

Cases and Other Authorities on the Legal Profession and Its Ethics (2nd Ed.) (Book Review)

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real medium of understanding the concepts involved in reversions and remainders. Here the text material is of great benefit. It is without doubt profitable for the student to have before him in print the notions of the concepts as set forth by Prof. Bigelow; and then, to portray the modern significance of the ancient by a late case adds interest by showing how the law works in everyday life.

One of the problems in an introductory course in real property law, is to arrange material so as to acquaint the students with the problems involved in future interests. Non-possessory interests developed historically with possessory interests, and are of such great importance today, that the question whether they should be separated and put into an advanced course when they are a part of a connected whole, is one on which teachers are not in full accord. Surely, if a student is not compelled to take an advanced course in future interests, he should at least have some instruction and material for them in a first-year course.

As suggested above, while the book is an excellent part of a splendid whole, and also undoubtedly can be used with great advantage by a student in conjunction with a good case book on personal property, it is not a sufficient offering for a complete course in property to a first-year student in the subject.

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CASES AND OTHER AUTHORITIES ON THE LEGAL PROFESSION AND ITS ETHICS.
Second edition. By George P. Costigan, Jr. St. Paul: West Publishing Co., 1933, pp. xxiv, 768.

At a recent dinner of the Gridiron Club in Washington, the President of the United States was a guest. In the course of a skit aimed at the Chief Executive, one satirist inquired of a fellow performer:

"What is ethics, Mr. Jackson?"

By way of reply, Mr. Jackson said:

"Ethics is a noble sentiment that reaches its peak in Presidents—between elections."

The cynicism of the author of the Gridiron sketch is akin to that which many persons presently entertain concerning the ethics of the legal profession. From what they say, they seem to regard the ethics to which the law lays claim as a noble sentiment about which judges, members of Bar Associations and professors are accustomed to moralize, but which has little, if any recognition within the courtroom or law office. These persons, furthermore, appear to be without hope that the ethics of our profession will ever improve—no matter what the effort in that direction. Their despondency upon the subject classifies them as giving some assent to the philosophy of Schopenhauer, who said:

"It is as impossible to teach virtue as it is to teach genius. It would be as foolish to expect our moral system to produce virtuous characters and saints as to expect the science of æsthetics to bring forth poets, sculptors and musicians."

The book under review is a complete demonstration that its author has no belief in the foregoing doctrine of Schopenhauer. It is possible that Professor Costigan, along with many others, regards the speculations of that dour old gentleman as "a monument of dark genius rather than a light of philosophy." In fact, one can say with assurance that Costigan gives full acceptance to the thought of Paulsen that, "if knowledge is capable of influencing conduct, it is hard to understand why the knowledge of ethics alone should be fruitless in this respect * * *"

The managements of numerous law schools, fortunately for the legal profession and the public, have been won over to the Paulsenian theory. Hence it is that courses of study upon the subject of legal ethics are now recognized as desirable by institutions that formerly treated them with scant consideration. Professor Costigan's book bids fair to help consolidate the gains of this accomplishment. The student who seriously peruses this excellent compilation, or who has its contents brought vividly to his attention, will quickly perceive that there is good reason for lawyers to practice their profession decently and uprightly. He will be made to realize that a departure from high standards of conduct is likely to result in swift and condign punishment. But, beyond this, he will come to a better understanding of the fact that the history and background of ethics in the legal profession are not myths of tradition, but are real and substantial and worthy of preservation. In short, the book will give to tomorrow's lawyer a concept of the moralities of his profession that is highly desirable, and which, when put into practical application in his work, will tend greatly to temper, if not to silence, the criticism now heaped upon members of the Bar.

In sources of material, the book is comprehensive and widely inclusive. The authorities presented for study have been selected with discriminating judgment, and have been arranged with a keen appreciation for sequence and development of subject matter. The work deserves to be known in the classroom of every law school in the land.

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CASES AND MATERIALS ON EVIDENCE. By Edward J. O'Toole. Brooklyn: Remsen Publishing Co., 1934, pp. xxix, 1065.

"Cases and Materials on Evidence" by Professor Edward J. O'Toole, presents to the law student an exhaustive treatise on the fundamental principles of the law of evidence. But it goes further than that and, by reason of the tremendous amount of case law treated in full, enriched as it is by the copiousness of footnote statutes and case citations, becomes a ready manual of reference for the practicing attorney as well.