

[a web-enhanced version of 22 [Legal Studies Forum](#) 21 (1998)]

## **COLLINS TO GRISHAM: A BRIEF HISTORY OF THE LEGAL THRILLER**

Marlyn Robinson\*

"Whoever tells the best story, wins the case." To many Americans, this modern maxim embodies the pivotal role of the lawyer: control of the narrative. Whether drafting a contract or laying out evidence in a courtroom, the lawyer's ability to manipulate language determines the outcome of the client's case. Many would argue that the law's language, arcane procedures, rules and conventions are purposely made mysterious by its practitioners. What could be more natural than for lawyers and legal stories to have been instrumental in the creation of the mystery novel, and particularly, the subgenre legal thriller?



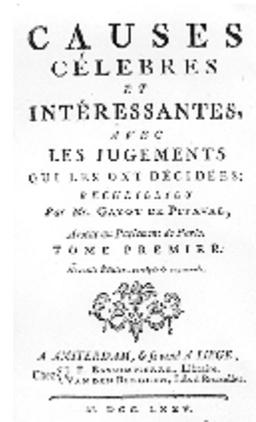
[John Grisham](#), former Mississippi attorney and author of eight best-selling legal thrillers, has said, "Though Americans distrust the profession as a whole, we have an insatiable appetite for stories about crimes, criminals, trials and all sorts of juicy lawyer stuff."<sup>1</sup> We have yet to be sated by Grisham, whose books and movies have been translated or dubbed into 31 languages and grossed several billion dollars. As of late 1997, total printings of his books add up to nearly 20,000,000 hardcovers and 67,000,000 paperbacks. What prompts his popularity? Grisham describes his formula: "You throw an innocent person in there, get 'em caught up in a conspiracy and you get 'em out."<sup>2</sup> Certainly not original, but it works; and when lawyers apply their knowledge of the legal system to that formula, the result is the legal thriller.

In the past ten years, encouraged first by the success of [Scott Turow](#), then by Grisham's megahits, hundreds of lawyers have churned out suspense novels with courtroom pyrotechnics, embittered lawyers turned sleuths, and clients who are almost always innocent. Modern readers are most likely to think this explosion a recent phenomenon, but before there was Turow, there was Voelker and Gardner, Post and Collins, and a host of lesser known lawyer/authors. Their precursors were the attorneys who collected together true crime and trial stories of eighteenth-century Europe, the foundations of the early forms of the mystery novel.

Even as early as the mid-1500's, cunning criminals and scandalous trials were the focus of many printed stories and theatrical presentations. Actual cases presented as stories were first brought [22] together by a German lawyer and poet, Georg Harsdorffer, in 1650, in *A Gallery of Horrible Tales of Murder*.<sup>3</sup> He combined elements of the supernatural and science to provide evidence and detect the guilty party at a time when legal guilt was usually determined by torture or ordeal. Another German lawyer, Matthias Abele von und zu Lilienberg, discovered the archives of the French

Parliamentary courts and turned those cases into *Metamorphosis and Unusual Law Cases* in 1661. The book was translated into several languages, reprinted numerous times and followed by a five volume sequel in 1670. The reading public, small as it was, was clearly fascinated by stories about crime, its detection and punishment, and a promise that law and order would prevail.

The most popular and long-lasting collection of crime and trial stories came from the pen of Francois Gayot de Pitaval, a Parisian lawyer, who compiled *Famous and Interesting Cases*,<sup>5</sup> first published in 1735. He brought together in 22 volumes the more memorable cases from several centuries of French wrong-doing, including the often- and even recently-told story of Martin Guerre. His work was roundly attacked by contemporary critics, but as is often the case, it was hugely popular. Another French lawyer, Francois Richer, edited a later version of the *Causes Celebres* and wrote in the preface: "I have taken care to arrange the material in such a way that the reader cannot spot at once how a case will end and what verdict will be pronounced. He remains in a state of uncertainty during the development of the action, and in that way, I believe each case will become more gripping ... The reader will remain curious up to the final page."<sup>6</sup> With the additional ingredient of suspense, Richer wrote the recipe for the modern crime story, and changed its goal from moral education to entertainment.



Similar to the Pitaval stories were the English [Newgate Calendars](#), which detailed the lives, dastardly deeds and even the executions of notorious English criminals. Named for the prison near the public gallows, they first appeared in 1734 and continued in print into the 20th century. Lawyers Andrew Knapp and William Baldwin edited the most [23] popular edition,<sup>7</sup> published in 4 volumes between 1824 and 1828. Unlike the Pitaval compilations, these were often taken from actual confessions reported at the time of an execution and originally printed as broadsides or in newspaper accounts.

