International Journal of Innovation and Research in Educational Sciences
Volume 4, Issue 1, ISSN (Online): 2349–5219

The Willing Suspension of Disbelief and Legal Ethics: A class-room experiment on the Influence of American TV Legal Dramas on French Law Students

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Date of publication (dd/mm/yyyy): 28/01/2017

***Abstract* — This study is related to the teaching of Legal English and explores the didactic potential of using TV series as a learning device for law students who are embracing English as a foreign language. If TV series are imbedded in the Common Law and illustrate specialized discourses, they are fictions meant to entertain audiences. Therefore the plots contain elements that make professionals cringe. Consequently these fictions need to be handled with care by ESP teachers. Based on transportation theory, this study explores the subject of the capacity of the viewers to maintain critical distance with what they are given to watch in order to apprehend if ELP teachers should refrain from using TV legal dramas as illustrations of the specialized culture.**

***Keywords* — English For Legal Purposes, Law Students, Transportation Theory, TV Legal Series.**

I. INTRODUCTION

As part of their curriculum, French law students are required to study English for Legal Purposes (ELP), a sub-section of ESP (English for Specialized Purposes). Based on needs analysis, the cornerstone of ESP, language teachers are encouraged to design courses embedded in*a wide-angled socio-cultural approach so as to "*develop a communicative competence destined to enable learners to function and interact as full-fledged members of their global professional communities. Such language objectives are culture-embedded which means that, besides grounding in general English (EGP), and in addition to the acquisition of specialized language and discourse, ESP objectives also embrace the anthropological dimension of the specialized environment, its institutions, professionals, history, myths and legends, rites and rituals, preoccupations, etc"(Isani & Chapon, 2015).

In order to illustrate all these aspects of the specialized environment, ELP teacher scan draw upon a vast variety of documents. They can choose from documents produced by professionals of the domain such as Supreme Court rulings, audio files of oral arguments, contracts or legislative documents for example. They can also exemplify the features of the American legal culture through documents that have a non-legal origin such as newspaper articles, songs, films or even TV series. Indeed, TV legal dramas provide rich teaching tools for various reasons. Being written mainly by professionals-turned-authors (Petit, 1999), namely former lawyers, TV legal series seem particularly pertinent since they portray a globally realistic representation of the legal culture as "patterns of legally oriented social behavior and attitudes" according to Nelken (2004). For students who do not have the opportunity to travel to the United States to experience a real-life trial from the public gallery or to make an internship in a law firm, it provides "legal culture in *action* not in *books*" (Garapon & Papadopoulos 2003). Furthermore, it allows the witnessing of professional situations that would be otherwise impossible to attend ,i.e. jury deliberation, lawyer negotiations, hearings involving minors etc. Legal dramas comprise numerous verbal interactions involving law professionals using specialized discourse. But TV series are meant to be watched by lay audiences who know very little about the law. Therefore the script-writers always provide dialogues to popularize the points of law and the specialized terminology. Legal TV series are therefore vey didactic by essence, another point that tend to make them interesting for ESP teachers to use in class. Finally, as discussed elsewhere, the use of TV series can enhance the development of oral skills in a field traditionally focused on the study of written texts (Chapon 2011).

The idea of introducing TV series into the dignified setting of the classroom to teach law or ELP is not new (Menkel-Meadow 2009, Rapoport 2009, Anderson 2012, Denon court, 2013). Yet, it inevitably raises the question of the ethical responsibility of the teachers because, though being accurate on some points, TV series do also portray lawyers who are constantly bending the rules of professional conducts that would get them sanctioned in real life (Asimow 2009). Indeed, the narratives of legal TV series thrive on breaches of professional integrity. *Suits'* fourth season is entirely dedicated to keeping the lead character from going to prison because he practices law without a proper degree (a fact that is known by at least five other persons in his firm). Patty Hewes, *Damages'* top litigator is described by her son as "a paranoid narcissist who manipulates the law to gain power and settle scores" (5x4).

The Good Wife's husband, first a District Attorney, then a governor, is mired in scandals of corruption. Criminal law professor Annalise Keating's class is called *How to get away with murder*, etc. Therefore, is it ethically acceptable for ELP teachers to encourage students to watch this genre when it is entwined with undesirable professional behavior that should not be condoned? Do TV series represent a distinctive teaching tool that would justify showing inappropriate conduct and if so, are the students able to differentiate the relevant specialized aspects of the legal culture from the ethical discrepancies that drive the narrative of these series? The object of this article is to shed light over these questions.

II. Motivational Strategies in English for Legal Purposes Class

- *Former study*

In order to qualify as a worthy teaching tool in the field of ESP, a document must be a good illustration of the specialized language and culture and be motivating. A previous study discussed elsewhere (Isani & Chapon, 2015) aimed at assessing learner motivation with regard to different pedagogic supports. It showed that in terms of intrinsic motivation, fiction and newspaper articles were considered more appealing than professional documents by the students.

