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LEGAL AID IN THE UNITED STATES, by
Emery A. Brownell. The Lawyers Co-operative
Publishing Company, Rochester, New York, 1951.
Pp. xxiv, 333. \$4.50.

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LEGAL AID IN THE UNITED STATES, by Emery A. Brownell. The Lawyers Co-operative Publishing Company, Rochester, New York, 1951. Pp. xxiv, 333. \$4.50.

The average lawyer handles many cases without fee. He may be inclined to believe that his charitable efforts, multiplied by the enrollment of the bar, constitutes an adequate solution to the problem of the legal needs of the poor. If he will but look beyond the case which he is handling without charge for his cook's son, however, he will find a wider horizon, a wider picture of need, and a compelling summons to duty in *Legal Aid in the United States*.

This is not a literary masterpiece. Neither is it a legal treatise. It will not win a single case, nor can it ever be cited in a brief. Despite the claims of most lawbook publishers for other books, this book will not earn its cost directly to the buyer. Even its memorable phrases are all quotations from other sources.

But the book, on its own merits, deserves to be read by every lawyer. It deserves so much to be read, and not alone by lawyers, that it is the only book related to law which, to my knowledge, has been reviewed in *Fortune* in an illustrated article (October 1952). For in this book lies a challenge to lawyers, and to democracy. That challenge lies in an almost unadorned study of what should be done in the field of legal aid, what has been done, at what cost, and where. A wide variety of details of the experience of many legal aid offices is included.

It can be demonstrated that in every urban area of fifty thousand population, and even in many smaller communities, a vast amount of the legal need of poorer members of the community is unsatisfied, whatever haphazard charity work may be done by the lawyers of the town. Mr. Brownell demonstrates not only this, but also that in every city with a population over one hundred thousand, a Legal Aid Center of some sort with a paid legal staff is indispensable to adequate service.

In the words of Chief Justice Hughes, "There is no more serious menace than the discontent which is fostered by a belief that one cannot enforce his legal rights because of poverty." Every lawyer can recall at least a few cases with legal merit which he was obliged to refuse to handle because of the prospective client's lack of means. Litigation is expensive, and lawyers must earn a living. Only one solution offers any hope of

providing a method to enforce the legal rights of those who unaided cannot do so because of poverty. That is legal aid.

But if legal aid is offered, it must be adequate. Mr. Brownell has prepared a summary of the minimum adequate legal aid service in both civil and criminal cases. Many lawyers who optimistically believe that their local legal aid service meets the needs of their community will reconsider their opinions after reading Mr. Brownell's statements of standards.

Even lawyers who are inclined to believe that legal aid is of some value in civil cases sometimes doubt that a need exists in criminal cases. Are there not court-appointed attorneys for those who request them? In the course of a complete discussion of the problem, Mr. Brownell quotes Judge J. Edward Lumbard, Jr., of the New York Supreme Court, in a paragraph which sums up the need for adequate legal aid in criminal as well as in civil causes:

"Judges and lawyers do their best under an impossible handicap. Were the system the same on the other side of the fence, would it be logical for us to expect efficient prosecution of criminals by a district attorney who is neither paid or reimbursed for his expenses? The question is, of course, ludicrous, but if we are to uphold our constitutional guarantee that every man is equal before the law, it is one which must be solemnly considered."¹

Lawyers cannot alone meet the need for legal aid. Effective legal aid presupposes support by funds larger than lawyers and bar associations alone can provide. But lawyers can provide the impetus and leadership for legal aid, and they can assist in the proper direction of legal aid work.

The first step is fully to understand the need. The second step is to decide what measures are adequate to meet the need. Mr. Brownell's study will enable any lawyer to make these two steps.

That the primary responsibility for leadership in legal aid rests with the bar, the American Bar Association has long recognized. Our democratic system cannot function unless the poor, no less than the rich, are represented by competent lawyers. We may choose legal aid or, in the words of *Fortune*, we may let "the cancer of unequal justice grow" or "resort to the knife of federal intervention."

1. For Equal Justice—A Public Defender, *N.Y. Times Magazine*, Nov. 2, 1947, p. 68.

Unless we intend to wait until the knife of federal intervention is needed, adequate, nation-wide legal aid is a necessity. It can be furnished on a community basis at a cost low enough to be included in most Community Chest budgets. But it must be furnished if we are to keep what Judge Learned Hand has called one commandment of democracy, "Thou shalt not ration justice." If lawyers are not to blind themselves to the needs of the present and the future, they should read "Legal Aid in the United States."

*Alvin B. Rubin**

CRIME AND CORRECTION: SELECTED PAPERS, by Sheldon Glueck. Addison-Wesley Press, Inc., Cambridge, 1952. Pp. 273.

Professor Glueck is without question one of the foremost of the present day criminologists. The assemblage, therefore, in this small volume of some of his papers and addresses is extremely welcome. The book makes conveniently accessible the results of study and reflection that would otherwise be lost to all but the researcher.

The material is organized into six parts: Part I, Causes and Conditions of Crime; Part II, Administration of Criminal Justice; Part III, Psychiatry and Criminology; Part IV, Peno-Correctional Treatment; Part V, Crime Prevention; Part VI, War Crimes. A broad survey of the field and of the social and legal problems involved is presented.

Of the eleven articles that comprise the collection, it may be noted that at least seven were written in 1935 or earlier. The articles, however, are still timely. This may be a discouraging fact to those interested in progress in the field. Some progress has been made in the treatment of offenders such as the development of correctional programs, juvenile offender treatment, prison reform, probation, and the growth of psychiatric and social services. By and large, however, the present penal laws are based on the outmoded theories of punishment and expiation. Progress is therefore made extremely difficult because of the necessity of having to graft any changes and improvements, based on new theories, on to the outmoded and obsolete existing penal law structures.

In a brief review particular articles cannot be reviewed at length. "Crime Causation," in Part I, is noteworthy in that it points up the complexity of the problem in showing that there

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