In 1961, the first Australian drama series made by an independent company debuted on Australian television. The company was Crawford Productions and the series was called Consider Your Verdict. An adaptation of Crawford’s successful radio series, Consider Your Verdict was a legal drama that featured a different trial each week, a combination of re-enactments and original scripts.\(^1\) The name derived from the appeal the host (Roland Strong and later John Morgan) would make to the audience just before the last commercial break, to review the evidence and ‘consider your verdict’. Despite its patchy success, Consider Your Verdict would inspire a slate of real law and simulated docudrama series over the years, amongst them Divorce Court (1967–1968), The Unloved (1968), Beyond Reasonable Doubt (1977), Verdict (1983) and, perhaps best of all, ABC’s acclaimed Scales of Justice (1984).

These law shows were solely involved in acting out the rituals of law: explaining legal issues, outlining the roles of the prosecution and the defence, running through summations and encouraging audiences to take on the role of the jury. It would not be until Scales of Justice that much consideration of the motives of crime would occur. For the most part, the novelty of these series came from seeing the legal system dramatised on television; after all, for many people this was their first exposure to the workings of the law. As legal academic Kathy Laster describes it, representations of law on screen become “the main source of common knowledge about the law”.\(^2\) They shape audience expectations of how law might function and what law can and cannot achieve.

Consider Your Verdict also demonstrated that there was a market for local television drama, leading Crawfords to launch the (for the time) highly innovative police drama Homicide in 1964. Homicide is an important program in mapping the evolution of the law show on Australian television for two reasons. First, its enormous success – running for eleven years and rating number one in its first year in both Melbourne and Sydney – encouraged Crawfords to clone ‘the police series’ for each commercial channel – Matlock Police (for Ten), Division Four (for Nine) and later Cop Shop (for Seven). This means that it is the police series, rather than the legal drama, that has became what Albert Moran calls one of the “formative genres” on Australian television.\(^3\) It begat similar series, like Blue Heelers and Water Rats, and similarly structured series, like A Country Practice and All Saints, where one institution (the police) is replaced by another (the medical). The legal drama is therefore sidelined, the renewed focus on police drama meaning that:

the complexities of social order, law and criminality are reduced to crime, identification, pursuit and capture . . . detection and apprehension become synonymous with guilt; the police become agents not only of law, but of justice too.\(^4\)

The courtroom therefore becomes something largely unseen and invisible.

But Homicide also indicated what the future of Australian law shows would be. Early episodes of Homicide retained some of the spirit of Consider Your Verdict by concluding with a trial scene and
the sentencing of the accused. These scenes, coupled with the series’ use of real-life crimes as source material, make *Homicide* a kind of embryonic and abrogated version of the later American import *Law & Order*. It also demonstrated that rather than being an ‘institutional’ drama in its own right, the legal drama would only continue to exist via a walk-on role (through a minor character in a series like *Wildside* or *Stingers*) or as a slightly marginalised hybrid, trying to marry together a variety of genres around a legal theme.

Despite the success of imported legal dramas in Australia, with *Perry Mason* (in the 1960s), *L.A. Law* (in the 1980s) and the *Law & Order* franchise (in the 1990s to the present), in fifty years of Australian television Australia has only produced a handful of legal dramas. It took fourteen years after the end of *Consider Your Verdict* for the next legal drama to appear: *Case for the Defence* (1978), a ninety-minute series featuring a *Perry Mason*-style defence barrister John Case (*Playschool*’s John Hamblyn). Like the other ninety-minute American series on which it was modelled (*Columbo, McCloud, Macmillan and Wife*) the character was essentially a detective in legal drag and relatively unpopular. It was actually made for Nine in 1976 but, even by then, the ninety-minute format was proving unwieldy and it wasn’t until 1978 that the series was picked up by the Ten Network, and then only for nine episodes.

