

1

John Grisham and the Legal Thriller

John Grisham's particular form of "legal thriller" has evolved from the thriller tradition and has subsequently borrowed elements from heroic romance novel, gothic novel, crime novel, as well as from detective and cowboy fiction. His novels often examine contemporary social and legal problems that do not have simple solutions; ecology, ethic relations, capital punishment, corporate greed, and health insurance, for example. "*We hate lawyers, but we love stories about them.*"¹ John Grisham has won a huge following of readers and set a standard few contributors to the genre can match.

Jonathan Freedland believes that Grisham's popularity stems from the public's fascination with courts, criminals, lawyers and judges, especially in America. Freedland suggests that Americans will sue anyone, even their own parents and that the American fascination with the law stems from their Constitution, as it provides them with their rights. If one has their rights violated by another then they are likely to expect redress.² It would not be difficult to conclude that this fascination extends to what one reads. Due to the success of Grisham's novels, the legal thriller is the most popular genre in American fiction today.

Sydney Pollack, who directed the big screen version of Grisham's *The Firm*,³ has a different theory concerning the popularity of the legal thriller. Pollack believes that comes from the public's suspicion and cynicism of the American legal system during the early to mid 1990s.⁴ Grisham seems to mirror this, with many of his novels focusing on the fact that authority of any sort should not be trusted due to the idea that power ultimately corrupts those that wield it.

¹ John Grisham quoted in Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 16.

² Jonathan Freedland: "*The Law Word*". Guardian 30 May 1994: 2:2-3.

³ John Grisham: *The Firm*. BCA Publishing (1991).

⁴ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 16.

However, Grisham's novels, although always seemingly criticise the legal profession, always end with a reaffirmation of the legal system and the morals and values that the system is designed to protect. Grisham's destruction and reconstruction of the legal system is often at the expense of his protagonist, usually a young and heroically idealistic lawyer. When asked about his inspiration for his work Grisham replied:

*"When I was a lawyer, I spent a lot of time in court rooms and thought about killing judges...The good thing about writing fiction is that you can get back at people. I've gotten back at lawyers, prosecutors, judges, law professors and politicians. I just line them up and shoot 'em."*⁵

However, to say that the popularity of the legal thriller is strictly a phenomenon of the 1990s is not strictly conclusive. Pringle suggests that interest in this type of fiction predates this period.⁶ She argues Melville Davisson Post was the twentieth century's "most important writer of stories about lawyers and the law."⁷ His novel, *The Corpus Delicti*,⁸ depicts an attorney named Randolph Mason who shows a client how to murder someone, admit it in court and actually get away with the deed.

The 1930s produced the Perry Mason novels by Earle Stanley Gardner. In particular, *The Case of the Howling Dog*⁹ reflected Depression-era attitudes towards the law. Gardner's idealised attorney seems to have had a profound effect on Grisham and the characters that he creates in his novels. Like Mason they each fight for both moral and social justice. Two writers of the 1940s could also take some credit for Grisham's latest work. Walter Van Tilburg Clark's *The Ox-bow Incident*¹⁰ and Cornell Woolrich's *Three Kills for One*¹¹ present the idea of

⁵ Joanne Kaufman: *Legions of Lawyers Turned Novelists*. Wall Street Journal. 1 August 1991.

⁶ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 17.

⁷ Francis M. Nevins: St. Louis University's School of Law Seminar on Popular Fiction and Film. *Murder Is Academic: The Teachings and Criticisms of Crime Fiction on Campus*. Vol. 3 (November 1995).

⁸ Melville Davisson Post: *The Corpus Delicti*. (1896).

⁹ Earle Stanley Gardner: *The Case of the Howling Dog* (1987).

¹⁰ Walter Van Tilburg Clark: *The Ox-bow Incident* (2004).

vigilante justice. The 1940s most popular theme in legal fiction and culture was the need to occasionally take the law into one's own hands, which is a recurring theme in many of Grisham's novels.¹² By taking inspiration from previous masters of the legal thriller, and then combining several of their styles, it is of little surprise that John Grisham has established himself as the king of the genre.

Grisham seems to have been influenced by many of his predecessors, whose original writings had some bearing on the way the public stereotypes the profession. Grisham's legal background no doubt helps in the creation and in the selling of his novels. Lawyers turning novelists are seen by publishers as highly saleable as they are seen by the public as experts in the field.¹³ By reading one of his novels one can almost visualise Grisham putting forward a critical legal argument that would not seem out of place in a courtroom. The way Grisham writes therefore helps the reader identify with the main protagonist of the novel.

Grisham's novels typically pit a solitary lawyer against a dark, looming force; either large faceless corporations or the legal system itself. Often they are thrust into these situations unwittingly but eventually rise to the challenge, especially as their lives also depend on the outcome of the case. The excitement in the Grisham legal thriller usually depends on putting the lawyer in either a life or career threatening situation.¹⁴

However, not everyone is complimentary. Klinkenborg states that while on the one hand we idolise lawyers as protectors of the democratic system; on the other, we despise lawyers and many of the trappings of the legal system. There is reason for our ambivalence towards the legal system, as we sense how intricate and entangling the web of the law can be. Furthermore, we realise that

¹¹ Cornell Woolrich: *Three Kills for One*.

¹² Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 18.

¹³ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 18.

¹⁴ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 22.

only lawyers feel comfortable “among those endlessly intersecting lines of force”¹⁵ that are brought to bear in a lawsuit against us. Klinkenberg goes on to suggest that another reason for our uncertainty toward the legal profession is because we often perceive lawyers as surrendering to greed. Gone is the ideal of the lawyer who strives to reconcile the facts of each individual case against the broader issues of public service.¹⁶

Although Klinkenberg labels John Grisham as one of the worst of the recent influx of legal thriller writers, her arguments about the general public’s ambivalence towards the legal profession are actually reflected in almost all of Grisham’s novels. The protagonist in each of his works represents the good that can come from the law, while the other lawyers in the novel typically personify the negative stereotypes that exist within society. Lawyers are often seen in two specific lights, either as arrogant, money grabbing and “blood sucking” white middle aged men in sharp tailored suits, more concerned with their own accumulation of wealth and prestige than their clients. They often defend individuals who deserve to be punished by the law but are saved from the “sword of justice” by their high paid lawyer’s manipulation of the law.

The other popular stereotype of the lawyer is of the young, predominantly white, idealistic male who works for society to try and bring justice to those who need it, but is under resourced and cannot compete with the high flying, six figure salary lawyers who regularly twist and manipulate the law for their own agendas. These lawyers are often seen as failures, not intelligent enough to join the ranks of prestigious law firms. Instead they are stuck in small firms and public defenders offices, disenchanted with the law and the profession. The public believe that the best legal advice is the most expensive and only available to the rich and famous. Grisham takes these two dominant stereotypes and twists and distorts them to show that they are not so distinctive and that while the law has its problems, there is still good within the profession. This

¹⁵ Verlyn Klinkenberg: *Law's Labour's Lost: The Lawyer as Hero and Anti-Hero*. New Republic. 14 March 1994. p. 32.

¹⁶ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 23.

dissertation will be examining four of Grisham's most popular works to date, in order to explore how he depicts both the legal system and its lawyers in both their finest and worst lights.

2

The Firm

The Firm was Grisham's second blockbuster legal thriller and best selling novel of 1991. The protagonist is Mitch McDeere, a high flying Harvard Law School Graduate who takes employment at Bendini, Lambert & Locke of Memphis, Tennessee. The firm offer him a base salary of \$80,000 in his first year, with a \$5000 raise after he passes the bar exam, as well as a guaranteed second year salary of \$90,000, not to mention bonuses, a low interest mortgage on a house, his student loans paid off, two country club memberships, and a brand new car.¹⁷ It is no surprise that Mitch takes the opportunity to join the firm. Unfortunately it is not his best career choice as the firm is owned by the Morolto crime family from Chicago. Mitch is unaware that the firm is used to launder money for the mafia and only becomes aware of this when he receives information that five associates of the firm have died in recent years under mysterious circumstances. The FBI contact Mitch and request that he gather evidence against his employers. However, if Mitch helps the FBI, he will ruin his career as a lawyer and spend the rest of his life in a witness protection programme. If he does nothing and he continues working for the firm, he would eventually perform an illegal act. Alternatively, he could try to get out of his contract with Bendini, Lambert & Locke; but it is likely that he would end up dying under mysterious circumstances like his five predecessors.¹⁸

The basic plot of this novel came to Grisham while he was still in law school in when he witnessed large prestigious firms recruit the best students into their ranks. Grisham says that his peers often talked about the salaries and big benefits that the big firms offered, and how regardless of this, they neither knew what the firms specialised in or what clients they represented until they accepted employment. He began to wonder what would happen if one of these

¹⁷ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 41.

