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Book Review

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Reviewed by Everett A. Chandler*

EDUCATION IN THE PROFESSIONAL RESPONSIBILITIES OF THE LAWYER, Donald T. Weckstein, Editor (The University Press of Virginia, Charlottesville, 1970), 423 pp.

THIS BOOK is a treatise emanating from papers and talks presented at the National Conference on Education in the Professional Responsibilities of the Lawyer, held at the University of Colorado in June, 1968. Most of the presentations were made by one hundred law professors from more than seventy law schools. Several practicing attorneys and social scientists also contributed.

The main question garnered from a reading of this book is, "What is the responsibility of the law school in educating the law student as to his professional responsibility to clients, fellow practitioners and adverse parties in the prosecution of a legal claim or right?"

In reading the selections as compiled by the editor, there appears to be a dichotomy between the lecturers as to the methods to be used to teach law students. First is the traditional method, treated in the first one-third of the book. This method advocates the teaching of a specific course in law school dealing with legal ethics. Numerous lecturers discussed the pros and cons of this approach in respect to its feasibility, course content, and whether or not this type of course is of much benefit to the law student.

A second method advanced as being the best method for teaching is the pervasive approach. This approach recommends incorporating legal ethics in each of the major courses that are taught. Of course, this places an additional responsibility upon the professor in a particular area; he must not only be cognizant of all the matters dealing with his particular course, but must also be aware of methods to be employed in teaching professional responsibilities.

Several advantages are listed in the pervasive approach. It helps new students realize that problems of professional responsibility arise in substantive and adjective law situations. It demonstrates the practicability of a lawyer's concern about professional responsibility by showing the relation between such problems and his bread-and-butter activities. It assists students in awareness of the variety of situations out of which professional responsibility issues arise so that he may be prepared to look for and recognize these problems. It encourages students to continue their interest and extend their efforts in the field of professional responsibility after entering the practice of law.

There are disadvantages, of course, or arguments on the negative side. There may be a tendency to overload the pervaded course, re-

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quiring omission of substantive matters to which the student ought to be exposed. It places a burden of teaching professional responsibility on many teachers who are not sufficiently interested or experienced in the field. This method may suffer because of a lack of satisfactorily prepared materials in most substantive and adjective law courses. Finally, its worth is unproved because no means have been devised for determining whether it achieves its objectives, i.e. helping students recognize and solve professional responsibility problems.

A brief mention was also made of perspective courses, those which depart from the conventional organization along lines of legal doctrine, which slice into the body of legal phenomena at a different angle than do the substantive courses. A fourth idea advanced was co-curricular activities, those which have an educational function but are not credited toward degree requirements.

After considering the advantages and disadvantages of all the methods, the consensus of opinion of the conference was that the pervasive approach was substantially preferable.

The book as a whole gives insight into the four dominant approaches that can be adopted. The editor has provided an invaluable aid to the prospective lawyer who will encounter problems of professional responsibility in his practice of law.

*Reviewed by Donald W. Pritchard**

THE NOMINALISTIC PRINCIPLE by Eliyahu Hirschberg, (Bar-Ilan University, Ramat-Gan, Israel, 1971), 138 pp.

MR. HIRSCHBERG'S BOOK focuses on the complex view of the law toward changes in the value of money. He develops the view by a thorough study of the nominalistic principle which states that a franc is a franc, a pound is a pound, and a dollar is a dollar no matter to what extent it has either appreciated or depreciated. The legal theory is that private parties are presumed to have intended to contract according to the nominal value of money; if this was not their intent they would have so stipulated.

Modern legal theory uses three theoretical approaches to the problem of the extent of a monetary obligation: nominalism, metallism and valorism. The general opinion is that the modern capitalist economy could not have developed without the nominalistic principle. Nominalism was the dominant principle in private law long ago, but did not come to the forefront of public law until the period spanning World Wars I and II.

The author explains that, according to the metallistic theory, a unit of money is identical with a certain quantity of a given metal.

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