

75 CENTS

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®

# TIME



## SOAP OPERAS

Sex and Suffering  
in the Afternoon



MICHAEL EVANS

ney (Alice Frame) had become the serials' second hottest lovers (after *Days of Our Lives'* Doug and Julie). Soon after, Jacquie was dumped too. George and Jacquie took the row to the pages of *Daily TV Serials*. Now George and Jacquie are back together on *One Life to Live*, and their onscreen love affair has already pumped the ratings.

Far more modest than the magazines is the *Daytime Serial Newsletter* (\$8 per year; 20,000 subscribers), put out monthly by Bryna Laub, a California housewife. With eight television sets in her house, she tapes each show for later transcription. The idea for *Newsletter* was her husband's: after Bryna had spent hours on the phone updating her working women friends on their favorite serials, he cried in frustration, "Why tell them for free? Charge them and you can make a fortune!"

Will the irreverent *Mary Hartman! Mary Hartman!* inspire the same kind of fevered loyalty? The first episodes feature exhibitionism, mass murder and impotence. Louise Lasser plays pliable Mary as if in a permanent coma. A fast and funny show, *Mary Hartman!* underscores the euphemistic nature of the soaps: terrible things may happen, but it is the emotional reaction to them that is emphasized.

But cracking jokes is kidding yourself, and this is bound to bring *Mary Hartman!* a different audience from the people who enjoy taking the real soaps seriously. In fact, all soaps are a solitary trip on which the individual viewer's imagination is given

free rein. No two fans ever understand a soap situation quite the same way.

This nebulous quality ultimately makes the characters baffling. Women are at once narcissistic and manipulative as well as sturdy, realistic survivors. Men are both fatherly providers and wicked seducers. Critic Leslie Fiedler, who is faithful to *All My Children*, theorizes that soaps are anti-male. "First, they show how men exploit women, and second, in a crisis the men are impotent." This may help explain the soaps' unique aspect. Nowhere else in life or drama are both men and women seen to be equally interested in emotional relationships. Psychiatrist Robert Coles, who frequently watches the soaps with the blue-collar and poor families who are the subjects of his studies, thinks they have a philosophic impact. He recalls a working-class woman "who sits down to watch a soap, then turns it off and asks herself what is really the existential question: What is life all about?"

The British serial *Upstairs, Downstairs* (which will start its third season on public television this week) does not do that. Like the soaps, it is a dense family drama, but there the resemblance ends. *Upstairs, Downstairs* reflects a society in which masters and servants are bound to each other by shared and common memories. There is an intimacy, both abrasive and comforting, that precludes abandonment, despair and uncontrollable passions. Soap operas, on the other hand, are folk tales that tug at the soul of a nation of strangers for whom television itself is a bond. Tolstoy thought that unhappy families were unhappy in different ways. But a Madison Avenue philosopher, selling sex and suffering in the afternoon, remarks: "Show me an unhappy home and I'll show you a home that doesn't like television."

## THE LAW

### Lawyers v. Lawyers

Other California lawyers grumble that Sacramento Attorney Edward P. Freidberg is "a wise guy just looking for trouble." What bugs them is not that Freidberg, at 40, is one of the busiest medical-malpractice lawyers on the West Coast, and earns an income that allows him a large house in Sacramento, an apartment in Los Angeles, a condominium in Hawaii and a pair of race horses. Freidberg upsets his colleagues because he is pioneering in what promises to be a busy new activity in the field of professional malpractice: big-money court suits against negligent lawyers.

Though they have not yet reached the epidemic level of medical-malpractice cases, suits against lawyers are increasing at a steep rate. Companies insuring lawyers estimate that the number of claims has doubled in the past four years. The current issue of *Juris Doctor* reports that "warnings are out for every attorney." Predicts Fred Grabowsky, counsel to the District of Columbia bar: "This is the next growth area of the law. Once the doctors have been picked clean, the lawyers will be hauled in. People won't let any professionals get away with mistakes."

So far, most malpractice suits against lawyers have resulted from downright negligence or technical foul-ups: administrative and clerical errors, deeds filed improperly, and even failure to file a suit on time. Recently, a former patient at Prince George's General

Hospital outside of Washington, D.C. hired an attorney to file a malpractice suit against the hospital. Mistakenly believing he had three years to file instead of six months as prescribed by local law, the lawyer delayed too long and thus booted the case. The client sued his attorney for negligence and won \$100,000 in damages.

**Damn Fool.** One of the early big-money cases of legal malpractice was the one that drew Lawyer Freidberg into the field. In 1967 Rosemary Smith, a Sacramento housewife, sued to divorce her husband, a retired general in the state National Guard. Her lawyer advised her that she had no claim to a share of her husband's pension. Then after the settlement she learned that such benefits are indeed considered community property in California. Mrs. Smith decided to sue her counsel. Three lawyers declined to take the case; Freidberg accepted it, took the attorney to court and eventually won a judgment of \$100,000. Early last year the influential California Supreme Court upheld Mrs. Smith's claim in a decision that set high standards for the performance of attorneys. Said the court: "Even as to doubtful matters, an attorney is expected to perform sufficient research to enable him to make an informed and intelligent judgment on behalf of his client."

Though clients seem increasingly eager to sue for lawyers' malpractice, lawyers are not as enthusiastic about bringing another attorney to court. Says Freidberg: "Lawyers don't have enough

self-confidence to say, 'If another attorney is negligent, let him fall.'"