In that study, 68 French students were given four documents related to the landmark precedent *Kennedy v. Louisiana* 554 U.S. 407 (2008) which holds that it is unconstitutional to impose the death penalty for raping a child, when the victim did not die and death was not intended. The students were given the choice to study the case-law at home either by reading a newspaper article announcing the oral arguments in front of the SCOTUS, listening to the recording of the oral arguments, reading the actual ruling or watching the episode of a TV series ("The Court Supreme", *Boston Legal*) based on the facts.

One of the conclusive findings in relation to this study on pedagogic support/motivation correlation was that a large majority of the students chose to study the case by reading the newspaper article and/or watching the legal TV episode rather than studying the SCOTUS ruling or listening to the oral arguments which were deemed too difficult and/or too boring to apprehend for French learners of legal English.

Based on the results of that study, and in order to answer the question of desirability of fiction as a teaching support in legal English class, we then conducted another class-room study in order to analyze which document (between the two that were identified by the students as the most motivating)would likely trigger the motivation to learn about legal culture beyond what is disclosed in the documents.

- *Follow up experiment on motivation*

In order to observe if fiction provides student motivation more efficiently than any other document, an element which could justify its use in class despite the unethical elements that it conveys, 78 third-year law students were asked to participate in an experiment which follows the protocol of a study conducted by Bal & Veltkamp in 2013. These researchers investigated whether reading fiction changed the empathy of readers based on the "transportation theory" developed by Green & Brock in 2000. These researchers observed that when people read fiction, they become more emotionally transported into the story and become more empathic than readers of non-fiction. "Empathy" is defined by Bal & Veltkamp as "The cognitive and intellectual ability to recognize the emotions of other persons and to emotionally respond to other persons. It includes sympathy and concern for unfortunate others" (2013).

In our study, the 78 students were divided in two groups. Group A (40 students, control group) read a newspaper article from the Times-Picayune's entitled "U.S. top court to hear La. child rape case. It will decide if death penalty fits the crime", written by Paul Purpura on April, 14th 2008. Group B (38 students, test group) watched "The Court Supreme" (*Boston Legal* 4x17) in class with English subtitles to facilitate comprehension. They were told explicitly beforehand that the episode was based on the Kennedy ruling. Prior to either watching or reading about the Kennedy ruling, we ascertained that none of the students knew about the case in order not to obtain tainted results.

Subsequently, all the students were given a questionnaire to fill. First, they were asked to write a summary of the case in order to check their global understanding. As no student showed problems of comprehension, none had to be removed from the study. They were then asked to express in English or French all the feelings associated with the viewing of the episode or the reading of the article. The results are to be found in tables1 and 2. The question was purposely vague in order not to lead the respondents' answers in any way.

The objective of this study was to observe whether any of these two documents would trigger the curiosity of the students to discover if Patrick O. Kennedy had finally been executed or if the SCOTUS had overruled Louisiana's decision to execute the child rapist. Indeed, none of the documents mention the outcome, the TV episode ending on the following cliffhanger type of dialogue:

- BOSTON LEGAL LAWYER: How long before they rule? Do we have any idea?
- LAWYER FROM LOUISIANA: It could be weeks even months.

III. Results and Discussion on Current Study

- *Readers of newspaper article*

Among the 40 students who read the article, not a single one raised the question of the outcome of P. Kennedy. They abundantly expressed their feelings about the case, but they seemed on the whole uninterested about the defendant. Some voiced empathic reaction but towards the victim of the rape. Indeed, 55% of the respondents mentioned adverse feelings towards the defendant, 30% mentioning the word "disgust" and the act of pedophilia shocked a majority of them (60% of the respondents). They articulated emotions such as "I am shocked, "this case revolts me" (GA-R20). If 30% of the respondents said they were in favor of the death penalty (15% thought that death was too soft a punishment for this type of crime) 55% said they were opposed to it from a philosophical stand point and 25% voiced their opinion against the sentence in this very case, arguing that it was disproportionate to the crime. But even if the article tackles a highly sensitive subject that hurt the humanistic values of more than half of the readers, it did not trigger their curiosity towards the destiny of the condemned.

According to the "sleeper effect theory" developed by Appel & Richter (2007) we wished to observe if empathy had developed over time. According to these researchers, the sleeper effect refers to the fact that empathy created by reading fiction tends to increase over time rather than prese-

-nt itself directly after the experience.

