

THE LAWYER IN MODERN SOCIETY. By Vern Countryman and Ted Finman. [Boston: Little Brown and Company. 1966. xxiii + 911 pp. \$13.00].

In the preface to *The Lawyer in Modern Society* the authors comment that, "if the law student is to be adequately equipped, he will need insight not only into the processes and functions of law formation but also into the problems of choice he will face as practitioner, member of the profession and lawyer-citizen. Though all of this is obvious, it remains true that law teaching focuses on law almost to the exclusion of the lawyer." The book is designed to help close the gap. It is a collection of comments, articles, cases and problems designed to form a basis for teaching courses in, what is often loosely referred to as "professional responsibility". It is the authors belief that such matters have a public as well as a private concern. They point out by way of example that "questions concerning the extent to which practicing lawyers ought to be guided by conceptions of public as well as client interest are not devoid of social importance; the matter of defining and maintaining standards of competence and care in servicing clients is not unrelated to the functioning of the legal system; and the approach of the organized profession to solicitation-of-business and unauthorized practice-of-law problems has obvious impacts on the kind and extent of legal service available to the public."

These comments set the tone of the book which covers the role and problems of the lawyer as lawyer in the United States from the lawyer as fiduciary through to a consideration of his professional qualifications. Following a descriptive introductory chapter of the lawyer as practitioner, politician, and his participation in community affairs, the book is divided into four parts: Part I deals with the lawyer as practitioner; Part II is entitled, "The Profession"; Part III "Lawyers and Social Problems"; and, Part IV "Professional Qualifications". The character of the materials is shaped by the subject matter. It relies in large part upon articles and reports of lawyers, teachers, and professional associations. Where the subject matter lends itself to a case analysis as, for example, in the area of conflicts of interest, it takes the form of the more conventional casebook. The authors have included the occasional note and comment of their own but it is the number of provocative and searching questions woven into the text that gives it their distinctive scholarly stamp.

Part I deals with the practice of law. Here the authors view the lawyer as playing a dual role. They state, "while we see client-representation as the lawyer's primary duty, we have also assigned him a role as guardian of society's interests. These roles sometimes conflict; service to one's client sometimes entails disservice to society." The remainder of Part I is concerned with the choices open in these conflictual situations and how they should be made. Basically they see the lawyer as guardian of the societies' problem-solving and dispute-settling processes with the responsibility for seeing that the processes operate so as not to frustrate the objectives of society. These objectives they define as promoting the fair, just treatment of the individuals immediately involved in disputes, encouraging patterns of behaviour consistent with society's basic values, and maintaining the integrity of the processes through which lawyers act to solve their clients' problems. Following a definition of the lawyer's tasks and his role, the part is divided into three sections, "Contested Proceedings", "Negotiations", and "Unilateral Action". Typical of the nature of the treatment of the subject matter is this question following a discussion of the bargain theory of criminal justice: "D is charged with a number of offences. Unknown to D, three of the charges were included for the purpose of using them as a bargaining lever. In a conference with the prosecutor, D states that he will plead guilty if one of the charges is dropped? Should the prosecutor accept the offer?"

Part II deals with the organization of Bar Associations and restrictions on professional conduct such as direct solicitation, advertising and unauthorized practice.

Part III is entitled "Lawyers and Public Responsibility" and it begins with a chapter outlining a "rationale for responsibility". The central problem focuses upon the role of the lawyer in the south and his responsibility toward the law in civil rights matters, particularly the law as developed by the Supreme Court. This problem again is examined from the perspective of the lawyer and unpopular causes.

Part IV is devoted to the problems of professional qualifications and training. It examines pre-legal training through to bar admission standards. The final chapter is concerned with the manner and basis of control of "character" both at the time of admission into the profession and whole lawyers are active members of the bar.

The book is a pioneering effort to bring together materials suited to a systematic study and analysis of the social function and the ethical problems of the legal profession. It goes some way to fill the gap in current law school curricula, at least in the United States. It is also somewhat novel as a casebook for legal study in its reliance on secondary rather than primary materials. But these are welcome changes in direction. Perhaps it will open the door to a change in law school curricula generally, a change away from the traditional case approach to a more imaginative and functional one: one that is concerned with law in society rather than law in a vacuum.

Its value for Singapore law students and lawyers is diminished somewhat however because *The Lawyer in Modern Society*, intended for use in American Law Schools, naturally draws almost exclusively on American material. But the subject matter of the book and many of the problems posed by the authors have their counterparts in every common law democracy. To the lawyers in Singapore who care about the quality of their profession, *The Lawyer in Modern Society* would prove interesting. It would be invaluable as a guide to developing a similar course for use by the Faculty of Law at the University of Singapore.