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Book Review. Lawyers and the Promotion of Justice by Esther Lucille Brown

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into privileged society was all the more a strong supporter of Church and State as regulated, settled and fixed for eternity in the admirable balance of the English constitution. Yet his recital of the rights of freemen and Englishmen gave aid and comfort to rebellious colonists in America and pointed the claims of long repressed communes of France, in their petitions to the Conventions that ushered in the French Revolution. He made an epoch not only in the teaching of law but in its organization. Yet he was scarcely one of the great lawyers of his day and was dwarfed by his much greater contemporary, Mansfield. He had further only an imperfect realization of the changes that were taking place in the legal system about him and no premonition whatever of the much more drastic changes that were imminent.

Such a man deserves a sympathetic biographer and in Dr. Lockmiller he has found one. The actual account of Blackstone's life and work takes up barely 190 pages but the story is well told and no significant detail is omitted. Dr. Lockmiller provides no less than seven appendices of which the last contains the speeches made when the Blackstone memorial was unveiled in London in 1924. There is, finally, a full bibliography.

The effect of the Commentaries on its readers in England and America can be easily estimated. We have merely to compare the most widely used textbook that preceded Blackstone, Wood's Institutes of the Common Law, with the Commentaries. Lawyers were at first suspicious of a learning which was phrased in the speech of cultivated men. We remember the strangely inept expression of Jefferson's—"the hon- eyed Mansfieldism of Blackstone"—but the rapid succession of editions and summaries demonstrate the enthusiasm with which men discovered that the common law could be stated in an English that made pretensions to style.

Dr. Lockmiller opens no new vistas and does not profess to do so. Perhaps he may return to his subject some time and examine one of the neglected phases of Blackstone's work. This is his real capacity as an historian. He was the contemporary of Gibbon and Robertson, and Madox' Exchequer had appeared only a generation before the Commentaries. Like these writers, he had a critical attitude to his sources and disposed of a wide and manageable learning. Compared with him in these respects, Coke was unscrupulous, pedantic and puerile. An excellent measure of the attitude of the two on historical questions is given us by the discussion of Magna Carta in Coke's Second Institute and Blackstone's examination of the Charter in his little pamphlet of 1759.

The common law owes much to the man whom Bentham sneered at and whom Junius abused. This book of Dr. Lockmiller proves that we have not forgotten it.

Max Radin.


This is the fifth of a series of studies dealing with the history, growth, and present status of the professions in the United States, published by the Russell Sage Foundation. Preceding this were monographs on the medical profession, the nursing profession, engineering and social workers. Like the previous publications, the present study seeks to ascertain the standards of training required of members of the profession and to appraise the public service rendered by it.

After a sketchy introductory chapter on the history and evolution of the legal profession in the United States, the book considers at length the problems of legal education. The author has familiarized herself with the views of leading educators in the field, including those of Alfred Z. Reed, Dean Claude H. Horack, Dean Albert J. Harno and Mr. Will Shafroth. She has also adequately exploited the various reports of committees of the Association of American Law Schools and miscellaneous articles by law teachers appearing from time to time in the periodical literature. Telling comparisons are constantly made between the educational standards of the legal and medical professions and between the respective activities of the professional organizations of the two groups, namely, the American Bar Association and the American Medical As-
The author points out the gradual increase in the number of so-called law schools in the United States since the latter part of the nineteenth century and the decrease in medical schools during that period. She also lays heavy emphasis on the high standard required of medical schools by the proper accrediting body and the effect which this has had in eliminating inferior schools as contrasted with the very unsatisfactory progress made by the legal profession in this respect and the large number of inferior law schools at present engaged in deluging the profession with incompetent lawyers. It is not gratifying to lawyers to realize that almost half the law students of the country are receiving their training in institutions which cannot comply with the extraordinarily modest standards set by the Section on Legal Education of the American Bar Association. It is actually alarming to note that, during the decade from 1920 to 1930, the rate of increase for the poor schools was about two and one-half times greater than the increase for the approved schools.

In discussing specific controversies in the field of legal education, the author presents the problems in creditable manner. Occasionally, however, she leaves something to be desired in the exposition. Thus, for example, the controversy over full-time and part-time teachers is treated in a manner calculated to leave the impression that there is a fair difference of opinion among leading educators on this subject. She also fails to deal with sufficient emphasis upon the problem of the night law school. For example, she cites the absurd proposal of G. L. Archer that all law schools, as a condition to approval by the American Bar Association, should be required to have one-half of its faculty composed of practicing lawyers, without demonstration of the ridiculous character thereof or the motives which prompted it. Again, the author discusses seriously the proposals of Jerome Frank without so much as intimating their absurdity.

