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Book Review

John Grisham, *The Rooster Bar*, New York, N.Y.: Doubleday, 2017, pp. 352, \$28.95 (hardcover)

Reviewed by David Ray Papke

John Grisham is easily the best-known of modern-day lawyer/writers. The author of three dozen novels, more than three-quarters of which are law-related, Grisham has been a prominent name on best-seller lists for almost thirty years. According to his own immodest website, his novels have been translated into forty languages, and over 300 million copies are in print worldwide.¹ Hollywood has made eight of his novels into feature films.² Perhaps most impressive from a cultural studies perspective, Grisham is both a master and a champion of a law-related genre: the legal thriller.³ He was one of the first people to recognize the emergence of the genre, and, in a brief but intriguing essay from 1992, he commented on not only the large number of legal thrillers but also the reasons for the genre's surging popularity.⁴

Until recently, Grisham had not written a complete "law school novel," comparable, for example, to John Jay Osborn, Jr.'s classic *The Paper Chase* or Michael Graubart Levin's *The Socratic Method.*⁵ To be sure, Grisham's novels

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- *John Grisham–America's Favorite Storyteller: Biography*, http://www.jgrisham.com/bio/ (last visited May 6, 2019).
- 2. The movies made from Grisham's novels are THE FIRM (Paramount Pictures 1993), THE PELICAN BRIEF (Warner Bros. 1993), THE CLIENT (Warner Bros. 1996), A TIME TO KILL (Warner Bros. 1996), THE CHAMBER (Universal Pictures 1996), THE RAINMAKER (Paramount Picture 1997), RUNAWAY JURY (20th Century Fox 2003), and CHRISTMAS WITH THE KRANKS (Sony Pictures 2004). In addition, the movie THE GINGERBREAD MAN (PolyGram Filmed Entertainment 1998) is based on a legal thriller that Grisham wrote but never published.
- 3. For insightful treatments of the legal thriller as a genre, see Marlyn Robinson, *Collins to Grisham: A Brief History of the Legal Thriller*, 22 LEGAL STUD. F. 21 (1998) and LARS OLE SAUERBERG, THE LEGAL THRILLER FROM GARDNER TO GRISHAM–SEE YOU IN COURT! (2016).
- John Grisham, The Rise of the Legal Thriller: Why Lawyers Are Throwing the Books at Us, N.Y. TIMES BOOK REV., Oct. 18, 1992, at 3.
- 5. JOHN OSBORN, THE PAPER CHASE (1971); MICHAEL GRAUBART LEVIN, THE SOCRATIC METHOD (1987).

have included numerous passing accounts of his characters' law school days and also their personal reflections on legal education, but until recently none had been set primarily in a law school or featured characters who were law students from the beginning to the end of the novels in which they appeared. That changed with publication in 2017 of *The Rooster Bar*. The novel rose to the upper echelons of best-seller lists in the final months of the year and even reached the very top of the most respected best-seller lists in November and December 2017.⁶

The Rooster Bar proffers a harsh critique of for-profit legal education in the midst of a typical Grisham novel. Critics have been most struck by the critique,⁷ but the critique comes to life in the midst of the larger narrative. As Grisham's angst-filled protagonists work their magic and bring down a for-profit law school, the narrative also exposes the failings of virtually every branch of the legal profession. The critique comes from the heart, but the criticism of the legal profession seems a pitch to lay readers. Overall, *The Rooster Bar* demonstrates both the strengths and limitations of John Grisham as a writer of generic popular literature.

A Fictional Exposé of For-Profit Legal Education

The Rooster Bar revolves around the exploits of three students at the fictional Foggy Bottom Law School, a for-profit institution of the worst kind. Grisham claimed that an article written by Professor Paul Campos of the University of Colorado Law School had inspired him (authors note). Published in *The Atlantic*, Campos's article blisters for-profit law schools.⁸ In Campos's opinion, these schools are scams. They admit students with weak academic credentials, offer flawed educational programs, and make money when students use loans to pay for their legal educations. The students' situation continues to worsen even after they graduate. Bar passage rates are low, and few graduates of the schools are able to land jobs in the high-paying firms, which would presumably enable them to pay off their loans. Personal bankruptcies among the graduates are common, but law school loans, unlike mortgages, cannot be discharged in a bankruptcy proceeding.