The end of the 18th century and beginning of the 19th saw many writers joining crime to fiction, some of them employing original plots such as [William Godwin's \*Things as They are; or, The Adventures of Caleb Williams\*](#),<sup>8</sup> a strong criticism of the legal system as well as a clear forerunner of the detective story. Others based their stories on the Newgate Calendar or Pitaval cases. Henry Fielding, barrister, magistrate, founder of the first English detective force, and sometimes called father of the modern novel, based *The Life of Mr. Jonathan Wild the Great*<sup>9</sup> on the criminal career of a notorious thief-taker. German lawyer and composer, E. T. A. Hoffman employed a Pitaval case in the romantic crime novella, *Das Fraulein von Scuderi*,<sup>10</sup> in which his eponymous heroine clears up several murder and robbery cases while meeting her lovers under cover of the dark Paris streets.

Ultimately, however, they all culminate in one work, the 1841 publication in *Graham's Magazine* of "[The Murders in the Rue Morgue](#)," [Edgar Allen Poe's](#) quintessential piece of detective fiction and murder mystery. He called it a tale of ratiocination; i.e., logical reasoning provided the solution of the problem and is the central theme of the story, rather than character or description. Pieces of evidence are introduced throughout the story, and, as the detective gathers them, the reader can also deduce the solution. Detective August Dupin, who discovers the bizarre identity of the murderer, was based on the widely respected Chief of the Surete, Eugene Vidocq. Fortunately, Vidocq never had to deal with orangutans loose in the streets of Paris.

Poe's influence was immediate and widespread. Sensational mystery stories appeared in newspapers, were serialized in magazines and published in books. Abraham Lincoln was a great admirer of Poe, even writing a story for the Quincy, Illinois *Whig* on April 15, 1846, titled [24] "[The Trailor Murder Mystery](#)."<sup>11</sup> It was based on a peculiar murder/disappearance case he defended, and which is detailed in several biographies. It is written in the dramatic, quasi-fictional style of Harsdorffer and Pitaval, leading some critics to believe it is a short story. Charles Dickens also wrote stories based on real cases and barely disguised members of the Metropolitan Police Detective Department in his [Household Words](#) magazine.

By the mid-19th century, reading fiction had become a legitimate and popular form of entertainment. The middle class had increasing leisure time and printed materials had become cheaper. Penny broadsheets and ballads, usually about crime or trials and often selling up to a million copies, had given way to the penny dreadfuls, longer stories serialized in weekly installments. Abridgments of the gothic novels were available for six pence. Up till then, only the wealthy, or subscription libraries, could afford the more expensive full-length novels, usually priced at 1 1/2 pounds for a 3-volume set.<sup>12</sup> In spite of strong legislative criticism, funding was appropriated for public libraries in England and by the mid-1850's nearly half of the total books loaned were novels. Publishers countered the libraries' competition by releasing novels in monthly parts and cheaper editions.<sup>13</sup>

At the same time, middle-class concern about the rapid increase in crime in all major European cities and interest in the burgeoning police forces coupled with world-wide socio-legal changes provided an audience for more sophisticated forms of crime fiction. By 1850, the picaresque novel and its criminal heroes had fallen victim to the police detective hero. The time was ripe for the legal thriller.

Few modern readers think of [Wilkie Collins](#) as a popular culture icon, but when his books were first published, they generated perhaps even more enthusiasm than does a new Grisham title today. He was the first to bring together the innocent person, a conspiracy, suspense, the detective, the legal system, and what was known at the time as the "sensation novel"; in short, a legal thriller. William Wilkie Collins, [25] whose reputation is largely based on [The Woman in White](#)<sup>14</sup> and [The Moonstone](#),<sup>15</sup> was born in 1824 to a doting and gregarious



mother and a popular landscape-artist father. He spent his early life surrounded by the artist and writer friends of his parents, so it was no surprise that he sought a career as a writer. However, his father desired a more secure future for him, and, in 1841, got his son a position as a clerk with a tea importer, a family friend. Wilkie described the place as a prison and during his many spare hours at the office wrote "the usual literary rubbish."<sup>16</sup> He spent several bored years with the tea merchant, and then in May 1846, entered Lincoln's Inn as a student of law; he was admitted to the bar in 1852. Collins readily agreed that he had no intention of becoming a barrister, and "simply wanted an excuse for enjoying the pleasures of a London life."<sup>17</sup> However, it is clear from the themes in his work that both his legal studies and his philosophical outlook had a strong influence on the details and outcomes of his stories.

