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A Lawyer Tells the Truth, by Morris Gisnet

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BOOK REVIEWS

A Lawyer Tells the Truth. By Morris Gisnet. New York: The Concord Press. 1931. 160 pages. Price \$2.00.

Because of the strain of adjustment to the rapidly changed and changing social order within which the law operates there is loud creaking to be heard in parts of the old legal machine. The tensile stress of that adjustment has also reduced the legal ethic to a tenuous thread in places. Mass production law schools are grinding out lawyers, too often without adequate cultural background, in far greater numbers than the legitimate field of legal endeavor can absorb. The young lawyer, therefore, with pressing financial needs and with no clients darkening—or brightening—his office door, very often drifts into ambulance chasing or other equally reprehensible practices. Nor is his more respected and successful colleagues at the bar without a blot on his scutcheon. He has descended into the position of a mere servant of big business. In a country the business of which is business, the modern barrister, operating in an ethical plane little higher, if any, than that of the ordinary business man, picks his precarious path among the statutes and decisions in an effort to reach his client's selected destination regardless. He has been known often to "fix" cases, and bribery has tainted the very bench. Justice is no longer possible: the wealthy are represented civilly by the most expert counsel, and jails cannot hold the moneyed man whatever his crime; the poor have no legal redress for their wrongs, and their criminal trials are travesties of justice. Thus, "a lawyer tells the truth."

Mr. Gisnet sets forth most of the foregoing material chiefly by way of confession and background; he offers no reformatory advice. With the plight of the poverty stricken litigant, however, he is truly concerned. To give the poor man a fair chance in the courts, the author suggests that the practice of law should be socialized. To that end he advocates four reformatory measures: (1) abolition of all court costs and costs of appeal; (2) creation of an office of Public Defender to defend free all criminal prosecutions; (3) establishment of Legal Aid Offices as a part of court machinery, rendering available free counsel in all litigated actions; and (4) establishment of Small Claim Courts in more jurisdictions.

In support of proposals of such far reaching importance Mr. Gisnet should, perhaps, have written a more ponderous and scholarly volume. His mere one hundred and sixty sketchy pages can be expected to make hardly a dint in the natural conservatism of the profession. Nevertheless, because he has put his finger upon some of the most unhappy weaknesses of law as

it is now practiced, his book deserves the intelligent consideration of committees on legal ethics and of all lawyers interested in preventing their profession from deteriorating into a mere accessory to the business world.

It should be added that Mr. Gisnet is a member of the New York Bar, that he drew his material chiefly from New York City practice, and that he did his writing in the shadow of the investigation being conducted in that city by Samuel Seabury. Sufficient facts were therefore at hand for this kind of truth telling. Let us hope, however, that a consideration of the country as a whole, including the less metropolitan communities, might have lent a little light to the dark picture.

An introduction for *A Lawyer Tells the Truth* was written by Norman Thomas.

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