

# A Look at the Lawyers

**"The American Lawyer," by Albert P. Blaustein and Charles O. Porter** (University of Chicago Press, 360 pp. \$5.50), is a summary of a survey of the legal profession made under the auspices of the American Bar Association. Mark DeWolfe Howe, who discusses it here, is professor of law at Harvard University.

By Mark DeWolfe Howe

SINCE 1947 the legal profession has been surveying itself. In this century such an enterprise requires something more than a shiny mirror and an observant eye; survey teams must be organized, the paraphernalia of IBM scholarship must be installed, questionnaires must be drafted and circulated, and statistics assembled, analyzed, and digested. The American Bar Association, overlooking none of these necessities (nor the \$275,000 considered necessary to sustain the enterprise), has nearly carried the project to completion. What Albert P. Blaustein and Charles O. Porter have produced in "The American Lawyer: A Summary of the Survey of the Legal Profession" is not a final, official document, but an unofficial summary of the data so far gathered.

It seems unlikely that anyone will question the skill or accuracy with which the summarizers have performed their task. They have brought vigor and imaginative intelligence to its performance and in doing so have brought life to statistics. The same data handled with official deference would probably sink of their own weight into that crowded cemetery of statistics, the appendix to a monograph. Those who come in the future to use the bar association's survey will find this unofficial summary an indispensable key to its contents. Beyond this, one would like to be able to say that the work of Mr. Blaustein and Mr. Porter indicates that the survey includes much treasure. Of course the interest of the reader does as much to establish the value of the summary as do the contents, and those who seek authoritative figures on the financial condition of lawyers, their distribution between towns and cities, or their preference as between associated and individual practice will find significant data in the summary. Those who are

anxious to learn something of contemporaneous movements for procedural reform will find that problem dealt with, though it is hard to see why that issue was deserving of an attention which other problems of law reform did not receive. It is not improbable that the explanation is to be found in the fact that the first director of the survey was Arthur T. Vanderbilt.

Though Reginald Heber Smith, the present director, in his foreword speaks with eloquent gratitude of the "academic freedom" which the surveyors were granted by the American Bar Association, one cannot help wondering whether the freedom was given more than academic recognition. An inquiry which gives us much information as to the status of women at the American bar surely might have said something of the condition of the Negro practitioner—particularly, perhaps, of the policies which the American Bar Association has followed with respect to the Negro's relationship to that association. A survey which covers local and national organizations of the bar is hardly adequate if it contains but two brief and colorless references to the National Lawyers' Guild—an organization which the Attorney-General of the United States takes with such seriousness as to seek its destruction. A survey which includes problems of legal ethics might be expected to touch upon the disbarment of lawyers who participated in the defense of Communist leaders. The efforts of local and national associations of lawyers to exact loyalty oaths from members of the bar surely deserves some attention in a survey which examines prevailing attitudes in the legal profession. A study of bar associations and their system of government is less than adequate if it says nothing of how the American Bar Association has permitted its energies to be dedicated to such dubious crusades as that of Senator Bricker. The freedom of surveyors is hardly a fruitful luxury if the questions which they ask are designed to keep not only the peace of the profession but the tranquility of its members.

IN SUM, one's disappointment with this volume is not based upon the insufficiency of the efforts of Mr. Blaustein and Mr. Porter. They have done all that could be done with the materials available to them. Perhaps no

survey of the sort that was undertaken by the American Bar Association could be expected to touch upon the controversial issue which this has so successfully evaded. Such an isolated critic of the legal profession as Jeremy Bentham, misinformed as he may be on matters of detail, is likely to make a much larger contribution to progress and reform than a group of accurate surveyors who scientifically record the facts which seem relevant to the orthodox. Perhaps Bentham's achievement would have been larger had he built his program of reform upon 175 reports of 400 surveyors. If that be so, it must now be our hope that a new Bentham will appear on the scene to build upon the foundations which the bar association has laid. There will always be some, however, who will doubt the value of mountainous efforts to produce mice. When the mice that are born of such efforts are as well-behaved and well-groomed as those which the American Bar Association has mothered, the fruitfulness of the labor is bound to be brought in question.

## The Law: Its \$ and ¢

THERE are too many lawyers in the U.S. According to "The American Lawyer," by Albert P. Blaustein and Charles O. Porter, there is one for roughly every 746 people in the country, making a total of 199,052. New York State has the largest number: 33,206; but the District of Columbia has a higher percentage to its total population: one lawyer for every 121 persons. Nevada, even counting those in Reno, has the smallest number of lawyers: 383. There are 5,059 lady Portias in the U.S.