¹⁸ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 42.

firms represented the criminal fraternity.¹⁹ Grisham went on to state in another article that he had never intended to write a novel on the issue but the idea had nevertheless stayed with him.²⁰ This novel is a perfect example of how Grisham believes large corporations often deceive and manipulate its employees with money and other forms of blackmail. This novel shows that deception is everywhere, including the legal system.

Grisham often creates suspense in his novels by putting the main protagonist into life threatening situations. *The Firm* is not a courtroom drama it is a suspense thriller that focuses upon a lawyer. Unlike in the other novels we will be analysing, Mitch's life is in actual physical danger, as well as his wife's and his professional life.

Grisham's stories have a consistent theme which appeals to many people nowadays: his heroes are ordinary people who fight the faceless, powerful institutions of society - and win. Three large institutions feature in *The Firm*: the Mafia, the FBI and the lawyers themselves. In *The Firm*, Grisham focuses on plotting his novel rather than focusing on the characters of the story. However, the characters do reflect certain stereotypes within society that Grisham uses to highlight the issues surrounding the legal profession.

The principal theme in *The Firm* concerns the pursuit of wealth and material possessions. From the beginning of the novel, Mitch is driven by money. His poor upbringing and student debts has driven him to academic success in the hope of leaving behind his past and progress to a life of six figure salaries and expensive material possessions. By the time Mitch realises that the money he has 'earned' is tainted, he is barely able to survive. Although Mitch is attracted to the lifestyle that Bendini, Lambert, & Locke can offer him, he still represents the 'good' of the novel. Having only recently left law school, Mitch is full of idealism

¹⁹ *Author Likes Film Version of Best-Sellor*. Houston Chronicle 30 June 1993: 5D in Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 41.

²⁰ Ed Will: *Best Sellor No Threat to Anonymity*. Denver Post 2 April 1992: F1:5.

and uncompromising ethics.²¹ When Grisham reveals the details concerning Mitch's deprived upbringing, the reader can empathise with him and understand why he takes the firm's attractive employment offer. In this novel, Grisham seems to be asking the question of his peers as to how many recently graduated law students would turn down the offer with no questions asks, and how many would say yes as Mitch does?

Mitch's one character flaw is arrogance. On the surface the reader sees Mitch as just wanting the material possessions and trappings of wealth; however, Mitch's focus is probably more complex than just that. Mitch wants confirmation that he is good at what he does: being a lawyer. Always wanting to test his skills against seemingly overwhelming odds. This enforces a cultural stereotype that lawyers "play" the law and that it is just a game to fuel their large egos and larger wallets.

Furthermore it can be argued that Mitch does not represent "good" as much as Grisham would have us believe. It could be argued that the novel is morally ambiguous as Mitch refuses to co-operate with the FBI's investigation, he is an accessory to murder, he is guilty of obstructing justice, he extorted money from the government, broken his brother out of jail and has been unfaithful to his wife.²²

The members of Bendini, Lambert, & Locke and the family members of the crime syndicate represent the evil institutions within the novel. The senior partner of the firm, Oliver Lambert, embodies the firm's corrupt values, bigotry, and misogyny.

"It's an impressive firm, Mitch." Oliver Lambert said, 'and we're very proud of it. We're a close knit fraternity. We're small and we take good care of each other. We don't have the cutthroat competition the big firms are famous for. We're very careful whom we hire, and our goal is for each new associate to become a partner as soon as possible. Toward that end we invest an enormous amount of time and

²¹ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 47.

²² Daniel Franklin: *The Client' Breeds Anarchy*. Atlanta Constitution 4 August 1994: A15.

money in ourselves, especially our new people. It is a rare, extremely rare occasion when a lawyer leaves our firm. It is simply unheard of. We go the extra mile to keep careers on track. We want our people happy. We think it is the most profitable way to operate.”²³

“I have another impressive statistic,’ Mr. McKnight added. ‘Last year, for firms our size or larger, the average turnover rate among associates was twenty-eight percent. At Bendini, Lambert & Locke, it was zero. Year before, zero. It’s been a long time since a lawyer left our firm.”²⁴

Royce McKnight, managing partner at the firm takes responsibility for the everyday running of the firm and its unconscionable dealings. Grisham tells us much about McKnight in the following extract:

“The senior partner studied the resume for the hundredth time and again found nothing he disliked about Mitchell Y. McDeere, at least not on paper. He had the brains, the ambition, the good looks. And he was hungry; with his background, he had to be. He was married, and that was mandatory. The firm had never hired an unmarried lawyer, and it frowned heavily on divorce, as well as womanizing and drinking. Drug testing was in the contract. He had a degree in accounting, passed the CPA exam the first time he took it and wanted to be a tax lawyer, which of course was a requirement with a tax firm. He was white, and the firm had never hired a black. They managed this by being secretive and clubbish and never soliciting job applications. Other firms solicited, and hired blacks. This firm recruited, and remained lily white. Plus, the firm was in Memphis, of all places, and the top blacks wanted New York or Washington or Chicago. McDeere was a male, and there were no women in the firm. That mistake had been made in the mid-seventies when they recruited the number one grad from Harvard, who happened to be a she and a wizard at taxation. She lasted four turbulent years and was killed in a car wreck.”²⁵

²³ John Grisham: *The Firm*. BCA Publishing (1991). p. 31.

²⁴ John Grisham: *The Firm*. BCA Publishing (1991). p. 11.

²⁵ John Grisham: *The Firm*. BCA Publishing (1991). p. 15.

McKnight shows elements of the stereotypical lawyer seen in popular culture. He is a sexist and a bigot and as Mitch discovers later on, he is also a crook. There are no redeemable qualities about this character, either as a person or as a lawyer. While his unconscionable dealings may not be a well known stereotype of the lawyer, some of his opinions are. A cursory reading of the novel shows that women are portrayed in a negative light. Bendini, Lambert, & Locke have no female associates and only carefully selected secretaries who are described as a “bunch of cows”²⁶: plump not pretty. In the world of *The Firm*, women cannot be both. Grisham is showing the reader that “lawyering” is still a boy’s club. Women and Black lawyers are still the outsiders who must prove themselves more than anyone else to survive in the industry. This theme is repeated in several of Grisham’s novels, notably *The Pelican Brief*; *The Rainmaker*; *The King of Torts*; and *The Street Lawyer*.

The other lawyers at the firm are also very unsavoury characters. Avery Tolar, the partner responsible for introducing Mitch to the firm, is depicted as a flawed character, addicted to alcohol and sex. Mitch has one close friend at Bendini, Lambert, & Locke, Lamar Quin, who even though has not yet made partner in the firm is already involved in illegal dealings, and like his employers is a sexist. He knows the details concerning the death of the former associates and yet does nothing to dissuade Mitch from working there.

Nathan Locke is Mitch’s chief adversary in the novel, physically and morally he represents “evil” in the novel. Grisham gives “evil” a face by which the reader can recognise and feel the tension that Mitch must feel when he learns the truth concerning the firm and endeavours to fight against it. Grisham makes the reader wonder how Mitch can ever defeat such “evil”. During their first encounter, Mitch observes that Locke, who had sneaked up on him, has “*the most*

²⁶ John Grisham: *The Firm*. BCA Publishing (1991). p. 22.

evil face he has ever encountered."²⁷ Mitch describes his eyes as terrifying:²⁸ cold, black, and "*knowing eyes*" with layers of wrinkles around them.²⁹

Mitch copies the client files wanted by the FBI and keeps a copy of the files for himself as insurance. He subsequently makes a video tape about what he knows of the Morolto family and their businesses and then leaves the tape and the files in a motel room and escapes with his wife and brother to Little Cayman Island by boat, and informs the FBI as to where the files and tapes are located. Mitch acknowledges that he is betraying the lawyer-client privilege but rather than dwelling on this fact, accepts that he will not be allowed to practice the law anywhere again and he shrewdly swindles \$10 million from the mob's law firm, along with receiving money from the FBI for his cooperation. Mitch, his wife, and brother plan to remain on Little Cayman Island. The three have plenty of money to live on, and neither the FBI nor the mob knows where they are. The reader soon learns that over half the members of the law firm are arrested and indicted and thirty-one members of the Morolto family are also arrested by the FBI.

