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### Cheatham, E., Cases and Materials on the Legal Profession

Bernard C. Gavit

*Indiana University School of Law*

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designed to meet the needs of students devoting a year to the study of international law. The present shorter selection is intended for use in the many colleges and universities that can devote only one term or semester to this course. For this purpose the volume is excellently devised and will undoubtedly meet a wide and enthusiastic acceptance. It will also be found acceptable for year-courses in which the case method does not predominate.

It is believed that the editor exercised prevailingly good judgment in making the amputations and other surgical operations necessary to reduce a volume of 1440 pages to one of 622 pages. Most topics and materials of basic importance were left largely untouched. A few topics, such as National Character of Business Associations, Territory Under Condominium, and Determination of Territorial Questions by National Courts were omitted entirely, but chapter headings and general arrangement of material remain unaltered. The number of cases has been reduced from approximately 350 to 140 and an even more drastic reduction was made in the amount of non-case material such as laws, treaties, and extracts from general texts. Yet the reductions were not made on a strictly proportional basis. For example, the number of cases from the courts of the United States was reduced from 155 to 72 while the corresponding figures for Great Britain are 57 and 19. Inevitably there will be disagreement regarding certain omissions. Some would hold that *West Rand v. King*, omitted in this volume, should be included regardless of space limitations. The inclusion of extracts from certain easily accessible treaties and conventions might also be subject to question, but it must be admitted that it is convenient to both teacher and student to have them constantly available along with the case material. On one point there will be universal approval, to-wit, the inclusion in the shorter selection of virtually all the editor's notes found in the full edition.

For those desiring a shorter selection the present volume should have a strong and instant appeal by reason of its retention of the essential characteristics of the larger volume.

Charles A. Timm.

The University of Texas.

*Cases and Materials on the Legal Profession.* By Elliott Evans Cheatham. Chicago: The Foundation Press, 1938. Pp. xviii, 558.

It is the judgment of this reviewer that this case-book indicates another step forward in the teaching of Legal Ethics. The progress in this field has been noteworthy and significant. In most schools the work started with desultory lectures on the subject by members of the bar. This has proved to be ineffective from the viewpoints both of method and substance, because both were superficial. There has been a growing conviction that if the thing was worth doing it was worth doing well, and also that it was worth doing. A three-year curriculum of necessity does not cover many important fields. The problem of inclusion and exclusion is a constant one and is resolved by a compromise which from time to time places varying emphasis upon different subject-matters and teaching technics. The standard curriculum has been made by teachers without much respect for outside opinion. Pressure from the outside has, however, induced the inclusion of a course in Legal Ethics in the curriculum of a number of schools.

Many have thought that the public aspect of a lawyer's work has been slighted and that the law schools should rearrange themselves so that they could effectively meet that criticism. Most of those same people have insisted that it did little good, however, to emphasize the so-called professional character of a lawyer's career if that character be stated solely in terms of dogmatism and tradition. One's concept of a desirable professional standard can be as narrow and as prejudiced as his concepts in any field. Even although it be rather broad he may pay only lip-service homage to it. The public in general and social scientists in particular so far as I can see have felt quite keenly that the professional standards of lawyers were quite formal, were too narrow, and on the whole ineffectively put into action. A great many of those people insist that lawyers on the other hand "speak well of themselves" and that they have been inclined to insist that salvation comes through faith and that salvation is individual, not social; that lawyers enjoy a belief in the nature of society and law and its administration which denies expressly or by implication a good many of the observable social complexities. They insist that under the lawyer's guidance legal ethics has been largely an individual and not a social problem. They conclude that a doctrine of human imperfection makes the picture complete with the result that lawyers are free from blame and the nature of human nature becomes the scapegoat. I am afraid that a great many lawyers will dissent from that criticism but when so many disinterested outside people join in it we might well be forced to conclude that it is not without some merit.

We would do well to recognize the fact that the doctrine which makes a lawyer an advocate owing complete loyalty to his client's interests (which are, of course, selfish) and the doctrine which makes a lawyer an officer of the court where he owes a duty to see that justice is administered fairly (where emphasis shifts from individual interests to social interests) are inevitably in conflict. How that conflict is to be resolved is the field of legal ethics, and the problem is anything but formal or easy. This case-book very admirably forms the basis for an adequate presentation of that problem. Among other things it contains considerable material giving expression to lay and lawyer discontent with the existing system. It is not to be inferred that it over-emphasizes that subject, because it does not. It does give, however, materials for a realistic and critical presentation of the subject and tends to minimize the purely formal and polite aspects of legal ethics.

The organization of the materials presents a new analysis of the subject which appeals to me as being helpful. For example, all of the sanctions designed to secure recognition of the accepted standards are dealt with in one section early in the book; the Lawyer As Advocate is dealt with in one chapter.

A chapter on The Lawyer and Legislative Bodies and a final one on Developments in the Profession and Its Work are innovations and are significant.

So far as the materials used are concerned there is no slighting of case materials, but there is emphasis on other types. One of the most important additions is the inclusion of a number of opinions by Bar Association Committees interpreting the accepted canons. These cover a great many points upon which there is no litigation, all to good advantage.

This review is purposely general in tone. Specific criticism ought to await intensive use of the book. This reviewer has tried to make it clear that he is enthusiastic over the book. It seems to him to be a very significant contribution to the literature on the subject. It is neither orthodox nor radical, but it might well form the basis of a healthy skepticism on the subject. The legal profession is not above reproach and an honest inquiry into its habits and standards ought to result in some good.

*Bernard C. Gavit.*

The University of Indiana.