’Tis But a Lawsuit!
How Monty Python has crept into the legal system.

BY JOHN G. BROWNING

W hen my local PBS station announced that it was broadcasting a Monty Python marathon, it brought back fond memories of dead parrots, the Ministry of Silly Walks, cross-dressing lumberjacks, and other favorite sketches from the satiric comedy troupe. As I set my digital video recorder, it struck me that many people out there came of age spouting lines from the groundbreaking Monty Python’s Flying Circus television show or cult classic movies like Monty Python and the Holy Grail. Surely this British comedic invasion had not only swept through pop culture but had seeped into our legal system as well?

As it turns out, my suspicions were correct. The veteran funnymen have left their mark on the legal system and vice versa. When they challenged the extreme editing of their episodes by ABC, it resulted in a landmark decision upholding an artist’s right to protect the “moral integrity” of his or her work. And after the members of the group were hit with a multimillion-dollar verdict in favor of a former manager seeking a share of profits from the musical Spamalot (adapted from Monty Python and the Holy Grail), John Cleese, Eric Idle, and company announced plans for a live reunion series that they cheekily said was done to pay their lawyers.

But what about judicial opinions? A number of jurists have been content to vent their frustrations with absurd arguments or fact scenarios by characterizing them as being Python-esque. Holding that a prosecutor’s justification for a peremptory strike of a Hispanic panelist was wildly illogical, one California court said that it was “like something out of Monty Python.”

Similarly, in considering a defendant’s fraudulent receipt of workers compensation benefits following a staged robbery at the hotel where she worked, a Connecticut trial court commented that it seemed “like the robbery was staged by the Monty Python people.” And one Australian judge was so astonished at how badly various law enforcement agencies had bungled a fraud investigation that she asked, “Are you sure this isn’t Monty Python?”

For many judges, however, a particularly memorable sketch has been the source of inspiration. Construing a state law against unwanted commercial email, the Washington Supreme Court explained that spam as Internet jargon “arose out of a skit by the British comedy troupe Monty Python, in which a waitress can offer a patron no single menu item that does not include spam: ‘Well, there’s spam, egg, sausage, and spam. That’s not got much spam in it.’” A New York judge bemoaning a law on home warranty protection for construction-related defects called it “a prime example of a law drafted by the New York equivalent of Monty Python’s ‘Ministry of Well-Intentioned But Ineffective Legislation.’” In rejecting a high attorney’s fee demand in a Fair Labor Standards Act case, a federal judge in New York reasoned that there was no need to incentivize attorneys to bring such cases given the challenging legal market, stating, “As Monty Python noted, ‘Nobody expects the Spanish Inquisition,’ and nobody expected the collapse in the legal market that began in 2008, and continues today.”

In ruling that a pregnancy discrimination plaintiff hadn’t mounted an adequate opposition to a summary judgment but rather merely contradicted it, the U.S. Court of Appeals for the 1st Circuit cited the group’s bit “The Argument Sketch” as authority for the fact that “bare contradiction is plainly insufficient as an argument.”

The “Dead Parrot” sketch (also known as the “Pet Shop”)—in which a frustrated customer tries to return a dead parrot to a pet shop owner who steadfastly refuses to believe that the...
bird is in fact dead—is another perennial favorite of judges. A California appellate court testily rejected a particularly persistent probate litigant’s attempts to rely on an earlier tentative opinion by pointing out that it was, “as the name indicates, tentative” and had later been withdrawn. The court said, “The tentative opinion has thus, in the words of John Cleese, ceased to be.” And Texas’s own Judge Lynn Hughes of the Southern District channeled his inner John Cleese when he rejected a party’s attempt to revive a long-expired obligation over oil leases:

Like the parrot in a Monty Python sketch, the interest has “passed on!... is no more! It has ceased to be!... is no more! It has ceased to be! Like the parrot in a... sketch, the interest has “passed on!”

Of course, while Monty Python’s hilarious television incarnation clearly influenced judges, the movie Monty Python and the Holy Grail, an irreverent look at Arthurian legend, left an indelible mark as well. Commenting on the majority’s interpretation that the statute of limitations in a medical malpractice wrongful death case could begin to run before death itself, former Justice Oliver Diaz of the Supreme Court of Mississippi referenced the classic scene where a peasant beseeches a traveling mortician to take away his dying relative.

Nothing has inspired weary judges quite like the Black Knight, who unsuccessfully battles King Arthur, shouting, “Just a flesh wound” and refusing to give up as limb after limb is hacked off. Judges all over the country saw the hapless knight’s modern counterparts in parties who persisted long after exhausting every legal avenue, like Dunes Hotel Associates, a Chapter 11 debtor-in-possession trying through multiple appeals and motions to avoid a lease of its hotel property.

The South Carolina federal court finally brought the “unrelenting quest for the Holy Grail of avoidance” to an end, observing that “there are flesh wounds and there are flesh wounds.” Similarly, a Montana state court judge happily put an end to one plaintiff’s lengthy efforts to keep his case alive after an arbitration award, two judgments, and five appeals to the Montana Supreme Court.

This article is dedicated to the memory of my late father, Walter W. Browning Jr., who introduced me to the world of Monty Python and who remained a Python fan to the end.

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