In matters of curricula and teaching methods, the situations are described more satisfactorily. The chaotic condition of law school curricula is disclosed, largely from catalogue material. The movement to introduce the social sciences into the orbit of lawyers' training is noted although the author naively observes that "it is difficult to understand why law schools are so hesitant about establishing pre-requisites, particularly in the social sciences." (p. 80.) When one considers the meager achievements of the social sciences and the confusion in their methodologies, it is not surprising that legal educators are hesitant about establishing pre-requisites therein.

In the matter of current practices for admission to the Bar, the views of leading students are adequately presented both as to the determination of minimum requirements in legal knowledge and qualities of character. Attention is called to the fact that the current system, although passing a relatively small proportion of applicants on their first attempt, eventually admits almost all candidates. The treatment of this subject, though brief, is an effective description of existing conditions.

A chapter is devoted to the various professional, scholarly and reform organizations. The history of the American Bar Association and its achievements is sketched and a fair description given of the conditions and events which paved the way for the organization of the National Lawyers Guild. In this part of her book the author also includes a discussion of the Association of American Law Schools and its program, the National Conference of Bar Examiners and the American Judicature Society.

Interesting figures are included on the number of lawyers and the demand for their services together with their distribution in rural communities and urban centers. These figures, taken for 1930, indicate an average population per lawyer, over the country as a whole, of 764, with the heaviest concentration in cities of over 100,000 population. Communities of fewer than 25,000 population have an average population of 1,216 per lawyer while cities of over 100,000 have a population of 471 per lawyer. This part of the book concludes with the remark that: "If regulation by legislative acts and the pressure exerted by the American Medical Association and the medical schools has resulted in reducing the number of medical students to scarcely more than one-half the number of law stu-
dents, similar attempts should substantially reduce applications for admission to the Bar." (pp. 184-85.) The statistics on earnings by lawyers for a five year period (1928-1932) indicated 5% earning under $1,000 per year, 30% earning from $1,000 to $3,000, 36% from $3,000 to $7,500 and 29% more than $7,500. Appropriate attention is paid to the problem of the low earnings of young lawyers and the effect on professional ethics of inadequate income.

Concerning the administration of justice, the book contains pertinent discussions of the delay and uncertainty of litigation, its inordinate expense, the failure by the Bar to enforce canons of ethical and professional conduct, and the general failure of the profession to accept social responsibility. Offsetting these appraisals, attention is given to such movements as the National Conference of Commissioners on Uniform State Laws, the Restatements of the American Law Institute, judicial councils, and the numerous developments in procedure and other reform movements in the administration of the law. There is also intelligent discussion of such problems as arbitration and legal services for persons of moderate means as well as for the poor.

This volume, on the whole, is a distinct contribution to the literature of its kind and affords an adequate and rather penetrating survey of the accomplishments and failures of the profession. The author is well-informed in the field and discloses a surprising grasp of the technical aspects of the problems of legal education, professional organization, and the function of law in the social order. The book contains an adequate index and is documented throughout in a scholarly manner. As a view, in brief compass, of the entire profession, it should be in the library of every lawyer who is sensitive to the obligations of the profession to the public.

FOWLER V. HARPER.


The book is a compilation of four lectures delivered at Harvard University in April 1938. The speakers were selected as representatives of different points of view, but neither saw the manuscript of the other and there was in no sense a public debate. This is unfortunate, because what could easily have been an exciting and stimulating series of discourses is thereby treated in rather dull fashion. Both lecturers state little more than their own personal opinions.

There are occasional flashes of Mr. Baldwin's vivid personality, but Mr. Randall appears to have learned his "economics" from Horatio Alger.

In any discussion of civil liberties and industrial conflict the position and background of the speakers are important. Mr. Baldwin is the Director of the American Civil Liberties Union. Mr. Randall is Vice-President and a Director of the Inland Steel Company. I should also identify my own prejudice by saying that I am a member of the Civil Liberties Union and have known, admired and respected Roger Baldwin for a number of years.

Mr. Randall is one of the members of the Executive Committee of the Inland Steel Company which made the decision not to enter into any agreement, oral or otherwise, with the Steel Workers Organizing Committee. The National Labor Relations Board found Mr. Randall's company guilty of unfair labor practices in this refusal, in acts of interference and coercion of its employees, and in fostering a company union. The Board also found that the strike at Inland Steel was caused by the Company's refusal to bargain with its employees.

Mr. Randall's discussion of lawlessness should be read with this background in mind. Perhaps the employees of Inland Steel merely imitated the eminent example set for them by their employer. The Board decision also points out the distinguished group in which Inland Steel collaborated in its actions, namely: Republic Steel Corporation, Youngstown Sheet & Tube Company and Bethlehem Steel Corporation, all notorious for their anti-union activities.

All I want to do with Mr. Randall's discourses is to quote an example and let it go