Freidberg's firm has won four major legal-malpractice suits, totaling \$282,000 in damages. He has four more suits pending and plans to file another soon. Meanwhile, his track record has brought him calls from prospective clients from all parts of the country. Says

KAREN VISMARA



EDWARD FREIDBERG IN HIS OFFICE  
Treating attorneys like doctors.



## THE LAW

John Malone, executive secretary of the California bar: "An attorney who does not take malpractice insurance today is just a damn fool."

Those who do still pay much less for their protection than doctors; annual rates average about \$325 nationwide, v. \$2,000 for doctors (who pay much more in some areas). Yet legal-malpractice premiums are rising. Premiums jumped an average of 300% last year in Wisconsin to more than \$600. The major underwriter in Michigan was granted a 72% increase to an average of \$321, and insurers are seeking even bigger increases in other states.

The American Bar Association has set up a malpractice task force to seek ways of avoiding the plight of the premium-strapped medical profession. Yet some lawyers suggest that the rise in malpractice suits is just a symptom of a more fundamental problem. Says Freidberg: "There's a certain percentage of lawyers who are just flat out incompetent, and this is well known among those in the legal community." Still, most state bars have been lax in disciplining lawyers except on grounds of gross misbehavior. Until judges and bar associations find more effective ways of checking on the quality of legal services in their jurisdictions, a major share of the policing power will be left to individual lawyers and their angry clients.

## Briefs

► At Park Hills High in Fairborn, Ohio, 6-ft. 7-in. Mike Borden was the basketball team's high scorer and Most Valuable Player. Eager to continue his basketball career, Borden, 18, enrolled at Ohio University last fall and won the starting center position on the junior varsity. Then, last October, he was suddenly cut from the squad. The university had decided to adopt a recommendation of the American Medical Association that any player with only one of a pair of vital organs should be disqualified from contact sports. Thus Borden, who had lost one eye in a childhood accident, was out—or so it seemed until the American Civil Liberties Union filed a suit seeking his return to the team. Last week the U.S. District Court in Columbus told the university to put Borden back on the team. Said Judge Robert M. Duncan: "The public interest allies with allowing this man to live his own life."

► In March 1974, two men dragged Inez Garcia from her Soledad, Calif., apartment, and one of them raped her. That was what Mrs. Garcia later testified when she was tried for the murder of Miguel Jiminez, one of the alleged attackers. According to Garcia, less than an hour after the assault, she hunted down Jiminez and Luis Castillo. She shot Jiminez but Castillo got away. At the trial, she said defiantly: "I'm only sorry I missed Luis." Feminists made an issue

of the case, which they hoped would establish a woman's right to retaliate violently against rape. But the prosecution contended that rape is not a justification for homicide. Moreover, the state argued that there had been no rape, that the killing followed a row over drugs. The jury found her guilty and Superior Court Judge Stanley Lawson sentenced her to five years' to life imprisonment. Now the California Court of Appeals has ordered a new trial, though the reason has nothing to do with women's rights. In instructing the jury, said the court, Judge Lawson erred by explaining the criteria for guilt in terms "strikingly comparable" to the less stringent ones used in civil cases. The state intends to appeal.

► "My friends began to steer clear of me after they found out what mom was," Jimmy Risher, 17, told a Dallas jury. What Jimmy meant was that his mother, Mary Jo Risher, 38, is an avowed lesbian who was divorced in 1971 and now lives with another woman. Embarrassed by his mother's new housekeeping arrangement, Jimmy decided in 1974 to move in with his father, Douglas L. Risher Jr., who had remarried. The father then went to court to gain custody of Jimmy's nine-year-old brother Richard. Risher's lawyer implored the jury not to make the youngster "a guinea pig in someone else's social experiment." Mrs. Risher, a nurse, countered that her relationship did not interfere with raising her son. But the jury of ten men and two women, apparently moved by Jimmy's emotional plea to "get my brother out of this particular home," granted custody to the father. The verdict is a legal setback for gay-rights activists, who contend that homosexuality should not be considered an obstacle to being a good parent.

MARY JO RISHER LEAVING COURT



DINERS SETTLING DOWN TO BAKED MAKO

## Shark à la Mode

On the way to gulping \$150 million for its makers, the movie *Jaws* is spattering finny largesse all over the pop landscape. Shark teeth, selling for as much as \$100 apiece unmounted, have bitten off a sizable hunk of the gimcrackery market in the form of necklaces, earrings and bracelets; Boston's New England Aquarium even sells small molars for 25¢ each. Fishing-gear dealers report a surging demand for the extra-heavy rigs—ranging in price from \$200 to \$1,000—that are needed to land the beasts on beach or boat. Shark-hunting clubs are booming. The ultimate shudder, rumored to be offered by a West Coast travel agency, is a \$4,000 shark special to Australia that climaxes when the tourist is lowered into the ocean in a steel cage, which then is supposedly attacked by a slaving great white.

When *Jaws*mania subsides, however, it may leave a welcome and lasting legacy on U.S. shores. Largely as a result of the book and the film, shark meat is slowly but steadily finding a place on the dinner table. The toothsome steaks still are often sold to the unsuspecting under such fishy pseudonyms as "steakfish," "grayfish" and "whitefish"; the idea of dining on shark has traditionally been about as attractive to many Americans as eating fried tarantula or sting ray in aspic. But enterprising fish dealers and restaurateurs have found that they can overcome this revulsion by getting people to put shark to the taste test.

**Succulent Dish.** A pioneer shark promoter is New Orleans' Preston Battistella, 50, one of the biggest fish wholesalers on the Eastern seaboard. In 1973, when he started handling shark meat, Battistella sold 60,000 lbs.; in 1975 his volume was more than 300,000 lbs. His biggest breakthrough came after he in-