During the novel Grisham attempts to distinguish between money obtained illegally from honest individuals, and money obtained illegally from dishonest individuals. At the conclusion of the novel Mitch is very wealthy, having earned a million dollars from the FBI as well as having transferred \$10 million of the firm's laundered funds into his own account. Grisham seems to suggest that because the \$10 million was stolen, Mitch remains untainted, and he evidently likens Mitch to a Robin Hood character who gives away some of his wealth to those who really deserve it.³⁰

Whether the reader believes in this "Robin Hood Justice" is a personal choice, however, many may conclude that his moral ambiguity and arrogance places Mitch in a position where the reader cannot truly empathise with him. Grisham's

²⁷ John Grisham: *The Firm*. BCA Publishing (1991). p. 72.

²⁸ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 48.

²⁹ John Grisham: *The Firm*. BCA Publishing (1991). p. 72.

³⁰ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 49.

novels often contain the message that once power is wielded it corrupts. One may wonder whether the corruption of the Firm and the robust tactics of the legal authorities (in this case the FBI) may have a negative effect on our protagonist.

In Grisham's early work the reader is treated to a thriller full of suspense with little focus on the development of the characters, in fact they are fully developed from the outset of the novel. While the idea of a corrupt law firm that launders money for a crime syndicate is a remarkable work of fiction, the character traits of the individuals used in the novel are stereotypical of the profession. All the lawyers are stereotypes of lawyers, from the arrogant success driven protagonist who hides behind his idealism, to the money hungry "blood sucking" senior partners of a corrupt firm whose only interest is the accumulation of their own wealth and power. However, the message in this novel can be one that all lawyers can aspire to – to turn down the big money in order to keep ones professionalism, ethics and idealism intact. No doubt Grisham intended to use the negative stereotyped view of lawyers in this novel to make lawyers and law students stop, think about the kind of professional they want to be. Do they want to fight injustice, or be the injustice? Unfortunately, a cynic might argue that the conclusion of the novel which places a young twenty year old law graduate with over ten million dollars in funds and a home on a tropical island with his family is perhaps not quite the ending that would force the average law student to suggest that "*crime doesn't pay*". In *The Firm* Grisham, quite unintentionally, shows that it does.

3

The Rainmaker

The Rainmaker is a tale of legal intrigue and corporate greed. Rudy Baylor's world collapses when the law firm he was due to join is merged with a much larger firm, Trent & Brent, just before his bar examination. He is without employment and overwhelmed with debt. Rudy has to somehow make a living and fend off his creditors, and his whole future hinges on his only two prospective clients. One is an eccentric old lady who lays claim to a fortune of twenty million dollars and wants a new will drafted, the other is a bad faith case against an insurance company who have denied a claim involving a boy dying of leukaemia. Donny Ray Black might have been saved if Great Benefit had paid out months in advance of his deteriorating condition. He and his mother want to bring Great Benefit to account for what they have done, and the Black's have chosen Rudy to do it, though he's not yet a member of the bar and has never argued a case in court. However the Black's case, as Rudy swiftly discovers, is only the tip of the iceberg: there are hundreds of similar claims appearing all over the US. Rudy finds himself facing the very legal firm whose takeover cost him his job, in a trial which threatens to "*blow the lid off*" one of the biggest cases of corporate fraud in American history. One young man against a battery of million dollar lawyers, his opponents will stop at nothing to ensure he fails.³¹

The novel can be seen as autobiographical in a sense, as it presents to the reader, through Rudy, Grisham's own disillusionment with the legal profession.³² The novel tracks Rudy's dissatisfaction with his profession, which is presented to the reader as dirty and profit-mad. Grisham uses Rudy as his voice against big business, especially insurance companies like the fictional Great Benefit, he provides the reader with some interesting legal lessons by explaining the insurance industry and the legal system so that his audience is aware of how they may be defrauded like Donny Ray Black. This literary technique means that

³¹ John Grisham: *The Rainmaker*. BCA Publishing (1995) (Book Jacket).

³² Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 111.

the reader can empathise with the characters as they realise that this is a real life scenario.

The public's stereotype of the lawyer is seen in *The Rainmaker* via Rudy's father who we are told has abhorrence for lawyers due to his job as an industrial engineer:

*"He'd spend eight hours haggling with them [lawyers], then hit the martinis as soon as he walked in the door. No hellos. No hugs. No dinner. Just an hour or so of continuous bitching while he slugged down four martinis then passed out in his battered recliner."*³³

This type of legal thriller often follows several set conventions concerning the back-story of the protagonist. Usually this involves them being at the pinnacle of legal education; straight-A students with the world at their feet ready to rise the ladder of legal profession to renowned success, like Mitch in *The Firm*. In *The Rainmaker*, Grisham does not follow this convention. Rudy Baylor is a reminder that some students do not find their legal education all that wonderful as one can observe from his disenchanted musings. One can only speculate what Rudy's professors may have thought of him as a student, but from the text we know what Rudy thought about his legal education.³⁴

*"I will finish law school in May, a month from now, then I'll sit for the bar exam in July. I will not graduate with honours, though I'm somewhere in the top half of my class. The only smart thing I've done in three years of law school was to schedule the required and difficult courses early, so I could goof off in this, my last semester. My courses this spring are a joke--Sports Law, Art Law, Selected Readings from the Napoleonic Code and my favourite, Legal Problems of the Elderly."*³⁵

Rudy goes on to add the following: *"Law school is nothing but three years of wasted stress. We spend countless hours digging for information we'll never need.*

³³ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.1.

³⁴ Professor James R. Elkins: *A Beginner's Guide to Legal Education*. College of Law, West Virginia University. p.6.

³⁵ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.2.

We are bombarded with lectures that are instantly forgotten. We memorize cases and statutes which will be reversed and amended tomorrow."³⁶

This would seem to show us that Rudy has become jaded by the constant lecturing and would much prefer to be trained by a good lawyer in a legal environment, and one can understand his frustration when the small firm he is due to join upon graduation, Brodnax and Speer, is due to merge with very the prestigious Tinley Britt, leaving him unemployed. Rudy immediately knows that by lapsing in his studies and being mediocre he has now been effectively left unemployed. One can suppose that Rudy was never overly worried about obtaining an honorary degree because while he no doubt envies the likes of Tinley Britt he feels no regret for not being one of them. That is until his future depends on that very fact.

The term 'rainmaker' is a legal case that brings in an enormous sum of money for the lawyer and the lawyer's client. John Grisham uses this term in *The Rainmaker* to mark the highest point in Rudy's previously troubled life. The word 'rainmaker' characterises the success of Rudy's turbulent ride through the legal profession. Throughout this time Rudy, grows as an individual. He adheres to his beliefs and morals, which relates to the statement that a lawyer must create his own legal style and persona in order to become successful. Since he lives by his beliefs, Rudy Baylor has strong personality traits that make him unique as a person and a lawyer. Rudy seemingly chooses the law as his profession because it seemingly promises a meaningful, exciting life, a life with glory, a life that will satisfy his needs for action and significance. Whether the rewards that he dreams of will be forthcoming is another matter. In all that is promised, law may promise more than it delivers, as Rudy will learn first hand.³⁷ Indeed, Rudy states that:

"All students enter law school with a certain amount of idealism and desire to serve the public, but after three years of brutal competition we care for nothing but the

³⁶ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.6.

³⁷ Professor James R. Elkins: *A Beginner's Guide to Legal Education*. College of Law, West Virginia University. p.5.

right job with the right firm where we can make partner in several years and earn big bucks."³⁸

However, Rudy's compassion towards his clients and people in general separates Rudy from the sharks in his profession, in particular his employer Bruiser Stone, and his partner, Deck Shifflet and his courtroom adversary, Leo F. Drummond.

In order to launch his already waning career, Rudy takes employment at a firm of ambulance chasing attorneys, headed by the shifty Bruiser Stone. Bruiser is a very unsavoury character who represents the criminal fraternity of Memphis. Unlike lawyers who represent known criminals because it is constitutional to have a fair trial, Bruiser enjoys the attention and perks that defending the dregs of society provides him. In fact he has become something of a minor celebrity in the legal profession. Unfortunately his illegal dealings with many of his clients result in him gaining the attention of the FBI who wiretap his office. In his first meeting with Bruiser, Rudy notices that he has a large aquarium filled with small sharks which Bruiser says it is his own private joke about the legal profession. Grisham no doubt uses this as a metaphor to the reader that Bruiser is the stereotype of the lawyer who is a "shark". Bruiser eventually goes on the run in order to escape the authorities leaving Rudy once again unemployed.