The 40 students of the control group were asked in writing, a week later, if they had inquired about the Kennedy ruling and if they knew if the defendant was still alive. Once again, no students from the control group had educated themselves on the issue. The study therefore tends to show that the reading of the newspaper article did not trigger curiosity immediately after the experience and motivation to become more learned about the specialized subject matter did not increase overtime either.

- *Viewers of TV episode*

The 38 students of the test group watched the entire episode with no interruption in order to allow full immersion into the fiction. Before it was even possible to turn the lights back on after watching the TV episode, many hands were raised and it was difficult to maintain the protocol of the study and force the students to put in writing their questions in order not to influence the others. 82% mentioned, as a first reaction, their will to know if P. Kennedy had been executed and four students (10%) admitted they had goggled the information on their smart phone during the viewing. This reaction shows that this particular episode triggered a very high level of curiosity contrary to the students from the control group, probably because they had become so "transported" (Green & Brock 2000) by the story that they immediately wanted to know what had happened to the defendant. Therefore it could be said that, as observed by Bal & Veltkamp in 2013 for *readers* of fiction, TV drama produced more empathy on *viewers* of fiction than the report of a real life event in a newspaper article.

It is highly possible that the phenomenon of empathy may have been induced by the fact that the defendant, in the fiction, claims his innocence. It therefore introduces the possibility that the death sentence could be the result of a miscarriage of justice which creates more empathy than the real case where guilt was never questioned on appeal. Indeed the possible innocence of the defendant is stated four times in the 42 minute long episode whereas the newspaper article makes no mention of it since it was not argued in front of the SCOTUS, "the legal argument being whether capital punishment for a crime in which no one died amounted to cruel and unusual punishment in violation the eighth amendment of the Constitution" according to Shapiro, former lawyer and scriptwriter of the episode(2014).

It is worth mentioning though, that the monstrosity of the crime committed by P. Kennedy is not in the least undermined by fiction and the defense lawyer abundantly expresses his abhorrence for his client by first refusing to represent a child rapist or, as he later says: "I absolutely cannot stand up [in front of the Supreme Court] and ask anybody to excuse the rape of a child. If it were my child, I'd want to shoot the son of a bitch in front of the courthouse. But the more evolved response would be to take into account all the circumstances and to deliberate and decide whether [Patrick Kennedy] truly represents the worst of the worst of humanity, for whom we reserve the death penalty".("The Court Supreme", *Boston Legal* 4x17)

It is also important to note that the script writer expressed in an interview that the purpose of the episode was not to make a point against the death penalty: "In fact, the script had nothing to do with the death penalty. It had to do with the fact that the Supreme Court refuses to let cameras into the proceedings. I feel very strongly that the first amendment demands that the United States broadcast the Supreme Court proceedings. We wanted to create a scene where William Shatner's character is desperate to be on TV so we were looking for a Supreme Court case. […] But you know, 90 % of the cases that appear in front of the Supreme Court are tax cases or cases involving Indian reservation claims. So they're not really conducive to drama. I knew the episode had to be in April because everything else was sort of booked and there was that death penalty case. So, it had to be Kennedy v. Louisiana […] We were going to do it exactly like the real case because that's what makes it a different episode"(*in* Chapon 2015).

Contrary to expectation, Shapiro admitted that the creator of the TV series (David E. Kelley) had insisted that the scenario could not only be based on the penalty for fear of a lack of dramatic impact: "If you don't raise the stakes and suggest that the guy is innocent the audience will not care and if the audience doesn't care, they're not emotionally invested and if they're not rooting for an outcome, you're not going to have an episode that people will to want to watch"(*in* Chapon 2015).

So, it is highly possible that interest in the case derived from the empathy created towards the defendant, an element which definitely did not exist in the newspaper article. Contrary to the article in which 60% of the students expressed strong feelings after having read about the case, 24% of those who watched the episode claimed that it had not produced any feelings: "I was not touched, nor interested by the episode […] a typical American show that is not realistic" (GB-R13) or else "it was a good episode but it's always the same with those Americans. A hero who stands up to the establishment that makes everybody suffer. In the name of a noble cause everybody is aware of but nobody respects. Overdose of good feelings. I hate this good/evil dichotomy. The world is grey!"(GB-R22).

Only 16% of the viewers expressed the opposite, such as this student who wrote: "the sense of humor allows to counterbalance the dismal aspect of the death penalty" (GB-R36). However, it was in this group that a strong majority claimed they wanted to know the outcome of the case. It seems that, for this very episode, despite some of their claims, they responded empathically to the defendant and it created a motivating effect to inquire about the target culture, an emotional response that was not created by reading the newspaper article. The spontaneous reaction of the test group was so intense that it was not possible to test the sleeper effect described by Appel & Richter (2007) because the students who had goggled the SCOTUS case while watching the episode told the others about the ruling in class. However, the difference in the results concerning the *immediate* emotional reaction between the test group and the control group seem similar to the findings of Bal & Veltkamp and show a very important difference in the reaction between press readers and viewers of fiction. This

study demonstrates that fiction is more conductive to action than reading nonfiction in the context of specialized culture learning i.e. discovering a landmark legal precedent. However, despite the apparent efficiency of TV on motivation which tends to prove that it is a valuable teaching tool, is it acceptable from an ethical standpoint to use fiction in class to tackle the specialized culture?

