

CHAPTER I INTRODUCTION

This chapter presents the introduction of the research. It describes background of the study, problem statement, limitation of the study, objectives of the study, benefits of the study, and thesis organization.

A. Background of the Study

Legal process is an effort for the parties who have conflicts to get the best solution. Society considers that the law has been enforced suitable to its function to defend the human rights. The lawyers help the clients who have the conflicts, but many lawyers who do the illegal ways. They utilize the situation by providing services based on their own interest and doing legal malpractice.

According to Schneeman (2000: 14), legal malpractice is an attorney's failure to serve his client because he violates professional standard of care. Lawyers who defend legal malpractice must carefully consider the special doctrine in assessing and handling the cases. An attorney who acts unethically and violates the applicable code of ethics may be subject to disciplinary action and possible sanctions. Legal malpractice occurs in other countries, such as Indonesia. In Indonesia, there are many lawyers who defend the guilty clients by demanding a lot of money for the services. The lawyers manipulate data and collaborate with the regulatory agencies in order that the cases run quickly and they do not get the pinalty. Besides, lawyers also exist in social media in order to famous (Kusumohamidjojo, 2013).

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The issue in legal process not only concerns of the jurists and the lawyers but also the novelists. One of the novelists who are interested on legal process's issue in the story of their novel is John Grisham. In American Academy of Achievement (2011), John Grisham was born on February 8, 1955 in Jonesboro, Arkansas. He graduated from Mississippi State University and Ole Miss Law School. He is a lawyer and an electing in the state House of Representatives from 1983 to 1990. He began writing in 1984 and became the best-selling author of *A Time to Kill*, *The Firm*, *The Pelican Brief*, *The Client*, *The Rainmaker*, *The Testament*, *A Painted House*, *The Innocent Man*, *The Litigators*, etc.

The Litigators novel is a 25th fiction novel. *The Litigators* novel is written by John Grisham and published on October 25th, 2011 by Doubleday in New York. The original language of the novel is English. This novel consists of 50 chapters and 385 pages. In this novel, John Grisham wants to convey that there are lawyers who work not based on the truth but based on the money. This novel tells the story of a small law firm in Chicago named Finley & Figg (Arthur, 2011).

There are two lawyers named Oscar Finley and Wally Figg and the secretary named Rochelle Gibson in Finley and Figg law firm. Those two lawyers dealt with the minor case such as divorce, accidents, narcotics, ect. However, they made a dishonest advertisement by giving low price to

persuade people in order to use their legal services. Oscar as the lawyer also manipulated data and the process by giving money to the judge in order their cases run smoothly (Grisham, 2011: 8-10).

Those dishonesties were done since Oscar and Willy bored to handle cases with small emolument. They always dreamed to get a lot of money and have got many wives. After they read an article about “Danger of Krayoxx”, 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 attacks and strokes. They cooperated with the Law Firm named Zell and Potter, David Zinc, and Jelly Arisandors (Grisham, 2011: 23-29).

Willy came to the funeral homes around Chicago to find out the victims of Krayoxx. He required them to join in the lawsuit regardless of operating costs should he spend. Willy promised to give a lot of money to them if he won the lawsuit. They collected some documents and the witnesses as evidence. Then, he gave the documents to the court. Finally, the judge decided that the trial of Krayoxx held on October 17th in the Chicago Courts (Grisham, 2011: 110-113).

In the court, Dr. Igor Borzov gave example of Krayox’s victim is Percy Klopeck. He said that the cause of Percy’s death because of he consumed Krayoxx. Afterwards, his heart showed decrease in regurgitation of blood from the left ventricle. However, Dr. Parkin said that Percy died because of he consumed the drug of depression. He bought it online. The famous and

reliable doctors carried out the evidence of their research that Krayoxx could cure heart disease and safe for consumption. Finally, the judge decided that Krayox safe for consumption and could be re-circulated. Then, Varrick Labs accused the Finley and Figg Law Firm as malpractice. The lawyers closed their law firm and sold the office to pay the fine. They were not a rich man but they bankrupt for their bad deed (Grisham, 2011: 155-168).

The Litigators is a novel that has many public responses. The responses come from readers, critics, markets, and book industries. It receives enthusiastic reception from the readers, either good or bad response, for examples as below:

Good Review from FictionFan (2011) entitled *Thoroughly*. He stated that a thoroughly enjoyable outing from the master of the legal thriller. This book is much more light-hearted than some of Grisham's other novels and has lots of humor. This time, we get an insight into the distinctly unglamorous and uncertain life of the lower echelons of legal life and while it might not be much fun for the lawyers.

