

Syndi-Court Justice: Judge Judy and Exploitation of Arbitration

PART I: INTRO

The courtroom is a dramatic place by nature. Throughout the history of the United States, the nation has on a number of occasions been swept up in the excitement of such era-defining cases as the OJ trial,¹ the Supreme Court's decision in *Roe v. Wade*,² and the Scopes trial.³ The courtroom is also a place with fairly limited public access. For a long time, the general public's understanding of litigation has been based on the media's portrayal of the occasionally noteworthy cases,⁴ as well as on television and film versions of courtroom drama.⁵ Recently, the development of Court TV has given the public a perspective into how the legal system works with broadcasts of segments of trials, as well as legal analysis of these cases.⁶

Perhaps in response to the public's desire to watch trials as if they are a spectator sport, there is massive popularity in television shows where a "judge" listens to disputants making claims and defending themselves. These shows are known as "syndi-courts"⁷ because their rights are bought on the syndication market.⁸ The popularity of

¹ See <http://www.cnn.com/US/OJ> for a comprehensive resource on the OJ Simpson criminal trial. Simpson was found not guilty of the murders of Nicole Brown Simpson and Ronald Goldman.

² 410 U.S. 113 (1973).

³ *Scopes v. Tennessee*, 154 Tenn. 105 (Tenn. 1927).

⁴ See <http://www.cnn.com/US/OJ> for a comprehensive resource on the OJ Simpson trial.

⁵ Films that involve trials are so popular as a form of storytelling that it has evolved into its own subgenre. See <http://www.netflix.com/SubGenre?sgid=311> for a section on "courtroom dramas" maintained by online DVD rental company Netflix.

⁶ Ryan Brett Bell & Paula Odysseos, *Sex, Drugs, and Court TV? How America's Increasing Interest in Trial Publicity Impacts Our Lawyers and the Legal System*, 15 GEO J. LEGAL ETHICS 653 (2002).

⁷ Kimberly Podlas, *Blame Judge Judy: The Effects of Syndicated Television Courtrooms on Jurors*, 25 AMERICAN JOURNAL OF TRIAL ADVOCACY 557 (2002).

⁸ Syndication is the practice of selling rights to present television programs, generally to local television stations or cable channels. Most shows on television are from the syndication market. The exceptions to

these shows is tremendous,⁹ which makes them extremely profitable.¹⁰ Much of the popularity of these shows is attributable to the personalities of the judges, some of whom have become household names.¹¹

As popular as they are, there is a major misconception about syndi-courts. The sets are dressed up like courtrooms and the judges wear robes and have gavels, however, these are not real courtrooms and, while in syndi-court, these judges are, in reality arbitrators. In order for the syndi-court “judges” to have power, the parties in each case sign agreements to arbitrate.¹² By gaining jurisdiction over the parties through contract, the judges are not bound by rules of procedure, evidence, or even proper decorum, which allow them to behave as they do. While syndi-courts adhere to their own rules and function very differently than regular courtrooms, the general public does not know that they are not actual courtrooms, as they are designed to look like the public’s notion of the appearance of a courtroom. Viewer misconception that these videotaped arbitrations are actual court cases can have extremely detrimental effects on the legal system. The danger is that the public perceives these shows as how trials are supposed to work, which, in turn, warps potential jurors’ approach to acting as impartial triers of fact. This paper

this are generally current network prime-time programs, live news programs and live coverage of sports and other special events. By James. Fletcher. Available at <http://www.museum.tv/archives/etv/S/htmlS/syndication/syndication.htm>.

⁹ In May of 2002, *Judge Judy* was had the second highest ratings in the country among all syndicated television programs. *Judge Joe Brown* and *Judge Mathis*, other syndi-court programs were also in the top 10 of syndicated programs. <http://www.allyourtv.com/ratings/syndicated.html>. *Judge Judy* continues to have good ratings, as she is still in the 10 top ten of syndicated programming in April of 2003, averaging over 4 million viewers a week. *Judge Joe Brown* also has almost 3.5 million viewers per week. <http://tv.zap2it.com/news/ratings/syndication/030420syn.html>.