IV. Teaching Tool and Ethics: Example of Unethical Behavior

Like many of the genre, the episode that was selected for this study contains many unethical elements. First, the lead character of the show (Alan Shore) was terminated from his former law firm for "blackmail, extortion, breaking privilege, impersonating opposing parties and stealing evidence" (*The Practice* 8x9). Yet, not only was he *not* disbarred but he immediately found another law firm to hire him in which he shrives by being dishonest in most episodes. Therefore being fully aware of the tarnished image of the lawyer conveyed by fiction, it seems necessary to question the ability of the viewers of this episode to demonstrate a critical distance towards factual errors or "false beliefs" (Marsh & Fazio, 2006). As Shapiro put it "Alan Shore [the fictitious defense lawyer] would never in a million years have said some of the things he said, such as when he attacks the "overtly and shamelessly pro-business" Court, and takes a sharp detour from the rape case to slam Justice Anton in Scalia for his seemingly likely support for Exxon Mobil in the case –also argued recently- involving punitive damages awarded after the plaintiffs are still waiting to be compensated" (2014).

Yet, would our students be able to identify these discrepancies from the realistic facts of legal culture that are numerous in this episode? Among the elements that do not convey an accurate portrayal of the legal profession, are worth mentioning: (a) The fact that the lead character specializes in civil law but will nevertheless argue a criminal case (b) a capital one nonetheless - in front of the SCOTUS. He has only two days to acquaint himself with the case and prep for oral arguments;(c) on the eve of the hearing, his co-counsel is seen flirting with prostitutes in a club, utterly drunk;(d) during oral arguments, he uses features of language that are unacceptable in a highly formal professional interaction ("son of a bitch", when referring to his client);(e) as mentioned by Shapiro himself, when arguing against the death penalty, the fictitious lawyer forgets the interest of his clients and starts ranting against the lack of impartiality of the Justices of the SCOTUS, accusing them of "turning back the clock on civil rights, school segregation, equal protection, free speech, abortion, campaign finance".

These behaviors violate at least five of the recommendations listed by the *Statement on Lawyer Professionalism* issued by the Massachusetts's Bar Association whom the fictitious lawyer belongs to. First, the lawyer does not conduct himself before the court in a manner that demonstrates sensitivity to the necessity of preserving decorum and the integrity of the judicial process (as recommended in I.A.1.). Second, he does not refrain from denigrating the dignity embodied in [the] separate office [of the judge] and does not carry out his responsibilities with recognition of their respective concerns (as stated in I.A.3.).Third, while he is obligated to advocate his client's cause in the most compelling manner possible, he does not refrain from engaging in advocacy which is excessive to effective representation of the cause (I.D.2.). Fourth, in his representation of his client, he does not conduct himself in a manner which, without compromising the interests of his client, will facilitate the resolution of disputed matters and does not avoid creating unnecessary animosity (II.A.(h)). Last but not least, he does not provide effective legal assistance because he is a civil law attorney who cannot offer full proficiency in criminal matters in such short notice (IV.A.(a)).

In the context of observing the effects of fiction on French third-year law students, we inquired the 38 students from the test group about their ability to differentiate elements of fiction from elements of the specialized culture in TV series. Indeed, does empathy towards the fictitious characters numb the ability of the students in ELP to retain a critical distance towards the specialized culture?

V. The Willing Suspension of Disbelief and Critical Distance

The expression "willing suspension of disbelief" was first coined by poet and philosopher Samuel Coleridge to express the fact that in order to be emotionally transported, the recipient of fiction will suspend his/her judgment concerning the unlikelihood of a narrative. This deliberate numbing of the critical distance that is necessary to enjoy fiction may therefore also include the belief that some actions taken by the fictitious characters are actually possible in real life as it was proved by several studies conducted by psychologists in the twentieth century (Oatley 1999, Green and Brock 2000). The students from our test group being highly transported by the TV episode that they watched, were they able to spot the factual errors?

In our study, the students who watched the episode were asked, in writing, to list the elements they found realistic and the ones they found not realistic. They were also told that an interview with Shapiro (the script writer of the episode) had been scheduled so they were also encouraged to ask any questions they wanted. The 38 answer sheets were subsequently collected and analyzed. Once again, it was a deliberate choice not to ask them precise questions but rather to let the students express themselves freely on the matter in order not to influence their answers.

