



Lawyers, Courts, and Professionalism: The Agenda for Reform (Contributions in Legal Studies)

Rudolph J. Gerber

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Lack of access of the poor and middle class to civil courts, suits that benefit only lawyers, litigation tactics devoted to victory rather than truth or justice, and inefficient courts are some of the issues addressed by Judge Gerber in his outspoken critical appraisal of America's legal profession and judiciary. The author suggests practical--and in some cases radical--remedies needed to make the system responsive to the public and to give substance to the ideal of equal justice for all. Gerber's criticisms of the legal profession today are far-reaching, and the self-reflection in which he asks us to engage is difficult, even uncomfortable. But it is a necessary step in the continuing efforts we all must make to ensure that our profession upholds the highest ideals of professional responsibility. *Sandra Day O'Connor, Supreme Court of the United States*

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Following an introductory overview of the troubled condition of our legal system, Judge Gerber considers the narrow process by which future lawyers are selected and the financial motivations that commonly inspire them to study law. He next takes a hard look at legal education, noting that the litigation model now in vogue inculcates a mentality of combat and downgrades peacemaking and negotiating skills. In a discussion of bar exams, Judge Gerber points out that these tests measure neither ethics nor competency and fail to provide for specialty licensing, for which he recommends periodic reexamination and peer review. Commenting on the complexity, confusion, delays, and extortionate costs that prevent equal access to justice, the author offers specific suggestions for streamlining court procedures and revamping the court system by managerial and procedural changes. He examines ethical abuse by courtroom litigators, contending that periodic ethical review and specialized training are needed to insure that justice is served. Concluding with a critical analysis of major competing jurisprudential theories, Judge Gerber argues that a return to natural law ideals is needed to reinspire lawyers and judges with a philosophical sense of the foundations of justice. This important new work is particularly relevant for legal educators and professionals and for courses dealing with the legal profession, legal ethics, the judiciary, and the court system.

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