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BOOK REVIEW


Reviewed by Shanler D. Cronk*

Perhaps the best evidence of the growing interest and concern about the role of the lawyer in today's society is the number of books recently published about lawyers and what they do. Much of this literary attention tends to be uncomplimentary, focusing on the involvement of lawyers in national scandals, their power and influence brokering, and their opposition to reform of the legal profession in the public interest (i.e., lawyer advertising).

Lawyers and the Pursuit of Legal Rights, a publication sponsored by the Institute for Research on Poverty of the University of Wisconsin, throws some positive light on lawyers. It is an interesting examination of the roles lawyers have played during a time when the judiciary has become increasingly more of a force in sensitizing the country to the need for and effectuation of social change. Based largely on interviews with a great many lawyers engaged in varying types of practices, the book concentrates on the Legal Services program and other efforts to provide legal services to the poor. It also reviews the responses of different segments of the legal profession to demands for more involvement in other areas of social change such as civil and consumer rights as well as environmental concerns.

The authors establish the importance of lawyers in bringing about social change for minorities and the poor by pointing out that success has depended in large measure on one common denominator—providing access to the legal system to groups and individuals traditionally unrepresented or underrepresented. They structure the presentation by first labelling all

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of these efforts to provide new or more adequate legal representation as "legal rights activities." They then chronicle the emergence and development of these activities by looking in detail at what specific lawyers and associations of lawyers (NAACP Inc. Fund, Legal Services Corporation, public interest law firms, private practitioners) did.

In addition to the descriptive portions which constitute the bulk of the presentation, the authors devote two chapters to tracing the career paths of those lawyers engaged in legal rights activities—recruiting, job experience, subsequent careers—and to analyzing the implications of those findings for the future, particularly in connection with responding to the legal needs of the poor.

In its attempt to depict in a brief narrative (194 pages exclusive of sample questionnaires and a methodology section) the history of traditional legal services for the poor; the emergence of civil rights, poverty and public interest law reform activities; and the nature of the involvement of lawyers engaged in these activities, the book serves well as a basic primer. There are some difficulties inherent in the presentation that even lawyers long engaged in legal rights activities are likely to encounter. For example, the distinctions the authors make among poverty law, public interest law, *pro bono* services and "aggressive legal rights activities" appear somewhat artificial and unclear. The fact that the data collected were not sufficient to answer clearly specific questions, such as why the emphasis on family law cases in legal services offices has decreased over time, illustrates the need to keep in mind the limitations of the book's scope of inquiry and the fact that information was collected only from lawyers.

Beyond what the book illustrates about who did how much of what, the authors also set out implications of their findings for the future, particularly in connection with legal services for the poor. For example, considerable attention is given to demonstrating how the data refute the popular conception that legal rights activities were a passing fad that attracted elite young lawyers interested at first in social reform, but who eventually tired of the game and moved on to traditional practices. The authors are quite defensive about these assertions from the outset, particularly in light of the present health of the Legal Services Corporation. Nevertheless, the book is perhaps of greatest significance in demonstrating that the early legal services lawyers were not predominately elite, were not interested

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1. Their defensiveness may be explained by the fact that during the authors' data collection period, 1968 to 1972, it was still unclear whether organized legal services would be able to obtain enough funding and support to insure their permanent place in the American legal system. With the creation and growth of the National Legal Services Corporation, much of this concern has evaporated.
only in law reform work, and that their commitment has been continuing, even in subsequent career choices within the private sector.

When the last page is read, the reader is likely to be a bit disappointed in at least one respect—the failure of the authors to comment in more detail on the impact that recent Supreme Court decisions might have on future legal rights activities. Decisions such as *Rizzo v. Goode*² have certainly made it clear that social change for the poor depends on much more than the availability of a committed, adequate group of lawyers to represent them and their causes. Prior to such decisions as *Rizzo*, important cases got to the courts because the previously unrepresented had obtained lawyers and the relief granted reflected a steady expansion of judicial power. That power may now be shrinking back to the status quo. Thus when the United States Supreme Court holds, as it did in *Rizzo v. Goode*, that a federal court trial judge has no power to order that police complaint procedures be instituted because of past discriminatory practices against minorities or the poor, a battery of 50 lawyers is not likely to get them instituted.

Of course, this is a kind of "chicken and the egg" dilemma, and the future implications alluded to by the authors were intended to center on their import for the careers of lawyers in legal rights activities. Nevertheless, the impact that greater legal representation in court for the unrepresented can have is often a direct function of how expansive or restrictive the boundaries of the power of the judiciary are in bringing about social change. This reader would have preferred a more extensive treatment of that concern.

*Lawyers and the Pursuit of Legal Rights* is concise, informative, and offers some encouragement for the reader who is looking for some sign among current works that lawyers may have "redeeming social value." Inasmuch as it reveals the extent to which legal rights activities have evolved as structured career opportunities, it promises to be particularly valuable to the law student contemplating such a career.

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