¹⁰ Don Kaplan and Michael Starr, *What Makes Judge Judy Worth \$25M a Year*, New York Post, January 7, 2003, at 83.

¹¹ Judy Sheindlin is the most famous and recognizable of the syndi-court judges. She is known generally by the name “Judge Judy.” Among the other popular syndi-court judges include Judge Joe Brown, Judge Hatchett, Judge Mathis (all of whose shows are named after the judges).

¹² *Kabia v. Koch*, 713 N.Y.S. 2d 250 (N.Y. Civ. Ct. 2000); *B.M. v. D.L.* (*see Court Decisions, Second Judicial Department, Family Court, Kings County*, N.Y. L. J., Mar. 20, 2000, at 30).

will first examine the relationship between syndi-courts and arbitration. Next, this paper will look at how these syndi-courts attempt to frame their shows around the public's perception of the appropriate paradigm for litigation. This paper will then look at the impact that syndi-court shows have had on viewers and the potential dangers in the impact. Finally, this paper will argue for some sort of federal regulation regarding these shows, requiring, at minimum, a disclaimer explaining that the show is an arbitration, and not litigation.

PART II: THE BINDING POWER OF SYNDI-COURTS – ARBITRATION

In order for a syndi-court judge to have power to adjudicate disputes between parties, each party must agree to arbitrate the dispute. The producers of syndi-court programs have agreements to arbitrate prepared for the parties to sign before the taping of the show.¹³ As they are contracts of adhesion, where the parties cannot negotiate the terms of the arbitration, the syndi-court judges are able to reserve a wide range of discretion on the substantive, procedural and evidentiary rules that will govern the adjudication of the dispute.

There are multiple routes that disputants can take in order to appear in syndi-court. First, these programs, through their websites and on air solicitations, offer people the opportunity to resolve disputes on their programs.¹⁴ In addition, these shows often

¹³ See *Kabia*, 713 N.Y.S. 2d at 252.

¹⁴ See www.judgejudy.com; www.judgejoebrown.com; <http://www.powerofattorneytv.com> (for *Texas Justice*).

contact parties who have pending litigation in small claims court and offer them the opportunity to appear in syndi-court.¹⁵

In order to give each party an incentive to appear in syndi-court, as opposed to settling their dispute in state court, the syndi-court's production company will pay the judgment on behalf of the defendant if he or she loses. If the syndi-court judge finds for the defendant, each party is paid a fee for appearing on the show.¹⁶ On some of the shows, the parties receive the appearance fee, regardless of the outcome.¹⁷ A defendant who thinks he or she has a bad case has a great incentive to appear on the show, since the appearance itself absolves any personal liability. Alternatively, if the defendant has a very good defense, they can earn an appearance fee for a few minutes of on air berating by someone like Judge Judy.¹⁸ The system of having the arbitrator pay for either the judgment or a specified appearance fee creates a major issue of partiality on the part of the neutral, as he or she can decide for the defendant when the amount in controversy is greater than the appearance fee, and for the plaintiff in any case where the amount is under the appearance fee.¹⁹

¹⁵ See *Kabia*, 713 N.Y.S. 2d at 251.

¹⁶ *Id.* at 252.

¹⁷ Margaret Dwiggin, 'Judge Judy' Settles Local Dispute, THE COURIER (Findlay, OH), February 12, 2003, at <http://www.thecourier.com/issues/2003/Feb/021203.htm>.

¹⁸ *Id.* ("Christina said she agreed to appear on the television show because it worked to her financial benefit. The \$951.95 judgment will actually be paid to Melanie by the show, and Christina's credit record will not show a small claims judgment against her.")

