

LEGAL MALPRACTICE REFLECTED IN JOHN GRISHAM'S *THE LITIGATORS* NOVEL (2011): A SOCIOLOGICAL PERSPECTIVE

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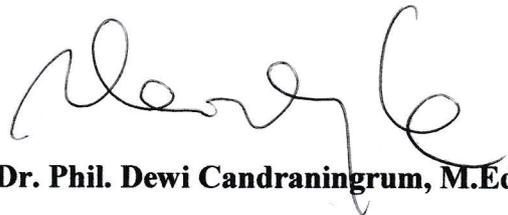
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ABSTRACT

The major problem of the study is how legal malpractice is reflected in John Grisham's *The Litigators* novel (2011). The objective of this study is to identify the characteristics, causes, and effects of legal malpractice in John Grisham's *The Litigators* novel (2011). The qualitative research is carried out by making use of the descriptive method. The writer analyzes the data by using legal malpractice and sociological perspective. Based on the result of the data analysis, the writer finds the characteristics, causes, and effects of legal malpractice that were done by the lawyers. There are eight characteristics of legal malpractice. Those are breaking the law, telling lies, selfishness, abusing, deceitfulness, faking, bribery, and harming others. It is caused by miscommunication, ineffective time management, inadequate discovery, limited knowledge of law, and conflict of interest. The effects of legal malpractice include loss of respect, discharged, and punishment.

Keywords: Legal Malpractice, *The Litigators* Novel, Sociological Perspective

A. Introduction

The Litigators novel was 25th fiction novel written by John Grisham and published on October 25th, 2011. There was one researcher interested to study *The Litigators* novel. The study was conducted by Harris (2012). His research focuses on the major characters. However, legal malpractice is a familiar issue to study. There were six researchers interested to study about legal malpractice. The data obtained from the field of law, such as in the litigation case (Johnson, 2011; Jerningan, 2012; and O'Donnell and Robert, 1999), in the privacy case (Keyes, 2010), in the criminal justice (Bowman, 2008), and in the Tennessee Supreme Court case (Hoffert, 2008).

In this study, the writer uses novel as data, legal malpractice as issue, and sociological as perspective. The writer believes if novel is the soft evidence of reality. Therefore, the writer deduced that investigating legal malpractice in John Grisham's *The Litigators* novel (2011) using a sociological perspective would be a new study on this field to synchronize the content of the novel with the real live.

The correlation between the novel and the real situation in American society can be revealed by analyzing both aspects through the sociological perspective of literature. Sociology is considered as a scientific and objective study about people in society, it also studies about some social institutions and social processes happened. Literature and sociology are complementing each other in our understanding in society (Swingewood and Laurenson, 1972: 11-13; Burns and Burns, 1973: 9). Wellek and Warren (1956: 95) add that literature is an expression of society. Zerrafa (in Burns and Burns, 1973: 39) mentions that literary work especially novel is not only focuses with the art but also focuses with the nature of our situation in history and the direction in which of our situation is to move.

Schneeman (2000: 14) defines that legal malpractice is an attorney's failure to serve his clients because he violates professional standard of care. The effects of legal malpractice are loss of respect, discharged, and punishment (Schneeman, 2000: 15-16). There are eight characteristics of legal malpractice.

They are breaking the law, telling lies, selfishness, abusing, deceitfulness, faking, bribery, and harming others. According to Pinnington (2008: 17-20), the causes of legal malpractice consist of miscommunication, ineffective time management, inadequate discovery, limited knowledge of law, and conflict of interest.

Based on the explanation above, the writer would like to analyze the characteristics, causes, and effects of legal malpractice as shown in John Grisham's *The Litigators* novel (2011) based on sociological perspective.

B. Research Method

This writer uses descriptive qualitative research to analyze *The Litigators* novel and other related data sources to support the subject matter. Creswell (2013: 44) explains that descriptive qualitative research is a kind of qualitative research in which the researcher describes the present status of people, attitude, and progress. In this study, the writer will focus on analyzing the characteristics, causes and effects of legal malpractice were done by the lawyers.

The material subject of the study is *The Litigators* novel written by John Grisham and published on October 25th, 2011 and the formal subject of the study is a sociological perspective.

The writer also uses multiple source of data. There are two sources of the data in the study, namely primary data source and secondary data source (Klarer, 1999: 4). The primary data source of the study is *The Litigators* novel. The main data involve the characteristics, causes, and effects of legal malpractice. The secondary data sources are taken from other sources such as book of literature, the author's biography, essays, comments, journal historical information, criticism, and other relevant information.

The data collection is done through documentation. It is a kind of the data collection which uses all of the data sources, the primary and secondary data analyze (Creswell, 2013: 145). The data being collected are analyzed descriptively by using both legal malpractice and a sociological perspective.

C. Findings and Discussion

1. Findings

The findings of the study based on the characteristics, causes, and effects of legal malpractice in *The Litigators* novel.

a. Characteristics of Legal Malpractice in *The Litigators* Novel

The writer finds eight characteristics of legal malpractice. They are breaking the law, telling lies, selfishness, abusing, deceitfulness, faking, bribery, and harming others.

1) Breaking the Law

In the novel, breaking the law was reflected by Mrs. Gibson's sons who consume and sell the narcotics. It is caused by their parents do not care with their life, the writer could sum up as a broken home family (*The Litigators*, 2011: 7).

2) Telling Lies

In the court, Dr. Igor Borzov testified that Mr. Percy Klopeck death was caused by heart attack after he consumed Krayoxx (*The Litigators*, 2011: 150). It is the example of telling lies in the story of *The Litigators* novel.