Rudy's business is initially sparse, until he meets his new partner. Deck Shifflet is an unlicensed, street-wise legal assistant attempting the bar for the sixth time. Deck Shifflet has almost no natural attributes going for him, neither intelligence nor appearance, but instead he makes it through life on the basis of guile, nerve, and a series of symbiotic relationships. He moves from Bruiser to Rudy with apparent ease. Deck steps in and demonstrates to the inexperienced Rudy how the legal profession really works. Deck reduces the Canons of Ethics to the big three: Fight for your client; do not steal; and try not to lie. Rudy tries to remind Deck, from his hours of probing ethical and moral dilemmas, that it is unethical to solicit cases from clients and that it is blatant ambulance chasing. Deck replies:

³⁸ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.4

“Right. But who cares? Better us than the next guy. I promise you that within the next twenty-four hours another lawyer will contact [Van Landel] and try to sign him up. It’s simply the way it’s done, Rudy. It’s competition, the marketplace. There are lots of lawyers out there.”³⁹

Deck studies the residence of St. Peter’s Hospital from the local cafeteria like a carnivore working out the most effective way to get his claws into his chosen prey. In reality, Deck has merely spotted an opportunity to attract new business and taken proactive action to gain from what he has seen. This is just pure opportunism. Deck would seem to argue that there is nothing wrong in that, for the injured person has the choice of whether or not to sue for his injuries, and furthermore, whether or not to use Deck’s services.

Leo F. Drummond is a legendary trial lawyer who knows all the tricks of the trade, and senior partner at Tinley Britt, the firm whose job it is to shatter Rudy’s dreams of glory in the courtroom. Rudy describes Tinley Britt as the largest, stuffiest, most prestigious and wealthy firm in Memphis. Due to its huge intake of Ivy Leaguers from the right fraternities and right families, it is derogatively referred to throughout the novel as Trent & Brent. Drummond represents the distinguished and elite of the legal profession, those who have risen the ladder and become more than the average lawyer.

Drummond is a sharp contrast to Deck in both appearance and in his application of the law. Whereas Deck’s seems to practice the unattractive ambulance chasing methods of law, Drummond uses the law and the procedures governing it to literally bury his opponent in motions and other paper work in order to frustrate them into losing the case. Furthermore, Drummond uses a lifetime of courtroom knowledge to try and defeat his young opponent. He presents himself as a kind, approachable gentleman that the jury can trust and side with, even though he is anything but.

Moreover, Harvard educated black lawyers are not too common in Memphis, but Drummond ensures that his firm, Trent & Brent, has one on their legal team. M.

³⁹ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.137

Alec Plunk Junior is present on Drummond's legal team in order to strike a bond with the black Judge Kipler. Half the jury is also black so it is safe to assume that Plunk will be used to develop some silent harmony and trust with several of its members.

Understandably, Rudy is caught between these two conflicting theories of the application of law. Drummond encompasses everything he once wanted to be; successful, wealthy, and respected as a litigator. Whereas Deck has shown him the true and dirty way that the law really works and how it can be used to defeat the likes of Drummond and his wealthy associates. However, Deck is quite open about the kind of "lawyer" he is and is unashamed of that. In contrast, Drummond hides behind the persona of the respectable lawyer even though his methods and morals are no better than Deck's.

Drummond welcomes the chance to squash Rudy, who in his opinion is not fit to share a courtroom with him. He openly objects to Rudy being present during a motion to dismiss the Black's case because he has yet to receive his license, and even withholds documents from him which are vital to the case. Grisham uses Drummond as the stereotypical lawyer with two faces. The first is that of the respected professional with a courteous smile; the other is the devious manipulator who will go outside the law to achieve the victory for his client and wealth for himself.

Drummond, with his limitless resources, "bugs" Rudy's phone and uses a team of investigators to seek out the ninety two members of the jury pool and explore their lives to the smallest detail. The end result will be a file on each of them and Drummond will select the ones most likely to side with him and his clients. An idea which is later followed up as the primary plot in Grisham's *The Runaway Jury*.⁴⁰ Rudy's model juror is young and black with at least a high school education. "*It's ancient wisdom that blacks make better plaintiff's jurors. They feel for the underdog and distrust white corporate America.*"⁴¹ Rudy knows all this

⁴⁰ John Grisham: *The Runaway Jury*. BCA Publishing (1996).

⁴¹ John Grisham: *The Rainmaker*. BCA Publishing (1995) p.325.

and decides he must beat Drummond at his own game. In order to win he must manipulate his opponent and the law. To do this Rudy fakes a phone call to one of the jury members in order to sway their opinion, knowing full well that the conversation will be overheard by Drummond. Drummond then confronts the jury member in court who physically attacks him over the incident. Rudy has beaten the great Drummond at his own game and brought to the court's attention Drummond's true character.

As the story progresses, Drummond seems to regret his treatment of our young hero, for he admires Rudy's passion for his client and indeed envies it. "*Do you remember when you sold out?*" Rudy asks a grim-faced Drummond who he describes as a well dressed, perfectly groomed and highly respected thug. It is at this point that it is certain that Rudy has decided what kind of a lawyer he wants to be. He has seen in Drummond the world of wealth that comes from the big firms, but equally he has seen the corruption that encompasses that wealth. Now Rudy is filled with idealism and a need to serve his clients and not himself. In fact, it is Deck's set of rules that helps Rudy overcome the superior assets and experience of Drummond.

Lawyers are not the only members of the legal profession that suffer Grisham's literary wrath. In *The Rainmaker*, Judge Hale schemes with Drummond to try and force Rudy to settle his lawsuit against Great Benefit. Through the close relationship formulated between Drummond and Hale, Grisham shows that there is a belief that the law profession is comprised of an elite circle of individuals who come from the best schools and have the best families. Fortunately for Rudy, Judge Hale dies and is replaced by the much more sympathetic Judge Kipler.⁴² Judge Kipler is quite obviously on the side of the "little-man" and he helps Rudy throughout the trial process, going so far as to help Rudy set up chairs before the deposition of Donny Ray.⁴³ Kipler is the exception which Grisham must use to enable the continuation of the plot, but it does not alter Grisham's analysis that those within the legal profession who

⁴² John Grisham: *The Rainmaker*. BCA Publishing (1995) p.195-97.

⁴³ John Grisham: *The Rainmaker*. BCA Publishing (1995) p. 232-34

wield power, or who work for those with power, will abuse that power at the expense of those that are powerless.⁴⁴

Whilst preparing the case and also waiting about in the local hospital, he meets and later falls in love with Kelly Riker, a battered wife whose husband's constant beatings has repeatedly put her in the same hospital that Deck and he previously solicited in. Kelly & Donny Ray act as Rudy's moral compass. They are the ones that remind Rudy of what it is he is fighting for. Donny Ray's deterioration keeps his focus on making Great Benefit pay for their actions, and not on the big prize money at the end of the trial. Kelly and her love make him hopeful of a future, a future with a man who does not abuse her and is an honourable man. For her sake he cannot become a Leo Drummond.

Before the trial commences, the Donny Ray Black dies of his leukaemia. The case continues to go before the court, and thanks to Rudy's single-minded determination, the jury find for him and his recently deceased client. In a late and startling twist, Great Benefit quickly declares itself bankrupt, thus allowing it to avoid paying the fifty million dollars in punitive damages and two hundred thousand dollars in actual damages that were awarded at the trial. Subsequently, there is no payout for the grieving parents and no fee for Rudy, who becomes totally disillusioned with the process of law and how it can be manipulated by big law firms and even bigger corporations. This leads to the finale of the story where he persuades Kelly to file for divorce and leave with him. This plan almost ends in disaster as Rudy kills Kelly's husband in self defence. Kelly takes the blame for the murder with Rudy promising to free her. The District Attorney sees it as a simple case of a battered wife finally defending herself and Kelly is set free. In true Hollywood style they drive off into the sunset together, with Rudy vowing to never again practice law. Once again, Rudy manages to manipulate the law to helping himself and his client so that they can both be happy, unlike Donny Ray and his family, who can not be given satisfaction no matter how much manipulation of the law Rudy could ever hope to achieve. Rudy is a flawed hero who commits many errors and has to confront

⁴⁴ John B. Owens: *Grisham's Legal Tales: A Moral Compass for the Young Lawyer*. UCLA Law Review Volume 48, Number 6 (2001).

many of his own demons. However, because of his zeal the audience responds to him in a positive manner.

