



The Misrepresentation of Law: A Study of William Landay's *Defending Jacob* as Courtroom fictio

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Abstract

Courtroom fiction is a literary subgenre of fiction that revolves around the legal practices or the justice system. In this subgenre, the plot is centered on the events inside or around the courtroom aiming at proving the innocence or guilt of the defendant. It follows the lives of people involved in crime mystery, and slowly uncovers the secrets that lead to the final verdict on the defendant. However, the focal point of this genre is the conversations and events that take place inside the courtroom, in front of the judge and/or the jury members. The goal of the current study is to investigate William Landay's *Defending Jacob* as a sample of courtroom fiction. This American novel, which has been recently adapted into a TV series, is a distinctive courtroom story that deals with minor's crimes and accusations. It narrates the events surrounding fourteen years-old boy who gets accused of murder, and the way he and his father deal with this accusation and their attempts to prove the boy's innocence. Significantly, the study focuses on the legal misrepresentation by the former prosecutor Andy as he twists facts in the favor of his son Jacob. It also focuses on the relevant events that take place during the series of trials that Jacob goes through, and it highlights the procedures followed by the justice system beginning with law enforcement actions, legal representation, and then the trial which leads to the final verdict.

Keywords: Courtroom fiction, *Defending Jacob*, William Landay, misrepresentation of law.



1.1. Research purpose

this research paper aims at tackling the misrepresentation of law and the issues and repercussions that come from it. Since this issue is really wide one and has been presented in a number of TV series, films, and novels, the research aims to discuss it within the novel *Defending Jacob*. This is one of the most important law fiction that has been written in the 21st century. It is hoped that by discussing this theme the researcher will answer the question concerning how American literature presents the legal issues of American system.

1.2. Research problem

Judicial system of any country can be flawed and have corrupt people. Thus, different occasions concerning misrepresenting the law can occur and severely affect the efficiency of the legal institution. Literature, and especially novel, indulges in real life problems and attempt to bring insight and awareness to them. The research tackles the ways in which a literary work can reflect on the issues of misrepresenting the law and what results can come out of that.

1.3. Research methodology

The research follows the thematic approach to tackle a novel within the genre of courtroom fiction. The main theme that is chosen for analysis is the misrepresentation of law, or the abuse of legal power. The research proceeds in following the plot and character development in order to analyze this theme carefully and bring out the writer's final message concerning it. The research is divided into an introduction to the theoretical framework and a part that is dedicated to actual analysis.

2. Introduction: Legal misrepresentation and Courtroom Fiction

In law, misrepresentation refers to any representation presented by one party to another by language or other methods that leads to an assumption that is not supported by the facts. A misrepresentation is a statement that does not correspond to the truth and is made with the aim to deceive or mislead; as such, it can be considered fraud. It is particularly frequent in insurance and real-estate transactions; in these situations, a misleading statement about a fact might be significant to the contract and even influence its formation. In many of these



situations, the aggrieved party relies on the misleading statement since it is the other party's responsibility to be aware of its true relevance¹.

Misrepresentation can be categorized into three types: Fraudulent misrepresentation occurs when a false statement is made deliberately, or without confidence in its validity. Negligent misrepresentation happens when a statement is made recklessly and in disregard of the obligation owed by Party A to Party B to make sure that the statement is accurate. If no "special connection" exists, a statement made carelessly or without solid reasons for assuming its veracity may be considered a misrepresentation under section 2(1) of the Misrepresentation Act 1967 in the United States (Practical Law). Thus, Misrepresentation is about giving false statement to someone else and having them believing in it and build their actions accordingly. It is common in contracts yet it goes to different areas including lying to court and coming up with inaccurate descriptions.

As in the words of best-selling legal author William Bernhardt who states that:

Crime fiction has always been concerned with right and wrong; when the detective apprehends the murderer, there is a sense that the world has been reclaimed from chaos, that order has been established. Legal-fiction takes this idea even further, as the characters struggle to understand not simply right and wrong but justiceB a far more elusive and difficult concept. The desire for justice in a world that seems unjust in the extreme is shared not only by lawyers but also by the common man, and this may be the major reason why legal-fiction has taken a lead ahead of contemporary crime fiction.²

A courtroom drama is defined as a "genre of film in which a system of justice plays a critical role in the film's narrative" by the American Film Institute (AFI). This type of genre takes many various shapes according to this definition. In this type, the major characters don't necessarily have to be attorneys in a courtroom since a movie can feature many characters in various places and yet be classified as a courtroom drama. As a result, the word "courtroom drama" has become synonymous with the larger term 'legal drama'.³

Courtroom drama is among the most popular cinema and fiction genres in the United States, it appears to be well-received by critics and audiences alike. Yet, this genre has many subgenres into ten basic divisions. Almost ten basic types that are all interconnected:

¹ Britannica Editors. Misrepresentation. *Britannica*. (2020).

