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BOOK REVIEWS

Lawyers, Law Schools, and the Public Service. By Esther Lucile Brown. New York: Russell Sage Foundation. 1948. Pp. 258. \$3.00.

To all members of the legal profession interested in the training of law students, Esther Brown's study, *Lawyers, Law Schools, and the Public Service*, is highly recommended as a stimulating, thought-provoking work. The author, a social anthropologist from Yale University, has been on the staff of the Russell Sage Foundation, New York, since 1932, where she has been engaged in studies of the professions. In 1938, she published *Lawyers and the Promotion of Justice*.

Since then, Miss Brown has continuously kept in touch with developments in legal education. While her previous study was of a general nature, the present one is particularly directed toward the improvement of legal training for public service. In preparation for this work, Miss Brown, from 1939 to 1942, visited 23 representative law schools: 13 in the middle states, 2 in the northeast, 3 in the southeast, and 4 on the Pacific coast. She has been careful not to overemphasize the northeastern schools, in spite of the fact that the majority of the new teaching methods originated and were first tested in that region. During the war years Miss Brown spent considerable time in Washington, analyzing legal work in the various government agencies and the methods employed by the federal government in recruiting legal talent.

Her chief concern throughout the study is to discover to what degree and with what efficiency legal education is preparing men and women to serve the interests of government—legislative, judicial, and executive.

The book is divided into three parts. Part one deals with the important role played by lawyers in official positions. It is pointed out that a recent count showed that 66 percent of the Congress—74 percent of the Senate and 58 percent of the House of Representatives—were members of the bar. So were 27 of the 48 governors. In the state legislatures lawyers constituted between 20 and 25 percent of the membership, in some states more than 40 percent.¹

The author deplores the negative attitude of a number of law professors toward training of law students for government service. She discovered that some of the schools provide in-service training for a selected group of interested students in government departments in Washington. She discusses at length the federal government recruit-

¹ In the North Carolina General Assembly of 1945, 48 percent of the Senate and 35 percent of the House were lawyers.

ing procedure for legal positions and the experiences with testing methods applied by the Board of Legal Examiners during the early war period.

In part 2 of the study, the nature of the work performed by attorneys working for the federal government, e.g., for the Treasury, the Department of Labor, the Federal Trade Commission and the Department of Justice, is described with emphasis on their participation in policy-making processes, drafting, reviewing, litigation, counseling, etc.

Unfortunately the war prevented the carrying of the investigation into the fields of state and local government. The first two parts of the book, however, although dealing exclusively with the federal government, point up the important public functions the legal profession is called upon to perform, in the community, the state, the nation, and, more and more frequently, in the international field.

In view of the importance of an adequate training for this aspect of the lawyer's functions, Miss Brown voices some pessimism and dissatisfaction with the paucity of attempts to provide the methods and means for that training. However, in part 3 of this study, she gives an invaluable survey of experiments in educational methods applied in such comparatively new fields as administrative law, legislation, and introductory courses on the relation of law to society. The author is not unaware of the fact that however desirable or essential the development of new skills or techniques may be, students require laboratory facilities and extensive faculty assistance, and that most law schools suffer from budgetary limitations. As she points out, "the lack of an adequate budget, however, is no valid excuse for omitting the subject of draftsmanship. Methods are available whereby students can be provided with some degree of competency."

In discussing the various teaching methods, such as case, problem and clinical methods, law review, etc., Miss Brown emphasizes rightly the necessity of giving more consideration to average students for they too will be required to apply the new skills in practice. She stresses the importance of training in research, not only on the graduate, but also on the undergraduate law school level. Such research projects can be of practical public value in devising methods for the improvement of legislative, administrative and judicial processes. They require intensive faculty participation, proper physical equipment, good research library collections, and an adequate library staff. Miss Brown urges that a "thorough, objective study of the existent financial situation in legal education be made, followed by educational programs designed to make known, not only to the entire bar and bench but to all interested laity, exactly what is being paid for legal education, what can be pro-

vided for that sum, and what is requisite for a type of professional education that will fit men with the maximum of efficiency for the essential functions not only of legal craftsman but of policy-maker and administrator."

