

10-1-1961

ADVOCACY AND THE KING'S ENGLISH.
Edited by George Rossman. Indianapolis-New
York: Bobbs-Merrill Co., 1960.

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Recommended Citation

Richard H. Lee, *ADVOCACY AND THE KING'S ENGLISH*. Edited by George Rossman. Indianapolis-New York: Bobbs-Merrill Co., 1960., 16 U. Miami L. Rev. 137 (1961)

Available at: <http://repository.law.miami.edu/umlr/vol16/iss1/12>

BOOK REVIEWS

ADVOCACY AND THE KING'S ENGLISH. Edited by George Rossman.
Indianapolis-New York: Bobbs-Merrill Co., 1960. Pp. 976. (\$15.00).

Reviewing an anthology is rather like assaying a mine. If the percentage of worthwhile pieces is great enough one can generally disregard the dross and recommend the book to other prospectors. But just as a particular mine is usually mined for but one metal, so anthologies are usually read in the expectation that the selections have at least some common bond. If we dig for silver we expect silver. If we read *Advocacy and the King's English* I think we are concerned primarily with the use of English in the art of advocacy. If so we are apt to suffer a minor disappointment in this book. Despite Judge Rossman's foreword to the effect that the book contains "the best of the articles that the members of our profession have written on the use of good English," and is published "in the hope of encouraging the profession to write better," the greater part of the book is made up of articles dealing with trial and appellate practice. Nine selections in the book are taken directly from Schweitzer's *Trial Guide* and consist of advice to fledgling barristers on the arts of trial technique. Don't misunderstand me—I like such articles. I don't think anyone ever learned anything from one of them, but ever since I first read Wellman's *The Art of Cross Examination* I have enjoyed them. They comfort one by their suggestion that all that is needed is a trick or two and we can each be another Darrow or Rogers. But their assurance and simplicity is so remote from the ulcer producing realities of litigation that they may well be classed as escape literature. It is always nice to read that cross-examination is potentially dangerous, that one should hesitate to cross-examine an expert on his specialty, that purely technical objections should be avoided, etc., but such matters are something afar from the field of the King's English however pertinent they may be to advocacy.

The selections dealing with appellate briefs and oral argument, almost two thirds of the whole, are much nearer to Judge Rossman's stated goal, although even here the emphasis is primarily on advocacy and only incidentally on the King's English. For example, Judge Rossman's own article, "Appellate Practice and Advocacy," deals first with appellate procedure, then with brief writing, and contains merely an exhortation to write "plain, direct, forceful language." When he writes of the form of the brief and the conduct of the oral argument he is more concerned with arrangement and emphasis of material than with style and the meaning of words.

However, the last section of the book, "The Use of English," fulfils the promise of the book's title; I found it delightful. Judge Frank's "Some Reflections on Judge Learned Hand," written in 1953 is finer than any of the recent eulogies brought forth by Hand's death this year. The comparison of the styles of Hand and Cardozo is particularly revealing of the temperaments and characters of the two men. Chafee's "The Disorderly Conduct of Words" and Glanville Williams' "Language and the Law" are readable and scholarly treatments of the semantics of law, critiques of the King's English as well as fine examples of it. The selections by Sir Norman Birkett on advocacy have a special charm and illustrate the point made by Judge Frank that most Americans talk and think American, only attempting English when they write, whereas the English write in their native tongue.

Advocacy and the King's English is a book every lawyer will want to read. Despite its tips on trial technique it is not a practical how-to-do-it sort of book. It is instructive only in the larger sense; it is inspirational both by precept and example. It should be particularly useful on those occasions when the law seems mean and trapped in trivia, a grinding succession of dull details. It may then serve to remind us that when we treat with words, as we must every day, we have a chance at immortality, the offer of a card to that exclusive club where Lincoln, Holmes and Hand sit with equals before the fire and talk nobly of the law.

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