Arguably, the novel tries to express the power of love: both Rudy's love for Kelly, and Dot and Buddy's love for their son Donny Ray. One can wonder whether running away from the law is truly an acceptable ending to this tale but it can be argued that Rudy finally has his priorities straight. He is in love and contributing to society as a teacher. Continuing to practice the law prevents him from doing this. While Dot and Buddy's love for their son gives them the strength to fight against big business and demand justice from a less than perfect system.

Pringle believes that *The Rainmaker* is Grisham's most unusual novel to date. In its comparatively thorough development of character and its first-person narration, *The Rainmaker* is unlike Grisham's other works which often depend on cliff-hanger action. Rudy, as the protagonist is a likeable young man about whom readers learn a considerable amount because he tells his own story.⁴⁵ Action and suspense are less important than the gradual unfolding of Rudy's character. The reader does not become entangled with whether or not Rudy will survive his case against Great Benefit such as in *The Pelican Brief*.⁴⁶ Neither do readers have to agonize about whether the jury will return a verdict in favour of Rudy's client. Rudy himself acknowledges that he was given everything he needed: the facts, the lucky breaks, a good judge and an evil but wealthy defendant.⁴⁷ The only physical danger Rudy encounters is the fight at the very end of the novel, which has nothing to do with the primary plot. Unlike his earlier novels, *The Rainmaker* is a great example of courtroom drama. Grisham creates the suspense in this novel by focusing on the Black's legal problem and his preparations and litigation of the case.

⁴⁵ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 101.

⁴⁶ John Grisham: *The Pelican Brief*. BCA Publishing (1992).

⁴⁷ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 105.

The Rainmaker is both idealistic and cynical, as Rudy personifies the public's frustration with government, big business and the legal system. By taking on the case for Donny Ray, Rudy himself becomes aware of the corruption of the system and feels betrayed by it. Abrahams writes that the working class characters (Rudy and the Blacks) "live on the economic margins and don't expect to ever do better. Others are [themselves] cynical manipulators of the system – guys in suits who know how to bend the rules and take somebody's last dime. The institutions are corrupt, incompetent or broke".⁴⁸

⁴⁸ Garry Abrahams: *There's Outlaws, and Then There's Bad Guys*. Los Angeles Times. 14 May 1995.

4

The King of Torts

There are two distinct stereotypes of the lawyer that are seemingly present in all of western society. The first stereotype is that of the lawyer who is a greedy bloodsucking beast with higher intelligence. Usually he is seen to be wearing a sharp suit and they work late into the night with a multitude of assistants and resources. The late hours and lack of passion and interests in other areas comes easy to this lawyer because they are driven to win and increase their own personal wealth. The second stereotype is of the lawyer who works with ordinary people all day but lacks respect for most of them. They cannot afford a sharp suit because the money in public defence is not as good, and their interests often lie anywhere but in defending their clients. This lawyer appears throughout popular culture as well as western society. One can often spot them behind their current stack of case-files struggling to remember the names of any of their clients let alone when they will be in court.⁴⁹ Both of these stereotypes appear in the same lawyer in John Grisham's novel *The King of Torts*.

The office of the Public Defender is not known as a training ground for bright young litigators. Clay Carter has been there too long, and, like most of his colleagues, dreams of a better job in a real firm. When he reluctantly takes on the case of a young man charged with a random street killing, he assumes it is just another of the many senseless murders that hit Washington D.C. every week. However, as he digs into the background of his client, Clay stumbles upon a conspiracy too horrible to believe. He suddenly finds himself in the middle of a complex case against one of the largest pharmaceutical companies in the world. Clay imagines the kind of enormous settlement that would totally change his life – that would make him, almost overnight, the legal profession's newest king of torts.⁵⁰

⁴⁹ Araby Carlier: "You Do Not Betray Them". Lives We Might Live.

www.liveswemightlive.blogspot.com

⁵⁰ John Grisham: *The King of Torts*. Century Publishing (2003) (Book Jacket).

While Carter is the main protagonist, the focus of *The King of Torts* is on the attorneys who engage in mass tort litigation. They are far more interested in fancy private jets, beautiful women, vintage wine and high-class living than in securing justice for their clients. John Grisham does not seem to find such characters to be an asset to the legal profession. Many of Grisham's novels follow a similar formula where early in the novel an insignificant crime of violence introduces us to the main protagonist, in this case Clay Carter. From then on he goes through several testing times on his search for justice, but in the novel, Carter does not seek justice in the traditional sense. Shortly after his appointment to represent Tequila Watson, a career drug offender charged with a murder he is approached by a certain Max Pace. Pace offers the young lawyer the opportunity to initiate litigation against a drug manufacturer who has negligently produced a product that causes people to act out violently. It was this drug that caused Watson to kill. Carter's concerns are quickly forgotten with the promise that millions of dollars in legal fees that will soon be deposited in the accounts of a new law firm under Carter's control.

Pace is a sort of devil figure tempting Carter with riches beyond his wildest dreams. Pace himself is an ex-mass tort litigator who is now used by corporations as a "problem solver". He leaks information to litigators about competitors in order to boost the revenue and diminish the competition for his employers. Pace is a similar character to Leo Drummond. His loyalty and morality is open to the highest bidder as he often works against previous employers regardless of the ethical or moral issues involved. Pace is used as a metaphor for the countless lawyers who in Grisham's opinion follow the road to riches over the needs of their clients. One must wonder about his relationship with Carter for he appears as the wiser father figure who gives him advice on the cases to pursue and the running of the firm, yet all along he must see that Carter is set for disaster. Pace never warns Carter of his vulnerability because he is just a tool for him to use to complete his assignment. With Pace, Grisham once again shows that money and power is the ultimate motivator in the legal profession and that its corrupting force destroys.

In only a few short months, Carter becomes the beneficiary of nearly \$100 million in fees. Grisham adds irony to this fact when one considers that never during the course of his spectacular achievement does Carter even enter a courtroom. In fact, his only visit to a courtroom during the course of this novel occurs when Carter witnesses one of his fellow attorneys attempt to win a case that will ultimately produce millions of dollars in fees for Carter and his firm. For that is how the world of mass tort litigation works. Everyone watches what everyone else is doing so that within a few hours of a decision being made on the other side of the country, another lawyer can file the same suit with a different group of people on the opposite side of the country.

In his dramatic rise, Carter becomes a member of a rather exclusive club of trial attorneys who engage in mass tort litigation. In these types of cases, thousands of injured parties are grouped together to bring their claims to court. The main beneficiaries of mass tort litigation are the lawyers who command huge legal fees from settlements in thousands of cases with the added benefit of not working on a case by case basis. While at this exclusive club, Carter meets with Patton French, the most successful and ruthless of all mass tort lawyers in the country. French is a loathsome individual and it is some wonder that Carter then starts to take advice from him.

French's advice on advertising for litigation: "*Hit 'em fast late at night, early in the morning. A quick message to scare them, then a phone number where they can get help. I've done it a thousand times.*"⁵¹ French goes on to give Carter advice on owning private jets: "*Start off with a little Lear. You can buy them all day long for a couple of million. You need two pilots, seventy-five grand each. It's just part of the overhead. Gotta have it. You'll see.*"⁵²

French is perhaps the worst of all of Grisham's fictional lawyers. Unlike Drummond, French does not hide what he is. He blatantly solicits on television and lives an extravagant lifestyle at the expense of the law that he was supposed to serve; he is similar to Deck Shiflett, except with the added bonus of being

⁵¹ John Grisham: *The King of Torts*. Century Publishing (2003) p.160.

⁵² John Grisham: *The King of Torts*. Century Publishing (2003) p.164.

“successful”. While it can be argued that French’s millions are made from the corporations who deserve to pay for their wrongdoings, it is French’s clients that should receive the rewards from a successful claim. Grisham takes the negative stereotype of the tort lawyer and takes it to the extreme.

Thanks to French’s advice Carter purchases a Porsche, a yacht, an enormous Georgetown townhouse, a paradise island retreat and an attractive woman to replace the one who left him before his new found wealth. Carter squanders millions on his new lifestyle, his new law firm, and advertising for his new product liability case. It is unfortunate that he does not spend a much time on his clients or thinking about the ethicality of his actions. Before long disgruntled clients and the FBI are after him for insider trading. Carter’s once prosperous future looks very bleak.