¹⁹ On an episode of Judge Judy broadcast on 4/10/03 on WNBC, a man was suing his ex-girlfriend for stealing his computer and for making remarks to his ex-wife that affected his child visitation rights. He also had won a former case against her for damages to his car. Judy first decided not to hear the merits of the computer damage because he had the opportunity to sue for that in the prior dispute – even though the matters were not related. On suing for damages stemming from the remarks made to the ex-wife, before deciding in favor of the defendant, Judy told him that it was "stupid" to be suing again when he had one judgment against her that he had not been paid for yet. There is no substantive or procedural preclusion against suing someone where there is already an outstanding judgment against that person. Judy had spent a significant part of the case appearing to believe the plaintiff's story, so it would certainly be fair to argue that Judy's motivation was that it would cost the show less to find for the defendant. Of course, because there is no requirement for an arbitrator to disclose why they made a decision, nor is there a requirement for

The actual legal status of syndi-courts is, in fact, somewhat nebulous. The definition of a syndi-court and the potential recourse available to an unhappy syndi-court litigant has been defined by a limited amount of case law. Initially, in *Doo Wop Shoppe Ltd. v. Ralph Edwards*,²⁰ syndi-court justice was determined not to be an actual form of arbitration because a third party pays the cost of the judgment.²¹ This interpretation was subsequently discredited in *Kabia v. Koch*,²² where the court held that neither the New York statute governing arbitration²³, nor the definition of arbitration in Black's Law Dictionary²⁴, indicates that arbitration awards may not be paid by third parties.

As syndi-court judges are arbitrators, they are afforded the same protections against being involved in any subsequent litigation that ensues as a result of their decision.²⁵ In *Kabia v. Koch*, a person who had appeared as a party on *The People's Court*, which former New York Mayor Edward Koch presided over,²⁶ sued Koch for defamation.²⁷ The court held that under the doctrine of arbitral immunity, an arbitrator is absolutely immune from liability for all acts that occur within the scope of the arbitral process.

While the court's decision in *Kabia v. Koch* is perfectly reasonable in the context of current procedural and substantive arbitration law, it is indicative of one of the myriad

an arbitrator to necessarily rely on substantive law, depending on the arbitral agreement, Judy's decision would never be overturned.

²⁰ 691 N.Y.S.2d 253 (1998).

²¹ Id. at 258.

²² 713 N.Y.S.2d 250 (2000).

²³ CPLR Art. 75.

²⁴ Arbitration is defined as a method of dispute resolution involving one or more neutral third parties who are usually agreed to by the disputing parties and whose decision is binding. Black's Law Dictionary 100 (7th ed. 1999).

²⁵ *Kabia*, 713 N.Y.S.2d at 250.

²⁶ The original judge on the People's Court was Judge Joseph Wapner, who is one of the most famous of syndi-court judges. Mayor Koch retired from the People's Court in 1999 and was replaced by Jerry Sheindlin, Judge Judy's husband. Sheindlin left the show in 2001 and The People's Court is currently presided over by Marilyn Milian. www.geocities.com/entertalkmentsite/peoplescourt.html.

problems that syndi-court justice creates. The laws of arbitration have evolved based on the fundamental notion that arbitration is a private process.²⁸ There is a vast difference between an arbitration that can be viewed by millions people and one where the trial is conducted in private, generally with only the parties and witnesses. While syndi-courts are now considered a forum of arbitration, their process is highly unique and does not conform to the paradigm of arbitration. However, because they are arbitrations, the judges and the producers of the shows in general, which serve as quasi-arbitration houses, are afforded the same protections that an arbitrator on the roster of the International Chamber of Commerce would have. In effect, this protection can shield a syndi-court judge/arbitrator from liability, regardless of how he or she conducts the arbitration. Most likely, a syndi-court decision can not be appealed.²⁹ In addition, millions of people, including family and friends, would be able to witness a slanderous assault by the judge, furthering the embarrassment of the attack. Whereas if a judge slandered one of the parties during a trial, the assault would not be broadcast on television.

No arbitrator is completely unchecked in their decision making process. Like an arbitrator whose hearings are not broadcast on television, the most likely grounds for overturning a syndi-court judge decision would be that the arbitrator (or “judge”) had made a decision on a matter that was outside of the scope of the agreement to arbitrate.³⁰

²⁷ *Kabia*, 713 N.Y.S.2d at 250.