More successful was Seven’s 1987 offering, *Rafferty’s Rules* (1987–1990), based around the life of a Manly stipendiary magistrate, Michael Rafferty (John Wood). Like America’s *L.A. Law* (which had debuted one year before), *Rafferty’s Rules* featured lawyers who were neither completely heroic nor completely corrupt. They were simply ordinary people trying to do their jobs. *Rafferty’s Rules* also heralded a significant difference between Australian and American law shows that was going to have an impact on a number of Australian law shows to come: the judge/magistrate was the central character. With the possible exception of *Judging Amy*, American television dramas have not based a series around a judge figure. In contrast several Australian television series have featured judge/magistrate characters as their protagonists, including *State Coroner, Law of the Land* and *SeaChange*. These protagonist magistrates are important figures because they strip away some of the judicial mystique to reveal the fallibility of the people behind the robes, a process of judicial humanisation that reveals the law not to be an abstract thing that exists in a vacuum, but rather something that is informed by what occurs both inside and outside the courtroom.

*Rafferty’s Rules* also demonstrated the potential for Australian law shows to debate legal ideologies. Cultural theorist Douglas Rushkoff suggests that law shows have the potential to become:

> the place for us to evaluate our rules and customs . . . because lawyers, unlike detectives or policemen, are well-suited for open discussion of such issues as they are nominated as our culture’s best professional debaters. 5

This was certainly borne out in the debates between the public defenders, police prosecutors and Rafferty himself, many of which occurred outside the confines of the courtroom.

The public defenders – Paulyne Grey (Catherine Wilkin) and, later, Lisa Blake (Katy Brinson) – both work for Legal Aid. Blake defines their role as being “to understand why people do the things they do. The pressures . . .” (Episode 5:66). They invariably appeal to Rafferty to have “regard to the circumstances” of the cases before him, as their cases are often framed by arguments in mitigation of sentencing. On the other hand, the police prosecutors argue for a strict application of the law. The difference in their ideologies is aptly demonstrated in an exchange between Paulyne and police prosecutor Clayton (Terry Serio), where Paulyne admits she thinks life is about “individuals” whereas Clayton thinks life is about “teams” (Episode 2:20). Here, Clayton sees his duty as being to the community and Paulyne sees hers as being to her individual client. The public defenders are also more inclined to speak about the limits of the legal system, as where police prosecutor Flicker (Simon Chilvers) and Lisa Blake clash over an assault case:

> Flicker: “We’re not social workers . . . we’re in that court to uphold the laws of the country.”
> Lisa: “It’s something the court can’t deal with.”
> Flicker: “I’m sorry. But to me, this is just a simple matter of law . . .”

The different police prosecutors presented during the series’ run also demonstrated a number of varying legal ideologies. *Rafferty’s Rules*’ longest serving police prosecutor, Julian Flicker, is a former beat officer in favour of “law enforcement initiatives . . .
they respond to a bit of biff. It’s the only language they understand” (Episode 3:24). He confesses to becoming a prosecutor not because of the criminals but “the nasty little thugs that used to bother me” (Episode 3:24). As he describes it: “The public want crime cleaned up. They want to be able to walk the streets in safety. So the police have got to cut corners, I accept that. But [they] better get it right” (Episode 5:23).

The second police prosecutor, Sergeant Dave ‘Bomber’ Clayton is a former football player who injured his knee and, like Rafferty, is separated with children. He became a police prosecutor because he wanted to “give the villains what they deserve” (Episode 2:20). In truth he sees the law purely in terms of spectacle, continually likening it to a sporting match (“not a game, no. But it is a sport. You have winners and losers and I hear you’re [Rafferty] a very fair ref”) and a way of achieving his political ambitions. “He’s ambitious”, says Paulyne, “He needs the publicity . . . He wants people to know he’s alive . . . because he wants to get into politics. It’s common knowledge he’s on the move, chasing pre-selection” (Episode 2:20). Clayton forces the issue on the prosecution of some football hooligans to make capital out of the case, inviting members of the press to watch him perform. For Clayton, the law is just another way to make deals and achieve ambitions. Once done, he exits the series.

The third police prosecutor is Sergeant Jeff Gibson (Andrew McFarlane), a teetotaller since he was called out on a drunk and disorderly as an officer (and discovered it was his own father), he is now studying to be a barrister (Episode 4:31). An essay he is writing on whether judges follow or make the law promotes discussion about Rafferty’s role and reveals Gibson’s own views on the law.

