



By Iris Wiener

# Prima Facie

“And the 2023 Olivier award for “Best Actress” goes to Jodie Comer for *Prima Facie!*” On April 2nd, *Prima Facie* and playwright Suzie Miller received the 2023 Olivier award for “Best New Play.” The acclaimed London production and its star, Emmy, and BAFTA award winner, Jodie Comer (*Killing Eve*) opens on Broadway in April for a limited 10-week engagement. This breath-taking, one-woman play directed by Justin Martin is truly a once-in-a-lifetime experience in the theatre.

Ms. Comer plays Tessa Ensler, a fierce barrister who defends men accused of sexual assault. Winning is everything in the “game of law” as she delights in crafting a defense strategy to obscure the woman’s account of the rape. When Tessa is sexually assaulted by a work colleague, her world is shattered. No longer the thoroughbred barrister, she’s a broken woman, the alleged victim pleading to be believed in a court of law. ▶

Production photos by Helen Murray



*Prima Facie* is the result of Miller's excruciating awakening that the "game of law" works against a rape victim. "1-in-3 women have had a violent sexual assault and reported it to the police, and only 1 in 10 of those who have reported it are taken to court. In the United Kingdom, only 1.3 percent of them have a conviction. If you look at those stats, you realize there's something very wrong," says Miller. "With *Prima Facie*, I wanted to show the process of what someone has to go through to get to court, and even to get there and to lose. There's no motivation to do it. Even if they are mistaken about what happened, 1.3 percent? You can't tell me that 98.7 percent are mistaken. There's something wrong with the way the system works."

When *Prima Facie* ran in London, the production hosted a night that was solely for female lawyers and those in the law profession. Miller found herself participating in a three-hour Q&A discussion following the performance. Women shared their stories of sexual harassment, assault, and ways of being undermined in their profession. "There was a top defense barrister in the first row, and I knew that her specialty was sexual assault law," Miller recalls. "I thought she would excellently hammer me when the time came. Instead, she said, 'I do sexual assault cases every day of my life. I win a lot of them and get my clients off. If my goddaughter came to me and said she had been sexually assaulted, I would tell her, 'Do not take this case to court.' I would believe my goddaughter, but I would say, 'You'll never win.' What does that tell you?'"

The play is affecting change in ways that Miller never thought possible. *Prima Facie* inspired a group of barristers in London to set up an organization for serious examination of sexual assault law. The production was filmed and distributed as part of The National Theatre cinema series and has been screened at judges' conferences. "Who would dream that something you write in a dark little studio on a miserable winter night, thinking that no one is ever going to watch a rape play, would get picked up and have this cumulative effect?"

Thousands of women write to Miller weekly, sharing stories

of how they were silent about their assaults until they saw the play, and finally told their mothers and/or the police. "That's more important to me than anything, it's this chance for people to speak out," says Miller, proudly. "Every now and then someone comes up to me, sometimes powerful women, and says, 'I'm 1 in 3.' They don't want to talk about rape, they just want to acknowledge that they are 1 in 3. It's not their fault and they can own that. That means a lot. It's my response to that paradox of being a lawyer and actually being a woman."

There are many roles of truth for *Prima Facie's* Tessa, and the play aptly explores these complexities. In the court of law it's the legal truth that presides, but when an assault victim isn't clear about what happened and moments of affection turn violent, the truth shifts. Miller chose to explore a form of sexual assault in which a woman is assaulted by someone with whom she is close (and also happens to be a colleague at her practice.) "It is the most common version of sexual assault," she says. "Men don't realize that they have an obligation to check on consent. They are part of the conversation if they are having sex with a woman or any sort of sexual intimacy or relationship with a woman." Miller recalls taking six sexual assault statements each week from young girls in her prior career. "They were horrific. Often their attackers were their boyfriends, dads, stepfathers... There were some that were a date and they would say, 'It was my fault because I went with them.' I always wanted to separate that involvement and the doubt, and the idea of the shame they have by trusting somebody."

Miller considers the Supreme Court Justice hearings in

which women bravely told their stories of sexual abuse in televised, national hearings, yet were still dismissed. She wonders if the issue is getting any better. "I have to believe that we're at least talking about it and we're outraged," she says. "In earlier years, I don't know if those women would have had the chance to even speak up. The fact that they are being crucified by certain aspects of the media and politics doesn't mean that women don't believe them."

*Prima Facie* has partnered with the School's Consent Project, which aims to educate and empower young people in understanding what it means to give consent. "I realized after I wrote the play that it goes well beyond a legal problem," says Miller. "It's actually a community problem about how men and women are raised in talking about consent and choice. Hopefully, if you go back to the education system and start there, you hope that in the next fifteen years, those conversations will be less defensive. It's about having those conversations in schools."