- The Rooster Bar was the New York Times number-one fiction best seller on November 12, 2017, THE NEW YORK TIMES FICTION BEST SELLERS Hardcover Fiction N.Y. TIMES (Nov. 12, 2019)⁻ https://www.nytimes.com/books/best-sellers/2017/11/12/hardcover-fiction [https://perma.cc/6B3T-3T37]; November 19: 2017 https://www.nytimes.com/books/best-sellers/2017/11/19/hardcover-fiction [https://perma.cc/CP6U-QU6J]; December 17, 2017 https://www.nytimes.com/books/best-sellers/2017/12/17/hardcover-fiction/ [https://perma.cc/CTZ8-69LP]; and again on December 31, 2017 https://www.nytimes.com/books/best-sellers/2017/12/17/hardcover-fiction/
- See for example Janet Maslin, John Grisham Prosecutes For-Profit Law Schools in 'The Rooster Bar,' N.Y. TIMES (Oct. 25, 2017), https://www.nytimes.com/2017/10/25/books/review-john-grishamrooster-bar.html.
- See Paul Campos, The Law-School Scam, ATLANTIC, Sept. 2014, https://www.theatlantic.com/ magazine/archive/2014/09/the-law-school-scam/375069/ [https://perma.cc/9TCH-SL55].

The business model of the for-profit schools, Campos continues, is actually comparable to what one might find at lower-tier nonprofit schools, with the only difference being that "while for-profits are run for the benefit of their owners, non-profits are run for the benefit of the most powerful stakeholders within those institutions."⁹ In fact, Campos maintains, the "perverse financial incentives" under which a portion of legal education operates "are merely extreme versions of those that afflict contemporary American higher education in general. And these broader systemic dysfunctions have potentially devastating consequences for a vast number of young people—and for higher education as a whole."¹⁰

Grisham seems to have disregarded Campos's larger points, but the exploitation purportedly perpetrated by the for-profit law schools struck Grisham as ideal for what some have characterized as his literary "muckraking."¹¹ Many muckrakers from earlier in the twentieth century were journalists, but others such as Upton Sinclair were novelists.¹² As a writer of fiction, Grisham resembles Sinclair; he is eager to expose societal problems and malfunctions in his novels. The list of topics he has taken on is lengthy: art dealing, Big Tobacco, capital punishment, the criminal justice system, insurance fraud, judicial corruption, the President's inner circle, poverty, racism, spousal abuse, strip mining, and even wealth in general. Right from the start, he realized that for-profit legal education would work perfectly as his newest topic. His novels, he told an interviewer, tended to "rattle around for a long time" in his head, but "[t]his was entirely different because this was just one moment—when I read the story [Campos's article], then I said, 'This is the beginning of something."¹³

Grisham's muckraking plays out within a work of generic popular fiction, the previously mentioned "legal thriller." His engaging but shallow protagonists are Mark Frazier, Todd Lucero, and Zola Maal, three third-year law students. The first two were in part inspired to attend law school after overhearing alcohol-fueled conversations in bars (3, 11), and during law school they continue to drink too much and too frequently. Frazier and Lucero are content to be mediocre law students and cynical about themselves, law school, and life in general. They are fixated on money, and they believe people go to law school primarily to earn more money. Some have dreams of graduating early and joining law firms at which they will have high salaries (3, 4), and others assume that when they join the legal profession, they will, at minimum,

 Quoted in Alana Semuels, *John Grisham Skewers the For-Profit Law-School Industry*, THE ATLANTIC, Nov. 2017, https://www.theatlantic.com/business/archive/2017/11/john-grisham-the-roosterbar/544712/ [https://perma.cc/C7A9-73WC].

^{9.} Id.

^{10.} Id.

^{11.} See SAUERBERG, supra note 3, at 173.

^{12.} See Fred J. Cook, The Muckrakers: Crusading Journalists Who Changed America (1972) and Louis Filler, The Muckrakers (1976).

be able to repay everything they borrowed (12). In the minds of Frazier and Lucero, a law student who seeks a job with a nonprofit is desperate, and a student who actually takes a job with a nonprofit is settling for something less than the real thing (165, 320). Their longing for what they take to be "the real thing" is what generates many of the novel's suspenseful thrills.

