

LAWYERS

By Jack Batten

Toronto: MacMillan, 1980

241 pp. \$16.95

Cameron Harvey*

This is a book about the practice of law. The dust jacket states that it was written primarily for lay people to remove the mystique about what lawyers actually do. Various kinds of books for the public about the legal profession have been published: collections of essays, critiques, novels and short stories, biographies and autobiographies, and interviews. Michael Gilbert's *The Law*¹ and Johnstone and Hopson's *Lawyers and Their Work*² are representative of the essay type. Critiques have been written by Ralph Nader and Mark Green, *Verdicts on Lawyers*,³ by Martin Mayer, *The Lawyers*,⁴ and by M.T. Bloom, *The Trouble With Lawyers*.⁵ Many, many novels and short stories have been written about lawyers, which are not only entertaining but also informative, by authors such as Louis Auchincloss, Robert Traver, and Henry Cecil. And, of course, there are countless biographies and autobiographies.

Mr. Batten's book, *Lawyers*, presents the practice of law primarily through the mouths of a number of lawyers, talking about their particular practices, with the author adding his own observations here and there to round out the picture. Other books of this genre include *Lawyers On Their Own*⁶ by Jerome Carlin, *Listen to Leaders in Law*⁷ by Albert Love and J.S. Childers, *What Lawyers Really Do*⁸ by Bernard Asbell, *The Superlawyers*⁹ and *The Million Dollar Lawyers*¹⁰ by Joseph C. Goulden, *The People's Lawyers*¹¹ by Marlise James, and *Lions in the Street*¹² by Paul Hoffman.

It would appear from the format of *Lawyers* that Mr. Batten patterned his book on Joseph Goulden's *The Million Dollar Lawyers*. Between each of his chapters Mr. Goulden inserted what he called a "Court Recess". The Court Recesses are vignettes which provide a momentary change of pace to the longer chapters. Mr. Batten has similarly spaced his chapters with what he calls "Adjournments".

The variety of practices upon which Mr. Batten focuses is fairly comprehensive. His subjects include: two civil litigators, one a plaintiff's lawyer, the other a lawyer who acts primarily for defendants; a Crown attorney and "a high-volume criminal lawyer"; a so-called country lawyer and several lawyers practising in the far north, all of whom would be engaged in general practice, I guess; a couple of lawyers specializing in family law; and several Toronto

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1. David and Charles, Newton Abbott, Devon, 1977.
2. Bobbs-Merrill, New York, 1967.
3. Crowell, New York, 1976.
4. Harper and Row, New York, 1966, 1967.
5. Simon and Schuster, New York, 1969.
6. Rutgers Univ. Press, New Brunswick, N.J., 1962.
7. Holt, Rinehart and Winston, New York, 1963.
8. Wyden, New York, 1970.
9. Weybright and Talley, New York, 1972.
10. Putnam's Sons, New York, 1978.
11. Holt, Rinehart and Winston, New York, 1973.
12. Saturday Review Press, New York, 1973.

lawyers practising in the corporate and commercial areas. The epilogue of the book is devoted to the author's "all-round lawyer", a Toronto lawyer by the name of Igor Kaplan.¹³

Mr. Batten practised law for four years in Toronto. He was a general practitioner. But, "something of the practice of law escaped [him] ... and in September 1963 [he] ... left the profession to make [his] ... way in the world by writing magazine articles, newspaper features and non-fiction books".¹⁴ He was influenced to rethink his assessment of the legal profession by a chance involvement in the prosecution of rock star Keith Richards. Austin Cooper, Richards' lawyer, called him to testify about Richards' abilities, fame, and fortune, based upon Batten's knowledge as a rock reviewer for the *Globe and Mail*. He was very much impressed with Cooper's handling of the case. After talking to Cooper and a couple of other lawyers, including his uncle, Batten took Cooper's advice to poke around, talk to some lawyers, and perhaps find out what he had missed when he was in the profession. *Lawyers* is the result. Mr. Batten started his odyssey with a positive attitude towards the legal profession and completed *Lawyers* in the same frame of mind.

I was familiar with Jack Batten's newspaper writing prior to reading *Lawyers*. I enjoyed his writing and invariably would read his articles whenever I came across them. I was not disappointed with this book. It is written in good, fast-moving, engrossing, journalistic style. I thoroughly enjoyed it. I enthusiastically recommend it. Read it yourself; buy it for a friend, especially a young friend who may be contemplating a law career.

I do have two or three negative comments. There are two "cheapshots" in the book. I do not understand why Mr. Batten bothered to include the dated comment of an immature or thoughtless graduate of the Manitoba Law School. And, I did not think much of his inclusion of David Searle's tale about how he and a magistrate reprehensibly out-foxed Judge Sissons. Searle is apparently obsessed with Judge Sissons. I can remember being treated to a diatribe against the judge during an articling interview I had with Searle in 1964. I wonder about the propriety of including Jack Major's story about the case of *Lepp v. Hopp*, since apparently at the time it was still *sub judice*.

Not long ago I had occasion to review another Canadian book about the legal profession, written for popular readership. It is Morris Shumiatcher's book, *Man of Law: A Model*.¹⁵ It is quite a different book from *Lawyers*; in essay form, Morris Shumiatcher attempted to conjure up his concept of the ideal lawyer. In a nutshell, forget about Shumiatcher's book, but go out and buy Jack Batten's, *Lawyers*.

13. Parts of *Lawyers* appeared originally as magazine articles. The epilogue originally appeared in *Canadian Lawyer* magazine, September 1980. The anecdote about Kaplan and John Turner prompted a disclaimer by Turner in a following issue, November-December, 1980.

14. *Lawyers*, MacMillan, Toronto, 1980, p. 2. The dust jacket indicates that, *inter alia*, Jack Batten wrote Nancy Greene's *autobiography!*

15. (1980) 11 Man. L.J. 113.