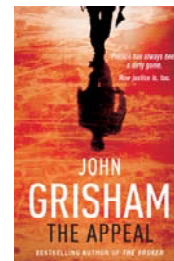




RANDOM HOUSE AUSTRALIA

THE APPEAL
by John Grisham

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CHAPTER 1

The jury was ready.

After forty-two hours of deliberations that followed seventy-one days of trial that included 530 hours of testimony from four dozen witnesses, and after a lifetime of sitting silently as the lawyers haggled and the judge lectured and the spectators watched like hawks for telltale signs, the jury was ready. Locked away in the jury room, secluded and secure, ten of them proudly signed their names to the verdict while the other two pouted in their corners, detached and miserable in their dissension. There were hugs and smiles and no small measure of self-congratulation because they had survived this little war and could now march proudly back into the arena with a decision they had rescued through sheer determination and the dogged pursuit of compromise. Their ordeal was over; their civic duty complete. They had served above and beyond. They were ready.

The foreman knocked on the door and rustled Uncle Joe from his slumbers. Uncle Joe, the ancient bailiff, had guarded them while he also arranged their meals, heard their complaints, and quietly slipped their messages to the judge. In his younger years, back when his hearing was better, Uncle Joe was rumored to also eavesdrop on his juries through a flimsy pine door he and he alone had selected and installed. But his listening days were over, and, as he had confided to no one but his wife, after the ordeal of this particular trial he might just hang up his old pistol once and for all. The strain of controlling justice was wearing him down.

He smiled and said, "That's great. I'll get the judge," as if the judge were somewhere in the bowels of the courthouse just waiting for a call from Uncle Joe. Instead, by custom, he found a clerk and passed along the wonderful news. It was truly exciting. The old courthouse had never seen a trial so large and so long. To end it with no decision at all would have been a shame.

The clerk tapped lightly on the judge's door, then took a step inside and proudly announced, "We have a verdict," as if she had personally labored through the negotiations and now was presenting the result as a gift.

The judge closed his eyes and let loose a deep, satisfying sigh. He smiled a happy, nervous smile of enormous relief, almost disbelief, and finally said, "Round up the lawyers."

After almost five days of deliberations, Judge Harrison had resigned himself to the likelihood of a hung jury, his worst nightmare. After four years of bare-knuckle litigation and four months of a hotly contested trial, the prospect of a draw made him ill. He couldn't begin to imagine the prospect of doing it all again.

He stuck his feet into his old penny loafers, jumped from the chair grinning like a little boy, and reached for his robe. It was finally over, the longest trial of his extremely colorful career.

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The clerk's first call went to the firm of Payton & Payton, a local husband-and-wife team now operating out of an abandoned dime store in a lesser part of town. A paralegal picked up the phone, listened for a few seconds, hung up, then shouted, "The jury has a verdict!" His voice echoed through the cavernous maze of small, temporary workrooms and jolted his colleagues.

He shouted it again as he ran to The Pit, where the rest of the firm was frantically gathering. Wes Payton was already there, and when his wife, Mary Grace, rushed in, their eyes met in a split second of unbridled fear and bewilderment. Two paralegals, two secretaries, and a bookkeeper gathered at the long, cluttered worktable, where they suddenly froze and gawked at one another, all waiting for someone else to speak.

Could it really be over? After they had waited for an eternity, could it end so suddenly? So abruptly? With just a phone call?

"How about a moment of silent prayer," Wes said, and they held hands in a tight circle and prayed as they had never prayed before. All manner of petitions were lifted up to God Almighty, but the common plea was for victory. Please, dear Lord, after all this time and effort and money and fear and doubt, please, oh please, grant us a divine victory. And deliver us from humiliation, ruin, bankruptcy, and a host of other evils that a bad verdict will bring.

The clerk's second call was to the cell phone of Jared Kurtin, the architect of the defense. Mr. Kurtin was lounging peacefully on a rented leather sofa in his temporary office on Front Street in downtown Hattiesburg, three blocks from the courthouse. He was reading a biography and watching the hours pass at \$750 per. He listened calmly, slapped the phone shut, and said, "Let's go. The jury is ready." His dark-suited soldiers snapped to attention and lined up to escort him down the street in the direction of another crushing victory. They marched away without comment, without prayer.

Other calls went to other lawyers, then to the reporters, and within minutes the word was on the street and spreading rapidly.

Somewhere near the top of a tall building in lower Manhattan, a panicstricken young man barged into a serious meeting and whispered the urgent news to Mr. Carl Trudeau, who immediately lost interest in the issues on the table, stood abruptly, and said, "Looks like the jury has reached a verdict." He marched out of the room and down the hall to a vast corner suite, where he removed his jacket, loosened his tie, walked to a window, and gazed through the early darkness at the Hudson River in the distance. He waited, and as usual asked himself how, exactly, so much of his empire could rest upon the combined wisdom of twelve average people in backwater Mississippi.

For a man who knew so much, that answer was still elusive.

People were hurrying into the courthouse from all directions when the Paytons parked on the street behind it. They stayed in the car for a moment, still holding hands. For four months they had tried not to touch each other anywhere near the courthouse. Someone was always watching. Maybe a juror or a reporter. It was important to be as professional as possible. The novelty of a married legal team surprised people, and the Paytons tried to treat each other as attorneys and not as spouses.

