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## COMMENTARY

### Judging Judge Judy

By Michael Brooke Fisher

How in God's name did Judge Judy get to be so famous. There is no question mark at the end of that sentence because the question is purely rhetorical.

Her fame is the result of a combination of the catchiness of alliteration and the tacky, abysmal title of her first book, *Don't Pee on My Leg and Tell Me It's Raining*. Perhaps if her first name began with any letter other than "J" and the book publisher had the good taste to forgo the title, the legal profession would not have to endure the damage she has done to its image.

For that, Judge Judith Sheindlin has been rewarded with 13 Daytime Emmy nominations, and her show's contract has been extended through 2015, which would be its 19th season. It has been reported that she receives \$45 million a year for foisting this abomination on the public. A near-generation of viewers perceives her rudeness as appropriate conduct for a judge. It may be good entertainment, but it is bad judging.

Through the years, commentators have said her show is one where justice is dispensed with the speed of light. An author, Brendan I. Koerner, commented in 2005 about her popularity: "They love Sheindlin's show because she offers them a fantasy of how they'd like the

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justice system to operate — swiftly and without procedural mishaps or uppity lawyers. They get to see wrongdoers publicly humiliated by a strong authority figure."

The problem is that what some people see as wittiness is simply rudeness delivered from an elevated bench. It truly seems that her desire is to humiliate, either out of her personal predilection or a quest for ratings. The shame is that it doesn't have to be that way. I know it from personal experience.

As a young lawyer, I appeared before many judges in New Jersey's small claims courts, and, later, as a Superior Court judge, occasionally heard those cases. So I well know what is involved in trying small claims matters. As for references to her speed of light in handling cases, I could try two small claims cases in a half hour with time for commercials, too. That is no particular compliment. Any judge in such a high-volume court does so on a daily basis.

And in so doing, a judge can maintain an appropriate demeanor. The truth is that it is not just what you say, but how you say it. If you watch Judge Judy's show over a period of time (and I do not recommend it), you can see and hear her gesture and holler at litigants when a softer tone would have made her comments less hurtful and humiliating.

One example is her expression, "I'll wipe the floor with you. We follow each other?" A totally appropriate remark from a wrestler in the ring, not from a judge in the courtroom. Unfortunately, many

people have grown up watching her show, and, unless they have occasion to go to court themselves, she is their role model.

She is the antithesis of a good judge, which is made clear in the tagline used by the show's producers: "Justice With an Attitude." One need only to go online and read dozens of her quotes, many far worse than the one I mentioned, to see she is all attitude and little justice.

Many of us are old enough to remember one of the originals of the genre, Judge Joseph Wapner and *The People's Court*. He, with trusty bailiff, Rusty, parsed out justice every day with two trials in a half hour, commercials included. He was gruff, no nonsense and occasionally witty. Without humiliating the litigants, Judge Wapner represented our profession realistically in the world of television.

In 2002, he publicly criticized Judge Judy as "a disgrace to the profession." Thin-skinned Judge Judy, a former family court judge, responded by saying, "I refuse to engage in similar mudslinging. I don't know where or by whom Judge Wapner was raised, but my parents taught me when you don't have something nice to say about someone, say nothing. Clearly Judge Wapner was absent on the day that lesson was taught." Judge Judy can dish it out but can't take it. And apparently she missed her parents' lesson about how you talk to, as opposed to about, people.

In 1993, she was featured on a segment of *60 Minutes*, which brought her national recognition, and she extended that 15 minutes of fame into a horrid 15 years-plus with the subsequent publication of *Don't Pee on My Leg and Tell Me It's Raining*. Like Judge Judy, I have

left the bench and am ensconced in a new career — lawyer, judge and now mediator/arbitrator. In the farfetched event 60

*Minutes* were ever to interview me, I, too, should have a similarly crude and catchy book title ready to extend my 15 minutes.

The problem is that as a lawyer and judge, I couldn't lower my personal or our professional standards to hers. ■