

Michigan Law Review

Volume 60 | Issue 1

1961

Smith: Lawyer

William M. Beaney
Princeton University

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Legal Education Commons](#), [Legal Profession Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

William M. Beaney, *Smith: Lawyer*, 60 MICH. L. REV. 124 (1961).
Available at: <https://repository.law.umich.edu/mlr/vol60/iss1/12>

This Book Reviews is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

LAWYER. By *Talbot Smith*. New York: The Macmillan Co. 1961. Pp. ix, 201. \$3.50.

Over 17,000 college graduates enter the nation's law schools each year, most of them interested in a lifetime devoted to the practice of law. Law school deans and faculties are rightly concerned with the intellectual ability and character of those who enter the legal profession. A student's academic record and his score on the Law School Admission Test give a fairly accurate picture of his capacity to meet successfully the challenge of law school. But what a law school admissions officer or a pre-law adviser cannot judge too well is the rationality of a student's decision to study law and become a lawyer. Every college pre-law adviser has the frequent experience of meeting students who declare that law is their chosen field but who cannot give any valid reason based on knowledge or experience for their decision. Relatively few of those who advise young men and women have sufficient personal knowledge to give a full and faithful picture of the varieties of law practice, even if they are capable of describing accurately the program of study in law schools and explaining why certain personal and intellectual qualities are needed for the study and practice of law.

An obvious solution for the perplexed adviser would be the prescription of a particular book or books that give an accurate picture of the nature of legal practice, and how one prepares himself to become a member of the legal profession before and after entering law school. This perfectly sound solution has unfortunately not been possible up to now. Various pamphlets have abounded in generalities. A biography of a noted

lawyer tends to give an atypical view of law and lawyers. Much of the material has been excessively dull, filled with platitudes and sober admonitions. But the problem of how to replace complete ignorance with substantial knowledge that will help a student decide whether he should enter law school and become a lawyer has now been solved. Justice Talbot Smith has written a book that fills the need so well that every person interested in the future of the legal profession is deeply indebted to him. This should be prescribed reading during a student's college days—no man or woman should be admitted to law school without having read it. One of our foundations should undertake to see that copies of his book are made available wherever young men and women are confronted with career choices. Its value to pre-law advisers and guidance counselors is obvious.

Justice Smith has undertaken in 187 pages to give a picture of what law is, what are its social goals, what individual lawyers do, and the way in which a young man or woman should undertake to prepare for law school, and then for professional life. It is remarkable how deftly he has dealt with so many significant topics while avoiding both the danger of confusion resulting from excessive brevity and the possibility of reader boredom that frequently arises when a writer undertakes to "sell" a point of view.

The style is admirably adapted to the purpose of the work. It is almost conversational, yet avoids cloying chattiness. There is a sustained seriousness appropriate to the subject, but it is the seriousness of a humane and witty man who knows that life consists of more than the performance of useful tasks, and that law has its share of the exciting and humorous elements of human existence.

Justice Smith begins the discussion of each topic with general statements that soon become meaningful through his apt use of illustration. For example, in chapter two he discusses the work of the lawyer. Instead of wrestling with the definition of the word "law," he notes its many meanings, suggests that the term "practice" of law denotes "doing," and then proceeds through example and comment to describe "counseling" in various fields, trial work, appellate proceedings, and participation in administrative hearings.

When he deals with the problem that is so baffling to college students and laymen, "How can the law be fixed and certain, and yet change?" he discusses the role of legal precedent in an area familiar to most readers—automobile accidents and the question of liability. By showing how rules that make sense in one era fail to provide rational solutions in another, he furnishes evidence to support the principle that law should be judged by its ability to serve man and achieve justice. The use of precedents is also illustrated by reference to an actual case [*Lyshak v. City of Detroit*, 351 Mich. 230, 88 N.W.2d 596 (1958)], substantial excerpts from

which are included in an appendix. He rightly stresses the lawyer's role as one of adjustment of rights and duties of individuals, and of an individual and society.

In advising college students concerning a pre-law program, Justice Smith adheres to the accepted position that no particular set of courses should be prescribed. He does stress the primary importance of mastering the ability to communicate effectively. He urges that a study of the past, of political, economic and social history should be part of a liberal arts background. The prospective lawyer must also possess a basic knowledge of the social sciences, of philosophy and ethics. Because the quality of particular courses varies from institution to institution, his conclusion that "any subject that teaches you to concentrate and to think logically and to develop good study habits will help you in your ultimate study of the law . . ." is wise counsel. He insists that pre-law students should undertake an informal study of people in all of their extracurricular activities, noting how groups act, how opinions are formed, and how humans react to various kinds of leadership.

The differences between the national and the local law school are presented fairly, with the advantages of each fully set forth. He goes through the steps required for gaining admission, and outlines the basic program of the law school. In nine pages he sets forth perceptively the process of studying law in law school and shows how the probing, questioning method of law school instruction differs from the less challenging method used in many colleges.

The mystery of bar examinations and the way to prepare for them is the prelude to a thoughtful canvass of the various kinds of law practice. To a generation convinced of the necessity of specialization, he presents a sympathetic picture of the independent practitioner, stressing, as always, the necessity for each man to decide what is best for him, rather than simply following the popular road. The importance of helping to maintain and improve the reputation of the profession by frank dealings with one's clients, through proper behavior in and out of court, and through intelligently conceived forms of public service, as well as continuing legal education, conclude his treatment of the career aspects of law. A short chapter on "The Women of the Law" is as important to men as it is to prospective women lawyers. Can one suggest a simpler or more effective way to raise the standards of the profession than by encouraging more of our talented young women to become lawyers?

Enough has been said to indicate the thoroughness with which Justice Smith has examined the wide range of topics that should interest any young man or woman contemplating a career in law. What cannot be conveyed is the warmth and enthusiasm, the good sense and wisdom which consistently pervade his commentary, and which make for pleasurable reading. The difficulties and disadvantages of the profession are not over-

looked, and many young readers may well conclude that the practice of law is not what they seek. A generation nurtured on the image of law and lawyers portrayed in movies and on TV may find the realities of the lawyer's life as described by Justice Smith excessively drab. But thoughtful students will surely be attracted by his presentation of the opportunities for satisfying and stimulating service to others, and by the chance to be part of a profession that does so much to make meaningful the concept of a civilized and free society.

*William M. Beaney,
Professor of Politics and
Pre-law Adviser,
Princeton University*