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Balcer's storytelling drawn from diverse life experiences

Exec producer inspired by detective fiction, how it reflects different cultures
Wed., Jan. 11, 2006 By ROBERT ABELE

If "Law & Order: Criminal Intent" exec producer Rene Balcer's experience as a journalist gave him anything for his job now, it's a nose for narrative.

"It's a good instinct to have when you're breaking a story," says the Emmy- and Peabody Award-winning Balcer, who has been a part of the "L&O" franchise -- first as a story editor, then a showrunner -- since the mothership's debut in 1990. "We're always looking at what a story tells us about people."

Born and raised in Montreal, Balcer -- whose first language is French -- gave up his fantasy of being a Beatle and settled on writing. As a young man he kept busy writing for newspapers, editing documentaries and grabbing P.A.P.A. work on film sets.

"It was very eclectic," he says. "I just never said no to any job offer."

Like when he was 18 and flew to Israel to visit a girlfriend, but the Yom Kippur War had just started and the need arose for combat cameramen.

"I happened to be able to operate a hand-cranked Bolex, so (I was told), 'OK, report here.' It was kind of hallucinatory."

Coppola conundrum

Later, when Balcer moved to Los Angeles and started co-writing scripts, showbiz offered its own share of head-scratching tales. At one point he was working on a screenplay about the cocaine trade for Francis Ford Coppola.

"Then he decided he wanted to make it into a musical," says Balcer, laughing. "We exist at the whimsy of others."

"L&O" impresario-creator Dick Wolf, however, was different. "You know exactly where you stand with him," says Balcer. "One aspect of his genius is he hires obsessive-compulsive people to run his shows and then gets out of their way."

"CI" started out of a desire for Balcer to delve deeper into the psychology of criminals, then pit them against a "hyper-vigilant" sleuth out of the Sherlock Holmes mold, which became Vincent D'Onofrio's Det. Robert Goren. Inspired by the ways detective fiction uniquely reflects different cultures around the world, Balcer sought something similar for Goren.

"What makes him American is a basic belief in people, in an innate goodness," says Balcer. "If he can tap into that, get them to reveal themselves, he can get them to confess."

Right now, Balcer is exploring how best to fit Chris Noth's less-twitchy, more intemperate Mike Logan into the "CI" universe now that Noth alternates episodes with D'Onofrio. Balcer says it's still a work in progress.

Like the other "Law & Order""Law & Order" skeins that are often ignored by the kudo, "Criminal Intent" does have a strong fan base ... of off-the-wall editors.

"We got parodied by Mad magazine, which I think rates better than getting a parody of an award," Balcer quips.

Meanwhile, Balcer continue to draw on headlines to explore issues other shows won't touch -- from Tom DeLay-like politicians to the news media's insatiable appetite for blond women in peril, and, recently, a creepy episode about a psychiatrist-turned-interrogator at Guantanamo.

"We can stay under the radar and take swipes at sacred cows. Sometimes people notice, and sometimes they don't."

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Deja vu all over again

Noth's return offers him unique view of character

By ROBERT ABELE Wed., Jan. 11, 2006

While it gets harder for viewers to remember a time when a gritty procedural such as "Law & Order""Law & Order" was something new, for actor Chris Noth -- part of the skeinskein's original cast -- that 1990 debut season is a vivid memory.

"It felt like a real New York show, and I think we were the only game in town at the time," says Noth. "That was thrilling. I was also confused, because I'd never had to do dialogue that spare and condensed, so hidden in terms of who the character was."

Eventually Noth fleshed out Det. Mike Logan as a cop's cop and young hothead, but by the time his contract was up five years later he was at a communications impasse with creator Dick WolfDick Wolf and ultimately left the show. Noth doesn't like rehashing that time in his life and prefers to stress that afterward he often saw Wolf socially, and that the 1998 Logan-centric "L&O" TV movie "Exiled" was a rewarding, bridge-building experience.

"Our intention was to do more of those," says Noth. "The problem was you're never sure how much the networks want to do TV movies, because they're not profitable for them. And then the 'Criminal Intent' situation popped up."

When "CI" star Vincent D'OnofrioVincent D'Onofrio wanted to lighten his exhaustive load, Noth was invited to bring Logan's brand of hard-bitten investigative work and passion to half of the season's episodes. Was there deja vu when he started up again after all those years away?

"I'm the same in terms of wanting to do the job well, and not getting caught up in any of the bullshit," he says.

"CI" exec producer Rene Balcer, who was a writer on "Law & Order" in the salad days, says the actor, also known as Big to fans of the "Sex and the City""Sex And The City" series, is "built for television. You give him the most bland line -- 'Hey, look, the phone records came in' -- and he'll spin it some way. That's always a pleasure."

Noth, however, is hoping that his return to the "L&O" universe -- still a heavily plot-oriented one -- doesn't become merely another cog-in-the-machine gig, that Logan will get a chance to be more than just the Popeye Doyle alternating with D'Onofrio's Sherlock Holmes.

"I'm in discussion with the writers about it," he says. "The world of law enforcement is very interesting, and I'd like them to express that world more. I mean, 'Criminal Intent' was doing fine on its own before us, and it would do fine without us, but right now we're there and we'll see what happens."

