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A Lawyer's Practice Manual (Book Review)

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BOOK REVIEWS

A LAWYER'S PRACTICE MANUAL. By Prentice-Hall Editorial Staff.
Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1964.
Pp. 259. \$10.00.

This manual should be well received by the entire legal profession. After one overcomes the profusion of statistics contained therein, he will find profitable answers to the many problems facing the student in his approach to the commencement of a career at the Bar, and the practitioner in his daily office routine and in his business, social and political activities.

The Missouri Bar received the American Bar Association's 1963 Award of Merit for a thorough survey of all aspects of the economics of the practice of the law. The Prentice-Hall staff co-operated with the Missouri Bar in presenting their valuable findings. As William Craig, President of the American Bar Association, points out in the foreword, the volume is an illustration of the findings and suggestions with respect to such matters as the appropriate methods the lawyer may use to let his client know what is being done for him, the all-important subject of fees, the need for continued education of the layman by the organized Bar and the significant profit-making techniques for the Bar, which are learned from practice and not from the study of substantive law. It is well that the student become oriented as early as possible and it is equally salutary that the member of the Bar reconsider his status.

The community acceptance of the lawyer and the legal profession leaves much to be desired. The Bar can and should do much to correct the misunderstandings. As the survey succinctly states: "Community acceptance of the legal profession is inextricably woven with every phase of the individual lawyer's activities, both professional and personal." The lawyer should lose no opportunity, publicly and privately, to acquaint the layman with what the lawyer does and with the function he serves. By the same token, it is essential that the layman be educated as to the work of the courts, lest his sporadic contact give him false impressions. Here the Bar can do much on its part in the designation of those qualified to serve as judges and in the part they play before the bench. There is an instructive handbook for trial jurors given as an illustration of what can be done to educate those who play a role in the administration of justice.

"A satisfied client is free advertising." There is no better motto for the practitioner. He should keep his client fully informed as to what is going on and why. Each occasion to communicate with a client is a further reminder of the attention paid to the client's cause. "A client who knows what his lawyer is doing understands the delays and remains a satisfied client."

The perennial problem of how to build up a practice is dealt with significantly. "Contrary to the general belief, lawyers obtain less than one-half of their clients through 'getting around and meeting people.'" That helps, of course, but it is demonstrated competence that is of most value. A legal check-up is suggested for clients; this is a way to impress upon the client the lawyer's interest in and awareness of his problems. Attention is paid to the outside activities of the lawyer and the caution expressed: "Remember that you must budget your free time if you are to use it effectively in building your practice."

The dangers that exist as a result of the encroachments upon the lawyer's realm by those engaging in unlawful practice are reviewed, and positive action by the Bar is recommended as a necessity.

There are many little things in the routine of practice that count materially. Memo-letters are suggested for periodic reports, an index of cases and points for future reference, care in preparation for and in giving dictation, the use of dictating equipment, the advantages of copy machines, the attention necessary with respect to office expenses and advances for the account of the client, the care needed in developing a good "desk-side manner" and the advisability of discussing fees early in the case are all of prime importance. The economic value of good time records as a fee determinant is reviewed with samples of various adaptable methods. An important chapter considers the question of fixing fees and demonstrating their justification to clients. This, of course, is one of the problems going to the essence of any practice. Billing technique is considered with some helpful hints.

There is a chapter on partnership practice with a sample partnership agreement. A valuable check list is furnished as to details of partnership objective, management, finances and record-keeping, internal controls, building the practice and keeping up to date—all important aspects of the partnership, big and little. The effectiveness of personnel is also considered.

The practitioner often forgets himself and his own tax problem. There are hints here for him and his return.

Details, practical and aesthetic, with respect to the modern law office, are next reviewed and interesting suggestions are made.

The concluding chapter is invitingly labelled "Make a Contract with Yourself." It reviews the subject matter of the volume and redirects attention to the problem areas and to what

the lawyer can and should do about them. In all, there is much helpful material here for the student who envisions himself behind the desk as a practicing lawyer, and for the member of the Bar who takes time to consider his professional approach.

LESTER E. DENONN *



GIDEON'S TRUMPET. By Anthony Lewis. New York: Random House, 1964. Pp. 262. \$4.95.

I trust this is an unorthodox review. The book is unorthodox; unorthodox, that is, for lawyers, especially the average lawyer, for *Gideon's Trumpet* involves the average case but a non-average client and a non-average lawyer—with a non-average layman-writer.

This brings up two preliminary points of view. First, the average student or lawyer reads a case as if it consisted merely of words. He fails to understand the human element in the law.¹ Although realizing that times change the law,² he fails to comprehend that personalities and persons may likewise do so.³ The total background of a case may be all-important, and this is why the political scientist does a better job in this respect than does the law professor. Witness, for example, the excellent background analysis of the lawyer's role in influencing the Supreme Court to so interpret the fourteenth amendment as to create not only the favorable conditions for American entrepreneurs in the nineteenth century, but also a logical and legalistic strait-jacket for the twentieth-century Court;⁴ witness further the unfolding factual background of the *Steel Seizure Case* of 1952, as viewed by a non-lawyer.⁵ And witness, at the other end, the praise of Mr. Justice Frankfurter by a former student: "A case was explored as a process, through the record, the briefs, the counsel, the

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¹ See pages 54 and 55 of the volume, especially the latter, where Fortas had to face what he called a "moral problem."

² Gideon's letter to Fortas closes: "I believe that each era finds a improvement in law each year brings something new for the benefit of mankind." LEWIS, GIDEON'S TRUMPET 78 (1964).

³ See, e.g., Lewis' discussion of such background matter. *Id.* at 49.

⁴ TWISS, LAWYERS AND THE CONSTITUTION (1942).

⁵ Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). An analysis of this case appears in WESTIN, THE ANATOMY OF A CONSTITUTIONAL LAW CASE (1958).