Rafferty says:

Of course we [the judges] make the laws . . . because there aren’t enough to cover every case. Therefore we have to improvise . . . The ‘Quality of Mercy’ is not strict Jeff . . . meaning that we can’t always work to strict parameters. Not if justice is to be done.

Paulyne concurs, saying that “the law isn’t something you can follow like a road-map”. In contrast Gibson views the trial process solely in terms of efficiency and expediency, “the quantity of mercy” rather than the quality, “the conveyor-belt idea of justice” (Episode 4:36). He sets out his agenda as doing “my job to the best of my ability, no more, no less” (Episode 4:31). Again both Rafferty and Paulyne argue against this. Rafferty does believe in the “impersonal dispensation of justice” and reminds Gibson “this is a court of law, not a Woolworths check-out” (Episode 4:36). Paulyne similarly claims that “the process of justice cannot be hurried. We must look at the law in terms of quality as well as quantity.” By episode’s end Gibson remains unmoved on how expedient the law should be but does concede the point that law must invariably be judge-made – to some degree:

Paulyne: “The important thing is justice was done.”
Gibson: “Oh, was it?”
Paulyne: “I think so.”
Gibson: “According to the law?”
Paulyne: “As Michael sees it, yes.”
Gibson: “‘Rafferty’s Rules’ eh?”
Paulyne: “I couldn’t have put it better myself.”

The next legal drama to emerge after Rafferty’s Rules was Law of the Land (1993–1994) which followed the progress of a young city magistrate, Peter Lawrence (David Roberts), as he takes up the position of magistrate in the small country town of Merringanee and becomes embroiled in the lives of the people who live there. The series was notable for casting Consider Your Verdict regular Wyn Roberts in another barrister role – Hamilton Chalmers – and for establishing a format that would be more successfully adapted in the later SeaChange. Law was also foregrounded in ABC’s Janus (1994), a short-lived ‘sequel’ to the earlier ABC police series Phoenix (1992–1993), this time focusing on the police prosecutors.

More common were the legal hybrids, a mixture of genres that used the law as a backdrop for more domestic concerns. Rafferty’s Rules had blended discrete cases with the continuing soap opera of its central characters’ lives, suggesting a congruity between the genres, but legal soap operas had already commenced four years earlier with Carson’s Law (1983–1984). A period drama set in 1920s Melbourne, Carson’s Law focused on the exploits of the Carson family law firm and, more particularly, the attempts of young widow Jennifer Carson (Lorraine Bayley) to function as both a mother and barrister in that era. A similar dynamic (this time mother and magistrate), matched with the format of Law of the Land, produced Australia’s most successful law show,
ABC’s *SeaChange* (1998–2000); indeed, in 1999 it became the most popular program in Australia. Here, lawyer Laura Gibson (Sigrid Thornton) deals with a series of catastrophes – being passed over for partnership, her son’s expulsion, her husband’s infidelity with her sister and arrest for fraud – by accepting a job as a magistrate in the beachside community of Pearl Bay, a place of which she has fond memories from a holiday spent there as a child. Much like in *Rafferty’s Rules*, the courtroom occasionally becomes a forum for social issues but largely the law is simply a setting for the relationship between Laura and the locals and, in the earlier seasons, the romance between Laura and Diver Dan (David Wenham).

*SeaChange* could also be classified as a legal comedy, another hybrid genre that (perhaps partially inspired by the success of American import *Ally McBeal*) proved popular (if, again, short-lived) in 2002. Both *Marshall Law* (2002) and *Welcher and Welcher* (2002) featured families of barristers and solicitors respectively. In both instances the courtroom remained, for the most part, a humourless arena with comedy continually displaced onto action outside the courtroom, be it the relationship problems of the Marshalls or the office problems of the Welchers. More slapstick than satire, social issues were rarely addressed, though the Welchers occasionally questioned the status of their profession; Quentin Welcher, for example, preferred to list his initials on documents because they were ‘QC’ (and therefore carried the connotations of ‘Queen’s Counsel’).