The reader can see from early on that Carter's greed will lead to disaster, but that knowledge doesn't detract from the novel's pleasure. The real test in assessing this novel lies in whether you can identify with Carter or not. It is obvious he is heading for disaster but do you care? Grisham does his best to allow the reader to identify with Carter by once again using the first person narration that he had previously used in *The Rainmaker* and *The Street Lawyer*. By seeing events through the eyes of the protagonist, Grisham allows the reader to understand how quickly one can become overwhelmed and enveloped by the trappings of fame and wealth. The reader is allowed first hand access to Carter’s many weaknesses even as Tequila Watson, the person who Carter should ironically thank for his enormous wealth remains in prison, abandoned by Carter to a system that has no idea of the truth surrounding the events. The only one that can help him is Carter, who has completely forgotten about his very existence.

The reappearance of Carter’s old love is the catalyst that begins to redeem his life. Carter, like Rudy eventually puts his life into perspective as he realises that the girl of his dreams did not really want him to be the person he has become. Her love for him (and a particularly brutal beating at the hands of some thugs) purifies him and he realises the damage he has done, not just to himself but to his clients.

Like *The Rainmaker*, *The King of Torts* strikes a chord with the American readers. In his earlier work Grisham criticises the insurance industry, while here he attacks the sister industry of pharmaceuticals. Grisham reinforces the negative stereotype of big business. Grisham purposefully does not provide any “public” face to the corporations that are harassed by Carter and the other mass tort litigators. This adds to the public’s belief that the big pharmaceutical companies are faceless and evil corporations who are just out to extort the public by playing on their fear of mortality in order to buy the corporations’ products.

While it is true that Grisham reserves much of his literary wrath for mass tort litigators, pharmaceutical companies are used to show the greater evil. Carter and French would argue that the pharmaceutical companies are the evil doers in this novel, as they produce effective drugs which are then marked up to extortionate prices, which many cannot afford, and those that can are afflicted with harmful side effects. According to our two “heroes” they can probably afford to lose a few million here and there to reimburse those they have hurt. This is of course a flawed argument as the only people that gain are the lawyers. It is of little wonder that Grisham supplies the ending to the novel that he has; where neither the pharmaceutical companies nor the lawyers win.

In conclusion, one can see that in *The King of Torts* Grisham portrays tort lawyers as vultures interested only in amassing personal fortunes as they drive corporations into bankruptcy, not their clients who receive very little in comparison to their high flying attorneys. The very pace of the novel illustrates how quickly one can be overwhelmed by greed. Equally, it shows how quickly financial hardship can effect even those that appear perfectly solvent. Grisham demonstrates the value of love and friendship as those closest to Carter stand by him even while in public and financial ruin. *The King of Torts* is a morality tale that strikes at the heart of the American public in particular; reinforcing two negative stereotypes but it concludes with an equitable ending: everyone getting their just deserts. Grisham seems to reiterate that money and fame really do not buy happiness.

5

The Street Lawyer

John Grisham's ninth novel, *The Street Lawyer*, returns to his standard method of creating suspense for the reader. It involves an initial terrifying act that sets events in motion. Furthermore, it follows the basic formula of his other bestsellers, taking a jaded lawyer disillusioned with the American system of justice and, through a series of dire and not always believable events, leading him back to his original idealism through the true promise of those same institutions.

Michael Brock was in a hurry indeed. He was scrambling up the ladder at Drake & Sweeney, a giant D.C. firm with 800 lawyers. The money was good and getting better, the partnership was three years away. He was a rising star, with no time to waste, no time to stop, and no time to stop and toss a few coins into the cups of the homeless, no time to walk round them on the sidewalk. No time for a conscience. That was until a violent encounter with a homeless man stopped him cold. Michael survived, his assailant did not. Who was this homeless man? Michael soon learns that he was a mentally ill veteran who had been in and out of shelters for twenty years. Digging deeper he uncovers a dirty little secret involving his employers, Drake & Sweeney. The fast track derailed, the ladder to the top collapsed. Michael bolts from the firm, taking a top secret document with him. He now finds himself on the streets, a poverty lawyer, and an advocate for the homeless, and a thief.⁵³

Grisham keeps up the suspense in the novel by using the constant threat of the imprisonment to Brock in order carry the reader along with the plot. Like *The Rainmaker*, *The Street Lawyer* departs from an omniscient perspective (that of a storyteller who knows everyone's thoughts) and uses instead a first person point of view.⁵⁴ In this case Brock presents all the events throughout the novel. In this

⁵³ John Grisham: *The Street Lawyer*. Century Publishing (1998) (Book Jacket)

⁵⁴ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 104.

first person point of view the story is seen only through the eyes of the narrator and not through any other character. This changed perspective enables Grisham to create a more fully developed picture of Brock, just as he has done with Rudy and Carter. The advantage to this is that the reader gets to know the protagonist thoroughly and may bond with his ideals and actions. This is unlike Mitch in *The Firm*.

The most common tale we hear of lawyers today is one of fast-rising, high-billing, no-feeling type of lawyers. Most people overlook the lawyers that do pro-bono work. Similar to our previous protagonist Clay Carter, Michael Brock has the world at his feet, although it should be noted that he did not get there through unconscionable dealings like Carter. At the outset of this novel, Brock reinforces the negative stereotype of the highflying lawyer who judges his success by the wealth that he accumulates. Brock begins the book as a practicing anti-trust lawyer, on the fast track to partnership and a million-dollar annual salary in the nation's fifth-largest law firm. Unfortunately Brock has three immediate problems: 1) while he is committed to his job he does not enjoy it; 2) his marriage has suffered due to his conviction to rise rapidly to the top of the firm; and 3) he is at present being held hostage with eight other lawyers in his office by a homeless person who goes by the name of DeVon Hardy.

The convergence of these three problems results in what can only be described as an epiphany for Brock. He decides to ascertain the reasoning that drove DeVon Hardy on his desperate task, and finds that his own law firm had illegally evicted DeVon and sixteen other people from a run-down warehouse in the middle of the winter. The eviction was illegal because they were actually paying rent and were not squatting as was suggested. More harrowing for the lawyer was when he discovers that some of the evictees consequently died on the streets due to a lack of shelter during the harsh winter. His personal struggle with guilt leads him onto the streets to become a campaigner for the homeless citizens of Washington D.C. and to eventually take on his former firm in the courtroom.

Of course, having specialised in anti-trust law, he has no expertise in being a street lawyer. To help him along his new path the reader is introduced to Mordecai Green, a heavy, loud, six-foot five-inch black, street lawyer who is the director of the 14th Street Legal Clinic and the complete opposite of the uniformed greyness of the stereotypical corporate lawyer. Mordecai sees some trace of morality in Brock that the years at Drake & Sweeney had not completely extinguished. He becomes Brock's mentor and partner as they take on the arrogance and indifference of the power class by suing his former firm and the owners of the warehouse for the unlawful deaths of a mother and her children. Mordecai is a tough uncompromising litigator who has seen the law commit terrible miscarriages of justice against those who cannot truly defend themselves. Even so, Mordecai continues his own private crusade against the establishment and he sees the information brought to him by Brock as a spring board to do it. He wants to progress the cause of the homeless, to make them the primary focus for those in power, to make their plight history or to at least make their life a little easier day by day. Mordecai says to Brock that street law is all about giving dignity back to those who have none. In the novel Mordecai represents both the people he defends as well as the lawyers that often escape mention in popular culture. The novel is a quiet tribute for the lawyers like Mordecai who work everyday in the trenches of legal practice.

Jerry Palmer believes that the hero of the legal thriller resembles a "*medieval knight in shining armour, minus chastity, plus technology*".⁵⁵ In both medieval romance and modern legal thrillers, the protagonist acts out of morality and love, not in the pursuit of a reward. In medieval times, even a heavenly reward was considered an improper ambition to aspire to, although heroes/protagonists might properly hope to feel fulfilment for having achieved a good deed.⁵⁶ Palmer states that the heroes of medieval literature often fought against class

⁵⁵ Jerry Palmer: "*The Thriller*". *Whodunit? A Guide to Crime, Suspense and Spy Fiction*, ed. H.R.F. Keating. New York: Van Nostrand Reinhold, 1982. – *Thrillers: Genesis and Structure of a Popular Genre*. New York: St. Martin's Press, 1979. p. 115.

⁵⁶ Mary Beth Pringle: *John Grisham: A Critical Companion*. *Critical Companion to Popular Contemporary Writers*. Greenwood Press (1997). p. 11.

oppression “and the forces of an unjust social order”⁵⁷, whereas in the modern thriller class differences are less often the issue. Grisham’s portrayal of Brock and Mordecai is that of medieval heroes acting out of morality and love without thinking of the rewards that may come from victory.