²⁸ LEONARD L. RISKIN & JAMES E. WESTBROOK, *DISPUTE RESOLUTION AND LAWYERS*, 502 (2nd ed. 1997).

²⁹ The Federal Arbitration Act sets out grounds for vacating of awards in 9 U.S.C. § 10, among which include a) when the award was procured by fraud or duress, b) when the arbitrator showed evident partiality, c) when the arbitrator refused to hear pertinent evidence, or if the rights of the parties have in anyway been prejudiced, and d) when the arbitrator exceeded the scope of the power delegated by the parties.

³⁰ *B.M. v. D.L.* (see *Court Decisions, Second Judicial Department, Family Court, Kings County, N.Y. L. J.*, Mar. 20, 2000, at 30).

In *B.M. v. D.L.*, the Family Court of Kings County, New York, overturned part of a *Judge Judy* decision. The parties had appeared in front of Judge Judy over a dispute involving personal property. However, Judge Judy made a decision involving child custody and visitation. The court overturned the custody and visitation part of her decision on two grounds. First, it was a matter that was not covered by the agreement to arbitrate. Second, as a matter of public policy, an arbitrator could not decide child custody and visitation rights. Considering that Judy had been a judge in New York's family court, it is particularly ironic that she decided to overstep her arbitral authority on this particular issue.

PART III: CREATING A MISLEADING ENVIRONMENT – THE PRESENTATION OF SYNDI-COURTS

Much of the public's misperception of syndi-courts as actual adjudicative courts is attributable to the manner in which these shows are produced. Because syndi-courts are forums for arbitration, and there are no requirements for the locus of an arbitration proceeding, the physical layout of the actual space that hosts the trials can be in any place and in any manner that the parties may agree. Of course, since the producers of syndi-court shows have utter control over the process, they are the ones to decide where the proceedings will take place and how the space will be designed.

The spaces could certainly be set up in the fashion that many arbitrations are, often in an office around a conference table, with the presiding syndi-court judge sitting between the parties. However, the purpose of syndi-court television shows is not to emulate a paradigmatic arbitration but to garner ratings through providing an entertaining

program. To that end, syndi-court shows use the medium of television and employ some of the dramatic tools of TV to facilitate creating the aura of an actual courtroom on these shows. This section will examine the general production of *Judge Judy*, and look specifically at the set-up of Judy's "courtroom."³¹

The program begins with a voice-over narrator who states (in a very serious tone) "(t)he people are real. The cases are real. Her rulings are final. This is her courtroom." The fact that Judge Judy was a family court judge is stated during the opening voice-over. There are other voice-overs throughout the show, particularly before and after commercial breaks, where the narrator repeats again, "real cases, real people." After the introduction of the show and a brief introduction of the first case by the narrator, the bailiff, Petri Hawkins-Byrd, calls the "case number," calls the parties and tells everyone to rise when Judge Judy enters the set.

Visually, Judge Judy's courtroom looks very much like one might imagine a New York State courtroom to appear if they had never actually been inside one. It is very sleek, modern and clean with a wall in the back of the room filled with court reporters. The parties stand in front of podiums with the audience sitting behind them facing the judge. In the main camera shot that is most often used to frame Judge Judy, one can see an American flag on the left edge of the frame and a New York state flag on the far right. Interestingly, while her show is mimicked to look like a New York courtroom, with a New York state flag prominently displayed and the clear indication that she was a family court judge in New York at the beginning of the show, Judge Judy's show is filmed in

³¹ The set of *Judge Judy* is quite similar to that of virtually all of the syndi-court shows.

Hollywood.³² At the very end of the credits, there is a disclaimer flashed on the screen for a fragment of a second, making it impossible to read without videotaping and freeze-framing the image.³³

Everything that is seen or heard on *Judge Judy* is very intentional on the part of the producers to create the illusion that this is a courtroom and these proceedings should be treated with all the solemnity of a real trial. None of the production techniques used on *Judge Judy*, from the narrator, to the bailiff, to the general set up of the courtroom, is either required or prohibited by the laws of arbitration. Big Ticket, the producer of *Judge Judy* takes full advantage of this by using the set to simulate what the public thinks a courtroom looks like.