Miller is hopeful that the world will see necessary change, and is proud of the fact that *Prima Facie* is already helping it along. "I still hope that we as a community, one-by-one, can see something, empathize, and create change," she says. "I believe in people and the power of story and the power of creating empathy as the one way that you can stop people in their tracks. Not an argument in court, not a dinner table political stash, but actually seeing something from a different perspective, and in spite of themselves, feeling sympathetic and empathetic toward a human being."



## **Prima Facie's Impact:**

### A Conversation with Producer James Bierman

When producer James Bierman first read Suzie Miller's *Prima Facie*, he immediately wanted to bring it to the stage but hesitated over the fact that a man would be at its helm. The playwright assured him a man was the best choice, explaining, "No, if a group of women put this play on, we'll just be written off as hysterical women shouting loudly about something; if I get you to produce and I get a guy to direct it, I am implicating men in a conversation in this piece right from the start."

According to Bierman, being involved with *Prima Facie* has changed his life. "I've talked to Jodie [Comer] about being part of something that is so much bigger than the sum of what we do," he says. "It has become this *thing*." Bringing it to Broadway has made it even larger. "Even in liberal New York...the fact that abortion has become a conversation again in one of the most progressive countries on the earth, things that you just felt were dealt with, just shows how important these things are."

As the show began to get underway in London, Comer asked police and DSI Clair Kelland, "If I went to a police station for real, what would happen?" She invited them to meet her at the station, where Comer was to press a buzzer and go through the experience. Bierman remembers it as being one of the most compelling and terrifying days in the show's process. "Jodie was told to go to the desk and say, 'I've been attacked.' We walked through the whole experience of it. You realize straight away in that scenario that you're already up against who you're going to meet that day, what their day has been, if they have been on duty for hours...Is there a specially trained officer in that branch at that particular time? If there isn't, you won't get that sense of care," recalls Bierman. "The sense of responsibility I have as a man producing this play is to not miss any opportunity I get on this journey to let this play make some change. It's a really articulate way of making people think about it, and it's a real problem."

### **Schools Consent Project**

Bierman resourced the Schools Consent Project, a charity dedicated to educating and empowering young people to understand and engage with the issues surrounding consent and sexual assault. In London, barristers lead workshops in secondary schools and youth groups in which they discuss the legal definitions of consent and assault. The group is launching branches in the U.S. to coincide with *Facie's* opening on Broadway and Peter Avery, the Director of Theater for the New York City Department of Education, is helping Bierman and Schools Consent Project plug into various existing organizations, schools, and networks.

### **Accessibility**

"We're looking at a lot of different ways we can connect with diverse audiences in our ten weeks, and accessibility is one," says Bierman. "One amazing donor has underwritten 500 free



tickets, so we're going to do five nights where we'll have 100 young people from different groups across New York come to see the show for free. We'll have workshops from the Schools Consent Project either beforehand or afterward." The production is launching a \$10 lottery. Ten tickets at \$10 for each show will be spread throughout the house.

"We have three nights where we're going to do Q&As after the show, and I'm working to see if we can get interesting people on the panels," says Bierman, who is in conversation with people like V (Eve Ensler) and Ashley Judd. "I'm hopeful that by the end of the run, we'll be able to galvanize and pull some activity together that will help this conversation poke through and disseminate in a lot of different directions."

### **Prima Faces Project**

"One of the most overwhelming things was getting loads of testimonies from people," recalls Bierman. "I read them all because I felt that if someone could be brave enough to write, I should at least be brave enough to read it and respond. It was overwhelming to read what people go through. It broke my heart to read this repeatedly. The positive thing for me that came out of it was feeling like the show got embraced by a community of

people who went, "This really is our show. This is doing something for us and we're empowered by it."

Bierman was traveling through Gatwick Airport when he had the spark of an idea. "There was a mural of the Queen and it was made up of lots of little photos of the Queen. I took a photo of it and I sent it to Doug Kerr, a brilliant designer who does all of my artwork." Bierman felt that *Prima Facie's* story belonged to the people who embraced the show, so he asked the people who had shared their stories to submit their photographs; within three days photos and testimonies flooded in. Doug Kerr compiled over 1,000 photos to create *Prima Faces*, a special piece of art on display at the theatre, at locations around New York, and online. The piece is a merging of the play and the community of voices saying in solidarity, "On the face of it something has to change."

For tickets [primafacieplay.com](http://primafacieplay.com) \*

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