

Glenn Kessler, Todd Kessler and Daniel Zelman

ASSESSING DAMAGES

THE LEGAL SHOW THAT'S NOT REALLY ABOUT THE LAW IS PROVING ITS CASE. BY ERIC BUTTERMAN

WITH THEIR SERIES PICKED UP FOR TWO MORE SEASONS, THE CREATOR-EXECUTIVE PRODUCERS OF THE CRITICALLY ACCLAIMED DAMAGES SHOULD BE FEELING PRETTY GOOD. Two of the three — brothers Todd and Glenn Kessler — are ready to be interviewed, but Daniel Zelman is nowhere to be found.

"He's coming, but he has a bad cold," informs Todd.

"It's *real-l-l-l* bad," adds Glenn.

They glance at each other as if they slightly enjoy the drama.

No surprise, since — with Zelman — they've put together one of the more enjoyable dramas of the past few years. The series opened shockingly with newbie lawyer Ellen Parsons (Rose Byrne) drenched in blood and a possible murder charge hanging over her.

Then, much of the first season revealed how it all began for the harrowing character: taking a job with the morally questionable lawyer Patty Hewes (Glenn Close), who's trying to win a class-action suit against billionaire Arthur Frobisher (Ted Danson), who may be even more questionable.

Intriuging? No question.

After a few minutes of trading airy stories about siblings, Glenn — the older brother — breaks into the tale of how he met Close, long before he had a college diploma, let alone television credits. "She was Woman of the Year at Harvard and I was just thrilled to be around her," he says. "We never would've thought she'd be working for us one day."

So much so that they didn't even suggest her casting — luckily, FX did.

"She has a great intensity," observes Zelman, who's now joined the discussion, draped in a scarf and leaning as far back as he can to save everyone from the germs. "I think her experience working on [FX's] *The Shield* definitely helped our chances."

Yes, but there's more. Todd had been a producer on *The Sopranos* and Zelman's screenwriting career had bloomed, cowriting the Kate Hudson film vehicle *Fool's Gold*, which went number one at the box office.

Regardless, Zelman's eyes well with gratitude when he speaks of Close, along with tired sprouts of redness, as he finally admits he's enduring a temperature of 101.

Let the other legal shows rely on

the courtroom — this team wanted to rely on the characters.

"Our research revealed how high the stakes are for lawyers, but also the idea that they rarely end up in the courtroom," Glenn says. "We barely let any storylines involve going to trial. The backdrop of our show is the law, but it's not *about* the law. It's a lens to look at power and dynamics. Glenn Close's character is at the height of her career, and we wanted to let you in on the sacrifices she's made in her personal life."

Todd leans in, excitedly, his mind possibly turning over the second season's storylines. "Our show is about manipulation. Both sides want the edge, but don't want to give it to a jury to deliberate," he says. "It's about conflict resolution and about avoiding surprise."

At least one surprise is the number of flashbacks in this series. Though some consider it a gimmick, the trio found it just the ticket, deciding to go with a "whatever works" philosophy throughout their writing process.

"Technically, the whole show is a flashback and you catch up to it," says Todd. "We just found it interesting. We

also came up with ideas for dream sequences, which we usually hate. In the end, it was just the best way to tell a story."

Glenn feeds off his brother's energy and dives in. "What about in the pilot when you learn a main character's fiancé is dead!" he offers. "We're literally giving you the big reveal. But we found it far more engaging to tell you the cost — and then show you what led up to it."

And they threw viewers another curveball with the casting of Ted Danson, best known as ex-baseball player and womanizer Sam Malone on the classic sitcom *Cheers*. But Danson's dramatic turn is no surprise to those familiar with the actor's early work. "*Body Heat* and *The Onion Field* were some of his best performances," Todd attests.

Zelman particularly likes Danson's willingness to throw himself into a role: "He is an actor who was always interesting to us in the dramatic world. He really wanted to prove to us what he could do."

Danson did — and so did *Damages*, which will pick up with Patty Hewes's next case in season two.