Frazier and Lucero's fellow student Maal is less cynical and more interesting. She is the daughter of Senegalese immigrants who sneaked into the United States aboard a Liberian freighter. With her parents working two or sometimes three jobs to make ends meet, Maal grew up in and around Newark, always living in cramped apartments. Each apartment was "slightly larger than the last, and always with other Senegalese close by" (17-18). She attended junior college and then graduated from Montclair State with an accounting degree. In the course of her years in higher education, she drifted away from her Muslim faith, although she has not revealed this to her parents (18-19). Like Frazier and Lucero, Maal has borrowed more money for law school than she can ever repay, but her biggest fear and source of anxiety is that her parents and brother could be arrested and sent back to Senegal (18). Despite all the complexities in her life, Maal is a better student than Frazier and Lucero, and she has been able to maintain some sense of a mission during her days at Foggy Bottom.

The latter is Grisham's for-profit law school. Its owner is the nefarious billionaire Hinds Rackley. (Grisham has always been awkward with names). Rackley has "all the toys: Fifth Avenue mansion with a view of the park, big spread in the Hamptons, a yacht, couple of jets, trophy wife . . . (25). He also controls four law firms and owns no fewer than eight law schools, including not only Foggy Bottom in Washington, D.C., but also the one and only Bunker Hill Law School in Boston (25). Taking mediocre students, all of whom are able to secure guaranteed loans for tuition, his typical law school takes in \$25 million a year, with \$20 million ending up in Rackley's pocket (28).

Foggy Bottom itself is ugly. "In a city with no shortage of hideous modern buildings," Grisham writes, Foggy Bottom "managed to stand out in its unsightliness (6-7)." A former office building, the school has a yellow exterior and various asymmetrical wings. The proprietors had knocked out walls on the first four floors to create classrooms. The library went unused on the fifth floor, and the faculty had offices on the sixth and seventh floors. "[O]n the eighth, and as far away from the students as possible, the administration carried on, with the dean solidly hidden in a corner office from which he seldom ventured (7)."

Foggy Bottom's faculty is every bit as undistinguished as the building in which it is housed. Grisham's protagonists learn from a fellow law student that the average professor at Foggy Bottom earns "about a hundred grand a year, a far cry from the national average of two-twenty for good schools, but still a bonanza for some of the clowns who taught us (27)." "An endless supply of legal academics is looking for work, so they're lined up for the jobs . . . (27)." This group of clowns and second-raters has very little to offer in the classroom, and the students, with good reason, do not respect the motley collection. For example, one of the many lousy professors, a fellow known among the students as "Stuttering Steve," is completely and embarrassingly overmatched in the section of first-year torts that he is trying—and failing—to teach (27).

Not surprisingly given Foggy Bottom's owner, facilities, and faculty, the overall quality of education at the school is poor. Foggy Bottom, after all, is a diploma mill that admits anybody who can figure out a way to pay the tuition, and students and faculty alike realize it is a "subpar law school (5)." Even grading is a joke:

It was imperative that the school's graduates finish with sparkling résumés, and to that end the professors passed out As and Bs like cheap candy. No one flunked out of FBLS. So, of course, this had created a culture of rather listless studying, which, of course, killed any chance of competitive learning. A bunch of mediocre students became even more mediocre (13-14).

On one level, the school's name "Foggy Bottom" refers to one of the oldest areas of Washington, D.C., one that includes not only the Department of State but also the notorious Watergate complex. More generally, things are pretty "foggy" on Grisham's "bottom" rung of legal education.

Frazier, Lucero, and Maal realize that their law school is second-, third-, or perhaps fourth-rate, and we, as readers, are invited to be sympathetic to their plight pretty much from the moment we are introduced to them. Our sympathy develops into ire when Gordy Tanner, another third-year student, figures out and shares Foggy Bottom's exploitative business model. He outlines the whole scheme with the kind of clichéd wall postings with arrows and connecting lines that are such a staple in popular film, television, and literature, but he also stops taking the medicine for his bipolar disorder. A sad and disturbing suicide follows. While a police boat cruises the Potomac looking for Tanner's body, Frazier says to Lucero, "Law school is the reason Gordy's dead, Todd. If he'd never gone to law school, he'd be fine right now (69)."