However, there is one very significant difference between what is seen in Judge Judy's courtroom and what occurs in a real courtroom: the behavior of the judge. Judges have several checks upon how they do their job. First, all judicial proceedings must conform with the Constitutional requirement of due process, which is the source of one's right to a fair trial.³⁴ States also have specific laws that regulate the behavior of their judiciary.³⁵ In addition to laws that prescribe how the judiciary will function, the personal reputation of judges is a major incentive to do their job in an appropriate manner

³² "The pros: A free trip to Hollywood, Calif. And the show agreed to settle their claim. Regardless of who won, Burke would get her money and Bouwma wouldn't have to pay it." Jeff Wilford, *Former Couple Turns to 'Judge Judy' to Settle Dispute About Car's Damage*, THE JOURNAL TIMES (Racine, WI), December 28, 2002, at <http://www.journaltimes.com/articles/2002/12/27/headlines/news.txt>.

³³ The disclaimers on many of these shows (*Judge Judy*, *Judge Joe Brown*, *The People's Court*, and *Texas Justice*) are impossible to read, because of the speed they come onto the screen and leave at and because of their very small font. Only upon taping an episode and using the pause button was it possible to read the *Judge Judy* disclaimer, which is in Appendix 1. "Portions of the program have been edited to conform to time or content restrictions. The decisions that are rendered by the judge are binding and final. Property exchanges ordered by the judge may be rendered by security. Monetary awards are paid from a fund maintained by the producers" (April 29, 2003 episode of *Judge Judy*).

³⁴ U.S. CONST. amend. V.

³⁵ See, e.g., N.Y. Jud. §§ 1-52 (1909).

and administer the law fairly and impartially. When they misapply the law or engage in severe judicial misconduct, it can be grounds for appellate reversal, something that a judge clearly wants to avoid.

However, because the behavior of a syndi-court judge has Nielsen ratings as a standard, they are allowed to engage in acts that would generally not be appropriate in court. The more “straight-talking” that a judge appears, which often means being as mean as possible to unlikable litigants, the better ratings he or she receives. Judge Judy Sheindlin is arguably toughest of the syndi-court judges.³⁶ Consequently, she is also the one with the highest ratings,³⁷ the most famous reputation, and the biggest salary.³⁸

PART IV: THE IMPACT OF SYNDI-COURTS ON THE PUBLIC’S PERCEPTION OF THE LEGAL SYSTEM

There is a strong belief that television’s representation of the law has a formative impact on the public’s perception of how the justice system works.³⁹ The Supreme Court has held that a state has the right to allow television cameras into courtrooms.⁴⁰ During the OJ Simpson murder trial, the television broadcast of the trial riveted the entire

³⁶ Among the things that Judy has said to the parties include “There’re something wrong with you people,” “I’m speaking! Don’t you see my mouth moving?” “Even on your best day, you’re not smarter than me on my worst day,” and “Your hot temper started the problem. My temper’s gonna finish it!”

³⁷ In May of 2002, *Judge Judy* was had the second highest ratings in the country among all syndicated television programs. *Judge Joe Brown* and *Judge Mathis*, other syndi-court programs were also in the top 10 of syndicated programs. <http://www.allyourtv.com/ratingsyndicated.html>. *Judge Judy* continues to have good ratings, as she is still in the 10 top ten of syndicated programming in April of 2003. *Judge Joe Brown* also has almost 3.5 million viewers per week. <http://tv.zap2it.com/news/ratings/syndication/030420syn.html>.

³⁸ See KAPLAN AND STARR, *supra* note 10, at 83.

³⁹ Podlas, at 559,560 (citing to a Supreme Court opinion, an ABA report and statement by New York Chief Judge Judy Kaye, which all indicated a belief in the educative effect of televised law).