- • Lawyers are big money makers, but they have been outstripped by the doctors. In 1929 the net income of the average lawyer in private practice was \$5,534; for the doctor it was \$5,224. But in 1951 the figure had changed to \$8,730 for the lawyer and \$13,432 for the doctor. (The dentist made almost as much as the lawyer in 1951: \$7,820.)

- • Lawyers are a strikingly long-lived lot. Today more than 10 per cent of them have passed the age of sixty-five. Of the country's total male population only 7.7 per cent have passed sixty-five.

- • Lawyers read more Westerns and whodunits than they do popular works about the law and the legal profession.

# Seeing Things

## TALLULAH

OUR weathermen must not be theatregoers. They say that, until this year, we have not had a "big blow" in the New York-New England area since 1944, and when listing the sisterhood of hurricanes that recently hit the East Coast get no further into the alphabet than "F." What tosh, what ignorance, what amnesia! Don't they know that long before Alice, Barbara, Carol, Dolly, Edna, and Florence came along Tallulah was around? And how can they (meaning our weathermen) have forgotten that 1948, not 1944, was the year when she last struck Broadway? Or that two months before Carol and Edna swept through New England Tallulah was there on the summer circuit in "Dear Charles,"\* bending houses to her will and creating a storm center wherever she happened to be?

Well, Tallulah has now blown into New York and is whirling at a velocity of 150 miles an hour in this same "Dear Charles," a farce which keeps circling around and around at a very low speed, heading nowhere in particular. As everyone must know, this story of a much-unmarried French novelist who suddenly decides to find a father for the three children she has had by three different men has experienced many sea changes. First a work by Frederick Jackson called "Slightly Scandalous," it was a flop here a decade ago with Janet Beecher as its star. Next, it took out its naturalization papers in Paris in 1948, where as "Les Enfants d'Edouard" it scored a hit in Marc-Gilbert Sauvageon's gallicized version. Then it crossed the Channel to succeed under its present title in London with Yvonne Arnaud in Alan Melville's adaptation. Now it has come home again and, after having been turned down by Miss Bankhead, left by Annabella, tried out on the road by Lili Darvas, and finally accepted by Tallulah, it has reached Broadway.

Tallulah, of course, is the force that

has carried it there and will keep it there. Without her it would be hard to take; even with her taking it is not always easy. For, in spite of its sprinkling of funny lines, "Dear Charles" is a farce which, as written, is a dull, wheezing, and old-fashioned affair. Though nothing in its own right, for countless thousands it becomes something merely because of Tallulah's presence in it. The secondary actors (as if all actors were not tertiary when confronted with La Bankhead!) are pleasant and gifted people. It is Tallulah, however, who makes the evening, not by stealing the show, but by turning what little show there is into a sizable sideshow.

No performer in our theatre is more colorful than she. None is blessed with a personality more tempestuous or exciting. Everyone remembers her Regina in "The Little Foxes" as one of the outstanding characterizations of our time, and no one denies that the stuffs of genius are in her. The center

of the stage is wherever she is. She is fascinating to look at and to listen to. Her beauty is equal to her temperament and not in years has she looked lovelier than she does in "Dear Charles," trimmed down as she is to a mere 108. Her face with its great headlights for eyes, its lilylike pallor, and clear-cut features is hospitable to any emotion. Frightening in its hardness as her expression can be at one moment, it can melt at the next into beguiling gaiety.

With Tallulah the divine spark is a fire at once flaming and dangerous. The extraordinary endowments which distinguish her also imperil her. She is as much the victim of her talents as she is the product. Her gifts outdistance her taste. Most players have to learn to act. Her problem is to keep from overacting. This she seems to find harder and harder to do. If she resembles a hurricane in power, she also resembles one in her unpredictability and her lack of control.

MISS BANKHEAD'S tragedy—and the theatre's—is that nothing and no one can hold her down. Since she worked with Herman Shumlin in "The Little Foxes" she has not had a director who could subdue her, and it begins to look as if it would take a Clyde Beatty to do so. Instead of losing herself in characters drawn by others, she has



Tallulah Bankhead and brood—"a hurricane in power."

—Vandamm.

\*DEAR CHARLES, by Marc-Gilbert Sauvageon and Frederick Jackson, adapted by Alan Melville. Staged by Edmund Baylies. Setting by Donald Oenslager. Presented by Richard Aldrich and Richard Myers in association with Julius Fleischmann. With Tallulah Bankhead, Fred Keating, Hugh Reilly, Robert Coote, Werner Klemperer, Norah Howard, Alice Pearce, Larry Robinson, Grace Raynor, Tom Raynor, Mary Webster, and Peter Pell. At the Morosco Theatre, New York City. Opened September 15, 1954.