Bad Review from EParkinson (2012). He said that *The Litigators* did not live up to the standards of Grisham's early novels. At first, *The Litigators* seems ridiculous, lawyers running after car accidents, then the story picks up when David Zinc begins to look into the lead poisoning of a young. It returns to the Krayoxx case and the ridiculousness of Wally Figg, who appears as a caricature of a lawyer. The novel would have been much better if it had focused on the lead poisoning and the impact of the poisoning on the Burmese family. *The Litigators* falls flat as "get-rich-quick" scheme of a story and lacks any seriousness and suspense.

Based on *The Huffington Post*, *The Litigators* novel is the 9th best-selling fiction novel in 2011, while in *USA Today*, this novel was the 16th best selling novel overall in 2011. In *Amazon.com*, the novel was the number eight overall best seller. The novel becomes the best-seller not only in America but also in other countries (Arthur, 2011).

There are four reasons why the writer is so interested in studying this novel. The first is setting. *The Litigators* novel is set in Chicago. Chicago is

the progressive city in America. It has beautiful view. The interesting side of Chicago in the novel is that it portrays a real life. Everybody can image this city so all of the reader can imagine and describe it easily. The story tells about the life of lawyers in the late twentieth century and early twenty-first century

Second, *The Litigators* novel has an attractive plot. John Grisham makes the story in the novel alive. The story of *The Litigators* is told in detail. The story is the real event that happened in the social background of American society in the late twentieth century and early twenty-first century.

Third is language. The novel is published in 2011, so it uses Modern English. It makes the story of novel can be understood easily. The author uses symbol in showing the characters. There are a lot of fresh humors.

The last reason is educational factor. The writer wants to know the life of the lawyers in depth reading. *The Litigators* novel also helps to get the better understanding the life of lawyer in America. Then, these situations can be used as the additional reference for the writer when faces the legal process. The writer will be a lecture later and this project is necessary to be cried out to widen, enlarge, and insert more knowledge to her professional competence as a lecture.

Based on the explanation above, the writer analyzes legal malpractice in *The Litigators* novel by using sociological perspective. So, the writer constructs the title “**Legal Malpractice Reflected in John Grisham’s *The Litigators* Novel (2011): A Sociological Perspective**”

B. Problem Statement

The major problem of the study is how legal malpractice is reflected in John Grisham's *The Litigators* novel (2011). The writer breakdowns further in following research questions:

1. How is the context of the creation of John Grisham's *The Litigators* novel (2011)?
2. What is the dominant issue reflected in John Grisham's *The Litigators* novel (2011)?
3. How is the novel related to the social reality of American society in the late twentieth century and early twenty-first century?

C. Limitation of the Study

In this study, the writer focuses on legal malpractice in John Grisham's *The Litigators* novel by using sociological theory from Swingewood and Laurenson (1972) and Wellek and Warren (1956).

D. Objectives of the Study

The objectives of the study can be formulated as follows:

1. To describe the reality of American society in the late twentieth century and early twenty-first century.
2. To identify characteristics, causes, and effects of legal malpractice in John Grisham's *The Litigators* novel (2011).

3. To reveal the relation between the novel and the reality of American society in the late twentieth century and early twenty-first century.

E. Benefits of the Study

From this research, the writer hopes that this study has the benefits are divided into theoretical benefit and practical benefit as follows:

1. Theoretical Benefit

This study is projected to give references, contribution and additional information to the larger body of knowledge especially for the literary studies.

2. Practical Benefit

This study is expected to fulfill the final project of the writer for getting master degree of education in language studies at Muhammadiyah University of Surakarta.

F. Thesis Organization

This thesis organization of legal malpractice in John Grisham's *The Litigators* novel (2011) using a Sociological Perspective is divided into six chapters. Chapter I presents introduction. It includes the background of the study, problem statement, limitation of the study, objectives of the study, benefits of the study, and thesis organization. Chapter II deals literature review. It describes previous studies, underlying theories, and theoretical application. Chapter III offers the research method. It consists of type of the

study, subject of the study, data and data source, technique of collecting data, and technique of analyzing data. Chapter IV investigates the relation of the social background of American society in the late twentieth century and early twenty-first century and *The Litigators* novel's context of production. It is divided into some points, namely social aspect, economic aspect, religion aspect, cultural aspect, political aspect, science and technology aspect, and legal malpractice in America. Chapter V will scrutinize legal malpractice in John Grisham's *The Litigators* novel and discussion. It consists of the characteristics, causes, effects of legal malpractice, and discussion. Chapter VI is conclusion, suggestion, and pedagogical implication.