⁴⁰ *Chandler v. Florida*, 449 U.S. 560, 571 (1981).

country.⁴¹ However, the OJ trial was an exception. Generally, the viewing public is not as interested in watching trials in their entirety. A trial can be a long and very slow process. They rarely have the dramatic and cathartic courtroom moments that are depicted in films like *A Few Good Men* and *A Time to Kill*, and on television shows such as *Perry Mason* and *The Practice*. There is little doubt that a court does have the potential to provide the spectacular and mesmerizing moment, but certainly not at all times during a trial.

The creation of the syndi-court seemed to be the perfect venue for real life courtroom drama. Syndi-court trials that cut out the dry procedural nuances, leave in the juiciest bits, with real people instead of actors, creates an additional level of drama over fictionalized television shows. Syndi-courts are much more accessible to a layperson than actual court proceedings because of their elimination of much of the procedure of normal legal proceedings.⁴² This formulaic approach to televised justice has created a very popular model for television shows, which is reflected in the high ratings that many of these shows have received for several years and continue to receive.⁴³

The end result of the combination of the popularity and ubiquity of these shows is that they become a very significant educator of the public on matters of law.⁴⁴ However, this is perhaps the greatest danger involved with these shows. While syndi-courts provide for very entertaining television programming, because of their ability to function within the flexible world of arbitration, they are not bound to present a realistic representation of a courtroom. Unfortunately, while taking advantage of the flexibility of arbitration law in

⁴¹ See *supra* note 1.

⁴² PODLAS, *supra* note 7, at 561.

⁴³ See *supra* note 37.

⁴⁴ Christo Lassiter, *TV or Not TV-That Is the Question*, 86 J. CRIM. L. & CRIMINOL. 928, 934-35 (1996).

creating an environment that is quite similar to that of a courtroom, these shows do not tend to make it clear that they are arbitral proceedings (aside from an ephemeral disclaimer at the end of the credits). Rather, they do everything they can to emphasize the similarity between arbitration and litigation.⁴⁵

All of the misrepresenting of the distinction between syndi-courts and the actual court system has had a significant impact upon the viewing public, in particular upon arguably the most malleable and important group of people that are involved with the courts on a daily basis – potential jurors.⁴⁶ Those that have the most available time to serve as jurors and be least likely to try to avoid serving on a jury would be people who do not work during the day and would often be at home watching these shows, which air during the day.⁴⁷

As indicated in her article, *Blame Judge Judy: the Effects of Syndicated Television Courtrooms on Jurors*, Kimberly Podlas discovered some of the surprising and disturbing effects on those who serve on juries that are regular viewers of syndi-court television shows by conducting a survey of people serving on juries.⁴⁸

The survey measured syndi-court viewing habits, expectations and interpretation of judicial behaviors, the overall impression of judges and prior court and jury experience.⁴⁹ The results of the survey, comparing answers between those who are

⁴⁵ On *Judge Judy* an example of this is the narrator's constant reminder that the litigants are real, the cases are real and the decision is binding (all characteristics of both litigation and arbitration).

⁴⁶ PODLAS, *supra* note 7, at 557.

⁴⁷ In the New York market, on weekdays, People's Court is on at 10 on Channel 4 (WNBC), Texas Justice is on at 10 and 10:30 on Channel 5 (WNYW), Judge Joe Brown is on at 3:30 on Channel 4 (WNBC), Judge Judy is on at 4:00 and 4:30 on Channel 4 (WNBC).

⁴⁸ The survey was of 241 jurors serving in Manhattan, New York, the District of Columbia and Hackensack, New Jersey. PODLAS, *supra* note 7, at 566, 567.