Like Grisham, Collins did not burst onto the literary scene with his first work. He had published a memoir of his father, several travelogues, a novel and short stories before he met [Charles Dickens](#) in 1851. However, their friendship clearly catapulted Collins into a much wider public consciousness, particularly after he became a salaried writer for Dickens' magazine *Household Words*. His first piece combining the elements of mystery and law was "[The Lawyer's Story of a Stolen Letter](#),"<sup>18</sup> written for the Christmas edition of 1854, and probably suggested by Poe's "[Purloined Letter](#)." Acting for a client, a lawyer takes it upon himself to detect the hiding place of a document being used to blackmail a young couple. Several years later, in April 1858, Collins published "[Who is the Thief](#)"<sup>19</sup> (later titled "The Biter Bit") in *Atlantic Monthly*. The main character is a professional detective, an arrogant but dim lawyer's clerk on temporary assignment to the Detective Police in a robbery investigation. He suspects everyone but the actual culprit, who pretends to be helping him find the thief. The same year, after a dispute with his publisher, Dickens dissolved *Household Words* and created *All the Year Round*, inaugurating it with the serialized version of [Tale of Two Cities](#).

This success was followed by an even greater splash in the literary **[26]** marketplace. On November 26, 1859, the closing words of *Tale of Two Cities* are followed on the same page by the [first installment](#) of *The Woman in White*. Collins based it on a Pitaval case of a woman who had been imprisoned by her heirs, was presumed dead, escaped, but was never able to legally reestablish her identity. Although there is disagreement as to whether this is a detective story per se, two of the characters do a good deal of detecting in this mysterious thriller of secrets and kidnapping, insanity, illegitimate children, forgeries, fraud, theft and betrayals. It is narrated by four of the characters, one of them the family solicitor, Vincent Gilmore, whose paternalistic attitudes and poor drafting abilities prevent the heroine from safeguarding her inheritance. The style is reminiscent of witnesses' testimony in a courtroom, "as the Judge might once have heard it ... to trace the course of one complete series of events, by making the persons who have been most closely connected with them, at each successive stage, relate their own experience, word for word."<sup>20</sup> This is quite possibly the first instance in English literature of a novel told from the viewpoint of multiple narrators. Core to the work, of course, is the issue of married women's property rights or, more accurately, lack of rights. The serial was enormously popular. Readers lined up outside the publisher's office on the day new installments were due, raising the circulation of the magazine by

300%. There was a Woman in White waltz and a Fosco galop, Woman in White capes, perfumes and bonnets. A few months later, the first printing of 1,000 books, priced at 1 1/2 pounds, sold out in a day; 1,350 copies were sold in the following week. When the cheap six shilling edition came out, Collins wrote that the publisher expected to sell 50,000 copies. Confident of additional successes, another publisher offered Collins the unheard of sum of 5,000 pounds for his next novel.<sup>21</sup> *The Woman in White* has been continuously in print since then, has been presented as a play, and had four film versions.

Collins continued to employ legal themes in many of his novels. His next work, [\*No Name\*](#),<sup>22</sup> deals with the legal rights of illegitimate children; [\*Armadale\*](#)<sup>23</sup> focuses on the societal view of prostitution and abortion; [\*Heart and Science\*](#)<sup>24</sup> is based on the true story of a man who was tried and acquitted under the Vivisection Act; [\*Evil Genius\*](#)<sup>25</sup> details divorce and child custody law. His second most popular, and possibly [27] most famous work, *The Moonstone*,<sup>26</sup> had similarities to the trial of [\*Constance Kent\*](#), the "Road Murder" case of 1860. The lead character, Inspector Cuff, was certainly based on Jonathan Whicher of the Detective Department, a police inspector whose until then very successful career was greatly publicized and damaged by his investigation and testimony at the trial. Kent was acquitted and years later admitted her guilt, but not soon enough to restore Whicher's professional reputation.

