A Fool for a Client
by David Kessler
Hodder & Stoughton, London, 242 pages, $39.95 (hardback)

An Englishman, not a lawyer, writes an American legal thriller aspiring, perhaps, to join
the ranks of John Grisham and Scot Turow — but then, Grisham and Turow are both
Americans and lawyers.

Why do young Americans aspire to a legal career? Why do young American lawyers
aspire to a writing career? In this novel, while waiting for the return of the jury and its
verdict, the defendant and her court-appointed lawyer discuss why he, first in his class at
Harvard Law and thereafter clerk to the Chief Justice of the US, is practising criminal
law for the New York legal aid office. Why? A shortcut to the top: take a low-paying job
with legal aid, plea-bargain for the muggers and rapists and other petty lowlifes while
waiting for a case just like that which is the subject of the author’s novel to come along
— a high-publicity case with at least some chance of winning … milk it for all it is worth,
then cash in on the publicity to open his own office and watch the clients (and their
money) pour in.

Why are legal thrillers hot at the moment? Why does everyone wish to join the ranks of
Grisham and Turow? Apparently the ambition of every young lawyer graduating in the
US today is to inject him or herself into a high profile case that hijacks the media’s
attention and to win it (even lose it), write a book about it afterwards (or have a ghost
writer do it) — a fiction book with a legal background. Sell the movie rights, churn out a
whole string of books, selling the movie rights, do the lecture circuit and appear on the
talk shows, and live in 50-room mansion or duplex penthouse overlooking Central Park,
and maybe even go into politics.

Like Grisham, Turow, and Dershowitz; like Kessler. I haven’t read Dershowitz’s legal
novel but I rank this one with Turow and perhaps Grisham’s Runaway Jury (certainly not
the prior Grishams which are all alike and rather weak).
I cannot comment on US criminal law and procedure but the novel’s treatment does not appear to be outrageously or obviously false and the author acknowledges the assistance and advice of three US lawyers including one advising on New York criminal procedure. The author’s sense of recent American history is awry — perhaps a consequence of Britain not participating in the Vietnam War but I cannot swallow the heroine’s father suffering grievous injuries on the battlefield after witnessing the fall of Saigon in 1975. There were no battles involving the US military after the fall of Saigon. There were no battles after the fall of Saigon.

It’s a good read but why? It has a delicious Machiavellian twist (à la Turow). Where does it fall down? Its cast of beautiful people. The client, a 23-year-old med student is perfect — in brains, beauty and brilliance — she takes on a wizened criminal trial judge, an experienced criminal prosecutor and even her own lawyer and leaves them bewildered in her wake. Her court-appointed lawyer — the hotshot first from Harvard Law and one-time clerk to the CJ of the US Supreme Court and an African-American who worked his way through Harvard by way of menial restaurant jobs. This stands him in good stead as he is now a gourmet cook (essential for the seduction of the heroine or was he the seductee?). I don’t believe in Horatio Alger because I don’t believe in Mother Goose. But hey! If John Grisham can build a fortune on impossibly beautiful people why not David Kessler. Not only does this gorgeous babe (the 23-year-old med student) show the judge, the prosecutor, and her lawyer how to practise law, she’s a dab hand at the psychology of jury selection.

The yarn is that the gorgeous babe is charged with the poisoning murder of an Irish nationalist terrorist living in New York who has avoided extradition back to England to face banking and murder charges (and thus evaded justice), and at her trial, she asserts her constitutional right to represent herself — she has the readies but declines to hire a lawyer (boo! hiss!) and she refuses the offer of a court-appointed lawyer — pursuant to *Gideon v Wainwright 372 US 335 (1963)*. Nonetheless, our African-American Harvard Law hotshot is appointed by the Court as a “stand-by counsel” pursuant to *Faretta v California 422 US 806 (1975)* where Blackmun J noted that “[i]f there is any truth to the old proverb that ‘one who is his own lawyer, has a fool for a client,’ the Court … now bestows a constitutional right on one to make a fool of himself”. Hence the novel’s title.
By-plays to the plot make reference to the modus operandi of the IRA and other nationalist groups and there is a delicious incident wherein the heroine is the victim of a mugger while jogging in Central Park that is reminiscent of the cold-blooded manner in which the young nurse Jenny (Garp’s mother) deals with a masher in the darkened movie theatre in John Irving’s The World according to Garp. I suppose deep down many of us enjoy the vicarious pleasure provided by the “subway vigilante” Bernard Goetz or the fictitious Hollywood role played by Charles Bronson in Death Wish.

The splinter nationalist group from which the heroine’s victim came wishes to avenge his death. The mainstream IRA, wishing to retain American financial support, must ensure that no Irish nationalist violence spreads to the US and consequently there is an assassin seeking to do the heroine in and another from the IRA who must foil the first assassin. Thus, it is imperative that both assassins attend at the heroine’s murder trial. But that trial is a well-attended media circus. How to ensure a seat? Both of them “paid more than a thousand dollars to buy their tickets on the black market from ticket touts. The touts had effectively offered money to people who weren’t interested in the trial to persuade them to enter the lottery for tickets with the promise that those who won tickets would be offered even more money to part with them. It was ironic that a criminal trial should have given rise to such corruption on the very doorstep of the Halls of Justice, and typical of New York City that nothing was done about it.”

I dunno whether it constitutes good literature but it is a good read. Is it good value? Forty bucks for 240 pages of the author’s imagination seems a bit stiff; certainly when compared to the $30 for the 500 page Jon Harr’s A Civil Action (previously reviewed in these pages). How does one assess the hire rate for a labourer giving us the product of his imagination against the other whose story was already there yet required extensive legwork to unearth it? I leave that question to the reader.

Briefless
Author/s: 
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Title: 
[Review of the book A fool for a client]

Date: 
1997

Citation: 

Publication Status: 
Published

Persistent Link: 
http://hdl.handle.net/11343/35038

File Description: 
[Review of the book A fool for a client]

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