Assault and Flattery: A Texas Legend

James D. Peden∗
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Abstract

Assault and Flattery (A & F) is a student run, acted, and everything-elsed variety extravaganza, produced each year in the spring semester at the University of Texas in Austin.
Assault and Flattery (A & F) is a student run, acted, and everything-else variety extravaganza, produced each year in the spring semester at the University of Texas in Austin. The show began forty years ago as an excuse for student organizations to poke fun at the faculty, administration etc. during the annual Law Week festivities; but, over time it became an event and an organization all its own. A&F (like so many other things was banned for a few years during the late 1960’s and early 70’s. It was resurrected during the late 1970’s and has thrived ever since. In the past ten years, the show has again skirted the edge of controversy; but, it still remains a favorite of students, faculty, staff and friends.

Recent shows have included Heir (Hair), Grief [Is the Word] (Grease), Legal Shop of Horrors (Little Shop of Horrors), The Blues Barristers (The Blues Brothers), A Corpus Line (A Chorus Line) and Ten Legal Indians (Ten Little Indians). A&F 1993 will produce The Wizard of Oz2.

The following are excerpts from A&F productions:

I HOPE I GET IT

Sing to the tune of I Hope I Get It from A Chorus Line¹

Again. Right, Left, Stop, Hand Shake, Smile.
Again. Right, Left, Stop, Hand Shake, Smile.
Again. Right, Left, Stop, Hand Shake, Smile.
Again. Right, Left, Stop, Hand Shake, Smile.
Again. Right, Left, Stop, Hand Shake, Smile.
Right. That connects with Fix Suit, Dry Palms,
Check List, Spray Breath, Check Watch,
Knock Knock.
Got it? Going on and Right, Left, Stop, Sit
Big Smile, Say Hello, Talk, Talk, Talk.
Right. Let’s do the whole combination,
facing away from your resume.
From the top. Five, six, seven, eight...

¹ Written by Eric Levy.
² James D. Peden is the 1993 producer of A&F.
God, I hope I get it. I hope I get it. How many people do they need? (How many people do they need?) God, I hope I get it. I hope I get it. How many guys how many girls? (How many guys how many girls?) Look at all the lawyers—at all the lawyers. How many people do they need, how many guys how many girls? How many people do they—

I really need a job. Please God, I need a job. I've got to get a job.

Listen up everybody, we're going to do the cocktail combination. I don't want to go through this more than once, and for God's sake check those flies and pantyhose. Ready? One, two, three, four, five, six!

God I really blew it, I really blew it. How could I say a thing like that? (How could I say a thing like that?) Now I'll never make it. I'll never make it. They do not like the way I dress, they do not like the way I speak. They do not like the way—

God I think I've got it. I think I've got it. I knew they liked me all the time. Still it isn't over. It isn't over. I have to interview all day. (I have to interview all day.) God I hope I get it. I hope I get it. I'll make a thousand if I go, They could say yes they could say no. How many law clerks do they— I really need a job.

(My student loans have come due.) Please God I need a job. (If they don't hire me, I'm through.) I've got to get a job.

Who am I anyway? Am I my resume? That is the essence of a person I must fake. What do they want from us? Why is there such a fuss? So many students and no place for us to go. I need a job. That's all. I need a job.

BILL'S GYM (A Video)²

(Midshot of William Brennan in leather chair in the Lincoln Room of the Library.)

BRENNAN: Hello, I'm William Brennan. Many of you may have been wondering what I've been up to since I retired from the Supreme Court. "Bill's Well, I'm pleased to announce the opening of my new health club: "Bill's Gym."

(Cut to Bill's Gym logo. The logo looks like Gold's Gym, except it has a picture of a really pumped guy holding a big gavel.)

(Cut to a judge in an office with stacks of papers and books, looking stressed out. He then stands and does a Superman-esque opening of his robes to reveal sweats beneath.)

BRENNAN (voiceover): Specially designed for the judge who wants to relieve the stress of an overcrowded docket . . .

(Cut to a female judge in the appropriate spandex and an open judicial robe doing some cheezy, high fashion poses while reading a reporter.)

² Written by James D. Peden.
God, I hope I get it. I hope I get it.
How many people do they need?
(How many people do they need?)
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How many guys how many girls?
(How many guys how many girls?)
Look at all the lawyers—at all the lawyers.
How many people do they need,
how many guys how many girls?
How many people do they—

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Still it isn't over. It isn't over.
I have to interview all day.
(I have to interview all day.)
God I hope I get it. I hope I get it.
I'll make a thousand if I go,
They could say yes they could say no.
How many law clerks do they—
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BRENNAN (voiceover): Specially designed for the judge who wants to relieve the stress of an overcrowded docket . . .

