The View from the Couch: What I Learned from Reality TV.

by Kelly A. Kosek

The Digital Age has brought many changes to the practice of law—the cell phone, the BlackBerry, e-mail, and wireless internet. Technology’s leaps and bounds are truly dazzling. But one technological breakthrough stands head and shoulders above the rest: TiVo.

If you have a TiVo, you understand. If you aren’t a card-carrying TiVo owner or DVR user, I direct you to former FCC-chairman Michael Powell’s revelation that “TiVo is God’s Machine.”

I love the flexibility that TiVo provides. I can work late and schedule evening events without fear of missing a Very Special Episode of [insert your favorite show here]. No more struggling to program the VCR to record my favorite show. And, more frequently, I find that my TiVo frequently is recording Reality TV.

Now, I know what you’re thinking. Reality TV is bottom-of-the-barrel television fare. It’s mindless drivel giving brain-dead twits more than their allotted fifteen minutes of fame. I respectfully disagree. Lawyers can benefit a great deal from (as well as be entertained by) Reality TV. In fact, I’ve discovered that every reality show contains lessons that every attorney—especially junior attorneys—should learn.

Project Runway.

The Project Runway contestants are asked to take less-than-optimum materials and a short amount of time to construct a stunning, fashionable, wearable work of art. Fashion moguls and trendsetters judge the resulting clothes. Some contestants breakdown or sloppily finish their garments – sometimes with tape or staples. Other contestants plan a course of action, sketch the envisioned design, and carefully gauge what can actually be accomplished given the constraints of the task. Tim Gunn, the contestants’ advisor, employs a catchphrase to encourage his fledgling designers: “Make It Work!”

In the legal world, we’ve all been faced with a deadline that seems insurmountable. We’re given “bad facts,” contrary law, and less time to prepare for the big brief or hearing than we want or need. But, taking Tim Gunn’s advice, an able attorney makes it work. Keeping your cool, planning the attack,
and focusing on making the best use of the limited time may just get you to "Fashion Week."

Survivor.

After 16 seasons of Survivor, contestants have learned one thing: make alliances early. The same holds true for attorneys. Get to know your fellow associates, the partners at your firm, your colleagues in the community, the court’s staff, and your firm’s staff. Identify allies in your own tribe and in your competitor’s tribe. In the end, success may be judged by your former alliance members—so be wary of how you treat your competitors and your allies.

Amazing Race.

The Amazing Race receives a lot of kudos for being a “smart” reality show. The concept of the show is straightforward. Teams of two embark on a globe-trotting mission to solve puzzles and complete mental and physical tasks. The last team to complete each leg of the race is eliminated. Certain legs of the trip have a Fast Forward task that teams may choose to complete. The Fast Forward task is typically a daring physical task, but only one team can capitalize on the Fast Forward. That team—the one that successfully completes the Fast Forward—is rewarded by being able to skip forward to the finish line for that leg of the race. Once a team completes the Fast Forward task, any other team waiting to try the Fast Forward must return to the normal tasks—often far behind the other teams that did not consider taking the Fast Forward.

Obviously, taking the Fast Forward is risky. A team never knows whether another team has decided to take the Fast Forward. Getting to a Fast Forward after another team can be disastrous. For attorneys, the lesson is clear—great risk can yield great reward. But sometimes even though taking the long way may not be exciting, it is a sure-fire way to cross the finish line.

American Idol.

American Idol has become an American institution. Families watch American Idol religiously. Yet even with all of the contestants who have come before, the new contestants still make the same mistakes over and over. Repeatedly, contestants take on songs that are “too big” for them. This theme often surfaces when a contestant decides to take on a Whitney Houston song and the judges are forced to remind the wannabe singer that she or he is no Whitney. The lesson in law? Just because Whitney sang it, doesn’t mean that you have to. Problems can be solved in a number of different ways. Don’t be afraid to be creative and solve a problem in an original way. Also, when you’re drafting a motion, don’t be a slave to those who’ve come before you. Make smart changes and edits that improve upon the original.

The Apprentice.

Donald Trump’s The Apprentice showcases up and coming business talent (or C-list celebrities) vying for a job working for Donald Trump. To become the Apprentice, candidates must complete in two teams. The teams will be given a challenge—often creating, selling, or marketing products. After the challenge, one team is declared the winner. The other team faces Donald Trump in the board room, where Donald Trump will fire one of the losing team’s members. Ultimately, Donald Trump alone decides who is “fired” or “hired.” His reasons are not always apparent. In fact, his decision can be difficult because the best project leader is disadvantaged with a poor team member or bad location.
In the practice of law, cases can be like Apprentice tasks. A project leader’s or attorney’s effort does not necessarily equal a victory. But, sometimes, the effort can save you. Just think—in Celebrity Apprentice, Donald Trump decided not to fire anyone because the losing team did so well. While that’s not going to happen in the legal world, the extra effort may give you some bargaining power down the road.

The Mole.

The Mole is one of the first great Reality TV shows. (ABC cancelled it, but is resurrecting it this year.) The Mole features a “double agent” who secretly sabotages the rest of the contestants. The contestants collectively earn money for completing tasks, but lose money for certain infractions. The Mole must be friendly enough with the rest of the contestants to avoid detection, but successful enough to keep money out of the pot. In past seasons, contestants have found that befriend ing The Mole could be dangerous or beneficial, depending on the situation.

In the legal world, we often know our opponent. Our opposing counsel may be difficult to work with, but he or she may also be friendly. Following The Mole’s lead, it is important to know your opponent and leverage the relationship when you can. But beware—if you underestimate your opponent, elimination may be on the horizon.

So what are you waiting for? Program your TiVo and bulk up on Reality TV. Just think what you might learn from “What Not To Wear” or “Hell’s Kitchen.” I guarantee there’s a Reality TV marathon on next weekend (or the weekend after that!). Go ahead. Enjoy some TV—it may not be as mindless as you thought.

About the Author

Kelly A. Kosek is an associate with Hahn Loeser & Parks LLP in its Cleveland, Ohio office. Kelly’s practice focuses on commercial litigation and class actions. She also has experience in product liability and premises liability litigation. Kelly currently serves as the Young Lawyer Vice-Liaison to the Commercial Committee.