Several of Collins' works hinge on complex procedural matters. In [\*The Law and the Lady\*](#),<sup>27</sup> based on the notorious murder case of [\*Madeleine Smith\*](#), the heroine, Valeria Macallan, the wife of Eustace, decides to investigate the supposed murder of his first wife. Eustace had been tried for the crime, but the verdict was "not proved," i.e., neither guilt nor innocence could be absolutely proven. Valeria discovers that the woman had committed suicide by poison, and the question is left hanging as to whether or not Eustace drove her to it. Collins had decidedly strong views on the state of marriage laws in Britain, a fact reflected in [\*Man and Wife\*](#)<sup>28</sup>. It begins with the cold betrayal of a wife whose marriage is voided by the "Irish law" preventing a priest from performing a marriage ceremony for a Catholic and recently converted Protestant. Years later, the woman's daughter is trapped by the complications of the "Scotch law" of irregular marriages.<sup>29</sup> In Scotland, the written promise of marriage exchanged between a man and woman constituted a valid marriage. In addition, Scotch law held that a man who has betrayed a woman with a promise of marriage is forced by law to acknowledge her as his wife. In this novel, the heroine falls victim to both situations when she discovers that she seems to be married to her dearest friend's husband, and later must become the wife of a man she despises. A subplot involving a servant woman excoriates the law preventing a married woman from control of her own property, even though she has paid for or inherited it. A thriller, rather than a detective story, *Man and Wife* is a carefully crafted mystery which leads us through a rabbit warren of bigamy, death, wild night rides, disappearances, and mistaken identities, all of which comes to a neat conclusion wherein justice wins out, in spite of the legal system.

[28] The first American to follow in Collins' footsteps was a woman novelist. [Anna Katherine Green](#), variously known as the mother, grandmother or godmother of the American mystery novel, has a somewhat tenuous connection to law. Although not a lawyer, she was the daughter of a famous criminal defense attorney and was fascinated by her father's work. Her first book, America's first bestseller, [The Leavenworth Case](#),<sup>30</sup> was published in 1878 and is often described as the first full-length detective novel written by a woman.<sup>31</sup> Her melodramatic style makes the book almost hysterical in its breathlessness today, but she introduced a number of conventions now common to the mystery: a rich man murdered just before he can change his will, the hero lawyer/detective who falls in love with his client (who is also one of the suspects), the use of forensic evidence, the body in the library, a map of the crime scene and even the guilty butler.



Among the most well-known and commercially successful American lawyer/authors of the early 20th century was Melville Davisson Post. Unlike Collins, Post actually practiced law; he did debt collection and criminal and corporate defense in West Virginia, a practice which undoubtedly influenced his fictional portrayal of the law. He wrote short stories, as most crime fiction was at the time. His plots were simple and rapidly paced, precursors to the pulps of the 1930's;



characterization and background were minimal. He had several series characters who were lawyer/detectives, the first of which was Randolph Mason. The book jacket of the first edition of *Randolph Mason: The Strange Schemes*,<sup>32</sup> states: "Unlike the leading characters of practically all mystery stories, Randolph Mason is not a detective with uncanny powers of deduction, nor is he a clever young newspaper man. On the contrary, he is a calm, collected, almost sinister lawyer whose specialty is in advising clients how to evade the law. He contends that in every law there is a loophole through which a clever criminal can escape, and in this book he works out a series of his strange schemes which are apt to leave you aghast ... ." Post's most famous story is "[Corpus Delicti](#)" in which Mason advises a client to commit murder and then successfully defends him on the grounds that the body cannot be found and the prosecution has brought only circumstantial evidence. His arguments are always based on contemporary case or statutory law, and in fact, Post provides footnote citations for the interested reader. However, critics charged that he gave too much advice to the criminal and in the third and last work in the [29] series, *The Corrector of Destinies*,<sup>33</sup> Mason reforms and takes on only cases in which he can "correct every manner of injustice." Post explains that his previous incarnation was apparently due to an "acute case of mania."<sup>34</sup>

Other lawyer/mystery authors of the early 20th century were [Arthur Reeve](#) (*Guy Garrick*, 1914), [Octavus Roy Cohen](#) (*The Other Woman*, 1917), [E. C. Bentley](#) (*Trent's Last Case*, 1913), [John Buchan](#) (*Thirty-Nine Steps*, 1915), and [Arthur Train](#) (the Tutt series, 1905-45). Buchan, who described his works as shockers, is important not only

for creating the spy thriller, but also for introducing the double antagonist, i.e. the hero must battle both the villain and the legal authorities to resolve his problem, a situation familiar to nearly every litigator. Train was the very popular creator of Mr. Tutt, "the fellow who evens things up, the champion of all those who ... must bear the Whips and scorns of time, the oppressor's wrong...the law's delay.... He fights fire with fire, meets guile with guile, and rights the legal wrong."<sup>35</sup> He is, in short, an embryonic Perry Mason.

