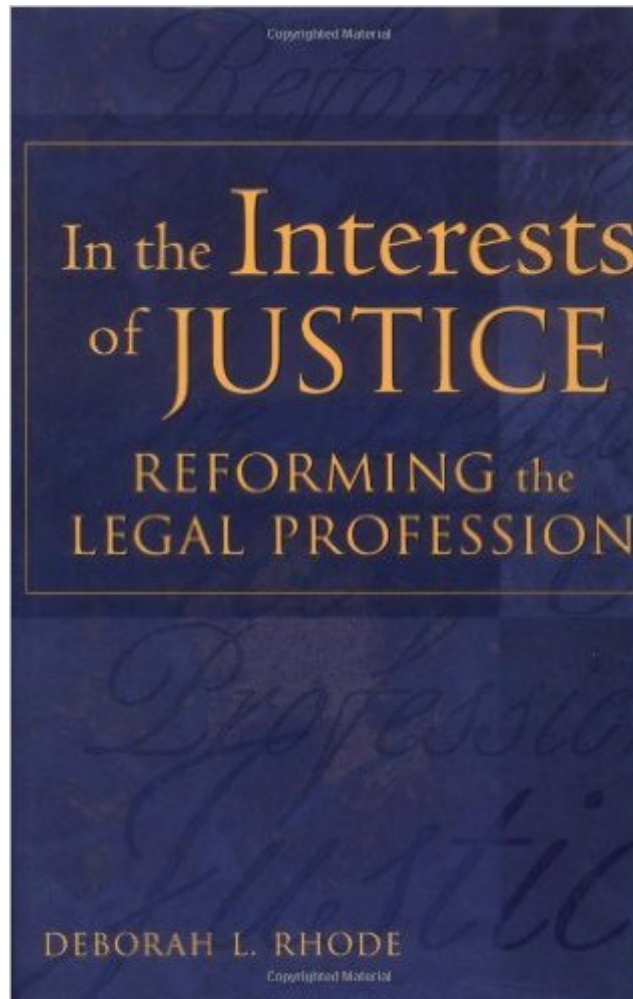


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# In The Interests Of Justice: Reforming The Legal Profession



## 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

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.

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.

As it happens, two of the very best books on law I have read so far this year have been written by people whose political outlooks differ significantly from my own. This is one of them. (The other is W. David Slawson's *Binding Promises*, which I've reviewed as well.) In this volume, Deborah L. Rhode sets out to tell us what is wrong with the legal profession and how to fix it. That's a big job, and it is to her credit that she succeeds as well as she does. Rhode's exposition is a delight: she possesses an absolutely first-rate critical intelligence (including a highly sensitive B.S. detector); she writes clearly and gracefully; and she has an insider's view of the legal profession. As a result she has a firm grasp of the competing incentives facing both lawyers and legislators, as well as a keen insight into the self-serving rhetoric of the bar associations. I will not bother picking nits about minor points. Rhode offers, and discusses at length, two absolutely critical insights which should be not only read but shouted from the rooftops by anyone concerned with the present state of the legal profession. These are as follows: (1) The legal profession uses the power of the law to act in an anti-competitive fashion and prevent the intrusion of lower-cost alternatives into its market -- all the while proclaiming itself to be above sordid and crass "commercialism," as though the practice of having paralegals thrown in jail is *really* intended for the "public good" and only *happens* to protect overpriced attorneys from competition. (2) Legal education, as currently practiced, is neither necessary nor sufficient as preparation for either law practice or legal scholarship.

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