

The Case of Judge Judy V. Real Court

To anyone familiar with daytime television, “Judge Judy” is most certainly a household name. Possibly just as familiar is the series of statements run at the beginning of every *Judge Judy* episode: “The people are real. The cases are real. The rulings are final. This is *Judge Judy*.” As this demonstrates, *Judge Judy* is an example of a reality television show. Many people are drawn to the show by Judge Judith Sheindlin’s fiery personality and for some of the outrageous cases that go on trial. However, analysis of *Judge Judy* reveals that the show may be doing more than simply entertaining the masses. Looking at how civil court legally operates and background on Judith Sheindlin gives insight into who the Judge is and the legal foundation of her show. Observations from the show itself help to establish the general emotional atmosphere and the procedures followed for a typical case on the show. Analysis of the show against real courts displays the show’s potential educational value, but criticisms of Judge Judy’s personality and studies on her show’s effects on the public reveal where the show falls short. All this leads to the conclusion that *Judge Judy*’s portrayal of courtroom justice skews the public’s knowledge of how real court works and actually affects the public’s opinions on how court should work. This distortion has far reaching effects; it can affect the public’s view and respect for the legal system and can affect the legal system itself in that the courts select jurors from the public.

In the United States, civil court cases revolve around “a legal dispute between two or more parties” (“Civil”). In these types of trials, the plaintiff is the one filing a complaint against the defendant. The goal of the plaintiff in these trials is to demonstrate harm that has been done to them due to the actions of the defendant and to win relief ordered by the court. Relief can take the form of a number of different things, including monetary payments or an order to cease harmful action (i.e. restraining order). Before a trial happens, the opposing sides are encouraged

to settle their dispute without having to actually go to trial to save precious time and money. However, if an agreement cannot be reached, then the two sides will indeed have a date in court to receive a ruling. Most of the time, when people think of court cases, they think of the right to a trial by jury, which is where a selected group of United States citizens, called jurors, who are ideally unbiased decide the outcome of the case based on the evidence presented. However, in civil court, there are certain scenarios where it is not the best option to exercise the right to a trial by jury, and there are even times when that right does not apply¹. In cases in small claims courts², small amounts of money are involved and the parties represent themselves, rather than relying on lawyers. According to Nolo³, these types of cases “will be more complicated and harder to handle” in front of a jury versus a judge (“When”). This is because the amount of formalities involved in a jury trial is not worth going through for the small amounts of money involved in small claims courts. Normally, in a jury trial, a judge’s only responsibilities are to supervise to ensure that the rules of court are followed and to hand down sentencing. In the case of what is called a bench trial, however, the judge has the added responsibility of determining the outcome based on the evidence. Bench trials ensue when both parties have waived the right to a trial by jury or when that right does not apply to the situation. In civil court, it is only necessary to prove that the defendant is more likely than not responsible for the harm done to the plaintiff.

¹ As outlined in the United States Constitution, all citizens have the right to a trial by jury in a federal civil court case. This right also applies in state civil court cases, except in what is called family court, a subdivision of state civil court that deals with issues such as divorces and child custody. According to the Federal Judicial Center’s website, a state civil court case is one in which a person or organization sues another from the same state. An example would be suing for not “living up to a contract” (“Inside”). A federal civil court case is one in which the parties are from different states and the damages are over \$75,000. A person, organization, or the federal government can also file a federal civil court case when federal statutes or constitutional rights may have been broken.

² Small claims courts are another subdivision of state civil courts.

³ Nolo is a website that aims to give legal information to individuals and small businesses. It has an “A+” rating from the Better Business Bureau.

Enter Judith Sheindlin. Judith Sheindlin is a former lawyer and real court judge. As a prosecuting attorney, she started in juvenile delinquency cases for the state of New York in 1972. After over 10 years of service there, Mayor Edward Koch appointed her to be a judge in New York City's Family Court. By 1986, she became the Supervising Judge in Manhattan. As a real judge, she heard over 20,000 cases over the years. She became well known for her reputation as a tough but fair and altogether effective judge. She was coined "[a] swift decision-maker" and was "credited with pioneering an 'open court policy,' allowing the public and the media to view her day-to-day proceedings" ("Bios"). After being impressed by an article on her by the *Los Angeles Times* in February 1993, the television show *60 Minutes* featured Judge Sheindlin on an episode. This outbreak of media attention led to the Judge being approached about a new possible television show. Judge Sheindlin retired from her occupation as a real court judge in February 1996, and on September 16, 1996, *Judge Judy* was born.

