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Book Review: Gentlemen of the Law

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BOOK REVIEWS

GENTLEMEN OF THE LAW. By Michael Birks.¹ London: Stevens & Sons Limited, 1960. Pp. 304. \$4.75.

Have you ever wondered about the distinctions between barristers and solicitors? "Gentlemen of The Law" clearly pictures the barristers and solicitors in an interesting and historical setting. Although there are comparative references to the barrister, the main emphasis is upon the solicitor. The fifteen illustrations plus the quotations preceding each chapter lend a Dickensish quality to the piquantly amusing and informative text.

Starting in 1200 A.D., the attorney, as the man of law was first named, was the friend whom the litigant took to court with him. Not long afterwards a small group of attorneys began specializing in the very technical field of pleading and gradually migrated to the Bar in London where they became the predecessors of today's barristers. In time they lost contact with the populace outside their narrow confines and now are retained only through a solicitor. In the nineteenth century the term "attorney-at-law" was abolished by act of Parliament in favor of the name "solicitor." He continues to function as both legal and business advisor to his clients.

The education of the solicitor from the earliest time has been an apprentice system whereby the young man was articulated to the practicing solicitor. Whether the young man paid for his apprenticeship depended upon the supply and demand of both solicitors and office help. His education was equally as haphazard with more emphasis being placed upon the numbers allowed to become articulated than upon the thoroughness of his knowledge.

The formation of the Law Society in 1831 regularized the profession and exerted an influence upon legal education, ethics, and reforms. It was instrumental in arranging the first law examinations prior to admitting attorneys to the rolls. Compared to today's very strict control over the admission of solicitors, this first examination in 1836 was five hours long, allowed the applicant to choose which of the questions he wished to answer, and the one hundred and one candidates passed it to a man.

The development of the colonial attorney is illustrated by examples in Australia and America. The first Australian attorneys were convicts who were deported from England, and law for some time was a pawn supporting their corrupt schemes. In America the first lawyers were the educated immigrants from England. Attorneys were a necessary part of colonial life and were assimilated into that life; but barristers, whose qualifications depended upon membership in the English Bar, were considered as a foreign import and disappeared soon after the Revolutionary War.

To the lawyer of today who bemoans the general reputation accorded him, it will be small comfort to realize that this public image of his profession as a collection of unethical opportunists has followed him throughout his history. Some of the inept and inequit-

¹ Principal Clerk to the Registrar of the Chancery Division of the High Court since 1953.

able practices of his predecessors are shown by Birks and perhaps even a somewhat biased attorney is enabled to obtain a fresh insight into the mirror by which he is seen. Inroads into this vision of the shady practitioner have been made from time to time, and this book chronicles some of these reforms by the government, the lawyers as individuals, and the Law Society.

"Gentlemen of The Law" is replete with examples of the solicitor as seen through diaries, records, and letters of the men of the various periods. This reviewer feels that author Birks might have had a better pace had he let some of these characters remain in their anonymity. The book leans heavily upon the historical anecdotes and, while some are very amusing, others are only tedious. On the whole, "Gentlemen of The Law" is very readable and gives historical perspective to some of the curious practices in the legal profession that belong to the English past as well as to our own.

Joyce Cocovinis†

THE WORLD OF LAW. Edited by Ephraim London.¹ New York: Simon and Schuster, 1960. Pp. volume I 654, volume II 780. \$17.50.

Nothing is more frightening than the prospect of reading and reviewing a two volume work. Visions of tired eyes, limp mind and other assorted anatomical irritations flit through the semi-conscious thoughts of the poor soul who, in a moment of weakness,

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