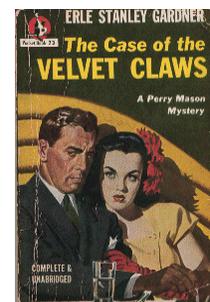
The economic growth of the 1920's spurred a population boom in the legal profession, and as a byproduct, more lawyers, many discouraged by or uninterested in the practice of law, became writers. The 1930's and '40's brought in the golden age of mystery novels. This combination brought about some of the best in legal mysteries.



[Erle Stanley Gardner](#), internationally known for his creation Perry Mason, was one of the best-selling authors of all time. A pugnacious personality got him into trouble, first for promoting unlicensed boxing matches and then for punching one of his college professors. Logically, he developed an interest in law and worked as a typist in an Oxnard, California firm. In 1911, he was admitted to the bar, and built a reputation as a champion of the underdog, defending poor immigrant clients with somewhat unorthodox trial tactics. The clients often as not couldn't pay, and for several years he had a job selling tires. He

missed the excitement and challenge of the courtroom, and soon returned to law with a Ventura firm. At the same time he also turned to writing for additional income. He wrote after practicing law all day, churning out at least 4,000 words every night. In 1921 he sold his first mystery story to a pulp magazine, and in the following few years sold hundreds more. **[30]** He wrote in the hard-boiled, slangy, pulp style; fast paced action -- not characterization -- drove the stories.

Gardner wrote his first novel, *The Case of the Velvet Claws*, in 1933, and after several rejections it was published by William Morrow & Co. Thayer Hobson, president of Morrow, suggested that he make the book's hero a series character. Eighty-one Perry Mason mysteries followed. The formula for every Mason novel can be put into a single premise, according to his critic Dennis Bounds: "What if an innocent man or women, who has every reason in the world to commit a murder, has little more than a flimsy alibi to prove to the police that he or she did not, is implicated and arrested for that murder, and gets attorney Perry Mason to defend him or her?...Taking these elements as a springboard, the plot continues in a trajectory toward the climactic moment -- usually at a hearing or trial -- where the actual murderer is revealed."<sup>36</sup> Mason's courtroom techniques were often just over the legal line. "I'm a lawyer," he said in *Velvet Claws*, "I take people who are in trouble and I try to get them out of trouble...If the District Attorney would be fair, then I could be fair."<sup>37</sup> He is also brilliant -- he never has to research, pull a reporter off a shelf, or check a statute; he holds the world of legal knowledge in his head. This

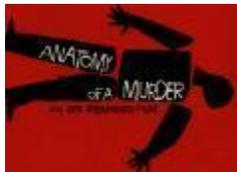


detective/lawyer character was so popular that it generated several movies in the '30s, a radio series, then a long running television series, later television movies, and even a comic strip and board games.

Among Gardner's other characters were Donald Lam, the disbarred lawyer and junior partner in a detective agency, and Doug Selby, small town district attorney. Gardner's works have been translated into thirty languages and hundreds of millions of copies have been sold in the United States alone. His effect on popular perceptions of the legal system has been so great that when the Italian judiciary restyled their courtroom architecture, the rooms were called "Perry Mason" courtrooms because the lay-out resembled American construction.

Gardner was just one of many lawyers of this period who made careers as authors of legal mysteries. Barrister and judge Alfred Alexander Gordon Clark, who wrote under the pseudonym [Cyril Hare](#), was personally a very traditional and conservative man. But he believed that his best work was *Tragedy at Law* (1942), an unorthodox mystery about a tipsy judge, a down-at-heels barrister, a road accident, an [31] insurance suit, suicide and murder. Americans [Eleazar Lipsky](#) (*Kiss of Death*, 1948), and [Cornelius Grafton](#) (*The Rat Began to Gnaw the Rope*, 1944) have strong senses of time and place. A New York prosecutor, Lipsky described a world of petty criminals and sinister lawyers, both on the prosecution and defense sides. Grafton, the father of best-selling author Sue Grafton, combined complex plots, procedural maneuvers, and a fast pace with evocative details of a pre-World War II Kentucky.