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Cable's costly cops

Despite pricey license fee, 'CI' proves its worth for USA, Bravo
By DENISE MARTIN Wed., Jan. 11, 2006

Even in its third incarnation, the "Law & Order""Law & Order" train isn't showing signs of slowing down. USA and Bravo ponied up a hefty \$1.92 million-per-episode license fee -- a basic-cable high at the time -- for an exclusive split window to "Criminal Intent," the third edition in the franchise.

While some TV execs raised their eyebrows at the final pricetag -- "I admit I didn't feel pressed to get in on that," fessed up one acquisitions exec -- "CI" has already proven its worth on USA.

"The importance of 'Law & Order: Criminal Intent' to our studio cannot be overstated. Dick Wolf, Rene Balcer and the rest of the writing staff continue to keep the storylines sophisticated, intriguing and surprising. They have set a creative standard in this drama that appeals to millions of fans both here and abroad," says Angela Bromstad, president, NBC Universal Television Studio.

Show already has helped vault the general entertainment cabler to the top spot in viewers and all key demos for the fourth quarter -- a feat USA hadn't achieved in several years.

And during the first week in January, a weeknight stack of "CI" scored USA its highest ratings on a Thursday in two years among adults 25-54. Trio of back-to-back episodes averaged a healthy 1.6 million viewers in the demo and 1.4 million adults 18-49. Bravo also has seen a ratings boost from the series, which debuted on both USA and the pop culture cabler in September 2005.

Bill Carroll, VP and director of programming for Katz Television, which reps hundreds of TV stations, says that "CI" offers some distinct elements from its predecessors that keep the aging franchise fresh for audiences.

"Yes, it's a procedural like the other two, but at the center of 'Criminal Intent' is a brooding Columbo-type. (Lead thesp Vincent D'Onofrio) is a sort of Sherlock Homes to guide you through the crimes," Carroll says. "Clearly, viewers think it separates it from simply being another 'Law & Order' format."

"CI" also welcomed "Law & Order" alum and crowd fave Chris Noth last year when D'Onofrio reduced his workload to just half a season.

And aging or not, the "Law & Order" brand is pre-sold marketing to viewers, Carroll says.

"It's pedigree," he says. "There aren't shows like that coming down the pike. You know exactly what you're getting with 'Law & Order,' and it's top quality, whether you're a procedural fan or not."

Many say off-net deal reaps the benefits of synergy; USA and Bravo parent NBC Universal produces the show.

But USA senior VP of programming acquisitions Jane Blaney says no one can think they got a price break.

"It reached that amount because other networks were seriously interested. We weren't just handed the property by (distributor NBC U Cable Distribution)," Blaney says.

USA also paid top dollar for "Law & Order: Special Victims Unit" at \$1.4 million per episode. Only HBO mob drama "The Sopranos" fetched more coin -- a reported \$2.5 million per episode from top bidder A&E.

Blaney says that both networks, which have four-year agreements with options for future cycles, benefit greatly from the advertising coin already drawn by "CI."

Laura Caraccioli-Davis, senior VP of Chicago-based media buyer Starcom Entertainment, says advertisers aren't miffed by multiple editions of "Law & Order," an exclusivity issue that would ordinarily leave buyers cold.

"Sure, it doesn't look sexy on a 'buy' list, but that doesn't seem to be a problem at all with clients," she says. "The franchise still delivers eyeballs and meets its guarantees. Unlike other off-net shows on basic cable, 'Law & Order' hasn't diminished. It's kind of like 'Golden Girls' on Lifetime -- there's no loss in popularity there."

And unlike the other franchise du jour, "CSI," the "CI" skein is a lot more palatable to advertisers that tend to avoid the graphic violence in other procedurals.

"Some advertisers shy away from 'CSI' and even 'Law & Order: SVU' because of some of the content. A benefit to 'CI' is that it doesn't go that far in terms of being too graphic or too risqué," Caraccioli-Davis adds.

Bottom line: "The mothership has been on NBC for well over a decade. 'CSI' is a younger show, but the last installment ('CSI: NY') hasn't held a candle to 'CI.' We felt pretty confident in spending what we did for the show," says

Blaney.

The "Law & Order" franchise has, in fact, grown stronger since its cable debut on A&E years ago.

"No one wanted it back then because it was deemed too old. But Turner saw something in it, wrestled it away from A&E, ran the sprockets of it, and now nothing can stop it," she says. "USA is in a pretty nice position to have both 'SVU' and 'CI' on our lineup."

And execs aren't concerned with criticism of "Law & Order" overrunning the cabler either.

"We strike a pretty good balance, with WWE, sports, and our originals like 'Monk' and 'The 4400,' " she says. "I don't think anyone would call us the 'Law & Order' network -- not that that would be a bad thing."

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Legal TV Dramas Influence Real Jurors

By LINDA DEUTSCH, AP Special Correspondent Sat Jan 14

LOS ANGELES - Reality TV they are not, but two hit shows are so convincing as imitations of life in the criminal justice system that some legal experts worry they're distorting the expectations of real jurors.