(Cut to a female judge in the appropriate spandex and an open judicial robe doing some cheesy, high fashion poses while reading a report.)
BRENNAN (voiceover): ... or who just wants to keep a trim judicial frame under all those robes.

(Cut to a full body shot of Brennan in weight room. People are working out on machines behind him, all in robes. Cardozo is on a machine to the right of the picture, quite dead.)

BRENNAN: At Bill's Gym, we feature the state-of-the-art in exercise equipment, (Brennan walks up-right. Pan and zoom to midshot of him beside an exercise bike. A judge is pedalling along, reading the Supreme Court Reporter.) like exercise bikes; so, you can stay trim and still catch up on your reading. (The judge, still pedalling, holds up the book so the viewers can see what it is, and gives a cheesy smile.)

(Cut to judges on circuit-training machines.)

BRENNAN (voiceover): Bill's Gym features circuit-training equipment, racquetball, (cut to judges on stairclimbers) stairclimbers, sauna and jacuzzi, you name it.

(Cut to aerobics room. Judges are exercising except Cardozo, who is propped up against the wall, still dead.)

BRENNAN (voiceover): We even feature a special aerobics program called "Justicize" designed for the judge who needs a low-impact workout after a long day of high-impact decision-making.

(Cut to a bust shot of Brennan sitting in the lounge area of a health club.)

BRENNAN: And, if you act right now, you'll get a special charter membership rate that's valid during good behavior.

(Zoom out and adjust right to reveal a two-shot of Brennan and Cardozo [decaying even as we speak] sitting at a table, each with a fruit juice in his hand.)

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3. The deceased Justice Benjamin Cardozo is one of A&F's running gags. He has shown up in various places for the past three years.

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5. Texas Law Review.
BRENNAN: If you’re a judge who likes to be a little activist in his spare time, or if you’re just looking for a place to relax and discuss evolving standards of moral decency with an old colleague, Bill’s Gym is the place for you. (To Cardozo) Right Ben? (Brennan lifts his glass.)

(Cut to graphic of Bill’s Gym logo and phone number.)

VOICEOVER: Call 1-800-PUMP-U-UP for the Bill’s Gym location nearest you and find out more about how you can become a charter member. Bill’s Gym: because you don’t have to be a bench warmer just because you’re on the bench.

WITH A 2.4
Sing to the tune of When I’m 64

When I get older, losin’ my drive
In my second year.
Will you still be asking me to dinner dates?
Offering competitive rates?
If all my grades went from A to C
Would you slam the door?
Will you still hire me, will ya’ desire me
With a 2.4?

Grades are no reflection of my reasoning ability—
it’s the vicious curves.
I was really screwed.
So please just say the word.
I’ll still work for you.

I could be handy writing a brief
And a memo too.
Just because I got kicked off of TLR
 Doesn’t mean I won’t pass the bar.
Slaving for partners morning to night

3. The deceased Justice Benjamin Cardozo is one of A&F’s running gags. He has shown up in various places for the past three years.
Nova Law Review, Vol. 17, Iss. 2 [1993], Art. 38

Who could ask for more?
Will you still hire me, will ya’ desire me
With a 2.4?

In the summer you will see that grading isn’t everything—it’s the B.S. that counts.
I will bust my ass
Ignore my GPA
I’m sure I can pass.

Tell me an answer, give me a call,
Offer me a job.
Tell me that my drop in rank won’t get you annoyed.
Yours sincerely, unemployed.
You can abuse me, make me do tax
I’ll still beg for more.
Will you still hire me, will ya’ desire me
With a 2.4?

THE ATTORN-O-MATIC (A Video)⁶

(Open with a white background. Two hands hold a board. A foot comes into the picture and splits a board.)

VOICEOVER: In Japan, the foot can split wood!

(Sound of EEEYYA! in the background.)

VOICEOVER: But, it can’t help you beat a capital murder rap!

(Sound of OOOOWA! in the background.)

(Cut to cheezy hand model doing the Vanna White routine over the ATTORN-O-Matic, a foot tall toy robot with flashing eyes, very mechanical movements, and a very small Armani suit on, as it paces across the counsel table.)

1993]

Peden

VOICEOVER: Introducing the amazing Wrongco ATTORN-O-MATIC! It files, it pleads, it argues, it drafts documents, it utilizes dilatory tactics in discovery and it doesn’t bill by the hour! Yes, for as much as you’d pay to have a quickie will drafted by some paralegal with the intelligence of a cinder block, you too can have the finest in state-of-the-art litigation technology! How much would you pay for this little wonder? Don’t answer yet! Because if you call now you’ll also get (cut to closeup of cheezy hand model doing the Vanna thang over a chef’s knife) the Jindu Super-amazing-kick-ass-beats-the-hell-out-of-anything-you-can-possibly-imagine Chef’s Knife!! Now how much would you pay? $100 an hour? $200 an hour? 45% of anything you recover?? NO!! The Wrongco ATTORN-O-MATIC is yours for just $39.95!!!