The 1950s and '60s saw an overall decline in numbers of mysteries and thrillers, but best-selling authors continued to profit from the public's love-hate relationship with lawyers. John O'Hara, James Gould Cozzens, Herman Wouk, Harper Lee, Leon Uris, and Allen Drury are among those who wrote about lawyers in the monied classes, the armed services, politics and small towns. However, outselling all of

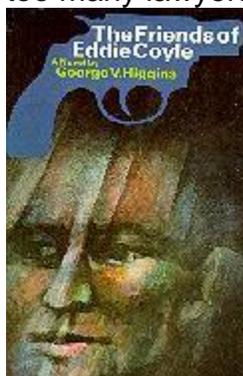


them was the first of the truly realistic American courtroom dramas, *Anatomy of a Murder*,<sup>38</sup> published in 1958. This marvelous and indeed literary who-done-it came from the pen of a future Michigan Supreme Court Justice, John D. Voelker, writing under the pseudonym of Robert Traver. After losing reelection as District Attorney of Marquette County and a later congressional bid, he had turned to a criminal defense practice. During a dismal winter when clients were sparse he decided to write a courtroom drama that really showed what lawyers did, both in their offices and the courtroom. He pitted a small-town hero against an out-of-town hired-gun prosecutor in the trial of a bigoted and violent man, who seemed to have defended his wife's honor with murder. Voelker's careful attention to correct legal procedure and the cynical finale raised a new standard for future legal thrillers.

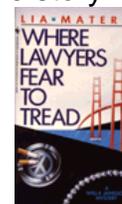
*Anatomy* did not begin a trend. Lawyers were too busy practicing law and making money. The 1950s, like the '20s, saw tremendous growth in transactional work for attorneys. It wasn't until the 1970s, and especially the '80s, that lawyers once again began to turn away from their practices to write fiction, bringing a new edge of realism

and authority to mysteries engaging the law. The boom in legal business up to the late '80s was accompanied by a massive burn-out. Intense pressure for billing hours, competition for those hours, and a general feeling that law was not nearly so exciting as they had thought during law school caused a large number of lawyers to rethink their careers. The economic bust of the late '80s saw many lawyers casting about for alternative careers. Then in 1987, Scott Turow's success with *Presumed Innocent* exploded the legal thriller market. The sheer number of lawyer/authors dictates that the major characteristic of the genre in this decade is enormous diversity in writing styles, themes and series characters.

**[32]** The legal thriller is a hybrid of hybrids. Just as the courtroom drama pulls in elements of every form of drama and comedy in fiction, the legal mystery also takes elements from every other mystery subgenre -- the regional mystery, the spy story, the locked room, the financial thriller, the gumshoe detective, and others. There are now far too many lawyers writing mysteries to list, but a brief assortment will give a hint of the

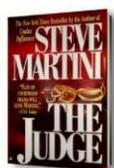


range. George Higgins, a former district attorney in Boston, captured the color and language of his city, its politicians, judges, lawyers, petty criminals, and people on the run. His first book was the noirish and very well-received *The Friends of Eddie Coyle* (1972), the story of an aging hoodlum turned police informer. Julian Symons describes *Outlaws'* (1987) trial scenes as "surely the finest of their kind in modern fiction."<sup>39</sup> Haughton Murphy, the pseudonym of retired Wall Street lawyer Jim Duffy, has thus far written seven mysteries featuring Reuben Frost, oddly enough a retired Wall Street lawyer who does a bit of detecting. One of the few women lawyers who write mysteries, Lia



Matera put a sign by her typewriter, "Publish or perish" a year after graduating from law school. Since *Where Lawyers Fear to Tread* (1987) introduced Willa Jansson, lawyer of liberal causes who also finds herself detecting, Matera has produced eight mysteries.

[Andrew Vachss](#) represents battered children in New York City and writes disturbing novels about child abuse, material gathered directly from his practice. The darkest and seamiest sides of law come to life both in the print and film versions of Judge Edwin Torres' novels, *Carlito's Way* (1975) and *Q & A* (1977). Michael Nava is one of those writers who continue to practice law. His series character in *The Hidden Law* (1992) and