The influence of the "CSI: Crime Scene Investigation" and "Law & Order" franchises has permeated American law. Lawyers ask would-be jurors whether they watch the shows and then change strategies depending on the answers. Law schools maintain video libraries of the programs as teaching tools and even analyze the plot lines in class.

Which side benefits the most — prosecutors or defense attorneys — is debatable. While "Law & Order" glamorizes prosecutors, "CSI" can set standards for the infallibility of forensic evidence that prosecutors can't often meet — a science-solves-all formula that millions of viewers may bring to jury service.

There is no debating, however, one clear, very widespread result of these programs: The justice system is now facing what legal experts call, "the CSI effect," a TV-bred demand by jurors for high tech, indisputable forensic evidence before they will convict.

"These programs have a potential for great mischief but also for great learning," said Laurie Levenson, a Loyola University (Los Angeles) Law School professor who discusses "Law & Order" in her classes and whose school maintains a library of episodes.

"CSI" dominates network rankings for CBS with versions set in Las Vegas, Miami and New York, while "Law & Order" and its spinoffs are an NBC stalwart. Both occupy many hours each day on cable. A single first-run episode of "CSI" can draw 26 million viewers while a "Law & Order" episode averages 11.4 million. Multiply that by spinoffs and cable reruns, throw in

other crime-based series, and there's a virtual world of crime-show junkies who could end up deciding guilt or innocence in real trials.

"The expectations of jurors are more elevated," said Elissa Mayo, assistant lab director for the California Attorney General's Bureau of Forensic Services. "They think that we have all the space-age equipment that they see on TV and before you come back from the commercial break you have the results."

In response, scholarly law journals have included articles suggesting that prosecutors warn jurors at the outset that it can be very difficult to obtain forensic evidence and that circumstantial evidence is sufficient to prove a case.

The problem is that many cases have little forensic evidence, notes Michael Asimow, a UCLA law professor who teaches a course on law and popular culture.

"Shows like 'CSI' are teaching people that without forensic evidence you can't convict anybody," said Asimow.

In Baltimore, for example, less than 10 percent of homicide cases in the state attorney's office in 2004 involved fingerprint or DNA evidence. Evidence, instead, often was circumstantial or reliant on eyewitnesses.

In one case, an 11-year-old girl pointed at a defendant and said, "That's the man who shot my father." But jurors found him not guilty. One later explained: "I would have liked to see some evidence, like finding the gun with fingerprints."

In last year's murder case against Robert Blake, prospective jurors were asked whether they could fairly evaluate evidence prosecutors contended would show the former tough-guy actor killed his wife.

"Oh, that's easy," said one prospect. "I'll just go by the DNA."

A prosecutor informed the potential juror there might not be DNA evidence — and as the case played out there was none. Forensic testimony focused on a smattering of gunshot residue and blood spatter and the claim that police mishandled evidence — an issue stressed in Blake's successful defense by attorney M. Gerald Schwartzbach.

Schwartzbach acknowledged that jurors probably were more receptive to his hours of laborious cross-examination on scientific details because of their exposure to TV forensics shows — though he dismisses those shows as "electronic relatives of tabloid journalism."

Hollywood's take on forensics is what millions of viewers get each week as they watch pistol-packing sleuths peer at bloody crime scene evidence and get the bad guy thanks to technology. The fact that a forensic expert with a gun could possibly contaminate evidence doesn't bother Ann Donahue, executive producer and co-creator of "CSI Miami."

"What we're doing is entertaining," she said. "It's like a medical show. When you go to the hospital, you're not going to find that doctor you see on TV."

Dick Wolf, who launched the "Law & Order" franchise 16 years ago, traces his show's roots to a pitch he made to the late NBC chief Brandon Tartikoff for a program based on "the front page of the New York Post."

"And that's still it," he says, "'Headless body found in topless bar' is still a great story."

The "Law & Order" series frequently offers thinly disguised dramatizations of high-profile cases. But Wolf says the shows are more than mere entertainment.

"I think we have raised people's awareness of how the justice system operates, how evidence is obtained, the conflicts between cops and prosecutors, why evidence is excluded that the jury never gets to see," he said.

Defense attorney Thomas Mesereau Jr., who won acquittal for Michael Jackson on child molestation charges in a case with almost no forensic evidence, said he rarely watches "CSI" or "Law & Order," but doesn't object to jurors being educated by TV.

"I think we're better off if the public understands what techniques are available," Mesereau said. "I have great faith in American juries and I would like to think that they know a lot of these shows are pure fantasy."

But sometimes that fantasy does alter the reality of a case.

Last year in Texas, the conviction of Andrea Yates in the drowning deaths of her five children was reversed because of an error involving "Law & Order."

Forensic psychiatrist Dr. Park Dietz, a key prosecution witness and one-time consultant for the show, testified that an episode in which a woman drowned her children in a bathtub aired before the Yates killings.

Prosecutors suggested Yates concluded from that episode that she could get away with the murders.

However, it turned out, there was no such episode and Dietz has admitted he was mistaken.

In reversing Yates' conviction, an appeals court said his testimony could have affected the judgment of the jury.