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A Note on Drama and the Law

By Anna Marie Thatcher, J.D.

Our approach of using drama as a tool for Continuing Legal Education began when I was in law school. *Clarence Darrow: Crimes, Causes and the Courtroom*, began as an independent study because I wanted to produce a new play about Clarence Darrow instead writing a traditional “scholarly” paper. I wanted to use drama because I to meld my many years of theatre experience with my new knowledge of the law. I also wanted to explore drama as a learning tool in the legal education environment and wanted to remind people (particularly lawyers and legal educators) about the historical relationship of early legal education and the theatre.

The idea of using drama in legal education is not a new concept and, in fact, is hundreds of years old. The oldest tradition in legal education, that of apprenticeship and performance of the moots in the Inns of Court in London, dates back to the 12th century. The tradition of the moots developed over time, and consisted of the extemporaneous presentation of an argument by senior barristers, from hypothetical or adjudicated cases. At the dinner table, the youngest apprentice would read the facts of the case, older students would cull the legal problem and the barristers would argue the case. Through this process of participation, a young apprentice became learned in the law and most importantly in the rhetorical arts, and was eventually admitted to the bar. When the monarch's court was in session, lawyers, legal clerks and apprentices lived in the Inns, which were also populated by poets and playwrights.

During the term of court, it was also the practice to celebrate the revels, fully staged theatrical productions incorporating poetry, music and dance, which were written and produced by the apprentices. In later times, plays were performed by professional acting troupes at the Inns. Young William Shakespeare was a resident of the Inns of Court and many of his early plays were written and first presented there. Shakespeare's *Henry VI*, which contains his famous line, "The first thing we do, let's kill all the lawyers!" was originally presented at the Inns of Court and was most likely intended to be a barb specifically directed to an audience of enthusiastic lawyers. It is no accident that stage plays and movies have used the legal conflict as a theme for centuries, nor is it surprising that fictional lawyers on television programs like “Perry Mason,” “The Practice” or “Boston Legal” catch the public fancy. One of the earliest extant dramas, *The*

Oresteia of Aeschylus, written some 2500 years ago, has as its climactic scene, a trial by jury and the final instructions of the goddess Athena. She instructs that, henceforth, all human conflict shall be resolved by law in a court structured very much like ours is today. The drama and the law have shared a centuries' old partnership that has been lost in the last century.

Our theatrical productions are a kind of celebration of the reuniting of drama and legal education and, through them, we are striving to create once again a happy marriage of the aesthetic and rhetorical arts with the practical study of the law.

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***PERIAKTOS PRODUCTIONS, L.L.C.** was formed in 1994 to produce professional theatre performances and movies that provide unique, entertaining and engaging CLE programs about ethics and professionalism. For further information on the CLE Theatre programs and webcasts offered by Periakto Productions go to <http://www.periakto.com> or <http://periaktos.bizvision.com> or contact Anna Marie Thatcher, J.D., Managing Producer, at productions@periaktos.com, 605-787-7099.*