



1969

Book Review

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Recommended Citation

Carl D. Hamilton, Book Review, 18 Clev.-Marshall L. Rev. 427 (1969)

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later chapters, in resting heavily on the viewpoint of the Supreme Court in matters of racial discrimination. However, it makes available to the interested reader, for the first time, a compendium of the basic materials from which research into the background of Negro-White relations in the United States must start.

*Reviewed by Carl D. Hamilton**

EMORY BUCKNER. By Martin Mayer. New York, N. Y.; Harper & Row, 1968. Pp. 293. \$7.95.

Who was Emory Buckner? It is a legitimate question. Many lawyers will not know the answer. But, he was one of the great trial lawyers of the 1920's, and had a prodigious influence on many of the men who later became leaders of the legal profession.

The author of Buckner's biography is Martin Mayer. Mr. Mayer demonstrated a remarkable insight into the practices and problems of the legal profession and a considerable understanding of the legal system in his earlier book, *The Lawyers*. He has combined this insight and knowledge with assiduous research in writing the biography of Emory Buckner. The result is a readable and worthwhile book.

What makes Emory Buckner a proper subject for a biography? Not primarily his career, even though it was unusually rewarding and filled with outstanding accomplishments. After working for a year in the office of Henry L. Stimson, United States Attorney for the Southern District of New York, and for two years as an Assistant District Attorney for New York County, he formed a partnership with Silas Wilder Howland, and, eventually, they joined with Elihu Root, Jr. and Grenville Clark, to become Root, Clark, Buckner & Howland. The partnership was his whole life from its formation until his death, except for two years, 1927-1929, when he was United States Attorney for the Southern District of New York. During the 1920's he was one of the highest paid trial lawyers in New York. This was a distinguished career, but Emory Buckner was interesting and important for a combination of other factors.

To begin with, he would be interesting, if for no other reason, as a result of his close friendships with men such as Felix Frankfurter, Roscoe Pound, and Learned Hand. And he would be important, if for no other reason, as a result of the profound influence he exerted on the men who began their careers in his office and later went on to become

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leaders in their profession such as John M. Harlan. Moreover, Emory Buckner is entitled to some attention by legal historians as a result of a number of important cases he worked on during his distinguished career.

However, the outstanding qualities of Emory Buckner were his personality and character traits. There is much in the character of Emory Buckner that is instructive, and should be preserved as a source of inspiration for future lawyers.

Emory Buckner was extremely scrupulous. As a result, he was reluctant to represent anyone whose story he did not believe. He was also candid in pointing out any weaknesses in his own case, partly because to do so "inspires confidence and takes away from your opponent most of his ammunition." Another result of his honesty was his reluctance to object to the introduction of evidence by the opposing attorney. "Leslie Arps . . . remembered a case where a question by opposing counsel provoked a question to Buckner by the judge: 'Mr. Buckner, don't you wish to object to that?' And Buckner replied sweetly, 'Why should I? We have nothing to conceal.'"

Another characteristic of Emory Buckner was his insistence on "objective and relentless preparation" of a case. He often told his staff that after they were satisfied that they had done their work "one hundred percent" they should then put in an "extra ten percent" effort.

Probably Emory Buckner's most outstanding characteristic was his genuine interest in and concern for other people. He interviewed many law school graduates. "If Buckner didn't think there was a job for the man at Root-Clark, he would advise him about where there might be jobs, and often he would get on the telephone with his colleagues at other offices to make appointments for the young stranger. Judge Henry J. Friendly . . . said, 'There's never been a lawyer before or since who made such an effort to help younger lawyers.'" Emory Buckner enjoyed the successes of others, and he was sympathetic and helpful at times of misfortune. "One associate long remembered a time of family tragedy which had left him financially embarrassed. The blow fell on Friday; the following Monday when he came in he found a check for a thousand dollars on his desk, with a note to see Mr. Buckner. 'I know you're in trouble,' Buckner said, 'You take that and don't mention it—it's not part of your salary.'" And he was happy with the success of Felix Frankfurter, when Frankfurter was appointed to the Supreme Court at a time when Buckner's health and career were fading.

Of course, Emory Buckner had many other admirable characteristics. These other characteristics are illustrated with memorable anecdotes and quotations, and the book itself is permeated with stories and statements that make it highly interesting while instructing.