

# Mayer: The Lawyers

Irving E. Fasan

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## BOOK REVIEWS

*The Lawyers*. BY MARTIN MAYER. New York: Harper and Row, 1966. Pp. xvii, 586. \$8.95.

Martin Mayer has amassed a large amount of information about lawyers, judges and the American legal system and assembled it into a book which he calls *The Lawyers*. It is a book with which it is easy to find fault.<sup>1</sup> Nevertheless, the book contains worthwhile material and it is a pity one cannot easily put his finger merely on that data and omit the rest. For instance, Mr. Mayer's description of Manhattan's arraignment court and his discussion of the bail system are useful reading and one can raise with him a question about the wisdom of our extensive use of the jury and our liberality in permitting appeals.

Mr. Mayer's treatment of personal injury work and the contingent fee is also balanced and this reviewer especially relished the author's comment that "there is no pornographic trash so foul that some Ph.D. cannot be found to give expert testimony that he enjoyed it and recommend [sic] it as bedtime reading for his twelve-year-old daughter."<sup>2</sup>

One can also rightly wonder with Mr. Mayer how the teaching of law became divorced from its practice although fortunately, there now may be a reverse trend, stimulated on the one hand by the law schools' connection with the legal defender system and aided, on the other hand, by the growth of continuing legal education institutes among the state bar associations. Many of these institutes already have relationships with law schools and hopefully others will establish them in the future.

There are two major flaws in Mr. Mayer's book. First of all he is not selective about his material. There is a seemingly endless stream of facts, quotations and opinions. The author seeks to be exhaustive and becomes deadening. There is so much statement and counterstatement that one wonders if Mr. Mayer knew the importance of some of his material. In the end the reader feels that there is no point of view, no organizing principle in the work.<sup>3</sup> Secondly, Mr. Mayer philosophizes about the nature of law and justice, not only in his section on jurisprudence but throughout his book, and none of this material is satisfactory. Mr. Mayer seems to confuse positive law with what he calls natural law and intertwines the latter with a rambling discourse on the common law.

One has the feeling that Mr. Mayer thinks the natural law came from "a society ruled by an anointed king or by a class of priests"<sup>4</sup> (meaning those awful Middle Ages?) and is something which we have outgrown. Actually the natural law is as

<sup>1</sup> See, e.g., Rodell, N.Y. Times, Aug. 13, 1967 (Book Review Magazine), at 6. Some of the material in *The Lawyers* appeared previously in the following magazines: *Esquire*, *Harpers*, *The Saturday Evening Post*, *Redbook*, and *TV Guide*.

<sup>2</sup> MAYER, *THE LAWYERS* 393 (1966).

<sup>3</sup> Incidentally, Mr. Mayer's description of Dean Noble Lee of Chicago's John Marshall Law School as "large, aging, shabby, impatient, with a politician's shaking jowls" is really not accurate. *Id.* at 99.

<sup>4</sup> *Id.* at 123.

real today as it was to Antigone, who in pre-Christian Greece spoke eloquently about the natural law when she responded to Creon as follows:

Nor did I think your orders were so strong that you, a mortal man, could over-run the gods' unwritten and unfailing laws.

Not now, nor yesterday's, they always live, and no one knows their origin in time.

So not through fear of any man's proud spirit would I be likely to neglect these laws, draw on myself the gods' sure punishment.<sup>5</sup>

Mr. Mayer needs to do more homework on his jurisprudence. He might well begin with Jacques Maritain's *Man and the State*<sup>6</sup> or the late Yves Simon's *The Tradition of Natural Law: A Philosopher's Reflections*.<sup>7</sup>

IRVING E. FASAN\*

<sup>5</sup> II THE COMPLETE GREEK TRAGEDIES 174 (Greene & Lattimore eds., Elizabeth Wyckoff Transl. 1959).

<sup>6</sup> MARITAIN, MAN AND THE STATE (1951).

<sup>7</sup> SIMON, THE TRADITION OF NATURAL LAW: A PHILOSOPHER'S REFLECTION (Vukan Kuic ed. 1965).

\* Assistant Professor at DePaul University College of Law, Member of the Illinois Bar. J.D., University of Chicago, formerly in practice in Chicago, 1957-1966.