47% of them gave elements they believed to be accurate regarding the American legal culture. 21% mentioned the figures related to facts concerning the death penalty stated by the defense lawyer as true:

- "Today, five States make child rape a capital offense".
- "Of all the men Louisiana has prosecuted for child rape since the passage of this law, only Leonard has been sentenced to death".
- "In Louisiana, historically, it's been blacks that have been executed for rape in non-homicide cases. In the

last hundred years, Louisiana has executed 29, all were black".

What is interesting to highlight is that these facts were identified as true but no student questioned the possibility that they *could* be wrong. The statistics were automatically considered as real and conversely, no student questioned their authenticity.

Other students (21%) mentioned that it was interesting to learn about the role and functioning of the SCOTUS through the mock oral arguments organized by the fictitious law firm to prep the defense lawyer for the actual oral arguments: "Okay, first off, know that a criminal defendant has a better chance of getting a presidential pardon than a reversal from the Supreme Court. You need five votes. […) Keep your argument focused on constitutional issues. [….] do not talk about your client […] The only issue here is, is it constitutional to execute for a non homicide rape"? ("The Court Supreme" *Boston Legal*, 4x17).

Some students mentioned that it was "interesting from the legal point of view" (GB-R37) or "the fact that the lawyers must plead on points of law and not talk about the particulars of the client" (GB-R17).

The students also found realistic the elements related to the lack of independence of the SCOTUS from politics: "The loss of independence of the justices from the executive power" (GB-33), for example. Finally the legal proceedings seemed realistic to these students: "a good reminder of how a case gets to be examined by the Supreme Court" (GB-R1). If 37% of students expressed the fact that they enjoyed watching the episode (against only 8% who mentioned the opposite), 22 respondents (58%) mentioned unrealistic elements.

Many unlikely aspects were mentioned by the students. From a discursive point of view, 26% of them mention the tone and language register used by the TV lawyer as impossible in a real professional interaction between lawyer and judge: "the rude manners of the lawyer are a little bit too much. A lawyer cannot talk like that to the SCOTUS justices". "I doubt that the lawyers can plead the way the actor did" (GB-16). These respondents also seemed to be able to operate a critical distance pertaining to the content of the outburst. They specifically mention the digression which leads to the public questioning of the professional ethics of the justices as impossible: "accusing the justices in front of the whole Court seems exaggerated" (GB-21).

From a factual stand point, 21% of the students mentioned that the time compression (the fact that the lawyer has only two days to meet his client in Louisiana and prep for his oral arguments) is entirely impossible. One respondent (GB-R24) also mentions that, given the stakes of a SCOTUS ruling for the entire nation, it is unrealistic that a civil law attorney be given the responsibility to handle a criminal case. All these remarks seem to show that despite the fact that they were transported into fiction, some students were able to retain critical distance towards what they were given to watch.

Nevertheless some traits which are very real, were identified by 18% of the students as unrealistic such as the format of interaction that takes place during the oral arguments in front of the SCOTUS. Being used to watching closing arguments of lawyers that are uninterrupted monologues, these students believed that the dialogue between lawyers and Justices could not be conform to reality. Yet, Shapiro explained that "it was the easiest script I ever wrote because the appellate briefs provided the facts and law. Writing the justices' dialogue was easy, too. The Supreme Court isn't just the highest in the land- it is also the longest-running show in history, with a rotating cast of regulars. You love them, you hate them, but most of all, you know them; how they think, how they talk, what they want" (2014: 44).

The realism of the proceeding was furthermore confirmed by Fisher who argued the real child rape case: "it was striking how closely the episode hewed to the real facts in Kennedy, down to the most minute detail, and (certain rants aside) to the real legal arguments the parties are advancing. The producers obviously had studied our briefing quite closely" (*in* Mauro 2008).

So when students (GB-R14 and GB-R27) expressed that the arguments put forward by the defense counsel "were not based on legal grounds and everybody could have argued the way he did without a law degree", they happen to be wrong. As mentioned during the mock argument that precedes the actual oral arguments, the teachers remind the defense lawyer several times that the SCOTUS' role is to rule only on points of law and not on the merits of the case.

To conclude on this part, this classroom study shows that the positive influence of TV on student motivation tends to justify its use in class despite the unethical elements that are portrayed amidst the interesting elements of the legal culture. Approximately half of the students were able to identify that some elements were mere narrative strategies used to "boil down [the legal arguments] in an accessible and entertaining way" (Shapiro 2014: 44).

However, approximately half of the students did not give any answer regarding elements which they would have considered unrealistic and among those who listed unlikely facts, some expressed distrust of the format of the oral arguments (a heated dialogue rather than a monologue) in front of the SCOTUS. Finally, no student questioned the statistics that the defense lawyer reels off in court which tends to show that these elements (as true as they are) are taken for granted by the viewers. Therefore, the role of the ELP teacher needs to be assessed in this matter.