On this new show named after her, Judge Judy was to be the presiding judge. In this role, she would hear cases in bench trials brought before her by opposing parties that would normally go to a small claims court. To be on the show, both parties had to agree contractually to have their case televised and to accept the ruling and sentencing handed down by Judge Judy. The program has been a hit since its inception. As of the 2013 season, the show was ranked #1 in daytime television and the Judge was among the "100 Most Trusted Americans" according to a survey by *Reader's Digest*. This year, the show is in the middle of its 19th season. Clearly, Judith Sheindlin has made an impact on the American general public. However, has her impact overstepped the boundaries of pure entertainment? Does this show offer Americans an educational outlook on the United States legal system, at least as far as bench trials? Or does it mislead Americans in some way due to how it is run and/or its televised nature?

To begin, it may be helpful to make a few observations about *Judge Judy*. *Judge Judy* actually does a fairly good job of recreating a real court. An initial, comprehensive view of the setting at the beginning of all *Judge Judy* airings depicts many elements common to a courtroom. Tables and benches made of wood are evenly situated among the courtroom. Audience members are free to sit in rows in the back, just like the general public is free to do in many higher-level real court cases. There is a table and seating for both the plaintiff and the defendant. All of these components are situated such that they are angled toward the central focus of the judge's bench.

While *Judge Judy*'s setting may provide some details on how it compares to real court, more insight can be gained from looking at specific episodes. Looking at an episode from October 31, 2014, Jennifer Watts is one of the plaintiffs depicted, and she brings a charge against the defendant, Kenneth Sorrows, that she discovered him having sex in her home. Upon first glance, there doesn't seem to be too much out of ordinary regarding this show contrasted against a real courtroom. While presenting their cases, the plaintiff and defendant do use rather informal language, but this is to be expected as neither are trained in law nor use a lawyer. Those appearing on the show do not use lawyers because *Judge Judy* is based on the small claims court model in that legal defense is not used. However, it is around seven-and-a-half minutes into the episode that some red flags start to go up. At this time, Judge Judy begins conversing with her courtroom official, Petri Hawkins Byrd⁴. While speaking to Mr. Byrd, she summarizes the argument given to her by the defendant in that he was saying he was helping a distressed woman and not having sex with her (the testimony against him clearly points to the contrary, and his story does not line up) in a mocking tone by repeating verbatim parts of what he said with an air of sarcasm and with the intent to incite laughter from the court. A strong sense of subjectivity

⁴ Mr. Byrd is a pseudo-official, in that he is supposed to represent a courtroom official whose job is to help maintain order in the court, but in practice he serves as comic relief and espouses the views of Judge Judy.

emerges from this. Then, she conducts a normal cross-examination against Sorrows. All is normal again. However, by the end of the cross-examination, all chaos breaks loose. It begins with Mr. Byrd remarking “That’s funny. I thought he was going to make something up” (Judge), which then cascades into the whole courtroom bursting into laughter. Following that up, Judge Judy asserts that Sorrows’ story is one of the lamest she has ever heard. Upon further questioning, Judge Judy finally attacks Sorrows for all of the inconsistencies within his story, and when he tries to defend himself, she shouts over him by telling him to not interrupt her and simply ends the case by saying that Mr. Sorrows has insulted her intelligence. She then promptly awards Ms. Watts \$3,000 in damages. Surely this is not how real courts work, right?

Perhaps it is. In an article discussing clinical law students, Steven Berenson, a professor of law at Thomas Jefferson School of Law in San Diego, examines the expectations that many of these students bring with them when they are first exposed to “poor people’s courts” (family courts) upon entering law school. He states that many of these students draw their expectations from the show *Law and Order* in that they think all courtrooms are neat, orderly, and respectful. Somewhat surprisingly, Berenson asserts that, “[i]ronically, syndie-courtroom shows such as *Judge Judy*. . .may approximate the reality in poor people’s courts more closely than other television and cinematic courtroom portrayals do” (367). He goes on to mention that shows like *Judge Judy*, being based off of real small claims court cases, are similar to real family courtrooms in that parties submit written submissions relating the case, answer questions from the court, and appear without lawyers; the rules of evidence don’t apply; and documentary and other forms of physical evidence are kept to a minimum. Contrasting shows like *Law and Order*, there are no drawn out and dramatic opening and closing statements, nor confrontational examinations, nor jury verdicts in real family courts. Based on this information, it can clearly be

argued that *Judge Judy* is both entertaining and educational, as it can accurately depict family courts. In this sense, the television viewer is getting a bonus out of watching *Judge Judy*.