In contrast to our two heroic lawyers fighting for justice on the streets of D.C. we have the ‘meanest and most effective litigator’⁵⁸ at Drake & Sweeney, going by the name of Rafter. Brock tells us that Drake & Sweeney lawyers are used to extravagant lifestyles and Rafter is no exception. He, like the others, always flies first-class as they feel they deserve it. They stay in four-star hotels, eat in glamorous restaurants, but draw the line at limousines, which are deemed to be too extravagant. All travel expenses are billed to the clients, and since the clients were getting the best legal talent in the world, they should not complain about the perks.⁵⁹

When Drake & Sweeney realise there is a missing file containing classified information, Brock is wanted on the criminal charge of Grand Larceny. Brock and Mordecai file a suit against Drake & Sweeney as representatives of the evictees. The partners of Drake & Sweeney, knowing that they are indeed liable for the wrongful death of the evictees, meet with Mordecai to settle the case without a jury. Rafter is typical of *big-firm thoroughness*⁶⁰ compiling reports for litigation to either extort or save astronomical sums of money for his clients, it just so happens that in this case, his client is also his employer. Rafter offers Mordecai and Brock \$770,000 for the wrongful deaths of the evictees but in return they want a two-year suspension of Brock for stealing the confidential file. Even under immense pressure, Rafter believes that his Ivy League education and polished mahogany and marble office makes him a tougher and more effective litigator than Mordecai. It is at this point we see how wrong he is as Mordecai forces an offer of \$5 million and a one-year suspension for Brock by making clear the facts of the case:

⁵⁷ Jerry Palmer: “The Thriller”. *Whodunit? A Guide to Crime, Suspense and Spy Fiction*, ed. H.R.F. Keating. New York: Van Nostrand Reinhold, 1982. – *Thrillers: Genesis and Structure of a Popular Genre*. New York: St. Martin’s Press, 1979. p. 122.

⁵⁸ John Grisham: *The Street Lawyer*. Century Publishing (1998) p.17.

⁵⁹ John Grisham: *The Street Lawyer*. Century Publishing (1998) p.254.

⁶⁰ John Grisham: *The Street Lawyer*. Century Publishing (1998) p.314.

*"You got a wealthy lawyer from a wealthy firm deliberately allowing a wrongful eviction to occur, and as a result my clients got tossed into the streets where they died trying to stay warm. Frankly gentleman, it's a beautiful punitive damages case, especially here in the District."*⁶¹

Mordecai makes it clear that the District means only one thing: a working class black jury. In this scenario Mordecai is assured a courtroom victory as that jury will know of the difficulties of the poor and the harshness of winter and the selfishness of the wealthy. Like Rudy in *The Rainmaker*, Mordecai knows that a black jury would guarantee a successful claim in court, and the lawyers of Drake and Sweeney know this too. If Drake & Sweeney agree to all of Mordecai's demands there would be no need for a public hearing, but if they disagree, Mordecai would bring the case before a jury in which both he and Drake & Sweeney know he would win, thus causing great embarrassment to the firm. Here Mordecai uses similar manipulation to that shown by Drummond in *The Rainmaker* as he deliberately plays on the composition of a possible jury to force the outcome that he expects for his client. Although any other similarities are non-existent. Grisham shows that Mordecai is that rare breed of lawyer who battles against society and the law to the avenge the wrongs done to the underdog, which is in stark contrast to Drummond and Rafter who defend the interests of the corporations that would otherwise exploit the individual.

Since the street lawyer is up against such dominant forces and with the odds stacked against him, it is acceptable for the street lawyer to bend or break the established ethical rules of law when necessary. Often this involves lying, stealing, breaching client confidences, and other immoral acts of which no bar association would approve but ultimately it leads to the right moral result. The reader, while knowing that what Brock has done is professionally and ethically wrong, thoroughly applaud him for his actions as they bring about what is just and equitable.

Focusing exclusively upon the depiction and conduct of the lawyer-protagonist in the motion picture, *Body Heat*, Professor Burkoff argues that the stereotypes

⁶¹ John Grisham: *The Street Lawyer*. Century Publishing (1998) p.315.

of lawyers in all forms of popular culture tend, unsurprisingly, to be unattractive, centring upon the idea that all lawyers are far more self-obsessed than caring or selfless. Contrasting popular culture's perception of lawyers with the rather more heroic imagery with which we choose to portray ourselves, Professor Burkoff stipulates a simple formula for improvement of the legal profession's public appearance. It involves practicing the law the very way we say we practice law: ethically and professionally.⁶² Professor Burkoff argues that it is not popular culture enforcing a stereotype on the law profession, but on the contrary, it is the legal profession persistently reinforcing that stereotype which is then transferred into popular culture.

⁶² Professor John M. Burkoff (Professor of Law, University of Pittsburgh): *If God wanted lawyers to fly, she would have given them wings: Life, Lust & Legal Ethics in Body Heat*. Oklahoma City University Law Review Volume 22, Number 1 (1997)

6

Conclusion

The success behind the Grisham novels has come from the author's ability to focus the suspense and drama around the character, rather than the cases and the characters involved in it. When one looks back at previous novels and television shows about the law, the authors tended to focus on the cases rather on the drama surrounding the events that took place. This allows Grisham to add drama and suspense to help support the plot. If Grisham decided only to write about the technical aspects of law surrounding a case, then his following of viewers would probably be much smaller than it is today. Although there is no doubt that *The Rainmaker*, a primarily courtroom based novel, sold 2.8 million copies, a record number for a first printing of a work of fiction, maybe the exception to this conclusion.⁶³

Pringle states that popular culture is not subtle in its communication of ideas.⁶⁴ Grisham's novels highlight Pringle and Gillers' view that, "*while art dwells in ambiguity, popular culture thrives on extremes: good and evil, hero and villain, zealot and soothsayer.*"⁶⁵ While Grisham's novels may be seen as extreme and unlikely, they are enjoyable as they show so show the lawyer as one who will fight against injustice and twist the law for the benefit of the unfortunate, regardless of the consequences. In effect this gives the reader the hope that the legal system and those that make a living out of it may change for the better.

Comparisons can be made between Grisham's legal thrillers and "cowboy fiction". Rudy, Brock and Mordecai represent the lone riders who arrive in the "mean streets" to right the wrongs done to society by its outlaws, and as a vigilante figure they must occasionally circumvent the law to arrive at the most equitable conclusion. In the cowboy tradition, Grisham's protagonists are loners struggling to make it through a world full of laws but with little order.

⁶³ Furthermore, *The Rainmaker* was sold to Hollywood for \$8 million.

⁶⁴ Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997). p. 23.

⁶⁵ Stephen Gillers: *Grishams Law*. Nation 18 April 1994.

Drummond, Carter, French and Rafter represent the “hired guns” of the legal profession. Those individuals that are bought by the highest bidder to solve a problem, regardless of the moral implications their actions bring.

Grisham’s novels seem to mirror popular beliefs among the legal profession. An article by Wilkinson focuses on analysis of the interviews of those lawyers who identified themselves as concerned with issues involving their roles as lawyers. The analysis charts the lawyers' own personal account of situations that have placed them into the “hired gun” and “vigilante/counsellor” models of the lawyer taken from popular literature. Wilkinson found that although all the lawyers concerned with their roles began in a mentoring mode, most lawyers eventually relinquished their decision-making to their clients; in essence they relinquished their own moral beliefs as the “hired guns” do in Grisham’s novels. Moreover she expresses that this transition for the lawyers in question, like with Grisham’s fictional characters, was laden with challenges for them. Her findings showed that only a minority, despite the dictates of their code of ethics, withdrew from cases or even, exceptionally, substituted their own decision-making for that of their clients. Wilkinson’s article links the mentoring model to the care perspective in the literature of moral development and the hired gun model to the rights perspective.⁶⁶

John Grisham’s novels suggest that becoming a lawyer is not a straight, well-lighted, pathway to success. To become a lawyer is a maddening, uncertain journey that presents many complications and dangers to ones own morals and professional ethics. The journey is inundated by incivility among fellow travellers on the road to legal success, coupled with contempt from members of the public who have been wounded by the law. It often appears that the protagonists in these legal thrillers try to sprint through the journey in order to rush their entry into the big firm fold, against their own common-sense.