The protagonists stop attending classes in what would have been their final semester of law school and, in fits and starts, pursue new goals in their lives. Quite predictably, Frazier, Lucero, and Maal give the details regarding Rackley's operations to "a tough investigative journalist" from *The Washington Post* (335), and the journalist writes a front-page story for the paper exposing Rackley's law school racket (349). Less predictably, the protagonists participate in a convoluted class-action suit against a bank controlled by Rackley and abscond with several million dollars in fraudulent disbursements. Eating a sandwich in a Brooklyn deli, Frazier "reveled in the knowledge that they had pulled off a beautiful reverse scam against the Great Satan, as Gordy called Rackley, and stolen money from a crook (332)."

Has Grisham captured, albeit through a popular fictional narrative, the workings of for-profit legal education? It is difficult to find people who will say

a good word about for-profit legal education, but the owners of and deans at the current half-dozen for-profit law schools might question the verisimilitude of Grisham's portrayals. Muckraking, after all, sometimes blends into sensationalist "yellow journalism," and the latter's criticisms of one business or another are designed chiefly to sell newspapers and magazines rather than to highlight social problems.¹⁴ Grisham may have exaggerated for-profit legal education's problems to enliven his narrative. One dean of a for-profit school has urged us to remember that Grisham writes fiction.¹⁵

Does Grisham Hate Lawyers?

In conjunction with their efforts to expose Foggy Bottom Law School and defraud Hinds Rackley, Todd Frazier, Mark Lucero, and Zola Maal briefly engage in the unauthorized practice of law. Their "practice" is in part a further indictment of Foggy Bottom and of legal education in general. Look, the characters seem to be saying, you do not even have to attend law school to do the things that practicing lawyers do. More intriguingly, Frazier, Lucero, and Maal encounter and observe many other lawyers. The protagonists' observations regarding these fictional lawyers are unrelentingly negative.

None of these lawyers is a major character in *The Rooster Bar*. A traditional novelist and literary critic such as E.M. Forster would describe them as "flat."¹⁶ The characters "are constructed around a single idea or quality."¹⁷ This is not to say that the lawyer characters should be dismissed. Forster thought minor undeveloped characters of this sort were quite useful in the narratives of which they are a part, "since they never need reintroducing, never run away, have not to be watched for development, and provide their own atmosphere–little luminous disks of a pre-arranged size, pushed hither and thither like counters across the void or between the stars"¹⁸ Frazier, Lucero, and Maal might be thought of as the "stars," and the minor lawyer characters help us to form opinions of the protagonists and, perhaps, invite us to identify with them.

The Rooster Bar's dishonest, unethical, and otherwise obnoxious lawyers work on the criminal and the civil sides. As for the lower criminal courts, unscrupulous defense lawyers shamelessly hustle unsophisticated clients in the halls. The one who receives the most attention distributes a business card that reads "Darrell Cromley, Attorney of Law. DUI Specialist (43)." Characterized as a "slime ball," Cromley surely looks the part:

- See W. Joseph Campbell, Yellow Journalism: Puncturing the Myths, Defining the Legacies (2001); Matthew Schneirov, The Dream of a New Social Order: Popular Magazines in America, 1893-1914 (1994).
- Stephanie Francis Ward, For-Profit Law Schools Set the Scene in Grisham's New Novel, ABA JOURNAL (Oct. 2017), http://www.abajournal.com/news/article/for_profit_law_schools_set_ scene_in_john_grishams_new_novel/ [https://perma.cc/GT7Z-QXYA].
- 16. E.M. Forster, Aspects of the Novel 103 (1954).

18. *Id.* at 105.

^{17.} *Id.* at 103-04.

His three-piece suit was made of a slick bronze fabric. His shoes were shiny and black, with long pointed toes that flipped at the tips. His shirt was baby blue and his thickly knotted tie was pale green and matched nothing else. On one wrist he wore a large gold watch with diamonds and on the other he displayed two bulky gold bracelets. His hair was greased back and bunched behind his ears (43).

While the would-be defense counsel physically confront one another if they suspect client poaching, the associate district attorneys strike deals left and right with an eye to keeping the wheels of "justice" rolling. One assistant district attorney is named Hadley Caviness. (I repeat my observation that Grisham often gives his characters lousy names.) She is more than willing to "knock down" the charges for a given defendant because she has slept with defense counsel the night before. Frazier is one of her paramours, and after she gave his client a break, "She leaned closer and said, 'Satisfy the prosecutor and you get good deals, at least from me (170).""

