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Advice to the Tyro

At Last a Guide to the Trial Lawyer Appears

Some Hints on the Trial of a Lawsuit, by Rolla R. Longenecker, Foreword by John Henry Wigmore, The Lawyers Cooperative Publishing Company, Rochester, N. Y., 1927.

By ALLEN MOORE, Denver Bar

THE tyro in the profession of law, as well as any other novice, must learn the rules of the game from any available source. The young lawyer is handicapped in the beginning by his almost complete ignorance of practice and procedure, and this applies most particularly to his lack of knowledge with respect to the trial of lawsuits. Rolla R. Longenecker, of the Chicago Bar, in his "Some Hints on The Trial of a Lawsuit" has written a book which will be of invaluable assistance both to the young lawyer in familiarizing him with the practical phases of the incidents of a lawsuit and to the experienced trial lawyer in pointing out bad habits he may have acquired and in revealing a whole new field with respect to the behavior and psychology of witnesses.

In a brief foreword Dean John Henry Wigmore of Northwestern University points out that all the applied sciences, of which Law is one, depend for their final operation on experience in their application, because they deal more or less with human nature as their material. A lawyer deals, first, with his own human nature, and secondly, other people's. He must, first, study his own handling of himself in his practice, and secondly, study the behavior of the judges, clients, witnesses, and other lawyers. Professor Wigmore then laments that few lawyers have had the impulse to record, systematize, and publish their accumulated experience in human nature, for the benefit of their successors, stating that they can be numbered on the fingers of two hands, and that such a

record is a public benefit. He then bestows high praise on Mr. Longenecker's book as follows:

"This book is a public benefit. It only the young lawyer for whom it is intended would not merely read it, but believe it and master it and act on its advice, the next generation of practitioners would achieve in this field an appreciable stage of real progress—that progress which is the distinguishing privilege of the human race."

In simple language the author has set down the essentials to guide one who is ambitious to become a trial lawyer, always keeping in mind the lawyer recently admitted to the bar, who seeks information to prepare himself for trial work. While the work is an outline and not exhaustive, it relates in a most practical way what to do, rather than what not to do and hence is entirely constructive.

The general incidents arising during the trial are given from the time the trial is set until the final entry of judgment and the necessary action and motions to protect a client's rights preparatory to an appeal, if an appeal is desired, are given.

The most novel feature of this helpful book is the author's division of witnesses into fourteen main groups as follows:

- The Bold Types of Witnesses.
- The Cautious Types of Witnesses.
- The Evasive Types of Witnesses.
- The Expert Witness.
- The Female Witness.
- The Friendly Types of Witnesses.
- The Hostile Types of Witnesses.
- The Impartial Types of Witnesses.
- The Lying Witness.
- The Partisan Types of Witnesses.

Public Officials as Witnesses.
 The Timid Types of Witnesses.
 The Unfortunate Types of Witnesses.
 The Venal Types of Witnesses.

Each group is analyzed and defined generally, then special types of each are discussed under the following plan:

"First, the witness is defined and discriminated from other kinds.

"Second, his characteristics are pointed out.

"Third, hints on how to control the type of witness for examination in chief are given in detail.

"Fourth, hints for the cross-examination of the types are noted."

In his preface, Mr. Longenecker says:

"The student always profits through study. The fluent, clever lawyer relies too much upon his natural talent, and with success becomes lazy.

"The ideal lawyer is a student, exercises patience, prepares for each new conflict in court and thus increases his ability and skill, while his clever, talented, and lazy opponent becomes less and less clever from lack of brain exercise."

The book is fairly packed with practical, concise, constructive suggestions on preparation for trial; demeanor in court of lawyer and witness; selection of the jury; the trial itself, characteristics of evidence; interviewing witnesses before trial, examination of witnesses; direct, cross-examination, re-direct and re-cross; presentation of documentary evidence; trial practice; objections; argument; instructions; special proceedings; verdicts and the necessary steps to be taken after verdict, such as motion for new trial, arrest of judgment, entry of judgment or preparation for appeal.

In the appendix, the author has incorporated the Canons of Professional Ethics, also Canons of Judicial Ethics of the American Bar Association with an index of each. The book also includes an excellent index for it is the

hope of the author that his work may be used in the court room as well as in the office in analyzing witnesses.

A study of Mr. Longenecker's excellent "Hints" should do much to point the way and arouse latent talent and prevent one from committing errors in the trial of a lawsuit due to ignorance and lack of practice. Every tyro in the law, and who is not a tyro, should have a copy of this book on his desk.

(NOTE—Suitable legal book reviews will be gladly received by the Editors.)

NOTE!

As one of the purposes of THE RECORD is to afford a means for free expression by members of the bar on subjects of benefit to the profession, and as the widest range of opinion is desirable in order that the different aspects of these matters may be presented, the editors assume no responsibility for the opinions in signed articles, the fact of their publication indicating only the belief of the editors that the subject treated merits consideration and attention.

No Lack of Provisions

"You say you were once cast away on a desert island, entirely without food. How did you live?"

"Oh, I happened to have an insurance policy in my pocket and I found enough provisions on it to keep me alive till I was rescued."

Reason to Worry!

"Now, tell me, do Frenchmen understand American slang?"

"I guess some of them do. Why ask?"

"Well, you see, my youngest daughter is to be married in Paris, and the Count has cabled me to come across."