

## **Movie Title: LEGALLY BLONDE (MGM 2001)**

**Starring:** Reese Witherspoon; Luke Wilson; Selma Blair

**Lessons:** Criminal Law/Procedure  
Constitutional Law

**Plot:** A blonde and bold California sorority girl follows her college boyfriend to Harvard Law School after he dumps her for a “more serious” girlfriend, Vivian Kensington (Selma Blair), also a Harvard Law classmate. Elle winds up losing passion for her beau but finding passion in the law. Thoroughly entertaining and sufficiently “feel good,” law students must temporarily suspend their disbelief because we all know that you cannot go from getting a 143 to a 179 on the LSATs after only a few practice sessions with the sorority sisters, no matter what cleverness lies beneath those golden locks. Elle not only gets accepted to Harvard Law, but she finds herself assisting her Criminal Law professor in the defense of an aerobics queen she idolizes, her sorority sister Brooke Taylor Windham. Brooke Windham is being tried for murder, accused of shooting her rich, 60-year-old husband. Elle believes in Brooke’s innocence. After she loses respect for her perverted professor, Elle suddenly takes over Brooke’s case, with the help and support of her new love interest, Emmett (Luke Wilson), a young attorney on the professor’s staff.

### **CRIMINAL LAW/PROCEDURE**

After the good professor proves to be a sleaze, his client fires him and Elle takes on Brooke Windham’s defense (Scene 28). To support her right to represent Brooke, Elle cites a Massachusetts court rule allowing a law student to try criminal cases in some situations. Massachusetts does have such a rule, but it would never be applied in this case. Rule 3.03 (Legal Assistance to the Commonwealth and to Indigent Criminal Defendants, and to Indigent Parties in Civil Proceedings) provides:

- (1) A senior law student in an accredited law school ... with the written approval by the dean of such school of his character, legal ability, and training, may appear ... on behalf of indigent defendants in criminal proceedings ... provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth.
- (2) The term “senior student” or “senior law student” shall mean students who have completed successfully their next to the last year of law school study.

Mass. R. S. Ct. 3.03. Based on the relevant sections of Rule 3.03, how many reasons can you find why Elle could not represent Brooke Windham in her murder trial, even under this rule? Consider the following (give-away) hints: Is the law student in question, “One Elle” Woods, a senior law student? Has the dean provided written approval? Would Ms. Windham pass a financial screening for indigence?

## CONSTITUTIONAL LAW

### Fifth Amendment: Self-Incrimination

The Fifth Amendment provides that “no person . . . shall be compelled in any criminal case to be a witness against himself.” The Fifth Amendment’s mandate was made applicable to the States through the Fourteenth Amendment in the 1969 Supreme Court case of *Benton v. Maryland*, 395 U.S. 784 (1969). In Scene 29, Elle’s vast knowledge of hairstyling chemicals enables her to catch the murder victim’s daughter, Chutney Windham, in a lie. Ultimately, Ms. Windham blurts out a confession on the witness stand. The judge then instructs the bailiff to take her into custody. Was this the proper Fifth Amendment protocol? What, if anything, should the judge have done to protect the constitutional rights of Ms. Windham? In a subsequent criminal prosecution against Ms. Windham for killing her father, would this courtroom confession hold up to the Fifth Amendment’s protection against self-incrimination? Are any other constitutional amendments implicated with respect to Ms. Windham’s confession?

### LSAT Exam Tips

Work a little fun into studying for the LSATs and other exams. For example, logic is heavily tested on the LSATs. Buy one of those Dell books of logic problems, bring it with you to the beach or on a canoe trip, and prepare for the logic section of the LSATs in your own relaxing way. Most of the problems you will find in these logic books are more extensive than the logic questions on the LSATs. Take a break from the practice exams, but stay in your LSAT state of mind and see how quickly you can figure out some of the more difficult problems. If you can do that, the LSAT problems will seem easier.

### Exam Tips

As Cosmo Girl Elle Woods would agree, your beauty rest is most crucial on nights before major exams. A good meal is critical before hitting the hay though. Remember that any type of fish makes a good “brain food.” The day before a test like the LSATs or the bar exam, mix up some tuna, broil some fresh haddock, or grill up some salmon and enjoy a nice relaxing meal before turning in for a good night’s sleep. In the morning, have a simple breakfast, which includes both protein and fiber. For most people, a little caffeine is probably in order as well! To avoid stomach upset during the test, try peppermint or green tea, as opposed to coffee, for your pre-test morning caffeine fix.

Also, when doing prep tests either for the LSATs or the bar exam, reward yourself after successfully completing each practice exam, with chocolate, a manicure, a movie, or an invigorating workout. Keep some reality and fun in your life during crazy law or pre-law exam preparation!

## LEGAL BRIEFS & MOVIE EXTRAS

\*Legally Blonde is based on the book by Amanda Brown, which was originally titled *One Elle*. Amanda Brown has since written a series of books featuring the character “Elle Woods.” All of Amanda Brown’s books are well-written and entertaining. In Amanda Brown’s book, Elle Woods went to Stanford Law School, not Harvard. Perhaps the movie version was set at Harvard to parallel the PAPER CHASE; there are some references to the PAPER CHASE in LEGALLY BLONDE - can you spot them? Harvard also seems to be Hollywood’s choice for its law students. Other Harvard law students from movies discussed in this book include James Hart, from the PAPER CHASE, Ellen Roark, from A TIME TO KILL, and Mitch McDeere, from THE FIRM.

\*In Scene 30, the court refers to the murder case of Brooke Windham as “the matter of *The State vs. Brooke Windham*.” Would this be the accurate case name? Keep in mind that the case is set in Boston, Massachusetts.

***“The law is reason free from passion.”***

-immortal words spoken by Aristotle, but discredited by Elle Woods