⁶⁶ Margaret Ann Wilkinson: *Testing Theory and Debunking Stereotypes: Lawyers' Views on the Practice of Law*. University of Western Ontario - Faculty of Law. Canadian Journal of Law and Jurisprudence, Vol. 18, No. 1, January 2005. p. 165-201.

Though one can argue that Grisham reinforces the negative stereotypes of lawyers, his thrillers have resulted in some positive events. The Texas Court of Appeals recently reduced a lawyer's fee award after actually quoting a paragraph from Grisham's *The Rainmaker* about the art of over-billing ones clients.⁶⁷ Indeed, several courts, including the California Supreme Court, have cited *The Rainmaker* when discussing the objectionable reimbursement policies of certain insurance companies, as was the case in the novel.⁶⁸ If lawyers and judges are quoting Grisham in court, then it is safe to assume that the public, including young lawyers, must surely take away something about morals and practicing law from Grisham's novels.

The way Grisham's novels depict lawyers and members of the legal profession echo powerfully with the general public, including young lawyers and academics alike. Owens⁶⁹ believes that Grisham does for young lawyers much the same way that fairy tales teach young children lessons, even though the children know that a tortoise did not really race a hare. Grisham's novels convey powerful messages to young lawyers about our legal system and those who operate in it and hopefully provide them with enough of a legal compass not to become a negative stereotype.

In 1989, Lawrence Friedman published an article entitled *Law, Lawyers and Popular Culture*.⁷⁰ Friedman explains how scholars understand that popular culture represents the law; they will go as far to say that popular culture influences law. Friedman explained that legal culture intersects with general social norms in two ways. The first way is that legal culture transforms popular culture into "legal dress and shape."⁷¹ The second is that legal culture allows popular culture to

⁶⁷ *Herring v. Bocquet*, 933 S.W.2d 611, 614 (Tex. Ct. App. 1996).

⁶⁸ *Vacanti v. State Comp. Ins. Fund*, 14 P.3d 234, 241-42 (Cal. 2001); see also *Vining v. Enter. Fin. Group, Inc.*, 148 F.3d 1206, 1212 n.4 (10th Cir. 1998).

⁶⁹ John B. Owens: *Grisham's Legal Tales: A Moral Compass for the Young Lawyer*. UCLA Law Review Volume 48, Number 6 (2001).

⁷⁰ Lawrence M. Friedman: *Law, Lawyers, and Popular Culture*, 98 Yale Law Review (1989).

⁷¹ Lawrence M. Friedman: *Law, Lawyers, and Popular Culture*, 98 Yale Law Review (1989) p. 1579.

mirror it; legal culture and popular legal culture get linked when they translate, transmit, and explain each other's content⁷²

Legal thrillers reflect the public's opinion that most lawyers should be looked at in a strongly negative manner. There are many plausible reasons why the public dislikes the legal profession, but it's just possible that legal thrillers; like Grisham's reinforced and deepen those feelings. For these reasons, we should pay attention to and care about the way lawyers are shown within all areas of popular culture.

Besides its function in both following and perhaps leading the public's opinion about the legal profession and its lawyers, legal thrillers are important to lawyers for a further reason: it teaches the profession as well as the public. Grisham's protagonists present his readers with a group of lawyers who are decent people and honest, competent professionals. They may even be categorised as heroes. Rudy, Brock and Mordecai serve as wonderful role models for everyone in the profession from law students to veterans of the legal profession. Grisham portrays lawyers in the negative light in order to teach lawyers and law students that uncivil and unethical behaviour is only rewarded by the re-enforcement of negative stereotypes.⁷³

While there is little one can do to alter the way lawyers are portrayed in the legal thriller, one can make use of it to better understand the fundamental problems besetting the legal profession. Do lawyers revert to ambulance chasing tactics? Do lawyers work too many hours, and subsequently wreck their personal relationships? Are many of them deeply dissatisfied with their choice in career? Is there a difference between the big firm/small firm mentalities? Are all lawyers embedded with the idea to win at all costs?

I would argue that one should applaud Grisham's works for they bring to the public's attention both the areas of the legal profession which should and should

⁷² Lawrence M. Friedman: *Law, Lawyers, and Popular Culture*, 98 Yale Law Review (1989) p. 1579.

⁷³ Michael Asimow. *Bad Lawyers in the Movies*. Nova Law Review Volume 24, Number 2 (Winter 2000) p. 583.

not be encouraged. His works, although fictional, have had an impact in the real world. They give members of the legal profession a guideline on how to be moral and ethical in pursuit of justice for one's client. Consciously reinforcing the negative stereotypes of the legal profession has its advantages. By using his literature to "*get back at*" the members of his profession Grisham can attempt to right the wrongs he has seen while working as a lawyer. One can only hope that he continues to write such works to question and challenge the profession and the establishment into making changes concerning the application of the law.

Bibliography

- John Grisham: *The Rainmaker*. BCA Publishing (1995)
- John Grisham: *The King of Torts*. Century Publishing (2003)
- John Grisham: *The Street Lawyer*. Century Publishing (1998)
- John Grisham: *The Firm*. BCA Publishing (1991).
- John Grisham: *The Runaway Jury*. BCA Publishing (1996).
- John Grisham: *The Pelican Brief*. BCA Publishing (1992).
- Melville Davisson Post: *The Corpus Delicti*. (1896).
- Earle Stanley Gardner: *The Case of the Howling Dog*. Ballantine Books (1987).
- Walter Van Tilburg Clark: *The Ox-bow Incident*. Random House USA Inc. (2004).
- Cornell Woolrich: *Three Kills for One*.
- Professor James R. Elkins: *A Beginner's Guide to Legal Education*. College of Law, West Virginia University.
- Professor John M. Burkoff (Professor of Law, University of Pittsburgh): *If God wanted lawyers to fly, she would have given them wings: Life, Lust & Legal Ethics in Body Heat*. Oklahoma City University Law Review Volume 22, Number 1 (1997).
- John B. Owens: *Grisham's Legal Tales: A Moral Compass for the Young Lawyer*. UCLA Law Review Volume 48, Number 6 (2001).
- Araby Carlier: *"You Do Not Betray Them"*. Lives We Might Live.
- Mary Beth Pringle: *John Grisham: A Critical Companion*. Critical Companion to Popular Contemporary Writers. Greenwood Press (1997).
- Jonathan Freedland: *"The Law Word"*. Guardian 30 May 1994: 2:2-3.
- Francis M. Nevins: St. Louis University's School of Law Seminar on Popular Fiction and Film. *Murder Is Academic: The Teachings and Criticisms of Crime Fiction on Campus*. Vol. 3 (November 1995).
- Verlyn Klinkenberg: *Law's Labour's Lost: The Lawyer as Hero and Anti-Hero*. New Republic. 14 March 1994.

- Garry Abrahams: *There's Outlaws, and Then There's Bad Guys*. Los Angeles Times. 14 May 1995.
- Joanne Kaufman: *Legions of Lawyers Turned Novelists*. Wall Street Journal. 1 August 1991.
- Jerry Palmer: *"The Thriller". Whodunit? A Guide to Crime, Suspense and Spy Fiction*, ed. H.R.F. Keating. New York: Van Nostrand Reinhold, 1982. – *Thrillers: Genesis and Structure of a Popular Genre*. New York: St. Martin's Press, 1979.
- Stephen Gillers: *Grishams Law*. Nation 18 April 1994.
- Margaret Ann Wilkinson: *Testing Theory and Debunking Stereotypes: Lawyers' Views on the Practice of Law*. University of Western Ontario - Faculty of Law. Canadian Journal of Law and Jurisprudence, Vol. 18, No. 1, January 2005. p. 165-201.
- Michael Asimow. *Bad Lawyers in the Movies*. Nova Law Review Volume 24, Number 2 (Winter 2000).
- Lawrence M. Friedman: *Law, Lawyers, and Popular Culture*, 98 Yale Law Review (1989).
- *Author Likes Film Version of Best-Sellor*. Houston Chronicle 30 June 1993.
- Ed Will: *Best Sellor No Threat to Anonymity*. Denver Post 2 April 1992.
- Daniel Franklin: *The Client' Breeds Anarchy*. Atlanta Constitution 4 August 1994.

Case List

- *Herring v. Bocquet*, 933 S.W.2d 611, 614 (Tex. Ct. App. 1996).
- *Vacanti v. State Comp. Ins. Fund*, 14 P.3d 234, 241-42 (Cal. 2001)
- *Vining v. Enter. Fin. Group, Inc.*, 148 F.3d 1206, 1212 n.4 (10th Cir. 1998).