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Decision at Law, by David W. Peck

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DECISION AT LAW. By David W. Peck. New York: Dodd, Mead & Co.
1961. Pp. vii, 303. \$4.00.

Judge Peck is a distinguished jurist with an engaging writing style. His latest book can be read with pleasure and profit by many Americans.

The image of the lawyer in America is complex. It includes the Perry Mason picture of the clever fellow who brings justice in roughly the same way the Marines or Cavalry of the movies bring help in the nick of time. It also includes the picture of the scheming shyster who uses his knowledge of legal intricacies to fill the pockets of his client and himself, regardless of where truth or justice may lie. There is a feeling that lawyers use the intricacies of the law the way pharmacists use the hieroglyphics on prescriptions, to bilk customers or clients of fees which can be levied because no one except the initiated is allowed access to the key which would translate the mumbo-jumbo into straight-forward information for which no specialist would be required as interpreter. Finally, there is a body of opinion which regards the lawyer as a member of an elite group in our society, making valuable contributions to the successful conduct of our societal and interpersonal affairs.

Most laymen know too little about the ways of the law to do more than take on faith this last picture of the lawyer as society's servant. Judge Peck's book is designed to provide its readers with information from which they can derive an appreciation of the role which the lawyer performs and of the ways in which our courts adapt existing laws to the new situations which our system continually produces.

In *Decision at Law* Judge Peck has presented in disarmingly informal fashion studies of a series of difficult legal problems with which courts and lawyers have been forced to deal in recent decades. The subject matter may be familiar to lawyers, but to the non-lawyer the questions presented are fresh and fascinating. Most non-lawyers, for instance, have not even wondered whether an unborn child should count as an heir. As presented by Judge Peck, descriptions of several matters of established law such as this are frequently as intriguing as the story

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of currently changing legal concepts, such as suits for damages to unborn children.

Some decisions reported in the book strike the non-lawyer as illogical and unjust, and some situations seem clearly to call for change. It seems ridiculous to hold that the owner of a dog can be subjected to a damage suit on the grounds that he should have expected the dog might have wandered 30 miles to cross a state line. It seems equally illogical that Edward H. R. Green escaped paying multiple inheritance taxes to different states because their claims would have exceeded 100% of his estate, but if the total had reached 99%, there would have been no way for the multiple taxation to have been challenged. Despite these minor points of resistance however, the general impression which comes from the book is that the law is a far more logical and dynamic instrument for justice than the layman normally recognizes.

This would be an excellent volume to be used as an instrument for cultivating a positive and accurate image of the lawyer's function in our system. Lawyers might well make it available to some of their clients or, even more importantly, to their fiancées. The book might very well be useful to a college undergraduate who is deciding whether or not to attend law school. The style of the book is so felicitous that many lawyers who buy a copy for their waiting room may very well find themselves reading it from cover to cover.

Although the role of the lawyer in our society is a vital one, it is important to remember that there are points beyond which our courts should not go as makers of policy. The plight of a judge who finds himself confronted with what he feels is an unjust or anachronistic law is obviously difficult, but our system is not designed to have general rules for our society made by the judiciary. Each level of our government includes a legislature, and it is there that new laws should be made. The only part of Judge Peck's book which seems to this reviewer to be dangerous comes in occasional passages where he seems to argue that the important thing is to be sure that our laws are adapted to what seem to be our needs, and that when a change in the law is required it makes little or no difference whether that change is made by court or legislature. Sound public policy may well call for the establishment of a right of privacy as Judge Peck indicates it does. Respect for the fundamentals of our governmental system however, means that we must recognize, as Judge Peck does not seem to, a basic difference between the route taken in New York where the legislature passed a statute to effectuate the

change and that taken in five other states which "reached a like rule of law by judicial decisions."¹

PHILIP S. WILDER, JR.†

CORPORATION LAWYER: SAINT OR SINNER? By Beryl Harold Levy.
Philadelphia: Chilton Company. 1961. Pp. 458. \$5.95.

When I was told that this small book was decidedly worth reading by anyone practicing or contemplating the practice of corporation law, my reaction was adverse because I did not like the title, that is, the last three words of the title. I felt that I was personally acquainted with a large number of those practicing corporation law in various cities of this country, having had an opportunity to know many of them during years of activity in the Corporation, Banking and Business Law Section of the American Bar Association. Yet I did not know a one, though many of them were very fine men, as lawyers and especially in their chosen field of law, deserving to be called a Saint. Especially I resented what I felt was an implication of the title that unless one attained that pinnacle of perfection, he must be known and accepted generally as a Sinner. Despite this prejudice, I bought and read the book to my substantial pleasure and benefit. Indeed, my first pleasure was to observe as a subtitle to the first section, which consists of the first two chapters of the book, a conjunctive replacing the disjunctive in the title of the book: "The lawyer is a mud-spattered sinner and a star-dusted saint."¹

Frankly I like much better the subtitle of the book, "The New Role of the Lawyer in Modern Society." I think that fairly summarizes the theme of the book; for one I find it a far more appealing title. This book has more than a theme. It has an appeal and a challenge. If one will accept the challenge it is inspiring. However, I fear one would never guess this from its title, unless careful to consider the after thought of the subtitle.

One of the greatest pleasures I have derived from this book has been to relish the rich quality of the many brief quotations, to be found on almost every page, about law and lawyers. Many of them witty and many serious, so many quotable and so many new to me, these quotations seemed, as I completed my reading, almost to constitute the book. For

1. P. 86.

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1. P. 1.