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# Lawyers On Their Own: A Study Of Individual Practitioners In Chicago. By Jerome E. Carlin.

Maurice Frey
*University at Buffalo School of Law*

Court Reform Act passed in 1956 forced the first senate of the Court to hand down a decision or be deprived of jurisdiction over the case.

McWhinney's book represents a modest chapter in the still rather neglected but potentially fruitful study of comparative constitutional politics. American readers will probably find this volume most interesting and useful for its concise summaries of the more important decisions of the Federal Constitutional Court although the book will be of limited value to the specialist. A full-length scholarly work on the Court remains yet to be written, in either German or English.

JOHN C. LANE
*Assistant Professor of Political Science*
*State University of New York at Buffalo*

LAWYERS ON THEIR OWN: A STUDY OF INDIVIDUAL PRACTITIONERS IN CHICAGO. By Jerome E. Carlin; New Brunswick, New Jersey: Rutgers University Press, 1962. Pp. 234. $6.00.

This book should be of interest and of some value to practicing lawyers, law teachers and students, bar association officers, judges and all those concerned with the legal profession.

The author, who is both a sociologist and a lawyer, made a statistical study in depth, in the summer of 1957, in the City of Chicago, of 84 lawyers engaged in, or who listed themselves as engaged in, private practice as individual practitioners. At that time there were approximately 12,000 lawyers in Chicago, of whom about 7,000 were individual practitioners. The 84 lawyers interviewed were chosen at random. The interviews were based on a long, detailed prepared list of searching questions and each interview lasted on the average about two hours. By and large, says the author, the lawyers interviewed were extremely cooperative and far more candid than he had expected. The answers were taken down verbatim.

The number of lawyers interviewed was small, being only a little over one percent of the total number of individual practitioners in Chicago. Actually, the percentage may have been even smaller. The 84 interviewees included 6 young salaried lawyers just getting started, and 11 lawyers who were no longer in private practice. In the analysis of the interview data, the information about these 17 was taken into account in the conclusions set forth in the first chapter of the book, but, for the most part was not considered in arriving at the conclusions discussed in the rest of the book.

The author classified the remaining 67 of those interviewed as engaged essentially in full-time, independent private practice. However, of these: (a) 7 worked to some extent for other lawyers, but half or more of their time and income was devoted to or derived from their own private practice; (b) 8 had considerable outside business interests, but none of these derived more than half of his income from such pursuits; and (c) 3 each had a principal corporate

client for whom he acted as general counsel and to whom he devoted half or more of his time, but all 3 had other clients as well, maintained their own private law offices, and considered themselves to be private practitioners. Of the remaining 49, says the author, there is "little question" as to their individual status. (The use of the phrase "little question" is somewhat disturbing: is there any implication here that there was *some* question of their individual status?)

The author points out that the sample finally arrived at does not necessarily consist wholly of individual practitioners, but only of lawyers listing themselves as such in both lawyer directories used, and that these directory listings of individual practitioners may not have included the total population of such lawyers.

All considered, if we use the figure 84 as constituting the sample, and 7000 as the number of private individual practitioners, the sample was only 1.2 percent; if we use the figure 67, the sample was 0.9 percent; and if we use the figure 49, the sample was only 0.7 percent of the total. Are any of these small percentages a sufficient basis upon which to rest conclusions about the total group, or a sizeable percentage of the total group? It would not appear to be safe to infer that what may be true of all or a large percentage of the 49, 67, or 84 members of the sample group is probably true of a significant percentage of the total group of 7000. In fact, the author himself points out that some caution ". . . should be exercised in generalizing from findings based on such a small sample of lawyers taken from one segment of the bar in a single city." (viii) It would seem that considerable caution should be exercised, but the author has disregarded his own advice, for, beginning with the very first sentence of his first chapter, and continuing throughout the book, the author has made too many sweeping generalizations.

The author has found that many of the interviewees had never had any specific ambition or intent to go into law, but had drifted into the profession; had received inferior pre-professional and professional training; from the start, have handled the least desirable legal matters; engaged in ambulance chasing, fixing, pay-offs, subornation of perjury, and other various forms of unethical and shabby practice in obtaining business and in their relations with their clients; have not attained status or prestige, either within the bar or in the general community; and regard the practice of law more as a business than as a profession.

All these, and other conclusions which the author reaches from his study, are not new. They are the same beliefs and impressions which have been held and felt by many qualified observers. The author has given us some proof to corroborate these beliefs and impressions. Because of the small size of the sample used, he has failed to give us sufficient statistical evidence upon which to accept his conclusions as to the extent to which these conditions and activities are prevalent.

The author indicates that in his then (1962) current study of the New York City bar, based on a sample of 800 lawyers, there was nothing to suggest that what he found to be true about individual lawyers in Chicago was unique to

Chicago. We aren't given any information about this sample, but it is to be hoped that it is larger than only about one percent of the total group.

It would be desirable that, based on proper samplings, studies be made that would give us a more complete, well-rounded picture of the legal profession as a whole, and which would include all groups of lawyers—individual practitioners as well as members of large firms and small firms, not only in the largest metropolitan areas like Chicago and New York, but in other metropolitan areas, and in medium sized and smaller cities, as well as in rural areas. Furthermore, for purposes of comparison, and for a better understanding of our society, it would be well if similar studies were to be made of other professions, such as the medical, teaching and clergy.

In fact, the author states in his preface that although this book was conceived initially as a study in the sociology of the professions, as time went on the study began to shape itself more as a report to the public and to the legal profession itself on what was actually going on in the practice of law. As seems to be happening so frequently these days, in both the natural and the social science fields, those engaged in research are too anxious and in too much of a hurry to put their conclusions and findings into public print.

The book has value in that it tends to some slight degree to scientifically corroborate what has been generally believed to be true—that all is not well in the legal profession. But the book must be regarded as simply a start on the sociological study of the legal profession.

MAURICE FREY
*Lecturer in Law*
*State University of New York*
*at Buffalo*
*School of Law*

NATURAL LAW AND MODERN SOCIETY. Introduced by John Cogley; Cleveland, Ohio: World Publishing Company, 1963. pp. 251. $4.00.

It is almost certain that we are witnessing yet another revival of a seemingly ageless moral, ethical and legal value system—the natural law. It has had its ups and downs, its benefactors and proponents from time immemorial —western time at least—from Plato and Aristotle, Cicero, and Saint Paul, right up to the present with Jacques Maritain and Felix Frankfurter. Its very survival through the numerous tempests of conflicting concepts of law, jurisprudence and philosophy may be taken as some indication of its basis in eternal truths, and foundation in a yet higher law. In fact, many in the past, at the present, and, hopefully, in the future as well, have looked, and will continue to look upon it, and perhaps to draw inspiration from it, as that most logical extension of a higher moral code that man may aspire to.

That seems to be the thing with the natural law. There is no mystery