I couldn't put up much of a fight this time. As we lounged around over the weekend, and I discussed my next article with her, she made the suggestion once again. This time around I figured, "Why not?"

EVERYONE LOVES A GOOD ADJUNCT PROFESSOR

It's very rare for cable television audiences to be treated to an Oscar winner as the star of their favorite series, but Viola Davis plays the lead in *How to Get Away with Murder*. As any fan of her work can guess, she delivers a very powerful performance as Annalise Keating, a professor at a prestigious Philadelphia law school.

The catch? Annalise is not simply some "learned scholar" pontificating to a class full of students waiting out a required course. She is a criminal defense attorney by day (a damn good one, too, apparently), and she teaches a class that focuses on advanced trial skills in her spare time. Students line up to take her course. Some even transfer to the school just to study under her tutelage.

Her class is packed. As she walks in, it's standing room only. The students know Annalise has been in the trenches. By all accounts, she still is, and the students know she is a wealth of knowledge. From the outset, you can tell they respect and fear her. She makes it known right off the bat that the life of a criminal defense attorney isn't for everyone.

“This is a sacrifice. From this point on, you will have no time for friends or family. Instead, you wake up hating yourself for choosing this life, but you’ll get up anyway, killing yourself to win cases ... only to lose and watch innocent people go to jail. And then you’ll drink to make yourself feel better, or take pills, or fantasize about going to sleep ... forever. That’s the life you’re choosing. Brutal, mean, depressing, ruthless ... but that’s what it costs to change the world. So who wants in?”

Everyone in the classroom raises their hand to join.

This aspect of law school is spot on. My favorite courses were taught by adjunct professors or those that had actually practiced law prior to entering academia. I always felt there was something disingenuous about a law professor teaching courses with actual real-world applicability when that professor had never actually applied the law in a courtroom. My trial practice course was taught by one of the most trial-tested public defenders in the state. There was not a single question the class could ask that he hadn’t encountered. I’ve always thought that law school should contain more practicums and applied courses as requirements, but I digress.

NOT EVERY STUDENT MAKES THE FINAL CUT

It’s been over a decade, but I still remember my first day of Contracts I. The professor cold-called on a classmate who wasn’t prepared for that day’s reading assignment and grilled her. He probably used the opportunity to try to make an example, but my classmate clapped back. She explained in no uncertain terms that she didn’t appreciate the way he was speaking to her. He let her know she would need thicker skin to practice because most judges aren’t normally worried about hurting someone’s feelings.

Annalise takes somewhat the same approach. She cold-calls on an unsuspecting student, asks him what his “legal passion” is, and quickly tells him to leave the classroom once he stumbles to find some response. When he replies that he shouldn’t be kicked out since he signed up for the class, she explains “I don’t care if you follow the rules. I care if you can kick ass in the courtroom. ... Are you quick on your feet; can you move mountains with your words? That’s not you.”

Moreover, she questions the ability of first- and second-year law students to handle the class. “And don’t tell me that there are any 1 or 2Ls in this class. I applaud your nerve, but you will not survive. Try again next year.” Students are seen scurrying from the classroom as she continues to speak.

This synthesized aspect of law school had me a bit divided. On one hand, I found it hard to fathom any institution allowing its faculty to kick students from a course on the first day for not answering a question correctly. My first day? I was cold-called in my Civil Procedure course right as the class was beginning. “Mr. Banner,” the professor called. I responded with a “How’s it going?” That was not the correct answer. It probably didn’t help that I had no idea what “in rem” meant, either.

I wasn’t kicked out of the class, but I was lectured on the proper etiquette for the curriculum.

On the other hand, it's experiences like that which every attorney can recall from our days in the classroom. I remember that same trial practice professor I spoke of earlier strongly suggesting to a fellow student—on the first day of class—that he might want to rethink taking the course. That student did not return for the second session. So that definitely happens.

I don't think any of our professors could make a student drop a class though. The impression I took from *How to Get Away with Murder* is that Annalise gets to call her own shots. If she says leave, the student leaves. Enrollment is not a status in her classroom. Instead, it is a right one has to earn. I doubt that is the way of the world in law schools today, but it makes the scenes more entertaining if nothing else.

THE LEGAL MARKET IS FICKLE

The series is not solely focused on law school. In fact, it seems that the law school segments might only be a plot device to further along the actual story. Remember, I don't normally watch this show. I haven't seen anything from the previous four seasons aside from random glances at the screen while my wife watched. Judging by the show's title though, I think someone was either murdered in the past or destined for their demise.

The first episode of season five touched on another issue all too familiar for those with a law degree. Through a series of cut scenes, the audience is presented with a montage of Annalise bargaining across the table for positions with different law firms. She is clearly in demand, and it appears that she has all the cards when it comes to negotiating starting pay and perks. Why not? After all, a first-time viewer (such as myself) only knows her to be the quintessential trial attorney with accolades out the wazoo.

It becomes very clear that something has happened in her past that continues to prejudice her in the eyes of potential employers. After fielding various offers, she settles on a firm that she feels will allow her to continue on her current career trajectory. After accepting the position though, she is surprisingly informed that the firm will have to rescind its offer of employment. This becomes a common theme as she rushes to correspond with her fallback choices.

Apparently, Annalise made some enemies along her path. She is informed by some that her past transgressions will have too much of a negative effect on the firms' malpractice insurance. She is told that politicians have made it known that they will look more closely into any of the firms' clientele she represents.

Blackballing happens in the legal profession much like any other. I'm not sure what she did to get that much scrutiny, but it seems a bit overboard when compared to an everyday possibility. However, every legal community has a hen house. Attorneys who regularly practice make up a relatively small percentage of the population, so word can travel fast. Lie, cheat, steal or do anything else unethical, and someone will usually find out.

It sounds as though Annalise simply picked a fight and won. There is mention throughout the episode about a class action lawsuit, so that might have something to do

with it. Maybe I'll look into the series more and see for myself. The leading lady is an amazing actress, and there is some semblance of reality in at least a few scenes from this season's first episode.

By Adam Banner