

1969

Book Reviews

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Recommended Citation

(1969) "Book Reviews," *South Carolina Law Review*. Vol. 21 : Iss. 2 , Article 11.

Available at: <https://scholarcommons.sc.edu/sclr/vol21/iss2/11>

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BOOK REVIEWS

LAW IN A CHANGING AMERICA. Edited by Geoffrey C. Hazard, Jr. (Prentice-Hall, Inc., Englewood Cliffs, N. J., 1968. pp. xiii, 210. \$5.95).

This book contains the papers prepared for the March, 1968, convocation jointly held by the American Bar Association and the American Assembly of Columbia University on the subject, "Law and the Changing Society." What might be called the keynote address of the conference, by Dean Bayless Manning of Stanford University Law School, is included as an introduction. There follows one paper by a perceptive sociologist, Wilbert E. Moore, now of the Russell Sage Foundation and formerly of Princeton University, and eleven papers by distinguished lawyers. As indicated below, some of these lawyers are in private practice, some are in governmental positions, and most are on law school faculties. All have broad experience in public service and have been leaders in contributing to solutions of the complex problems of our society. These articles are a noteworthy contribution in themselves. Equal in insight is a brief appendix contributed by Roger L. Price, a law student at the University of Chicago, who presents statistics and extrapolations thereof to the year 2000, on "Population and Economic Projections."

As Dean Manning remarks in his introduction, the topic of the conference was "ourselves as lawyers, and our profession." It is a truism that social and economic changes in our society have increasing strain upon and made new challenges to our institutional arrangements, including our legal institutions. It is equally a truism that these changes are cumulative and interactive, so that the rate of change appears to increase. The writers put under the microscope of critical analysis the functioning of the legal profession in meeting these demands. How are the lawyers and the law firms responding to these new pressures? What are the achievements and shortfalls of the legal profession's institutional arrangements for policing and improving the practice of law—the bar associations, the bar examination and examiners, the programs for continuing legal education? How are the law schools responding to the demands

of the times? In each of these areas of professional responsibility, serious defects and promising potentialities are discovered.

Those lawyers most active in bar association activities will find three papers of particular interest. Dean Schwartz of the University of California at Los Angeles writes on "Changing Patterns of Legal Services." His paper might astound some lawyers in its indication of the extent to which traditional methods of professional service embodied in the canons of ethics are being supplemented or even replaced by new arrangements. Dean Schwartz builds on the decisions of the Supreme Court of the United States in *NAACP v. Button*,¹ *Brotherhood of Railroad Trainmen v. Virginia*,² and *United Mine Workers of America v. Illinois State Bar Association*,³ in each of which organizations offered the services of a lawyer to their members—a convincing argument that new organizational structures for providing legal services to middle and low income groups in society are needed and will evolve. In "Regulating Professional Qualification," Richard W. Nahstoll, of the Oregon bar, takes to task present methods of certifying attorneys, and analyzes the live subject of certification of specialists. Three of his specific suggestions, aside from the specialization problem, are: a "search out and rescue" program for unethical practice committees, to provide warnings to lawyers who may be skirting the edge of disciplinary trouble; an involuntary retirement procedure for the aged and infirm attorney; and a restricted license to practice, for the man capable of passing a bar examination, but emotionally too unstable to engage in the full practice of the law. The chapter, "The Future of Continuing Legal Education," by Irving F. Reichert, Jr., of the California bar, is a highly useful survey of the potentialities and problems in this area, of such vital importance to the competence of the profession. Mr. Reichert is Assistant Administrator of the California bar's continuing legal education program, and knows whereof he speaks. Few states have more advanced programs.

Articles by Associate Dean Cavers of Harvard and Professor Goldstein of Yale, as well as comments in Dean Manning's introduction, take the law schools to task, and point out poten-

1. 371 U.S. 415 (1963).
2. 377 U.S. 1 (1964).
3. 389 U.S. 217 (1967).

tials for improvement. Alex Elson of the Chicago bar discusses the need for basic education in law for non-lawyers, a need to which the bar and the law schools are beginning to respond. The other articles view broader problems of the profession's responsibility. William T. Gosset, President of the American Bar Association, has contributed a splendid article on the lawyer's role in industrial order and progress, with emphasis on labor law; Dean Pollock, of Yale, writes on securing the rights of the individual in the highly complex society in which we find ourselves; and papers by Professor Kalven of Chicago on the impact of science on the law, by Professor Jones of Columbia on the insight that economics can bring to problems of anti-trust litigation, and by Professor Yarmolinsky on problems for the law and the lawyer created by technology, complete the work.

Many more questions are raised in this book than are answered. For a book looking perhaps a generation ahead, this is appropriate. Those many lawyers who are conscious of the perhaps unique responsibility of the lawyer in America, who are anxious that the profession truly keep abreast of the needs for public service, will find much stimulus to thought in these pages. There is available also a pamphlet on the report and findings of the convocation, distributed by the American Bar Association and the American Assembly.

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