*How Town* (1990) is a Hispanic gay attorney who works on cases that come straight from the newspaper front pages. Emma Lathen is the pseudonym of two women, an economist and a lawyer, whose string of twenty-two novels combines their expertise in the character of John Putnam Thatcher, a Wall Street investment banker who is often involved in financial fraud cases. In [Steve Martini's](#) best-selling novels, trial procedures such as voir dire and

preemptory challenges (*Compelling Evidence*, 1992) are not only the pivot upon which the plot hinges, but also serve to educate the reader. Michael Kahn is a litigator in St. Louis whose chief character happens to be female. In his first Rachel Gold book, she, like many other new graduates, joined a large firm, only to be disillusioned by a senior partner's illegal activities and the ensuing cover-up (*Grave Designs*, 1988). In later works, she has gone into solo practice, and seems always **[33]** to end up taking cases

that require dangerous sleuthing. William Coughlin was a former prosecutor and administrative law judge who applied his judicial and personal experience to his novels. He introduced a previously taboo subject, that of the lawyer battling alcoholism and addiction, a major problem in the profession. Stephen Greenleaf has been writing about John Marshall Tanner since 1981. Tanner is a former lawyer who decided a career change to a more respectable profession was in order -- he became a private investigator.

The steady, albeit much smaller, stream of English lawyer/authors continues a much more restrained style than that of the Americans. [John Mortimer](#) has been a barrister since 1948, wrote his first novel in 1947, and thinks of himself primarily as a writer rather than a lawyer. He is responsible for one of the best known English lawyer/detectives, Horace Rumpole. The tales of the irascible barrister and "she who must be obeyed" were written as one-hour television productions, which were then published as short story collections. Margaret Reid Duncan (M. R. D.) Meek got her law degree after working for many years in a solicitor's office and introduced her popular solicitor/detective Lennox Kemp in 1983 (*With Flowers that Fell*). Frances Fyfield (*A Question of Guilt*, 1989) has won a number of prestigious awards, including the Silver Dagger, the Edgar and the Rumpole. She is a criminal prosecutor whose recurring character Helen West works in the same field.

They have all been authors of their times, almost subversively arguing important contemporary legal issues in a popular culture format. We can thumb through a snapshot album of legal history in legal thrillers. Collins railed against the laws governing women and children just as Grisham takes on health care providers, civil rights, and the death penalty. In the 19th century, women could not own property separate from their husbands, could not sign contracts, could not vote, and could not enter many professions. By the time Grisham began writing, women had attained all those rights, either through the courts or by legislation. Those rights underpin his plots just as the lack of them propels Collins' stories.

The ambiguous and paradoxical universe of the law has intrigued us for centuries and will no doubt continue to do so. The lawyer's ability to manipulate language and truth is both suspect and cause of hope to the client. To quote Wilkie Collins in *Man and Wife*: "The law will argue anything with anybody who will pay the law for the use of its brains and time."<sup>40</sup> Fictional lawyers will continue to reflect our feelings of **[34]** ambivalence towards real lawyers as facilitators of both good and evil, and lawyer/authors will continue to foster those feelings. While we yearn to be represented by the likes of Perry Mason, we are convinced that our opponent's counsel is Randolph Mason. The lawyers who write these books recreate themselves as Perry Masons and their antagonists as Randolph Masons. Popular culture mirrors life; life mirrors popular culture.

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## ENDNOTES

\* Reference Librarian, Tarlton Law Library, University of Texas School of Law. Ms. Robinson created the unique Law and Popular Culture Collection at Tarlton Law Library and its accompanying website at <http://www.law.utexas.edu/lpop/>.

1. John Grisham, "The Rise of the Legal Thriller: Why Lawyers are Throwing the Books at Us," New York Times, Book Review Section, 33, Oct. 18, 1992.

2. Kelli Pryor, "Over 60 Million Sold," Entertainment Weekly, 14, 18, April 1, 1994.

3. Georg Phillip Harsdorffer, Der grosse Schau-Platz jammerlicher Mord-Geschichte, (Hamburg, Johan Nauman, 1650).

4. Matthias Able von und zu Lilienberg, Metamorphosis telae judicariae; Das ist seltzame Gerichtshandel, (Nurnberg, Michael Endters, 1661).

5. Francois Gayot de Pitaval, Causes Celebres et Interessantes, avec les Jugemens qui les ont Decidees, (Le Hay, J. Neaulme, 1735-45).

6. in Waltraud Woeller, The Literature of Crime and Detection, 32 (N.Y.: Ungar, 1988).

7. Andrew Knapp and William Baldwin, The Newgate Calendar: comprising interesting memoirs of the most notorious characters who have been convicted of outrages on the laws of England since the commencement of the eighteenth century: with occasional anecdotes and observations, speeches, confessions, and last exclamations of sufferers (London, J. Robins and Co., 1824-28).