For all those actively engaged in the survey of the legal profession being conducted by the American Bar Association, Miss Brown's book will be an excellent guide, offering many valuable suggestions. To the law schools Miss Brown has this to say: "one of the most significant ways whereby the law school can effect true enlargement and enrichment of legal education is through a more affirmative attitude toward law itself, toward government, toward the lawyer's role in government, and toward the law school's responsibility for training the lawyer to play that role. A great opportunity and a similarly great responsibility still lie ahead for legal education. They are the task of implanting conviction in faculty and students, both of whom have been conditioned by the opinion of a nation that has never entirely grown to repose abiding faith in its government, that government is important; that through no other means, perhaps, may the lawyer so largely determine his own future and that of all of us."

KATE WALLACH.

University of North Carolina
Law Library
Chapel Hill, N. C.

The Papers of Walter Clark. Edited by Aubrey Lee Brooks and Hugh Talmadge Lefler. Volume I, 1857-1901. Chapel Hill: The University of North Carolina Press, 1948. Pp. xiv, 607. \$6.00.

This book is an example of that rare literary phenomenon, a collection of letters and papers with a high degree of readability. Approximately half of the items are from the pen of Walter Clark: most of the remainder are letters to Clark, though there are a few letters merely bearing directly on matters of concern to Clark. Since Clark was involved in so many movements and controversies of public significance the whole book partakes of the nature of a panoramic view of the times which commands the attention of the reader from start to finish. Clark wrote in a brisk, lively style with the controversialist's flair for amassing arguments for his viewpoint and the lawyer's skill in organizing his material for an effective appeal to the reader.

The letters to Clark were copied from originals in the hands of members of the Clark family; other letters and papers were procured from the various collections in the state. Together they cover Clark's career from his first experience in boarding school at eleven years of age to the end of the century. After three years in boarding school

and the Hillsboro Military Academy Clark entered the Confederate army, withdrew to earn a degree at the University of North Carolina, returned to military service as an officer in the Junior Reserves, and was released from the service in 1865 as a veteran still two years short of the twenty-one year age requirement for admission to the bar. During the reconstruction era Clark was busily involved with the difficulties of administering the family plantations and in laying the foundations for his public career. After a short term at the practice of law in his native county of Halifax he removed to Raleigh, where he soon built an extensive practice. His first civil office came as an appointment to a Superior Court Judgeship in 1885, mainly as a result of an appeal to Governor Scales by fellow members of the bar. The following year he was elected for a regular term and was appointed to the Supreme Court in 1889. To this office he was subsequently elected in his own right and once re-elected before the turn of the century.

The first third of the volume presents a picture of a precocious student and an able army officer. In the exchange of letters with his mother and other members of the family are numerous references to school affairs, farming operations, and the fears and anxieties of the war period. Clark seems to have written relatively few letters during reconstruction, but several articles in the public presses reveal his approaching maturity of thought and a corresponding growth of interest in public affairs. The period of his residence in Raleigh marks his most active participation in public life and his identification with popular and liberal phases of public opinion. The outstanding characteristics of Clark's public life were a Jacksonian faith in the morality and wisdom of decisions by the voters and a mistrust of all forms of corporate wealth. The latter led him into an advocacy of regulation of railways by the state government, the "return" of the telegraph and telephone businesses to the Postoffice Department, and the free coinage of silver. This feeling reached such a height that he stated in a public address in 1897 that the vast accumulations of the day were dishonest in their very nature. It was clearly the beginning of the great evil which he saw in the growing tendency to link Trinity College with the Duke millions.

The editors have exercised a fine sense of discrimination both as to historical worth and literary unity in their selection of items. The letters are divided into seven groups according to chronological periods, and each group is preceded by an introduction covering the main items presented. Most individuals mentioned are identified by short, concise statements in footnotes. Editorial errors are few and generally inconsequential. In a summary of decisions written by Clark (p. 239)

there is a clear inconsistency in concurring and dissenting opinions with the total of decisions rendered by Clark. This inconsistency has the effect of weakening the editors' general statement of Clark's independence of thought on the bench.