Finally, legal/medical hybrids commenced with *State Coroner* (1996) based around the workings of the Coroner’s Court in Victoria (which is responsible for the investigation of suspicious death). Equal screen-time was given to State Coroner Kate Ferrari (Wendy Hughes) and the team of pathologists her office employs. Once again the series was similar to *Rafferty’s in* that it regularly engaged with social issues in the guise of cases before the court, contrasting Kate’s ability in the court with her inability to keep her fractured family together. “You’re more interested in dead people than live ones. Even your daughter,” says her daughter Claire (Episode 1). *MDA* (2002–2004) similarly focused on law and medicine through the functioning of the Medical Defence Association that represented doctors accused of malpractice. This series also featured a number of soap-opera subplots, most significantly in the relationship between one of the MDA attorneys and a hotshot rival attorney (Jason Donovan).6

There are a few reasons why Australian law may be so under-represented on the Australian screen. The first might be that the Australian legal system simply does not lend itself as readily to the screen as its American counterpart. If we think of the courtroom as a performance space, then the American lawyer is most free to make use of all of that space, to fill it with movement and gesture. In contrast, because of the rules of court, Australian lawyers remain relatively distant and staid figures, behind their benches, in their wigs and gowns. This means that drama and comedy in Australian law shows frequently come from instances outside the courtroom – hence the number of hybridised law shows that depend on comedy, soap opera or medical dilemmas for their ‘dramatic tension’. Australian court scenes themselves simply lack the dynamism of their American counterparts.7

The second reason may be that the role of the lawyer and legal process as a whole sits rather uneasily in an Australian popular culture that encourages an irreverence to authority, a belief in a ‘fair go’ and commonly embraces the individualistic ‘larrikin’ outlaw character like Ned Kelly, Mad Max or even Chopper Read, as a protagonist. Though we may all be familiar with what *Bulletin* journalist Diana Bagnall describes as the “myth of the lone, idealistic David taking on huge, multi-layered corporate Goliaths [which] has become part of our popular culture, thanks to books and movies such as *A Civil Action*, *Erin Brockovich* and *The Rainmaker*”, the loner triumphing in spite of the system has only appeared rarely in Australian film (think for example of *The Man Who Sued God or The Castle*) and has yet to really develop in Australian television (where the closest we come is the ‘maverick’ magistrate figure, like Rafferty or Gibson). Most often law is presented as an impediment, something we define ourselves against (as in *Breaker Morant*) or something that we need to rally against (as in *The Eureka Stockade*); even the Australian law film *Brilliant Lies* presents a system so deeply flawed that by the movie’s end we are uncertain who is actually telling the truth.9

Furthermore Australian media have often featured rural or outback settings ill-at-ease with the largely urban setting of the law. *Law of the Land* attempted to resolve this by featuring a small country town but the formula proved far more successful.
when magistrates were matched with that other focal point of Australian culture, the beach, as in Manly (in Rafferty’s Rules) or Pearl Bay (in SeaChange).

But perhaps if we accept the idea that screen culture shows us what it is to be Australian then we should not be so surprised to find law largely consigned to the edges of media representation. Legal academic Helle Porsdam claims that:

if the cultural life of the nation may in any way be considered a reliable gauge, a cursory look at the number of films, television series, and books currently being produced and written suffices to diagnose the United States as a thoroughly law-permeated country.¹⁰

In contrast we might argue that the reverse is true in Australia and that the relative invisibility of Australian lawyers and courtrooms on the Australian screen reflects the fact that law lacks the centrality or ‘epidemic nature’ that it has acquired in American society. We are simply not as litigious a culture and so we don’t see local stories of litigation recurring as frequently on our screens. Therefore, depending on your point of view, the fact that there are relatively few representations of Australian law on our screens may actually not be a bad thing.

9. We could also add that our most popular legal narratives – like the Azaria Chamberlain case or the trial of Joh Bjelke-Petersen – also speak to the flaws in our legal system rather than its triumphs. These are similarly reflected on screen in films like Evil Angels (1988) and Joh’s Jury.

Jason Bainbridge is Associate Lecturer in Journalism, Media and Communications at the University of Tasmania.