⁴⁹ *Id.* at 566.

frequent viewers of syndi-court shows and those who are not frequent viewers, are quite dramatically different in terms of perceptions of appropriate judicial behavior:

Table of Results of Survey:⁵⁰

Category	Frequent Viewers	Non-frequent Viewers
Judge should have an opinion about the outcome	75%	48.6%
Judge should make opinion clear or obvious to jury	76.5%	31.58%
Will try to discern judge's opinion about case	74.5%	31.58%
Judge should frequently ask questions	82.5%	38.16%
Judge should be aggressive with litigants or express displeasure with testimony	63.76%	26.32%
Judge's silence	73.8%	13%

The difference in answers between frequent viewers and non-frequent viewers is very significant. If non-viewers represent the benchmark for the general public's perception of the American legal system, then syndi-courts have had a significant impact upon viewers' understanding of how courts work. It is understandable that some of the general public might think that a pro-active judge that wears his or her opinions of a case on their sleeve and berates the litigants is appropriate, but common sense would, hopefully, suggest to most that behavior of that sort would not create an environment that is appropriate for a forum that is supposed to facilitate justice. It would also be somewhat understandable to believe that the behavior of syndi-court judges like Judy could be perceived as appropriate in the context of the television courtroom, as the parties have

some understanding of the nature of these shows and have, in all likelihood, seen them before agreeing to appear on the show. The treatment that comes with an appearance on a syndi-court program appears more reasonable within the context of the show because of what should be the expectation of a party appearing on a show of this kind. However, the idea that about three out of four viewers of syndi-court shows seem to believe that the behavior of syndi-court judges is appropriate in real courtrooms is disturbing.

PART V: A POSSIBLE SOLUTION FOR THE EFFECTS OF SYNDI-COURT

At this point, Congressional regulation of these programs is perhaps the only available recourse for trying to protect against the effects of syndi-courts' exploitation of arbitration. There is obviously no way or no reason for syndi-court shows to be taken off of the air. However, the effect of these shows upon the general public's attitudes towards the legal system is enough of a concern to require the attention of Congress.

An approach that would be of little expense, while increasing awareness of the nature of syndi-courts, would be a required disclaimer at the beginning and end of each episode. Currently, at the very end of many of these shows' credits,⁵¹ a disclaimer is flashed on the screen momentarily. However it is impossible to read these disclaimers without pausing the screen because of the size of the font, which is even smaller than the font for the credits, and because of the speed with which it flashes on the screen. To require a disclaimer that is for a certain length of time (minimum of five seconds), in a certain sized white font on a black background, ready by the show's narrator will ensure

⁵⁰ Id. at 567.

⁵¹ See *supra* note 33 and accompanying text.

that the viewing public is aware that what they are watching is not an actual court proceeding. At the very minimum, the disclaimer should indicate that the syndi-court program is an arbitration, not an actual trial. Other things that would be valuable for the public to know would be that the adjudicators (or a more colloquial word) are not bound by the same rules and laws that a judge must follow.

The producers of syndi-court programs would most likely oppose a requirement of this nature because it would make their shows less dramatic and expose the mystery of why there are these courts on television. While it might take some of the excitement out of these programs to start them with a disclaimer, it is necessary for viewers to understand that what they see in syndi-court is not indicative of how the legal system works.

PART VI: CONCLUSION:

The phenomenon of syndi-courts is not surprising. They have encapsulated the excitement and visceral appeal of courtroom drama into a digestible thirty minute format. Their judges often make decisions that appeal to notions of common sense as opposed to one that are based on rules of law. Parties that agree to be on syndi-courts have a number of incentives for having their disputes tried on national television. First, from travel expense to and from the taping of the trial to any damages awarded by the syndi-court judges, the producers of the program pay for all costs to the parties that are involved in the dispute. Another appealing feature of syndi-courts, particularly for those that love attention or believe they have a very strong case, is the opportunity to argue their case on national television, in front friends, family, and millions others.

However, syndi-courts are problematic because of their ability to employ arbitration for the purpose of misrepresenting how the justice system works. By playing on the general public's notions of how courtrooms look and how they function, syndi-courts are able to then affect those understandings of the legal system. Without some mechanism to inform viewers that syndi-courts are not real courtrooms, their own participation in the legal system as jurors are shaped in very disturbing ways.