VI. Role of Teachers

In 1913, Thomas Edison, one of the inventors of cinema, made the following prediction: "Books will soon be obsolete in the public schools. Scholars will soon be instructed through the eye. It is possible to teach every branch of human knowledge with the motion picture. Our school system will be completely changed in 10 years » (*in* Hiltzik 2012).

Even though Edison's prognosis concerning the book's functional obsolescence is yet to be proven, our postmodern societies evolve towards a culture of *« visual literacy ».* Therefore, we may wonder, if only ironically, whether ELP and law classes could be entirely replaced by watching fiction because after all *How to get away with murder* deals

with a law professor and practitioner whom we see teaching criminal law?

Our study tends to show that the willing suspension of disbelief somewhat annihilates the possibility of retaining a critical distance towards the specialized culture that is shown in fiction. Many articles relating to the effect of TV on viewers seem to support these findings. In 2008 for example, Kim & Vishak observed the effects of entertaining media on political information acquisition and information processing in political judgment. 85 persons of various ages and backgrounds participated in a study that meant to assess which media (between real news and entertainment programs) on the topic of the SCOTUS would be the most effective in terms of learning about the U.S. Supreme Court Justice and Chief Justice nomination processes. The results indicate that compared to news media, entertainment media are less effective in acquiring factual information, particularly in retaining issue and procedure knowledge because "whereas news media consumption is driven by individuals' motivation for surveillance, entertainment media use is compelled by motivation for passing time or relaxing" (2008).

Furthermore, Podlas (2006), a law professor, conducted a study that tends to demonstrate that the Americans who watch a lot of legal shows do not know the law any more than those who do not watch TV very often. The author suggests that the viewers pay little attention to the legal proceedings therefore if viewers know and recognize some elements of the law, they are not able to explain in which circumstance it is applicable. According to her conclusions: "Although television can cultivate beliefs, contribute to perceptions, or provide general "scripts," it seldom successfully "teaches" concrete legal content"(2006).

However in 2009, Butler *&al.* conducted an experiment on using popular films to enhance classroom learning. It showed that the viewers' critical distance can be developed by giving *specific* warnings about misinformation carried out by fiction prior to the viewing (whereas no specific warning lead to the viewers taking for granted all the elements of fiction as real).

VII. Conclusion

These studies tend to prove that unattended viewing of specialized culture portrayed by legal fiction does not necessarily increase legal knowledge (Podlas 2006, Kim & Vishak, 2008) but is conductive to motivation (our results) which is a key factor in the learning process. Therefore, taking these elements into account and based on the findings of Butler *&al.*, we suggest that TV series can be a relevant learning tool if apprehended correctly by the teachers. If they underline explicitly the unethical elements, they will not be considered by the students as real and if they are guided correctly, the learners will be able to retrieve the interesting elements related to the specialized culture, transforming TV series into a unique and motivating window onto the legal world.

References

[1] S. Anderson, "Novel Teaching Practice: Using Nonlegal Fiction to Instill Legal Values", in Perspectives: Teaching Legal Research and Writing vol 21 n°1, 2012, pp.28-32.Available: https://info.legalsolutions.thomsonreuters.com/pdf/perspec/2012-fall/2012-fall-6.pdf

[2] M. Appel and T. Richter. "Persuasive effects of fictional narratives increase over time", in Media Psychology, vol. 10.2007.Available: http://terpconnect.umd.edu/~nan/475readings/14%20Appel%20Richter%202007%20fictional%20narratives.pdf

[3] M. Asimow, Lawyers In Your Living Room! Law on Television. Chicago: American Bar Association publishing. 2009, pp.2-3.

[4] M. Bal and M. Veltkamp. "How Does Fiction Reading Influence Empathy? An Experimental Investigation on the Role of Emotional Transportation",inPLOS one, 2013. Available: http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0055341

[5] A. Butler, F. Zaromb, K. Lyle and H. Roediger, "Using popular films to enhance classroom learning: The good, the bad, and the interesting", in Psychological Science, 20.2009. pp.1161-1168. Available: http://psych.wustl.edu/memory/Roddy%20article%20PDF%27s/Butler%20et%20al%20%282009%29_PsychSci.pdf.

[6] S. Chapon, "American TV series as a means to teach/learn legal English classes",2015,pp. 675. Available: http://www.theses.fr/2015GREAL002.

[7] S. Chapon, "You have the right to remain silent: a learning scenario to enhance oral communication in legal English ", in Cahiers de l'APLIUT, vol. XXX n° 1. 2011. Available : http://apliut.revues.org/477.