However, this is not the end of the story. From here, Berenson then goes on to explain how shows like *Judge Judy* differ from real family courts, and these differences stem largely from the judges themselves. Of the television judges, he indicates that they are “aggressive, impatient, and opinionated,” and that they tend toward “lengthy, often sarcastic tirades against [those appearing in court].” He claims that this is a result of television judges needing personae that attract viewers. With all this said, Judge Judy obviously has a fiery temperament for a reason. She not only needs interesting cases to have audiences coming back for more, but also a charismatic personality, so she crosses the line of a real judge to openly express herself in an effort to stay relevant and interesting. The role of a real judge is to simply ensure that courtroom protocol is followed and to decide the outcome in bench trials; Judge Judy transcends this by introducing her personality with a purpose in mind. Allowing her personality to shine through adds a dimension not normally expressed by real judges for the sake of objectivity. Judge Judy simply does this because it is good for ratings for her to let her personality be overwhelmingly present. This pattern was most certainly adopted in her transition to television to attract viewers.

Building off of this, other authors confirm the evaluations of Judge Judy offered by Berenson. In an article evaluating the various aspects of *Judge Judy*, Lawrence Friedman, a law professor at Stanford Law School, offers his take on how the Judge oversees her court. He says that her “brand of justice” is “nasty, brutish, and quick” (127). He upholds that the program is successful because of Judge Judy’s “acerbic personality, the way she admonishes, insults, castigates, lectures, and humiliates” those who appear in court (127). Trending opposite of a real judge, Friedman continues to say that Judge Judy is not “wise, just, and neutral” (128). To restate

this, Friedman is saying that Judge Judy intentionally breaks away from the expectations of a real judge to ensure the continued success of her show. In a different article addressing the representations of justice in the show *The People's Court* against *Judge Judy*, Steven Kohm, a faculty member in the Department of Criminal Justice at the University of Winnipeg, assesses that Judge Judy, or at least her character on the show, possesses the personal characteristics of a dynamic leader (705). Her demeanor demands reverence from people, so they respect her decisions. To take all of this into a collective whole, not only does Judge Judy have a persona that captures audiences, but her charisma also demands respect. In watching the show, people naturally trust and admire Judge Judy for her personal qualities, and her tendency to lash out at others grips audiences. Now the question arises: if Judge Judy does in fact misrepresent judges in real courtrooms, how much of an impact does this have on the general public?

It could still be argued that the educational value of *Judge Judy* outweighs the misleading personality conveyed by the Judge. Indeed, in a study on the messages sent to the public by television courtrooms, Kimberlianne Podlas, an associate professor of media studies at the University of North Carolina at Greensboro, concluded from 225 individuals reporting for jury duty that shows like *Judge Judy* do actually teach the public about the justice system, at least as far as how family court works. However, data seems to suggest that there is also much lacking from these shows. In the same study with the same 225 individuals, participants were split up into two categories based on how much television courtroom shows they watched: frequent viewers (FV) or non-viewers (NV). As displayed in Table 1 below, the FV group thought that real judges should have a more active and aggressive role in courtrooms as compared to the NV group. The FV group also showed a significantly larger percentage of those believing that silence from the judge was indicative of believing the plaintiff or defendant that was speaking. It appears

these individuals may be being affected in their perceptions by the television court shows that they watch, but causality cannot be assumed, as this was merely an observational study. Observational studies cannot account for confounding variables, so a scientific experiment is necessary to determine causality.

To conclude, it is clear that people watch *Judge Judy* for a reason. Her quick wits, unabashed style, and fiery personality that are atypical of a real judge have audiences coming back for more. Perhaps this is even why people want to appear on the show. Rather than simply going to a small claims court, people would rather get their 15 minutes of fame from being verbally abused by the ever-popular Judge Judy. However, data suggests that watching shows like *Judge Judy* may alter public perceptions of how judges are supposed to operate within real court. These perceptions go against the dignity and justice that the courts are founded on. In the case of the study participants reporting for jury duty, one can only hope that for any of them actually named jurors in a real case that the rules of real court were clearly spelled out. However, to the general public, these perceptions, if left uncorrected, could diminish the respect that the public has for the court system and the decisions it makes. That said, when watching *Judge Judy*, it may be helpful to remember a few things: The people may be real. The cases may be real. The rulings may be final, but it is just a TV show.

Table 1.

Percentage of individuals from a 225-person sample responding to each prompt in the indicated fashion.

Table 1. Summary of findings		
	FV	NV
Judicial opinions, activity		
judges should have opinion regarding verdict	75%	48.6%
judge should make opinion "clear"	76.5%	31.58%
jurors will "look for clues" to judge's opinion	74.5%	31.58%
Aggressive, investigatory behaviors		
judge should ask questions during trial	82.5%	38.16%
judges should "be aggressive with litigants or express displeasure with their testimony"	63.76%	26.32%
Interpretation of judicial silence		
judge's silence indicates belief in litigant	73.8%	13%

Source: Podlas, Kimberlianne. "Should We Blame Judge Judy: The Messages TV Courtrooms Send Viewers." *Judicature*. 86.1 (2002): 38-43. Web. 2 Nov. 2014.

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