² Radhakrishnan, Narayan. "A Fiction of Law! 100 Years of Legal- Fiction". *The On_Lin Journal Of Law & Popular Culture* .

³ Sheets, B. The 10 Key Elements to Writing a Courtroom Drama. *Industrial Scripts*. (2020).



"courtroom 'whodunits,' legal thrillers, historical courtroom dramas, true crime courtroom dramas, lawyer films, courtroom satires and comedies, court-martial films, social issue courtroom dramas, hybrid courtroom dramas, and jury room dramas". The dramatic event usually comes in the form of an interesting collection of courtroom scenes and small incidents happening in other places⁴.

From their early productions, courtroom films focused on contemporary social issues that were well-liked by the general public, despite the controversy they would usually cause in their own debates. Part of their popularity came from the fact that reality-based tales and socio-psychological themes gained popularity and became an important element of popular culture in the late twentieth century (Kuzina, 2001, p. 80). The legal system was rarely questioned in American films, while individual attorneys and officials were regularly criticized. A handful of courtroom films have openly offered a social message and agitated for social change from the mid-1950s to the present. For instance, *Twelve Angry Men* (1957) by Sidney Lumet advocates for community participation in judicial choices; *I Want To Live!* (1958) by Robert Wise opposes media trials and death penalty; *To Kill A Mockingbird* condemns racism; and *Philadelphia* condemns prejudice against individuals with AIDS⁵.

The most dramatic, climactic, or crucial moments in courtroom dramas typically involve the activities of the judicial system. The main plot may or may not revolve around the judicial system. The major issue, on the other hand, is addressed by the judicial system's final verdict and is thus essential to the storyline. Murder, treachery, fraud, perjury, injustice, conspiracies, and sex are all common themes in courtroom dramas. Most significantly, the spectator is nearly always presented with a moral problem in courtroom dramas. A courtroom drama exposes ethically problematic topics to the spectator in the same way that an attorney presents their case to the jury. This engages the audience by allowing them to form an emotional connection with the tale⁶.

Despite the fact that the golden period of courtroom drama in the 1960s has passed, it remained as popular as ever. For example, Steven Spielberg directed and starred Meryl

⁴ Kuzina, M. The social issue courtroom drama as an expression of American popular culture. *Journal of Law and Society*, pp. 79-80

⁵ Machura, S., & Ulbrich, S. Law in film: Globalizing the Hollywood courtroom drama. *Journal of Law and Society*, p. 122

⁶ Sheets, B. The 10 Key Elements to Writing a Courtroom Drama. *Industrial Scripts*. (2020).



Streep and Tom Hanks in the 2017 film *The Post*. It received two Oscar nominations, six nominations for Golden Globe, and eight nominations for Critic's Choice Award. *The Post* is inspired by real events of the leaked Pentagon Documents, when *The Newspapers* published the Report of the Secretary of Defense on the front page in 1971. This revealed the Johnson regime's pattern of lying to the public and Congress regarding the Vietnamese war. *The Post* is notable for its in-depth representation of the political conflict between the free press and the federal government even though it depicts historical events from almost 45 years before its production⁷.

3. Misrepresentation of Law in *Defending Jacob*

Defending Jacob is a 2012 novel by William Landay which has been adapted into a min TV series in 2020. The story takes place in Newton, which is a tiny quiet town in Massachusetts. Andy Barber is a well-liked county prosecutor who has been ordered to look into the stabbing murder of Ben Rifkin, a student with his son Jacob, at a spot near their school. Andy and Laurie begin to question Jacob because of his lack of compassion and grim sense of humor about the crime. After Andy and Laurie find a knife that matches the murder weapon in Jacob's bedroom and a one fingerprint on Ben's body is confirmed to be his, Jacob quickly becomes the case's main suspect. As a consequence, Andy is fired from the case yet he continues to defend his son, and tries to prove his innocence. Secrets are uncovered, facts are told, and a trial is played out, shattering the Barber's ideal life forever⁸. *Defending Jacob* appears to be a classic whodunit on the surface. Many of the characteristics of a classic crime story are skillfully handled in the story, from red herrings and a suspenseful trial to more than a few startling twists. Thus, the idea appears to be a straightforward murder investigation at first glance: Assistant district attorney Andy Barber takes on a case when a local youngster called Ben Rifkin is discovered stabbed in a suburban park. But the story suddenly and quickly becomes personal when Jacob is arrested and charged with murder. Andy and Laurie must defend their kid from a storm of press coverage,

⁷ Ibid

⁸ Sudwintari, S. W. Destiny of Injustice in William Landay's Novel *Defending Jacob*. *Journal of Language*, pp. 137



aggressive prosecutors, and neighbor gossip while privately questioning if their boy actually did that⁹.

