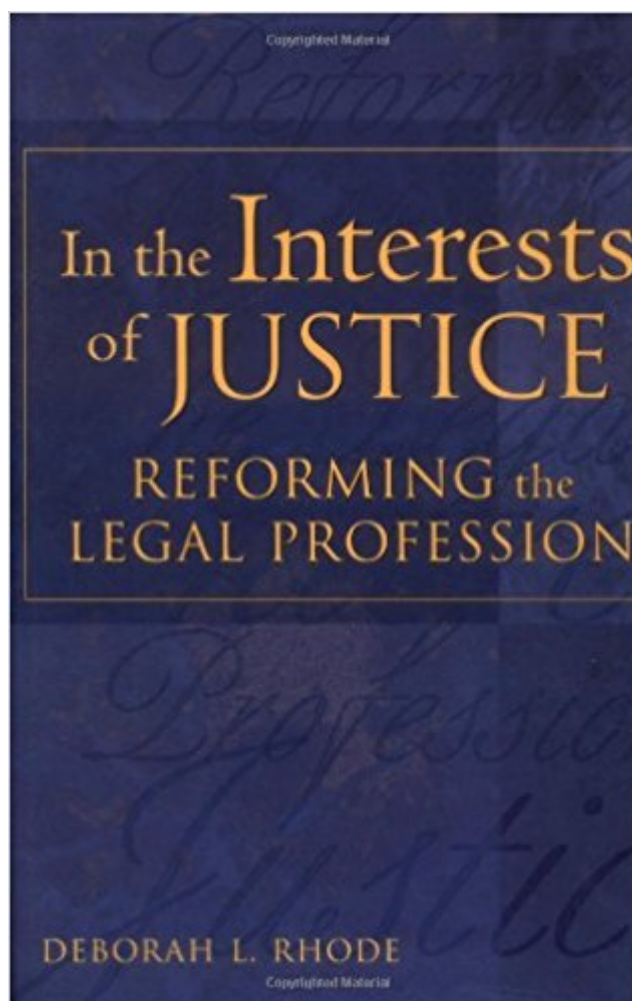


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# In The Interests Of Justice: Reforming The Legal Profession



## Synopsis

Two thousand years ago, Seneca described advocates not as seekers of truth but as accessories to injustice, "smothered by their prosperity." This unflattering assessment has only worsened over time. The vast majority of Americans now perceive lawyers as arrogant, unaffordable hired guns whose ethical practices rank just slightly above those of used car salesmen. In this penetrating new book, Deborah L. Rhode goes beyond the commonplace attacks on lawyers to provide the first systematic study of the structural problems confronting the legal profession. A past president of the Association of American Law Schools and senior counsel for the House Judiciary Committee during Clinton's impeachment proceedings, Rhode brings an insider's knowledge to the labyrinthine complexities of how the law works, or fails to work, for most Americans and often for lawyers themselves. She sheds much light on problems with the adversary system, the commercialization of practice, bar disciplinary processes, race and gender bias, and legal education. She argues convincingly that the bar's current self-regulation must be replaced by oversight structures that would put the public's interests above those of the profession. She insists that legal education become more flexible, by offering less expensive degree programs that would prepare paralegals to provide much needed low cost assistance. Most important, she calls for a return to ethical standards that put public service above economic self-interest. Elegantly written and touching on such high profile cases as the O.J. Simpson trial and the Starr investigation, *In the Interests of Justice* uncovers fundamental flaws in our legal system and proposes sweeping reforms.

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## Customer Reviews

Rhode, a professor of law and director of the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School, here criticizes recent trends in legal practice, citing both public and professional opinion. She also offers a reform agenda, arguing that "the challenges facing the American bar can only be met through fundamental changes in professional responsibility and regulation." Her sharpest criticism is directed toward the major gap between advocates' overzealous representation of powerful interests and the inadequate representation of the poor and minorities. By integrating criticism of the legal profession with its more positive aspects, Rhode builds a more coherent oversight structure that balances the profession's need for autonomy with public accountability. This clear, well-written critique will appeal to those interested in roles of law, lawyers, and the legal profession in American society. Highly recommended for public and academic libraries. DSteven Puro, St. Louis Univ. Copyright 2001 Reed Business Information, Inc.

