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Abstract

Let me be frank. Like any practising lawyer, I would prefer to write novels and have them made into movies by Hollywood. A decade ago, John Grisham was practising as a lawyer somewhere in the American South. The Runaway Jury is his seventh novel about the legal process. Its six predecessors have sold some 75 million copies in the English language. Four have already been released as films. The others have no doubt been the subject of deals in the Polo Bar of the Beverley Hills Hotel. How is this phenomenon to be explained?

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Michael Sexton

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The saga of the legal bestseller has its origins in the late 1980s with Scott Turow's grisly puzzle *Presumed Innocent*. Turow is a good writer whose first work, *One L*, about his freshman year in Harvard Law School was not a best seller but provided a graphic account of the anti-social training developed by the most prestigious American law school. Turow's later books, however, tended to collapse under the weight of their own plots and never recaptured the dramatic power of *Presumed Innocent*.

Since then the bestseller lists have seldom been without a number of law-based novels, most of which culminate in a courtroom denouement. There can be little doubt that lawyers play an extraordinary role in American society. The proportion of lawyers to the general population far exceeds that of other Western nations. It may even be that the American enthusiasm for litigation reflects a deep-seated belief that the legal process can discover the truth. This is not a view that would be widely entertained in most Western countries and not at all, of course, in the East.

There ought, however, to be a market for such books in Australia where the number of law schools has doubled in the last decade and each year some 5,000 students enrol in this course. Many are presumably seeking the prize of a partnership in one of the megafirms and the millions that automatically follow. The inexorable rise in the HSC score required to gain a place in a law course is otherwise difficult to explain. Statistically, however, this is a lottery with few winners and many losers.

This, as it happens, is Grisham's own view of the legal world. The following exchange takes place in one of the earlier books, *The Pelican Brief*:

'But there are so many damned lawyers already. Why do all these bright students keep flocking to law school?'

'Simple, It's greed, They want BMW's and gold credit cards. If you go to a good law school, finish in the top 10 per cent, and get a job with a big firm, you'll be earning six figures in a few short years, and it only goes up. It's guaranteed. At the age of 35, you'll be a partner raking in at least two hundred thousand a year. Some earn much more.'

'What about the other 90 per cent?'

'It's not such a good deal for them. They get the leftovers.'

What else can be said of Grisham's books? It is a curious fact that his first work, *A Time to Kill*, was published in 1989 and sold only 5,000 copies--a very small sale in the United States market. Yet this book is easily the best piece of writing that Grisham has done. It is a well-paced and sharply-drawn tale of a young lawyer in a Mississippi town. He defends a black man who is charged with the murder of two whites who have raped his 10 year old daughter. There are no heroes--not even the defence lawyer--but some intriguing characters. It is a story that would tell non-lawyers a lot about lawyers and the law.

Grisham's first bestseller was *The Firm*, which was later made into the rather chaotic movie starring Tom Cruise. A young Harvard graduate takes his first job with a Memphis law firm, only to discover that its chief client is the nation's largest organised crime syndicate. This was followed by *The Pelican Brief*, where the protagonist is a female law student from New Orleans who investigates the murder of two Supreme Court Justices, and *The Client*, which also has a woman lawyer as its central character,

recounting her efforts to protect a child witness to a Mafia killing. Even more than *The Firm* their plots are implausible and their characters scarcely developed. Sales were, however, unaffected.

Which brings us to *The Chamber* and *The Rainmaker*. In the first of these books the inevitable young lawyer--Adam Hall--works in a Chicago firm. He takes on the final appeals of a convicted Ku Klux Klan bomber convicted 25 years earlier of killing the children of a Jewish lawyer. The bomber is on death row in a Mississippi prison. He is also the young lawyer's grandfather. The problem is that it is always clear that the appeals will be unsuccessful with the result that there is never any real suspense in the novel. Moreover, the bomber never engages the reader's sympathy in a way that makes it important for him to be saved. A contrast might be drawn with Frederick Forsythe's *The Day of the Jackal*. By the end of the book few readers can resist the half-wish that the Jackal succeed in killing De Gaulle, despite the irresponsibility of such a feeling. Again, however, sales of *The Chamber* were unaffected.

In *The Rainmaker* Grisham's young lawyer is called Rudy Baylor. He is about to finish law school in Memphis and start with a firm when it is taken over and the job disappears. He sets up by himself with only one real client, the family of a child dying of leukemia, whose claims for medical treatment were denied by the insurance company with whom the family had taken out a policy some years' earlier. The finale is a rather well-scripted trial at which the claim against the insurance company is heard. What is most striking about the book, although it is true in large measure for all of Grisham's works, is the bleakness of his legal world. Whether it be the lawyers on the other side, the presiding judge, the lawyers to whom he applies for jobs, even his colleagues in law school, all are without scruples, without compassion, without reflection. They are driven overwhelmingly by greed and occasionally a quest for status.

Greed is also the touchstone for the protagonists in *The Runaway Jury*. Law school drop-out, Nicholas Easter, and his girlfriend make a study of litigation against the giant tobacco companies. Easter manoeuvres himself onto the jury in a key test case by a smoker's widow in Mississippi and proceeds to orchestrate a huge verdict for the plaintiff--but only after taking \$10 million from the defendants to fix the trial in their favour. The story, although inherently fantastic, moves at a good pace. Again, however, it reflects a profound cynicism about the law. The lawyers on both sides are prepared to win at any cost, including bribery of jurors. The jurors are influenced by a variety of factors, almost all of them irrelevant and most of

them irrational. It is true that the tobacco companies are ultimately punished by a huge verdict but only after Grisham's hero has made enough money in the exercise to set himself up for life.

There is an obvious paradox involved in Grisham's heart of legal darkness and the popularity of his books--and of law courses amongst American and Australian students. It would be a depressing comment on American--and Australian--society to conclude that most of these students have embarked on a course which leads to a life premised on avarice and anti-social activity. Grisham has an unerring eye for sleaze and this inevitably produces a degree of morbid fascination in the reader. There is nothing to inspire or illuminate in these books. Yet this does not seem to have dimmed their public appeal. Perhaps this is not surprising, especially in Australia where success is epitomised by the captains of merchant banking, the media and political life and where lawyers are seen as crucial counsellors and protectors of these modern buccaneers.