At the beginning of the tale, Jacob informs his parents that Ben, the victim, was dislikable, and later expresses his disgust over his classmates' excessive compassion for Ben's death. Andy becomes horrified after seeing a series of comments, including one from Jacob's colleague Derek, suspecting Jacob of killing Ben, on an internet message board dedicated to Ben. Andy searches Jacob's bedroom and discovers a knife that matches the murder weapon stashed in a sock in his cabinet. "I found something hard lazily hidden in an old T-shirt"¹⁰. Jacob is confronted by Andy and Laurie about the blade and the message board, yet, Jacob maintains that he never used the blade and that the remarks of his friends are irrelevant. Andy, the investigator of the crime, betrays his position and throws the knife away. Andy's kindness is established in the tale, but it is eventually undercut, showing the ego and fury underneath the clean face. Andy's violent regulation and manipulation as he seeks to exonerate Jacob might be evidence of his shallow beliefs in the significance of his clean public image at any cost. Andy acts on a toxic family situation here: He neglects his duty toward law and justice that he swore to serve and he refuses the possibility that Jacob is guilty, however, the mother, Laurie, does¹¹.

The presentation of Andy as a misfit man of law is quite significant. In much contemporary courtroom drama, writers and producers use creative narrative to portray the conflict between what is fair and just and what is not. They make individuals face and challenge their prejudices about the justice system. People assess expectations about law, justice, and human conduct and events. Observers can enjoy the sarcastic insights about the court system provided by these works when combined with the developing drama: that it encourages brilliant attorneys' techniques to remove helpful evidence; and that procedural protections tend to protect the guilty instead of exonerating the innocent¹².

⁹ Coggan, D. "Defending Jacob Writer Dissects that Shocking Finale Reveal". *EW*.

¹⁰ Landa, William. *Defending Jacob*. Delacorte Press, 2012, p. 60

¹¹ Hale, M. 'Defending Jacob' Asks, Could Our Son Be a Killer? *New York Times*.

¹² Corcos, Christine Alice. "Legal fictions: Irony, storytelling, truth, and justice in the modern courtroom drama." *UALR L*, p. 503.



After a fingerprint of Jacob is found on the victim's body, he is arrested and his parents go to Dr. Vogel, a doctor who specializes in genetic behavior, in order to plan for the possibility that the attorney may utilize the "murder gene" as a defense. Although Andy recalls Jacob as a well-behaved kid, Laurie describes Jacob as challenging and frequently violent, she says "he would come storming. He would go on rampages. He'd throw things, he'd scream"¹³. Andy is offended that Laurie could suggest Jacob is capable of murder but Laurie says she has no doubts about Jacob's innocence. Thus, even after having evidences that his kid might be the killer, Andy refuses that possibility and continues the effort to get him out free. While his actions could be justified with fatherly love, his legal training and responsibility should have taken him into a different direction.

In certain works, the court system offers a quasi-legitimate framework to numerous different methods of finding the truth. Some writers and filmmakers employ these components of pre-trial and trial process to tell flashback stories about the main characters. The investigative procedures are usually made up by one or more of the characters investigating the probable criminal¹⁴. This technique is used in *Defending Jacob* to uncover Jacob's family history.

Although Jacob tests negative for the murder gene, his grandpa and father test positive. His grandfather is a prisoned murderer, but his father is a respectable member of society, although he has a tendency for irresponsible behavior. The doctor finds that Jacob has certain other genetic characteristics that lead him to anti-social behavior. His mother, father, and Jacob himself all test positive for aggressive behavior. Jacob may not have received the murder gene from Andy's side of the family, but he may have inherited characteristics from his mother, and that he and Laurie could be both capable of murder¹⁵.

The fact that the prime suspect in this gruesome murder is a 13-year-old boy is the most distressing part of the work to the reader, and to the boy's family too. Jacob is a bright but strange little child, and no one is ever sure if he's just an innocent youngster caught up in a plan or someone far more terrifying, or he is an actual killer. He appears to be regular

¹³ Landay, p. 140

¹⁴ Corcos, Christine Alice. "Legal fictions: Irony, storytelling, truth, and justice in the modern courtroom drama." *UALR L.p.* 625

¹⁵ Fletcher, R. *Defending Jacob* Ending Explained. *Den of Geek*.



adolescent playing video games with his peers one minute and then searching violent images online the next. While seeing a youngster in handcuffs and being interrogated by the police is frightening, it is also realistic that murderers do not have to be adults¹⁶.