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And, during the trial, there had been precious little touching away from the courthouse or anywhere else.

“What are you thinking?” Wes asked without looking at his wife. His heart was racing and his forehead was wet. He still gripped the wheel with his left hand, and he kept telling himself to relax.

Relax. What a joke.

“I have never been so afraid,” Mary Grace said.

“Neither have I.”

A long pause as they breathed deeply and watched a television van almost slaughter a pedestrian.

“Can we survive a loss?” she said. “That’s the question.”

“We have to survive; we have no choice. But we’re not going to lose.”

“Attaboy. Let’s go.”

They joined the rest of their little firm and entered the courthouse together. Waiting in her usual spot on the first floor by the soft drink machines was their client, the plaintiff, Jeannette Baker, and when she saw her lawyers, she immediately began to cry. Wes took one arm, Mary Grace the other, and they escorted Jeannette up the stairs to the main courtroom on the second floor. They could’ve carried her. She weighed less than a hundred pounds and had aged five years during the trial. She was depressed, at times delusional, and though not anorexic, she simply didn’t eat. At thirty-four, she had already buried a child and a husband and was now at the end of a horrible trial she secretly wished she had never pursued.

The courtroom was in a state of high alert, as if bombs were coming and the sirens were wailing. Dozens of people milled about, or looked for seats, or chatted nervously with their eyes darting around. When Jared Kurtin and the defense army entered from a side door, everyone gawked as if he might know something they didn’t. Day after day for the past four months he had proven that he could see around corners, but at that moment his face revealed nothing. He huddled gravely with his subordinates.

Across the room, just a few feet away, the Paytons and Jeannette settled into their chairs at the plaintiff’s table. Same chairs, same positions, same deliberate strategy to impress upon the jurors that this poor widow and her two lonely lawyers were taking on a giant corporation with unlimited resources. Wes Payton glanced at Jared Kurtin, their eyes met, and each offered a polite nod. The miracle of the trial was that the two men were still able to treat each other with a modest dose of civility, even converse when absolutely necessary. It had become a matter of pride. Regardless of how nasty the situation, and there had been so many nasty ones, each was determined to rise above the gutter and offer a hand.

Mary Grace did not look over, and if she had, she would not have nodded or smiled. And it was a good thing that she did not carry a handgun in her purse, or half of the dark suits on the other side wouldn’t be there. She arranged a clean legal pad on the table before her, wrote the date, then her name, then could not think of anything else to log in. In seventy-one days of

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trial she had filled sixty-six legal pads, all the same size and color and now filed in perfect order in a secondhand metal cabinet in The Pit. She handed a tissue to Jeannette. Though she counted virtually everything, Mary Grace had not kept a running tally on the number of tissue boxes Jeannette had used during the trial. Several dozen at least.

The woman cried almost nonstop, and while Mary Grace was profoundly sympathetic, she was also tired of all the damned crying. She was tired of everything—the exhaustion, the stress, the sleepless nights, the scrutiny, the time away from her children, their run-down apartment, the mountain of unpaid bills, the neglected clients, the cold Chinese food at midnight, the challenge of doing her face and hair every morning so she could be somewhat attractive in front of the jury. It was expected of her.

Stepping into a major trial is like plunging with a weighted belt into a dark and weedy pond. You manage to scramble up for air, but the rest of the world doesn't matter. And you always think you're drowning.

A few rows behind the Paytons, at the end of a bench that was quickly becoming crowded, the Paytons' banker chewed his nails while trying to appear calm. His name was Tom Huff, or Huffy to everyone who knew him. Huffy had dropped in from time to time to watch the trial and offer a silent prayer of his own. The Paytons owed Huffy's bank \$400,000, and the only collateral was a tract of farmland in Cary County owned by Mary Grace's father. On a good day it might fetch \$100,000, leaving, obviously, a substantial chunk of unsecured debt. If the Paytons lost the case, then Huffy's once promising career as a banker would be over. The bank president had long since stopped yelling at him. Now all the threats were by e-mail.

What had begun innocently enough with a simple \$90,000 second mortgage loan against their lovely suburban home had progressed into a gaping hellhole of red ink and foolish spending. Foolish at least in Huffy's opinion. But the nice home was gone, as was the nice downtown office, and the imported cars, and everything else. The Paytons were risking it all, and Huffy had to admire them. A big verdict, and he was a genius. The wrong verdict, and he'd stand in line behind them at the bankruptcy court.

The moneymen on the other side of the courtroom were not chewing their nails and were not particularly worried about bankruptcy, though it had been discussed. Krane Chemical had plenty of cash and profits and assets, but it also had hundreds of potential plaintiffs waiting like vultures to hear what the world was about to hear. A crazy verdict, and the lawsuits would fly.

But they were a confident bunch at that moment. Jared Kurtin was the best defense lawyer money could buy. The company's stock had dipped only slightly. Mr. Trudeau, up in New York, seemed to be satisfied.

They couldn't wait to get home.

Thank God the markets had closed for the day.

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