[8] J. Denoncourt, "Using Film to Enhance Intellectual Property Law Education: Getting the Message Across", in European Journal of Law and Technology vol 4/n° 1, 2013. Available: http://ejlt.org/article/view/188/283

[9] A. Garapon and& I. Papadopoulos. Judging in America and in France, Paris: Editions Odile Jacob. 2003, pp.33.

[10] M. Green and T. Brock; "The role of transportation in the persuasiveness of public narratives"., in Journal of Personality and Social Psychology vol 79(5), 2000, pp. 701-721. Available http://psycnet.apa.org/psycinfo/2000-0920-003

[11] M. Hiltzik, "Who really benefits from putting high-tech gadgets in classrooms?", in Los Angeles Times, 2012. Available: http://articles.latimes.com/2012/feb/04/business/la-fi-hiltzik-20120205

[12] S. Isani and S. Chapon, "A socio-cultural approach to ELP: accessing the language and culture of law through fictional television series", in The Alicante Journal of English Studies / Special edition: Law and Language, vol°28, 2015, pp. 114. Available http://rua.ua.es/dspace/bitstream/10045/54188/1/RAEI_28.pdf.

[13] Y. Kim and J. Vishak. "Just Laugh! You Don't Need to Remember: The Effects of Entertainment Media on Political Information Acquisition and Information Processing in Political Judgment", in Journal of communication vol. 58, n° 2.2008. pp. 338-360. Available: http://onlinelibrary.wiley.com/doi/10.1111/j.1460-2466.2008.00388.x/abstract

[14] E. Marshand L. Fazio. "Learning errors from fiction: Difficulties in reducing reliance on fictional stories", in Memory and Cognition34 (5), 2006. pp. 1140-1149.Available: http://download.springer.com/static/pdf/77/art%253A10.3758%252FBF03193260.pdf?auth66=1398324337_0401928bfa25d485e1cff5c32b128e31&ext=.pdf

[15] T. Mauro, "'Boston Legal' Takes On the Supreme Court", in The Blog of Legal Times, 2008.Available: http://legaltimes.typepad.com/blt/2008/05/boston-legal-ta.html

[16] C. Menkel-Meadow, "Is There an Honest Lawyer in the Box? Legal Ethics on TV", in Lawyers In Your Living Room! Law on Television, Chicago: American Bar Association Publishing,2009, pp. 37-47.

[17] D. Nelken, "Using the concept of legal culture", in The Australian journal of Legal philosophy, 2004. pp. 1. Available: http://www.law.berkeley.edu/files/Nelken__Using_the_Concept_of_Legal_Culture.pdf

[18] K. Oatley, "Why fiction may be twice as true as fact: Fiction as cognitive and emotional simulation", in Review of General Psychology, Vol 3(2), 1999, pp. 101-117. Available:http://dx.doi.org/10.1037/1089-2680.3.2.101
[19] M. Petit, "Professionally-based fiction: another means to access English for Special Purposes" in ASp 23-26, 1999, pp. 57-81. Available: https://asp.revues.org/2325
[20] K. Podlas, "The CSI Effect, Exposing the Media Myth", in Fordham Intellectual Property Media & Entertainment Law Journal 16,2006, pp. 15. Available: http://iplj.net/blog/wp-content/uploads/2009/09/Article-THE-CSI-EFFECT-EXPOSING-THE-MEDIA-MYTH.pdf.
[21] P. Purpura,"U.S. top court to hear La. child rape case. It will decide if death penalty fits the crime », in Times Picayune,2008. Available: http://www.nola.com/news/index.ssf/2008/04/us_top_court_to_hear_la_child.html
[22] N. Rapoport, "Swimming with Shark", in Lawyers In Your Living Room! Law on Television, Chicago: American Bar Association publishing,2009, pp. 163-173.
[23] J. Shapiro, Lawyers, liars and the art of storytelling, Chicago: American Bar Association Publishing,2014, pp. 43.
[24] Statement on Lawyer Professionalism issued by the Massachusetts's Bar Association. Available: http://www.massbar.org/media/725247/final%20statement%20on%20lawyer%20professionalism.pdf

AUTHOR'S PROFILE

Sandrine Chapon was born France in 1969. After graduating from the Rouen University (in English and French as a foreign language) she has taught English as a foreign language in high school for five years. In 2005, she was recruited by the Grenoble Alpes (FR) law school to teach legal English. In 2015, she completed a PhD in which she studied if American legal TV shows could be used to teach the specificities of the Common law system. In 2016 she was awarded an honorary prize for her PhD dissertation by the University of Grenoble Alpes (UGA), France.

Table 1: Reactions of the 40 students (Group A, control group) who read the newspaper article announcing the oral argument in The Times-Picayune.