The trial goes on, with the prosecutor, Neal, provoking the judge by focusing too heavily on Andy and his convicted father. The prosecutor, like Andy, misrepresents the law by taking it to the opposite extreme of Andy's. While Andy tries to prove his son's innocence by any means even lying, the prosecutor tries to prove his guilt by any means too. Neal brought out a knife that looks just like Jacob's, and used Andy's rage against him in the courtroom to get the man on the stand to state that Andy's father is in jail. Jacob's former friend, Derek, is called to the stand by Neal, who reads a narrative written by Jacob about Ben's murder, the story read as follows:

Jason Fears took a knife into the woods that morning because he figured he might need it. He kept the knife in his sweatshirt pocket and as he walked he curled his fingers around the grip and the knife in his fist sent a surge up his arm and through his shoulder and into his brain and lit up his solar plexus like a firework going off in the sky ¹⁷.

That night, Andy and Laurie have a conversation, with Andy believing Jacob to be merely daydreaming about Ben's death, and he must try to find a way to invalidate that proof.

Andy's character, as the first inspector on the incident, is caught between his sworn responsibility to enforce the law and his overwhelming love for his kid. As they seize his work on the murder and testify against him during the trial, he loses connection with several of his fellow detective colleagues. Yet, Andy never gives up or doubt his son while doing all he can to protect his family from the hatred they've received¹⁸. "The whole story is about whether or not there is such a good thing as a good lie — something that could possibly preserve your family," says the director of the TV series, "it starts out that Andy has been lying to Laurie about his background and he comes clean, but there are little lies throughout¹⁹.

¹⁶ Pash, J. 'Defending Jacob' Is An Unsettling Crime Drama Focused On Family. *New University*. (2020).

¹⁷ Landay, p. 210.

¹⁸ Pash, J. 'Defending Jacob' Is An Unsettling Crime Drama Focused On Family. *New University*. (2020).

¹⁹ Turchiano, D. 'Defending Jacob' Boss Breaks Down the 'Tragic Irony' of His Adaptation Ending. *Variety*. (2020)



When Jacob is one step away from being convicted, another suspect in the crime, Patz, writes a confession note of the murder and then commits suicide. Patz was imprisoned only few weeks after the murder and he had a profile of rape and killing which made his note quite valid and believable. This confession note led to the exoneration of Jacob, yet Andy wants to know why Patz did not confess earlier. His curiosity led him to know that his father, Billy, who was jailed in the same prison as Patz blackmailed the latter and forced him to write that before committing suicide. Patz was found hanging with a suicide note that doubled as a confession to the murder, but there were still questions about his true innocence when his Andy learned that he was forced into writing that confession and then murdered. Andy realizes that this means his son is likely to be the murderer after all, not only because the confession of Patz was coerced but also because all evidences lead to his son²⁰. "Andy is at a crossroads where he can do the right thing and come forward with this information, which will mean his son's arrest again, or he can swallow it," says Bomback, the writer of the series. "He chooses to lie again" and betrays the law and the victim's rights once more²¹. The great irony in numerous court films and works is the trial's conclusion. The defendant's pardon or, in one case, possibly erroneous conviction heightens the sense of terror felt by both observers and protagonists, because they do know that the court system gone awry. The lawyer's sorrow, or in this case Andy's sorrow, may be amplified by the fact that he has committed his life to the perpetuation of a system that has gone horribly wrong²². Laurie, unlike Andy, does not want her son to be exonerated as much as she wants the truth to be revealed. So that even when the note comes out and all charges against Jacob are dropped, she still wants the decisive answer. She continually asks Jacob whether he killed Ben, unable to believe him when he replies no, she keeps crying and lamenting that she will never know what he did. Jacob says that he killed Ben; he says he will tell her that if it is what she wants to hear. In a moment of rage and tears while they talk, Laurie smashes her car into a highway bridge. Jacob dies in the accident, while Laurie wakes up with no recollection of the accident. Andy tells her that the incident was an accident, despite not knowing the

²⁰ Ibid.

²¹ Lee, A. 'A different kind of bleak': How 'Defending Jacob' changed the book's tragic ending. *Los Angeles Times*. (2020).

²² Corcos, Christine Alice. "Legal fictions: Irony, storytelling, truth, and justice in the modern courtroom drama." *UALR L. p.* 508.



truth, he testifies with her in court that she loved their son and would never do anything to hurt him.