3) Selfishness

Selfishness was drawn in the novel by Wiily and Oscar bored with his job that gave them a little money. They wanted the big case in order to get a lot of money. They joined in the mass tort lawsuit against giant Pharmaceutical Company named Varrick Labs over its cholesterol drug Krayoxx which has apparently been causing heart attack and stroke. He informed his lawsuit by E-mail (*The Litigators*, 2011: 7-38).

4) Abusing

In the story, Physical abuse was viewed by Oscar becomes the beat cop, he often blows the head other people. His action made him became jobless and hated by others people (*The Litigators*, 2011: 6).

5) Deceitfulness

Deceitfulness was happened in the case of Mr. Flander's divorce with Mrs. Barbara. This couple wanted a divorce without violation. Rochelle told that the fee is about US\$ 750 and required to pay an advance about 50%. In the Bingo card, the fee of divorce case without violation about US\$ 399 (*The Litigators*, 2011: 26).

6) Faking

In the story, faking was viewed by Willy's false testament of Chester death. In the testament, he wrote that Chester was consuming Krayoxx before his death (*The Litigators*, 2011: 58).

7) Bribery

It was reflected in the case of sexual abuse. Willy gave about \$50,000 to the court. He wanted his case closed quickly, in order to keep his reputation in public or his clients (*The Litigators*, 2011: 8).

8) Harming Others

There were many harming of Krayoxx lawsuit. Oscar and Willy claimed that Krayoxx is a danger drug. It causes heart attack and death. It made Varrick's stock to lowest price and it is off in the market (*The Litigators*, 2011: 110-113). The case also made Seawright as the Federal Judge is bored because it needed long time in the process (*The Litigators*, 2011:60).

b. Causes of Legal Malpractice in *The Litigators* Novel

The writer finds the causes of legal malpractice in *the Litigators* novel. They are miscommunication, ineffective time management, inadequate discovery, limited knowledge of law, and conflict of interest.

1) Miscommunication

In the story, there is miscommunication between Iris and Willy in the Krayoxx case. Willy persuaded Iris to be his clients in the

mass tort lawsuit toward Varrick Labs. Willy promised to give one million dollars to Iris if he won the mass tort lawsuit. But, Varricks Labs crew revokes the Krayox case because they know that Krayox safe for consumption (*The Litigators*, 2011: 129).

2) Ineffective Time Management

Willy also cannot manage the time in handling the case. He delayed the divorce case of Mrs. Nuxhall about one month. It only resulted little of money than the Krayoxx lawsuit. It makes Mrs. Nuxhal become disappointed (*The Litigators*, 2011: 50).

3) Inadequate Discovery

Inadequate discovery found in the story of novel was reflected by the video of Klopeck's death. In the court, Iris just views the video about the life of her husband, his effort to diet, and when her husband in hospital. She did not reveal the causes of her husband's death (*The Litigators*, 2011: 142)

4) Limited Knowledge of Law

In this novel, Iris is Willy's client in the Krayoxx case. But, She does not know the identity and the reputation of Willy and his law firm. He also does not know about law, so she gave full authority to her lawyer toward the case of her husband's death (*The Litigators*: 2011: 133).

5) Conflict of Interest

In the story, conflict of interest can be seen whenever Oscar and Willy bored to handle the case which get little money. They have a desire to be rich people. They joined in a mass tort lawsuit against giant Pharmaceutical Company named Varrick Labs over its cholesterol drug Krayoxx which has been causing heart attacks and strokes (*The Litigators*, 2011: 30).

c. Effects of Legal Malpractice in *The Litigators* Novel

The writer finds three effects of legal malpractice in *The Litigators* novel. The effects include loss of respect, discharged, and punishment.

1) Loss of Respect

Loss of respect is reflected by the clients are angry and disappointed toward Figg and Finley law firm because of bad service (*The Litigators*, 2011: 37).

2) Discharged

Discharged is reflected by Oscar lost his job as the beat cop because he blowed the head of other people, consumed alcohol and had many wives (*The Litigators*, 2011: 6).

3) Punishment

In this novel, the punishment were including the prison and pay the fines. Iris's brother was prisoned because he stole motorcycle. He is envy with his neighbor and wants to have the same motercycle (*The Litigators*, 2011: 178).

The judge decided that Krayoxx safe for consumption and could be re-circulated. Then, Figg and Finley law firm sued about \$5,000 for malpractice to Varrick Lab, \$70,000 to Dr. Borzov, \$50,000 to dr. Herbert Threadgill, \$15,000 to dr. Kanya Meade, \$25,000 to Consuelo, \$15,000 to hotel, and \$180,000 to Iris. So, they closed their law firm and sold the office to pay the fines (*The Litigators*, 2011: 145).

2. Discussion

Sociology is a study of the human beings as the member of society. As the human being, they also needs of interaction with another to make a close relationship (Swingewood and Laurenson, 1972: 11). We can use novel as the reflection of our situation in history (Zerrafa in Burns and Burns, 1973: 39).

In the story, there are many unlawful act that were done by the lawyers because they want to be rich people. It is the major conflict in America by the late of twentieth and early twenty-first century. John Grisham also writes *The Litigators* as the mirror of American society through the social aspect, economic aspect, religion aspect, cultural aspect, political aspect, and science and technology aspect.

It concludes that there is a correlation between underlying theory, issue of novel, and social background of American society in the late twentieth and early twenty-first centuries.

D. Conclusion

Based on the result of the data analysis, the writer finds the characteristics, causes, and effects of legal malpractice were done by the lawyers. The lawyers joined in the mass tort lawsuit against giant Pharmaceutical Company named Varrick Labs over its cholesterol drug Krayoxx which has apparently been causing heart attacks and strokes. They have a desire to get a lot of money from the mass tort lawsuit. But, they become bankrupt.

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