

MAN OF LAW: A MODEL

By Morris Shumiatcher

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Man of Law: A Model will probably be as controversial as its author. Some readers will marvel at the author's vocabulary and find the book utterly fascinating. I have noticed at least three favourable reviews and passing references to the book in newspapers and magazines, all by non-lawyers. I gave my copy to a lay friend of mine and his comment was that the book is interesting and enjoyable. But, this is not how I found the book to be; my reaction to the book is generally negative. Over the years this is my twenty-fifth book review; I have not been a nabob of negativism. My reviews have been positive on nineteen occasions, lukewarm on three, and generally negative towards only two other books. Wondering about my reaction, I inquired of three of my colleagues what they thought of the book. Their feelings about it were generally negative too.

The book deals with ten attributes that Mr. Shumiatcher believes to be "the hallmarks, indeed the sine qua non, of the model lawyer", namely sapience, profession, omnitude, ambivalence, expedition, artistry, charisma, obligation, judgment, and humour. The book is composed of a praiseful foreword by W.A. McGillivray, Chief Justice of Alberta, three pages of acknowledgements in which the author begins his theme of the model lawyer, an introduction explaining the concept of the model lawyer, ten chapters (one for each of the attributes of the model lawyer), seven pages of notes, and a seven page index. As well, the book is attractively illustrated with thought-provoking drawings by Luther Pokrant.

What is it about the book that put me off? First of all, the subject of the book is not lawyers, as the title and introduction suggest, but rather one small group of lawyers known as barristers. The treatment of the other much, much larger group of lawyers, called solicitors, is very incidental; the number of references to them can be counted on one hand.

Mr. Schumiatcher's writing style and turn of phrase are of the nineteenth century. Figuratively, the book reminds me of a Victorian house loaded with gingerbread decoration. He offers up a very idealized and pompous picture of barristers. An early indication of all this can be seen in the introduction:

Whether in the sheltered quiet of his private chambers he advises his client of his rights and duties, or in the open courtroom (that greatest of all human arenas) he advocates his client's cause, the man of law serves as the custodian of society's security, the explorer of its liberty, an arch-critic of its philosophy, and a principal engineer of its improvement . . . In his ultimate search for a defender, the man in trouble turns — albeit as apprehensively as the victim of a toothache turns to his dentist — to a member of the venerable company of barristers and solicitors, seeking an anodyne for his woes . . . Lawyers are among that relatively small company of men and women who seek excellence on a grant scale.'

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1. Pp. 2 and 4.

Leaving alone these aspects of the book, it could have been improved a great deal if the author had applied some of his own advice:

It is a part of the artistry of the courtroom that counsel resist the impulse to say everything that can be said on any subject.²

I found myself overwhelmed by the number of analogies and was left with the impression that Mr. Shumiatcher has included every quotable legal quip and all the legal anecdotes that have ever been penned or uttered. Similarly, the diatribes against William Kunstler³ and Louis Riel,⁴ and the editorials on language⁵ and malicious prosecutions⁶ in Chapter II, as well as the last three rather pedantic paragraphs⁷ of Chapter VI, and the instructions for witnesses⁸ at the end of Chapter VII, could well have been culled.

One might expect the chapter on humour to have its focus on legal humour related to lawyers carrying out their various functions. But again giving in to the urge to throw everything into the pot, the humour is all encompassing, dealing with lawyers (less than fifty percent), judges, law students, policemen, clients, the law, etc. The Dorothy Parker inclusion, delightful though it is, seems particularly out of place⁹.

Mr. Schumiatcher, like Cole Porter, has a remarkable inclination to use lists in his descriptions. This tendency leads to excesses, such as this zoological vision of the barrister:

As a professional . . . the man of Law should hold the welfare of his client first and foremost in his heart and mind. He should ponder his client's position with the wisdom of a dolphin, prepare his case with the industry of the ant, pursue his remedies with the swiftness of the dove, enter the courtroom with the strength of a lion, approach witnesses with the caution of a fawn, speak as sweetly as the nightingale and, like the bee, inject the sting, but only when all hope to win with honey has been spent.¹⁰

Another penchant of the author is to criticize almost everyone in sight, including crown prosecutors,¹¹ the professions, crafts and trades in which specialization has occurred,¹² economists, political scientists, educators,¹³ and administrative tribunals.¹⁴

To conclude, I expected a much better effort from Mr. Shumiatcher than the book delivers. I understand that he is a thoughtful, witty, urbane individualist. He has been described as a poet laureate by a former teacher of mine, Desmond Morton, whom I admire. Nonetheless, if I had not been reviewing the book I would not have bothered to finish reading it; and if I had had to purchase it I would have been very disappointed.

2. P. 99.

3. Pp. 34-36.

4. Pp. 37-40.

5. Pp. 34-35.

6. Pp. 40-41.

7. P. 102.

8. Pp. 112-113.

9. Pp. 181-82.

10. P. 41. See also pp. xi-xiii, 20, 21, 45, 47, 56, 74-75, 79, 83, 84, 91, 92, 93, 105, 108, and 139; at this point I gave up noting the occurrences.

11. P. 40.

12. P. 46.

13. P. 52.

14. Pp. 77 and 83.