SECOND VOICEOVER: ATTORN-O-MATIC only $39.95?

VOICEOVER: That’s right! Just $39.95!! So, the next time you need help in court . . .

(Cut to a judge behind bench, witness on stand, ATTORN-O-MATIC on edge of witness stand cross-examining witness.)

ATTORN-O-MATIC: Isn’t it true that you are the real murderer?

WITNESS: (way overreacting) All right! I admit it! Yes, I killed that little creep! And I enjoyed it, too! He was asking for it! Mom always did like him better!

JUDGE: Case dismissed.

(Cut to a shot of ATTORN-O-MATIC on desk.)

VOICEOVER: . . . just let the ATTORN-O-MATIC do the job for ya!

Operators are standing by, so call now!

(Cut to a screen with ordering information on it.)

SECOND VOICEOVER: To order your ATTORN-O-MATIC, send $39.95 and $100 an hour shipping and handling to: ATTORN-O-MATIC, 1990 Lavita Boulevard, Atlanta, Georgia, 37375. Or, for faster delivery, call 1-800-355-3506. Visa, Discover, and Carte Blanche orders accepted. Please no COD’s. Allow 6 to 8 weeks for delivery.

⁶ Written by James Peden.
Who could ask for more?  
Will you still hire me, will ya' desire me  
With a 2.4?

In the summer you will see that grading isn't everything—it's the B.S. that counts.
I will bust my ass  
Ignore my GPA  
I'm sure I can pass.

Tell me an answer, give me a call,  
Offer me a job.  
Tell me that my drop in rank won't get you annoyed.  
Yours sincerely, unemployed.  
You can abuse me, make me do tax  
I'll still beg for more.  
Will you still hire me, will ya' desire me  
With a 2.4?

THE ATTORN-O-MATIC (A Video)^6

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VOICEOVER: In Japan, the foot can split wood!

(Sound of EEEYA! in the background.)

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(Cut to cheezy hand model doing the Vanna White routine over the ATTORN-O-Matic, a foot tall toy robot with flashing eyes, very mechanical movements, and a very small Armani suit on, as it paces across the counsel table.)

These excerpts can only give a taste for what A&F is like. To be appreciated fully, it must be seen. For information on tickets or on ordering videotapes of past, present, or future shows, please contact:

Assault and Flattery
The University of Texas School of Law
727 East 26th Street
Austin, Texas 78705
(512) 471-8527
"Good Humor" on The Bench: Just Desserts
in a Judicial Diet
Rodger L. Hochman*

Lawyers, long the subject of jokes,¹ are themselves often portrayed as humorless.² Given the special and often puzzling legal terminology and structured form of most legal drafting,³ and that much of legal writing requires the attorney to avoid qualities of ornamentation,⁴ it is easy to see why attorneys are perceived as humorless. The historic view of judges as omnipotent, stern and sober, with powdered wig, staring down from a lofty bench has further contributed to this perception. Rare, however, is the attorney who has never encountered judicial humor.⁵

Judicial opinion writing, as any form of legal writing, requires precision, conciseness, simplicity, clarity and forcefulness.⁶ With the possible

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¹ Rodger Hochman, often mistaken for Robin Williams in appearance only, is a law student at the Shepard Broad Law Center of Nova University.
² 1. Lawyer jokes would seem to be even more common than lawyers themselves. One dependable source of lawyer jokes is Playboy Magazine’s monthly “Party Jokes” section. In addition, a collection of cartoon illustrations lampooning attorneys can be found in, BILL BERGER & RICARDO MARTINEZ, WHAT TO DO WITH A DEAD LAWYER (1988).
⁴ 3. Many organizations have campaigned against the over-legalization of American society, and some nonlawyers (such as paralegals) have begun to offer legal advice. The legal profession, not surprisingly, has responded by charging these non-lawyers with unauthorized practice of the law!
⁵ 4. RUGGERO J. ALDISERT, OPINION WRITING 243 (1980). The author is a senior United States Circuit Judge.

The entire case, nearly four pages long, is presented in a single paragraph and is written in the style of a would-be pulp novelist or wanna-be playwright. The chauffeur in reluctant acquiescence proceeded about fifteen feet, when his

hair, like unto the quills of the fateful porcupine, was made to stand on end by the hue and cry of the man despoiled accomplished by a clamorous concourse of the law-abiding which paced him as he ran, the concatenation of “stop thief,” to which the patter of persistent feet did add maddeningly to the time, rang as the pursuing possed all the while gained on the receding cab with its quarry therein contained.

Id. at 199.
⁶ 6. See Aldisert, supra note 4, at 243.