"Rhode brings a lively style to a subject that is more typically covered in a drone of rhetoric and legalese. Her frame of reference is expansive enough to include Seneca, Dostoevski, Wilde, Auden and even a New Yorker cartoon in which a lawyer asks his client: 'So, Mr. Pitikin, how much justice can you afford?' ....It's refreshing to read a book about lawyers that ponders 'the profession's moral universe' without a sarcastic smirk."--Jonathan Kirsch, *The Washington Post Book World*"A thoughtful and well-documented analysis, from a broad public perspective, of basic and enduring problems of the American legal profession. In *The Interests Of Justice* presents the insights of a distinguished scholar into legal ethics, the cost of legal services, the delays in the legal system, the role of the law schools, and 'life' in contemporary law practice."--Geoffrey C. Hazard, Jr., Trustee Professor of Law, University of Pennsylvania" This is an important and timely book. It provides a comprehensive survey of the common complaints against lawyers and the legal system; a careful analysis of the most serious problems with the way lawyers perform their jobs, and make--or fail to make--available their services, and an imposing array of ambitious but workable proposals for reform. The book expertly builds upon the best that has been thought and said about legal ethics and legal practices in the last 25 years."--Robert W. Gordon, Fred A. Johnston Professor of Law, Yale University

In this penetrating new book, Deborah L. Rhode goes beyond the commonplace attacks on lawyers to provide the first systematic study of the structural problems confronting the legal profession. A past president of the Association of American Law Schools and senior counsel for the House Judiciary Committee during Clinton's impeachment proceedings, Rhode brings an insider's

knowledge to the labyrinthine complexities of how the law works, or fails to work, for most Americans and often for lawyers themselves. She sheds much light on problems with the adversary system, the commercialization of practice, bar disciplinary processes, race and gender bias, and legal education. She argues convincingly that the bar's current self-regulation must be replaced by oversight structures that would put the public's interests above those of the profession. She insists that legal education become more flexible, by offering less expensive degree programs that would prepare paralegals to provide much needed low cost assistance. Most important, she calls for a return to ethical standards that put public service above economic self-interest. Elegantly written and touching on such high profile cases as the O.J. Simpson trial and the Starr investigation, *In the Interests of Justice* uncovers fundamental flaws in our legal system and proposes sweeping reforms. "A thoughtful and well-documented analysis, from a broad public perspective, of basic and enduring problems of the American legal profession. In *The Interests Of Justice* presents the insights of a distinguished scholar into legal ethics, the cost of legal services, the delays in the legal system, the role of the law schools, and 'life' in contemporary law practice."--Geoffrey C. Hazard, Jr., Trustee Professor of Law, University of Pennsylvania "This is an important and timely book. It provides a comprehensive survey of the common complaints against lawyers and the legal system; a careful analysis of the most serious problems with the way lawyers perform their jobs, and make--or fail to make--available their services, and an imposing array of ambitious but workable proposals for reform. The book expertly builds upon the best that has been thought and said about legal ethics and legal practices in the last 25 years."--Robert W. Gordon, Fred A. Johnston Professor of Law, Yale University

Rhode's book is billed as a systematic study of the structural problems confronting the legal profession, and it delivers on that theme. It concentrates on identifying real problems associated with the practice of law in America, and avoids many of the contentious areas that scholars love to write about. There is no lamenting about the glories of the classical period; there is no invocation of the nostrum of simply returning to more prudence and restraint in the practice of law. She doesn't blame the legal realists or any other group for leading us into our present condition. Nor does she overstate the influence of the law on our society, and indeed suggests that law is more the effect than a cause of our social tensions. All of these matters are of great interest, and not without importance. But her focus is in examining modern legal practice as it actually and directly impacts the legal system, and in drawing up a balance sheet of its assets and liabilities. In short, she sticks to her guns and explores the opportunity that we lawyers have to make a better contribution to our

commonweal by recognizing and changing some of the flaws in our practice. The primary thesis of the book is that the profession is not sufficiently accountable to the public, for whom—presumably—it acts. She explores in some detail the relative ineffectuality of our bar organizations and our courts to provide a desired degree of regulation over lawyers. While she acknowledges that no one wants the heavy hand of government to control our lawyers, she repeatedly points out how and why our self-regulation is more self-serving than regulating. Disciplinary groups lack the resources and commitment to investigate most complaints. Judges are loathe to sanction fellow attorneys, and consider that handling complaints about discovery abuses and other unethical acts don't do anything to advance resolution of cases. And attempts to toughen the Model Rules and other controlling regulations have been largely repelled in favor of promoting the creed of zealous advocacy. Rhode tackles the excesses of the adversary system, pointing out that it does not always promote truth finding, and in many cases deters access of deserving clients to the resources of our legal system. A review of Rhode's book in the Feb. '01 issue of the ABA Journal is critical for understating lawyers' drive for money as the key operative problem, and suggests that desired reforms will not materialize unless we are presented with some kind of really significant crisis. And certainly, as you read through her suggested reforms, balanced as they are, the easiest reaction is that lawyer greed will not permit such changes. But surely she is correct to lay out the problems, and at least we lawyers should read the record. If we are half the problem solvers that we say we are, we should want to act before a crisis is upon us. And she is probably right in saying that if we can improve our accountability to the public, we will concurrently improve our own professional lot.

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