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Cases and Other Authorities on Legal Ethics

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BOOK REVIEWS


Whatever the older lawyer—educated by methods known to his day—may think of the so-called "case method," he must upon an impartial examination of this case book, admit that it is assuredly in place, and that use of it will lend inspiration and instruction vitally necessary to success at the bar. If he has prejudice too deep against the case method, let him notice that, in keeping with its title, the book is not merely one of "cases," but of "cases and other authorities." These "other authorities" are more numerous than the "cases." And in more than one sense they are much of the book. But by this statement the worth of the cases must not be depreciated. Though made up after the manner of a case book, the volume should be in the hands of every law student and every lawyer. It will inspire the former and revive the latter. It is by no means a boy's book.

Somehow the book looks like a live book and feels like one. Perhaps this is because every bit of the material inserted is so practical that it is animated. So it will be found by every student or lawyer of professional impulses. The volume is a large one, but not too large, since it is a veritable store-house of practical lore. Many years ago general ethics were taught in one of the town schools of this state by a book called "Practical Ethics." Recalling that term in our reading of Professor Costigan's work, we observe that the author could well have entitled his book, "Practical Legal Ethics."

The work is divided into the following ten chapters: I. The History and Organization of the Legal Profession in England and in the United States; II. The Lawyer's Qualifications; III. The Admission and Discipline of Lawyers; IV. The Ethical Duties of Lawyers to Courts; V. Ethics of Legal Employment in General; VI. Solicitation of Legal Business; VII. The Ethical Duties of
Lawyers in Criminal Cases; VIII. The Ethical Duties of Lawyers in Civil Cases; IX. Pecuniary Relations of Lawyers and Clients; X. Miscellaneous Topics. The subdividing of these topics is logical and acceptable. As Appendix appropriately contains Hoffman’s Fifty Resolutions, the American Bar Association Canons, and the Oath of Admission. It may seem that different materials might have been used as to some phases; but, upon mature reflection it is to be doubted whether after all this would have meant improvement.

It means much to the profession, and through the profession to the community, that the teaching of legal ethics has come to stay in the law schools. The school that does not give it in course deserves not the name. To some of us this statement is not too strong. The book under notice admirably fits in this line. It will largely be adopted. It comes near a time when needed. The close of the Civil War sent many a returned soldier, both in the North and in the South, to legal studies. Honored for valorous duty to country, he was thereby inspired to look to the most honorable of professions—that in which he would continue to stand for principle, for right, for government. The close of the awful conflict now pending will bring the same, in larger degree. Let the law school sought by the returned American soldier immediately disclose to him not only the nobility of the profession he has chosen, but also its amenities and its exactions.

This note is intended merely to be a pointer to a good work, not a formal review of the same. “The proof of the pudding is the eating,” not the reading of the recipe. The object of this writing is to impel the reader himself actually to review the work.

—I. E. R.


The chapters and general topics of the second edition are identical with those of the first edition. The revisor has directed his efforts principally toward an expansion of the footnotes and citations of the first edition. The one hundred and nine extra pages of text and footnotes in the second edition, while partly due to a more liberal page margin, are chiefly the result of an extensive amplification of the footnotes and citations. The revisor, in his Preface, speaks of the “great stream of decisions” which “has