It is quite a relief to read an entire volume of historical source materials without encountering a single [*sic*]. On the other hand, there are instances in which the use of the volume by historical investigators would have been facilitated by the inclusion of the conventional symbol of an error in the original text. The evident printing of "1876" for "1776," (p. 267) "intention" for "intimation," (p. 369) "Stevens" for "Stephens," (p. 426) "ought" for "aught," (p. 443) and "tools" for "tolls" (p. 456) will hardly be noted by the general reader. Any one of these could become momentarily a serious problem for the student who is seeking the appropriate stone for the completion of an arch of thought. Of course, the heading which identifies Greensboro as the home of the Greenville bar (p. 410) will be readily forgiven in this era when sectional pride no longer has any place in state affairs.

The editors indicate clearly their complete sympathy with their subject, even to the point of including a letter from Mr. Brooks to Clark in congratulation on his defense against the Kilgo cabal in the Trinity College Board of Trustees. It is a fair prediction that most readers of the volume will lay it aside with a similar feeling.

PAUL MURRAY.

Eastern Carolina Teachers College
Greenville, N. C.

Municipally Owned Parking Lots and Garages. By Charles S. Rhyne.¹ National Institute of Municipal Law Officers, 730 Jackson Place, N. W., Washington 6, D. C., 1948. Pp. 54. \$3.00. (Distributed free to members of NIMLO.)

Mr. Rhyne's interesting and informative study of off-street parking deals with one of the pressing problems facing municipalities today. For some years, relatively inflexible streets have not been able to supply the mobility that traffic requires. Nor have they been able to accommodate the needs of parked traffic. These twin difficulties have had (and continue to have) a pronounced influence on the economic and social life of communities. When streets fail to provide for the demands of both moving and standing traffic, community retardation is inescapable unless mass transportation facilities come to the rescue. Business enterprises in high congested areas must either accept declining business or move to outer areas. When exodus begins, the conse-

¹ General Counsel, National Institute of Municipal Law Officers.

quences can be demoralizing. Down-town areas deteriorate, ultimately decay. Blighted areas and a ruined tax structure result.

Experiences have demonstrated that most streets in down-town areas cannot provide a tithe of the parking space required. The ever-increasing demands of fast moving traffic continue to reduce parking space. Total and limited-time ban of parking at particular times and places are now commonplace. If, then, vehicles cannot be parked *on* streets, they must be parked *off* them. How?, is the important inquiry. As Mr. Rhyne points out, privately operated off-street parking facilities, amendments requiring off-street parking facilities, and other means may suffice. But if they do not, he warns, "*then the problem becomes one of public concern and, if solved, it must be by public effort.*" (Italics mine.) His study turns attention to the ways and means by which municipal control can be accomplished.

The 54 page study is divided into nine brief sections, titles to which give insight into scope and content: I, Preface; II, Introduction; III, Acquisition and financing of public parking facilities; IV, Municipally owned garages—existing and contemplated; V, Municipal operation of parking lots; VI, Enabling legislation adopted by states; VII, Municipal ordinances adopted under various enabling statutes; VIII, Legal decisions on public acquisition, ownership and operation of parking lots and garages; IX, Appendices. The study begins with commentary on the seriousness of the parking problem, describes municipal progress in the establishment of municipally owned facilities and then turns attention to the means by which property can be acquired. Much attention is directed to means of financing parking projects, the kinds of parking facilities that have been established, and the techniques of organization and administration adopted. Basic consideration is given to legal phases of the problem—enabling acts, municipal ordinances and judicial decisions. The appendices include selected state enabling statutes and selected municipal ordinances.

Without question, the study is an informative source book on municipally owned and operated off-street parking. It should prove an important aid to the public official and to the citizen.

D. G. MONROE.

Institute of Government
Chapel Hill, N. C.