On the civil side, the lawyers range from personal injury lawyers to members of firms pursuing class actions. The former include connivers who troll hospital emergency rooms looking for clients as well as medical malpractice lawyers who rely on stables of retired doctors to provide predictable expert opinions in suits against other doctors (182). When Maal expresses doubts that she can successfully pass herself off as a personal injury lawyer, Frazier says to her, "You've seen a thousand ads on television, all those hucksters begging for cases. They're not the sharpest tools in the shed, so you gotta figure there can't be much to personal injury work (120-21)." The lawyers who specialize in "massive lawsuits," meanwhile, purchase lists of clients from smaller firms, knowing full well that some of the clients' names are simply taken from telephone directories. Hinds Rackley, the villainous perpetrator of the for-profit law school scam and hardly a virtuous soul, warns an associate that "nobody can trust these class action lawyers (325)." The narrator of The Rooster Bar blurts at one point: "Never stand between a mass tort lawyer and his money from a class action settlement (327)."

The firm about which we learn the most in *The Rooster Bar* is the fictional Ness Skelton, a mid-sized Washington, D.C., firm with roughly fifty lawyers. Frazier clerked at the firm, and he was struck by the way members of the firm deferred to a law school pecking order reaching from Georgetown on the top to George Washington in the middle to Foggy Bottom at the bottom. "The hierarchy was clear and rigid, and its worst perpetrators were the GW lawyers The entire firm reeked of cliques and snobbery (9)." Frazier also told his fellow protagonists and other law school friends that he "didn't trust a single person he'd met at the law firm (5)."

While other firms coddled summer associates with an eye to ultimately hiring them for "the meat grinder of hundred-hour weeks (8)," Ness Skelton took advantage of its summer associates right from the start. The firm's summer program was designed simply "to exploit cheap labor . . . (9)." M. Everett Bolin, the firm's managing partner, is described as "a real ass (95),"

and Frazier characterizes the other members of Ness Skelton as "a bunch of turds, real pricks who hate their work (97)."

The negative portrayals of lawyers in *The Rooster Bar* seem not to reflect Grisham's own views of the bar. After graduating from Ole Miss in 1981, Grisham practiced for almost a decade in Southaven, Mississippi, and he has never openly expressed any ill will toward his fellow lawyers. Then, too, in an author's note at the end of *The Rooster Bar*, he almost apologizes for playing "fast and loose with reality" in his portrayals of lawyers and other "legal stuff (authors note)." Grisham may prefer writing novels to practicing law, but there is no indication he actually thinks all lawyers are immoral crooks.

The key to the negative portrayals is likely the way they correspond to the lay public's skepticism about and hostility to lawyers. The average American does not spend every waking hour cursing lawyers, but anti-lawyer sentiments have been evident in American society for decades. Contemporary popular culture in the form of movies, television shows, and inexpensive literature turned sharply toward the negative portrayal of lawyers during the 1970s and 1980s, and that direction continues today.¹⁹ The portrayals of lawyers in *The Rooster Bar* are recent examples of the trend.

Even the ending of *The Rooster Bar* plays into lay readers' reservations about the legal profession. After 350 pages of schemes and escapes, Grisham's protagonists drop out of law school, abandon legal practice (authorized or unauthorized), and devote themselves to refurbishing a bar/restaurant on the coast of Senegal. Why, after all, would Frazier, Lucero, and Maal want to be lawyers? Practicing law, as it has been portrayed in the novel, is despicable, and the lay public might understandably think thoughtful people would want to wash their hands of it.

This type of righteous retreat from the practice of law is hardly new in Grisham's novels. Some of Grisham's earliest novels also feature lawyers who ultimately do not want to be lawyers anymore. Mitch McDeere in *The Firm*, for example, ends up absconding with \$8 million and secretly taking up residence on Little Cayman in the Caribbean. "The truth is," he tells his wife, Abby, "I never wanted to be a lawyer anyway."²⁰ In *The Rainmaker*, young lawyer Rudy Baylor heads west with his girlfriend, hoping to become a high school history teacher. He tells her he "will not under any circumstances have anything whatsoever to do with the law I will never voluntarily set foot in another courtroom."²¹ In *The King of Torts*, a later novel, Grisham's Clay Carter decides to file for bankruptcy, closes down his law firm, and willingly prepares to surrender his license. While Mitch McDeere and Rudy Baylor escaped,

- 20. John Grisham, The Firm 421 (1991).
- 21. John Grisham, The Rainmaker 560-1 (1995).

