

TRIBUTE TO ARTHUR MILLER

JEFFREY TOOBIN

If I think of the two people who are most responsible for my television career, I think of Arthur Miller and O.J. Simpson. Unfortunately, O.J. could not be with us today, but it is my pleasure to pay tribute to the great Arthur Miller.

I first met Arthur when I was a student at Harvard Law School. Alas, I was not his student. I was not assigned to his first year Civil Procedure class, and I think I was just too intimidated to take any of his elective classes—Copyright or Federal Courts—and that was because I was in law school when Scott Turow's *One L*¹ was essentially, if not actually, required reading, and everybody knew that he was Professor Perini. It's really kind of a shame, because you'd be surprised how often *Younger*² abstention and Rule 23(b)(3) came up in my coverage of the balloon boy case.

Originally, like so many people in the Boston area, I got to know Arthur as a viewer of *Miller's Court*, which was broadcast on the once-great ABC affiliate WCVB. It's impossible to overstate how interesting and influential *Miller's Court* was. Sometimes he took on high profile cases, sometimes everyday legal problems of ordinary people, but he turned them into terrific television. He was the first person to do this. And it's worth emphasizing that point. Arthur was the first person, the very first person, to recognize that law could make compelling and important television. Steven Brill did something similar with legal journalism in print when he invented *The American Lawyer*, but Arthur Miller did it for television. And how Arthur invented modern television coverage of the law is just as important as that he did it in the first place. Arthur never dumbed down his material. You'll notice that Charlie Gibson used exactly the same sentence that I did, but I work in cable news, so I am not afraid of tedious and endless repetition. Sure, Arthur simplified and translated legalese into English, but that's just good journalism. Law, more than most other fields, lends itself to cheap sensationalism and crude summary, but Arthur never did it. Not in *Miller's Court*, not on *Good Morning America*, not at Court TV, not at any time in his television career.

1. SCOTT TUROW, *ONE L: THE TURBULENT TRUE STORY OF A FIRST YEAR AT HARVARD LAW SCHOOL* (1977).

2. *Younger v. Harris*, 401 U.S. 37 (1971).

In an entirely different chapter of Arthur's television career, he was, as you've heard several times today, the host of the great *Fred Friendly Seminars*. I confess a particular bias in favor of this program because in one of the early episodes, you can see, seated in the audience, seated right behind Justice Potter Stewart, who was a guest on one of these programs, the Channel Thirteen executive who was in some part responsible for bringing that program to the air, and that was Jerry Toobin, my dad. The seminars were like law school classes on steroids, with students who had egos on steroids. In the seminars, the panelists, who were often Supreme Court justices, members of Congress, high profile journalists, and the like, grappled with hypothetical problems that were orchestrated by a moderator, in the best cases, Arthur himself. They are really great television, and like so many others I really urge anyone who hasn't seen them to go track them down. They live up to Fred Friendly's famous words: "Our job is not to make up anybody's mind, but to open minds, and make the agony of decisionmaking so intense, you can only escape by thinking."

Let me conclude by repeating my gratitude to Arthur. He is of course not responsible for all the law on television that followed him. Holding Arthur responsible for Judge Judy and Nancy Grace would be like blaming Hippocrates for Dr. Kevorkian. He is, as you know, a scholar, a teacher, a litigator, an art collector, and, God help us, the first television legal analyst. He is the one who set the standard to which I aspire. And I join you in saluting him today.

JEFFREY TOOBIN
Senior Analyst, CNN Worldwide;
Legal Analyst, *The New Yorker*