Type of answers	Respondent number	Percentage of respondents
Feelings expressed towards the defendant	**Disgust**: (GA-R3) (GA-R16) (GA-R17) (GA-R18) (GA-R19) (GA-R20) (GA-R21) (GA-R33) (GA-R36) (GA-R37) (GA-R38) **Hate**: (GA-R9) (GA-R16) (GA-R17) (GA-R23) (GA-R34) (GA-R35) (GA-R40) No sympathy : (GA-R12) (GA-R14) (GA-R20) (GA-R24) **Anger**: (GA-R16) (GA-R40) **Pity**: (GA-R16) (GA-R17) (GA-R32) (GA-R38)	70%
Feelings expressed towards the crime	**Shock**: (GA-R8) (GA-R20) (GA-R21) (GA-R27) **Absolute evil**: (GA-R10) **Horrible**: (GA-R13) **Monstrous**: (GA-R6) (GA-R39)	20%
Feelings expressed towards the victim	**Sorrow**: (GA-R3) (GA-R10) (GA-R19) (GA-R22) (GA-R31) (GA-R39)	15%
Students who believe the death penalty is disproportionate to the crime	(GA-R1) (GA-R2) (GA-R4) (GA-R11) (GA-R12) (GA-R15) (GA-R19) (GA-R24) (GA-R35) (GA-R39)	25%
Students opposed to the death penalty as a general rule	(GA-R5) (GA-R6) (GA-R7) (GA-R8) (GA-R11) (GA-R13) (GA-R12) (GA-R15)(GA-R19) (GA-R24) (GA-R36) (GA-R40)	30%
Students who expressed that the death penalty was too soft a punishment in this case	(GA-R3) (GA-R16) (GA-R17) (GA-R18) (GA-R25) (GA-R37)	15%
Students who expressed their belief that the death penalty would be a fair punishment in this case	(GA-R9) (GA-R18) (GA-R19) (GA-R20) (GA-R25) (GA-R37)	15%

Table 2: Reactions of the 38 students (Group B, test group) who watched "The Court Supreme" (Boston Legal 4x17) inspired by Kennedy v. Louisiana 2008.

Type of reaction	Respondent number	Percentage of respondents
Positive reaction towards the episode	(GB-R12) (GB-R15) (GB-R16) (GB-R20) (GB-R21) (GB-R22) (GB-R23) (GB-R24) (GB-R25) (GB-R26) (GB-R27) (GB-R29) (GB-R30) (GB-R37)	37 %
Negative reaction towards the episode	(GB-R13) (GB-R14) (GB-R35)	8 %
Points identified as real	**Judicial review of the SCOTUS**: (GB-R1) (GB-R17) (GB-R26) (GB-R37)	10 %
	Prestige of pleading in from the SCOTUS for a lawyer: (GB-R1) (GB-R36)	5 %
	Prepping for the oral arguments: (GB-R1) (GB-R25)	5 %
	Figures concerning the death penalty: (GB-R15) (GB-R30) (GB-R31) (GB-R32) (GB-R33) (GB-R35) (GB-R37) (GB-R38)	21 %
	Age of the SCOTUS justices (GB-R36)	1 %
	Collusion between judiciary and politics: (GB-R31) (GB-R32) (GB-R33) (GB-R35)	10 %
	Procedure : (GB-29)	
Points identified as being unrealistic	**Time to prep:**(GB-R1) (GB-R7) (GB-R14) (GB-R15) (GB-R20) (GB-R29) (GB-R36) (GB-R38)	21 %
	Language register and tone used by lawyer towards justices:(GB-R1) (GB-R13) (GB-R14) (GB-R17) (GB-R21) (GB-R27) (GB-R28) (GB-R29) (GB-R34) (GB-R36)	26 %
	Genre of the oral arguments: (GB-R12) (GB-R13) (GB-R14) (GB-R16) (GB-R24) (GB-R26) (GB-R29)	18 %
	Denouncing the corruption of SCOTUS: (GB-R5) (GB-R7) (GB-R11) (GB-R13) (GB-R14) (GB-R15) (GB-R16) (GB-R18) (GB-R20) (GB-R26) (GB-R36) (GB-R38)	32 %
	Setting of the SCOTUS: (GB-R1)	1 %
	Choosing a civil lawyer for a criminal case : (GB-R24)	1 %
	Weak legal arguments: (GB-R13) (GB-R14) (GB-R2)	34 %
Students expressing emotions	(GB-R12) (GB-R15) (GB-R16) (GB-R18) (GB-R20) (GB-R21)	16 %
Students expressing no emotions	(GB-R13) (GB-R14) (GB-R23) (GB-R24) (GB-R25) (GB-R26) (GB-R27) (GB-R29) (GB-R30)	24 %