

## BOOK REVIEW

WHAT EVERY LAWYER KNOWS by Walter T. Fisher, Nimrod Press, Boston, Massachusetts, 1974, pp. 91, \$1.75.

*Reviewed by James C. Hardman\**

It is an exciting experience to find a book which deals with a subject of immediate and personal interest and which does so in an excellent manner.

In a post "Watergate" era when the legal profession is experiencing derogation of its role in society, it is encouraging to have a successful, if not renowned, lawyer concisely summarize what "lawyering" is all about.

This book discusses basic and critical issues many of which involve the lawyer-client relationship. Some of the chapter titles include "What Lawyers Do For Clients", "What Loyalty To Your Clients Demands", and "When Conflicts Of Interest Between Client and Lawyer Are Tolerated".

The reader should not get the idea that the book is a treatise for the scholarly legal philosopher. On the contrary, the views and observations of the author are expressed in such clear and simple language that David F. Carvers, Fessenden Professor of Law, Emeritus at Harvard Law School, writing the Foreword, states that the book could be a guide for clients and students as well as attorneys and suggests that a lawyer could do himself, his profession, and his clients a favor by leaving a copy in the office waiting room.

One of the sage observations made by the author on the lawyer-client relationship is the recognition that the independence-servitorship paradox creates complex and troublesome issues the resolution of which lies at the heart of the lawyer's function in society. "Watergate" occurred in many respects because the lawyers advising the President failed to resolve the question the author poses "The Lawyer: Mogul or Stooge?" As the author observes, the manner in which each lawyer resolves the dilemma of being both loyal to his client and independent of him is the touchstone of his professional stature and his private character.

In addressing himself to the question of what lawyers do for clients, the author makes two general observations. First, the author notes that clients generally have only a limited comprehension of what

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lawyers do or might do for them, and secondly, many clients do not realize the full depth and extent of their lawyer's loyalty to them and of his responsibility for the work he has undertaken for them.

The author discusses some simple, logical ways in which to overcome the above problems. They are not necessarily novel solutions, but ones which bear review and consideration. For example, many authors have suggested that clients be kept informed of what you are doing. The author echoes such advice, but goes one step further advising that even if you have done nothing, keep the client advised so that he knows he has not been overlooked. Other similar earthy advice is dispensed.

In discussing the loyalty due clients the central theme of the author is that the lawyer owes his client independent judgment based on full knowledge of the client's case. The author asserts that lawyers must think deeply enough for full understanding and not be awed by existing court decisions or other authority. The conclusion a client is entitled to is the lawyer's own conclusion—whether it is one the client likes or not.

This same type of informative and provocative discussion occurs in other chapters of the book which deals with subjects such as "Mumbo Jumbo and Other Communications" and "Wrinkles in Communication".

In the above sections of the book, the author notes that "language" molds the public's thoughts about lawyers and is a big factor in determining the public attitude towards the legal profession, and in the long run, the attitude toward those institutions largely in the hands of the lawyers: the law, the courts, and the government itself.

As a result of the above, the author concludes that it is in the public interest that lawyers be thought of, not as manipulators of esoteric technique, but as candid and forthright persons, whose special experience and wide point of view make them helpful in solving problems.

Readable English, the author asserts, will not only communicate more clearly to the client, but will in the process give the client a better picture of the lawyer as a practical and helpful person.

The author concludes with a discussion of the satisfaction that a lawyer gets from his work. The reviewer feels that it behooves every attorney to evaluate his personal experience in terms of the insight offered by the author. Hopefully, such evaluation will lead to the conclusion of the author, ". . . it has been fun".

If the reader questions the appropriateness of this review in a Journal covering transportation law, it might be noted that part of the

author's more than fifty years of law practice included service as Chairman of the administrative agency regulating transportation in Illinois. More relevant, however, is the fact that "transportation specialists" are, in fact, first lawyers and, as such, this book synthesizes what we know—or ought to know.

Don't miss this book!