8. William Godwin, Things as They are; or The Adventures of Caleb Williams (London, B. Crosby, 1794).

9. Henry Fielding, The Life of Mr. Jonathan Wild the Great (London, A. Millar, 1743)

10. Ernst Theodor Amadeus Hoffmann, Das Fraulein von Scuderi (Leipzig, Bibliographisches Institut, 1818).

11. Reprinted in Ellery Queen Magazine, March 1952, at 20-26.

12. In 1860, this was equivalent to U.S. \$7.20. In contrast, a museum ticket to Barnum's American Museum was 25 cents, coffee was 7 cents/pound, an issue of Harper's Weekly cost a dime, and a nice 2-story Brooklyn house could be rented for \$250. per year. [Scott Derks, The Value of a Dollar, Gale, 1994.] The average pay for a skilled laborer was \$1.75/day [Derks], a New York City mail carrier could earn \$70 to \$150 a month [H.R. Ex Doc. No. 51, 1860], a government clerk earned on average

\$1200 a year [S. Ex Doc. No. 1, 1870] , and a female nurse on the Civil War battlelines was paid 40 cents a day and one ration [H.R. Ex Doc. 270, 1872].

13. Julian Symons, *Bloody Murder*, 39-41 (New York, Mysterious Press, 1993).

14. Wilkie Collins, *The Woman in White* (London, Sampson, Law, 1860).

15. Wilkie Collins, *The Moonstone* (London, Tinsley, 1868).

16. Catherine Peters, *The King of Inventors: A Life of Wilkie Collins* 57 (Princeton, N.J., Princeton University Press, 1991).

17. *Id.* at 69.

18. Later collected in Wilkie Collins, *After Dark and Other Stories* (London, Smith, Elder, 1856).

19. Later published as "Brother Griffith's Story, or The Biter Bit" in Wilkie Collins, *The Queen of Hearts* 306 (London, Hurst & Blackett, 1859).

20. Collins, *supra* note 14, "Preamble".

21. Peters, *supra* note 16, at 232.

22. Wilkie Collins, *No Name* (London, Sampson Law, 1862).

23. Wilkie Collins, *Armadale* (London, Smith, Elder, 1866).

24. Wilkie Collins, *Heart and Science* (London, Chatto & Windus, 1883).

25. Wilkie Collins, *Evil Genius* (London, Chatto & Windus, 1886).

26. It has been described as "The first, the longest and the best of modern English detective novels", but Julian Symons argues in *Bloody Murder* 50 (*supra*, note 13) that the first full length detective novel is "The Notting Hill Mystery", written by Charles Felix, and serialized in *Once a Week*, beginning in November 1862. This is the story of an insurance detective who discovers that the husband and beneficiary of a dead woman engineered her death by poison via "sympathetic" ingestion by her sister.

27. Wilkie Collins, *The Law and the Lady* (London, Chatto & Windus, 1874).

28. Wilkie Collins, *Man and Wife* (London, F. Ellis, 1870).

29. See Collins' note at the end of chapter 20 for his criticism of these laws.

30. Anna Katherine Green, *The Leavenworth Case: A Lawyer's Story* (New York, G. P. Putnam's Sons, 1878).

31. *The Dead Letter*, written by Selley Regester (pseud. for Metta Victoria Fuller Victor) and published in 1867 by Beadle and Co., was the first American detective novel written by a woman, although not nearly so popular and certainly less well known.

32. Melville Davisson Post, *Randolph Mason: The Strange Schemes* (New York, G. P. Putnam's Sons, 1896).

33. Melville Davisson Post, *The Corrector of Destinies* (New York, Clode, 1908).

34. Francis M. Nevins, "From Darwinism to Biblical Lawyering: The Stories of Melville Davisson Post", 18 *Legal Studies Forum* 177, 189 (1994).

35. Arthur Train, *Mr. Tutt's Case Book*, at xii (New York, Scribner's 1936).

36. Dennis Bounds, *Perry Mason: The Authorship and Reproduction of a Popular Hero* 36 (Westport, Conn., Greenwood Press, 1996).

37. Erle Stanley Gardner, *The Case of the Velvet Claws* 259 (Philadelphia, Triangle Books, 1945, 1933).

38. Robert Traver, *Anatomy of a Murder* (New York, St. Martin's, 1958).

39. Symons, *supra*, note 13, at 313.

40. Collins, *Man and Wife* 347 (New York, Harper & Bros., 1873, 1870).