Due to his instructional goal, the author usually waits until the final scene to provide all of the facts necessary to establish a final decision about the genuine offender on trial. The author's ultimate verdict is frequently ironic, an unexpected ending, where he demonstrates to the audience that the trusted judicial system is inherently inadequate to the decision of truth, because truth must be disclosed by a person from the outside (the author). Given people's anticipation of predictability in the judicial system, the unexpected outcome should appear unjust to audience and readers. Nonetheless, if it is logically compatible with what has come before, they will gladly take it²³.

The truth is never revealed, because on the one hand, Patz had pictures of Ben on his phone and a history of pedophilia. Yet, Billy's man Leonard is the one who writes the suicide note confessing to killing Ben. On the other hand, Jacob is revealed with hatred towards Ben and tendency to violence not to mention the finger print and the knife. This open-ended story leaves the final verdict in the hands of the reader to decide the guiltiness or innocence not only of Jacob and Pat, but also of Andy and his mistreatment and abuse of law for his own child²⁴.

The observer is further manipulated by the filmmaker or writer, who in some circumstances forces them to confront the contradiction between emotions for the lawbreaker and a desire to maintain social order. In other words, the spectator is split between the excellent but mistaken lawyer or persecutor—and the manipulative and criminal client. In the majority of cases, however, the guilty party is revealed and punished, either by one of the drama's protagonists or by an unconnected occurrence. As a result, the novelists deliver their message by manipulating the feelings of their audience throughout the narrative, not by the ending alone²⁵.

Laurie crashed the car when she began to doubt her son's honesty — to the point where she would prefer severely injure him than risk him harming anyone else. However, when she

²³ Ibid, p. 510.

²⁴ Fletcher, R. *Defending Jacob* Ending Explained. *Den of Geek*. 2020

²⁵ Corcos, Christine Alice. "Legal fictions: Irony, storytelling, truth, and justice in the modern courtroom drama." *UALR L. Rev* p. 509



awakens in the hospital with no memory of what happened, she accepts the lie that it was an unfortunate accident. Andy witnessed before a grand jury about that because he was so determined to keep his family intact, and Laurie “truly wants the validation of a grand jury to tell her it was an accident, and she wants her husband to tell her it was an accident, but I’m pretty sure in the middle of the night, weeks from now, she will be entertaining the possibility that it could have easily not been an accident,” Bomback says²⁶.

The story's suspense stems from the uncertain future. While the suspicions regarding Jacob's participation in Ben Rifkin's death remain unanswered, Defending Jacob leaves readers wondering about what happens after the story's ending. And while the struggle to know what Jacob actually did remain standing, another struggle appears concerning his father. That is whether Andy's abuse of legal power and betrayal of his legal status is justifiable according to his fatherly love or not²⁷.

The misrepresentation of law is clearly done by Andy in this novel. Andy’s behavior throughout the novel is set against the ideals he claims to hold. As a lawyer he is expected to show attributes of fairness and commitment to the rules he is responsible of, but instead he only twists the rules and continues lying to protect his own son. Andy represents the trusted system of justice. Everyone believes that the judicial system is trustworthy and it seeks justice relentlessly, but Andy, one representative of this system only seeks his family’s best interests and turns the system in service of his guilty son regardless of the dead victim.

Conclusion

Courtroom drama is a popular film and fiction genre that witnessed its golden age in the 60s of the twentieth century and it kept its popularity with the readers and viewers ever since. Among the most notable examples of this genre is Defending Jacob. This modern courtroom novel presents different version of the simple whodunit. The writer changes the focus of the novel from the suspect to his parents and keeps shifting it back and forth. Also, unlike classical courtroom works the novel does not provide a definite answer to who is the criminal or how the crime was committed, rather it gives nothing but more mystery and more unanswered questions at the end. The only illegal act that is uncovered fully is Andy’s abuse

²⁶ Turchiano, D. *Defending Jacob*’ Boss Breaks Down the ‘Tragic Irony’ of His Adaptation Ending, 2020,

²⁷ Darwish, M. Is ‘*Defending Jacob*’ a Limited Series That Warrants a Season 2?. *TVinsider*. 2020



of facts and legal power to save his son, his misrepresentation in front of other detectives at the beginning of the novel and then in front of the jury at the end shows him of equal probable danger as his son. Andy swears allegiance to law but when he is tested by his son's actions he finds himself in a crossroad and chooses his family and his public image above everything else. Andy carries out many acts of misrepresentations yet he is never without a motive that he uses to justify himself.

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