See for example Michael Asimow, Bad Lawyers in the Movies, 24 NOVA L. REV. 531 (2000); David Ray Papke, Comedic Critique: The Pop Cultural Divorce Lawyer, in LAW AND POPULAR CULTURE: INTERNATIONAL PERSPECTIVES 27-42 (MICHAEL ASIMOW, KATHRYN BROWN & DAVID RAY PAPKE eds. 2014).

respectively, to Little Cayman and the Rockies, Carter boards a Gulfstream and then heads for a quiet flat in London. His saga had been "one of the most infamous meltdowns in the history of American law."²²

The practice of law is of course not the deplorable enterprise that emerges in *The Rooster Bar*, and the fact of the matter is, many more people are trying to get into rather than out of the profession. However, in many of his novels Grisham manages to align his portrayals of lawyers with the negative sentiments that are present in American society and in the products and experiences generated by the culture industry for mass audiences. How calculating is Grisham in this regard? He might be especially sly in what he has crafted, but, then again, he might be providing his negative images of lawyers without much reflection. In either case, the lay public likes what he has to say.

Conclusion

John Grisham may not be the writer of important, enduring fiction, but he has been extraordinarily successful writing generic popular fiction. His first novel, *A Time to Kill* (1989), had modest sales, but his second novel, *The Firm* (1991), was the best-selling novel of 1991 and was also adapted for the cinema. Grisham's *The Pelican Brief* (1992), *The Client* (1993), *The Chamber* (1994), and *The Runaway Jury* (1996) were also best-sellers and made into movies, and, overall, Grisham was *the* best-selling American author of the 1990s.²³ During the first two decades of the twenty-first century, his novels have continued to rise to the top of the best-seller lists, and his most recent novel, *The Reckoning* (2018), has attracted readers far and wide.

The Rooster Bar is a worthy addition to this oeuvre of best-selling novels and fits snugly into the legal thriller genre Grisham has both mastered and been instrumental in creating. Grisham's legal thrillers feature legal characters and controversies, but they resemble thrillers in general in the way they keep readers on the edge of their seats.²⁴ Thrillers are always suspenseful, and the suspense, if well crafted, can capture readers. Grisham's settings are not exotic but rather recognizable, and his characters, although shallow, are almost always entertaining. Grisham's readers turn the pages quickly but enthusiastically, knowing that a crisp conclusion awaits them. The protagonists will survive, and mysteries will be resolved. It is almost always the case that Grisham provides what some people call "a good read."

For a legal educator, Grisham's ability in *The Rooster Bar* and in his other legal thrillers to resonate with the public's attitudes about lawyers is especially intriguing. His lawyer protagonists are often brave, resourceful,

^{22.} John Grisham, The King of Torts 294 (2003).

^{23.} Grisham Ranks As Top-Selling Author of Decade, CNN BOOK NEWS, Dec. 31, 1999, archives.cnn. com/1999/books/news/sellers.index.html [https://perma.cc/TJ9F-5C32]. According to Publisher's Weekly, Grisham's novels sold over 60 million copies during that decade. Id.

^{24.} See Otto Penzler, What Is a Thriller? CRIMEREADS (May 9, 2018), https://crimereads.com/ what-is-a-thriller/.

and imaginative. Most of them succeed in the end in righting socio-political wrongs. They are heroes in their own ways, and American readers will relate positively to a lawyer hero when they encounter one. At the same time, *The Rooster Bar* and many of Grisham's legal thrillers pitch to the lay public's distrust of and leeriness regarding lawyers. Grisham, in other words, is able to coordinate his work with the contradictions in the public's attitudes about lawyers. We cannot expect that people will be reading Grisham's novels a century from now, but in our particular day and age his accomplishments as a writer of generic popular literature are remarkable. He captures but does not resolve America's contradictory views of the legal profession.