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The Art of Advocacy: A Plea for the Renaissance of the Trial Lawyer (Lloyd Paul Stryker, 1954)

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BOOK REVIEWS

THE ART OF ADVOCACY: A Plea for the Renaissance of the Trial Lawyer.

In the first part of the book Mr. Stryker summarizes his own wide, varied, and successful career into what seems to be a single trial. So masterfully is this accomplished that one goes through literally thousands of courtroom hours without a sense of crowding or supersaturation. Occasionally the old master cocks his feet on his desk and reminisces. One can hear him chuckle as he recalls the legal lore surrounding Marshall Hall. This famed barrister admitted that his profession was akin to that of an actor. Before his arrival in court a clerk carefully arranged an air cushion, set out a row of bottles containing smelling salts and other medicines upon the desk, and beside these placed an exquisite box containing some invaluable pills. When all these stage properties were in order, while the judge waited this "tall and singularly handsome man, a noticeable figure in any gathering," made his dramatic entry.

"When Broadway puts on a play depicting a great trial scene," observes Mr. Stryker, "the box office is usually in for a long harvest." The "pastime" reader will find this book exciting. You are the counsel. On your proficiency rest the liberty and freedom of a citizen. But behind you, suggesting, advising, and encouraging, is the tutor, pointing the way. Flavoring his precepts with humor, often bringing in anecdotes garnered from his boundless knowledge of literary and historical characters, he deftly guides you as you confidently take up the challenge to defend your client. Carefully studying and marshaling your evidence, you feel the tenseness of the fighter; your muscles tighten; you feel the stimulus of battle. You address the jury and you examine the witnesses. Together with the admonitions from your coach are pictorial sketches of the great, or stupid, trial lawyers who stood in similar situations and their answers to the questions facing you. You completely worst the perjuring witness, and then with a powerful summarization you leave your case with the jury. The reader will surely enjoy entering into this great trial.

The lawyer will not only enjoy but profit from Mr. Stryker's wide experience, his keen observations, and his pertinent illustrations. The trial lawyer — especially the young trial lawyer — would do well to make a careful and minute study of the whole book. The instructions
and admonitions on appellate advocacy, based on the classical "ten commandments" of John W. Davis, are a worthy commentary on those great apocalyptic canons.

Even the biographical sketches are pointed toward those technical qualities which made the great men great, or the experiences which fashioned and cast their characters. Interspersed throughout the book are these pictorial accounts of celebrated advocates, like pictures in a story book, clarifying the text, flavoring his exposition, and humanizing many a historical Brahman.

The author's thesis is the decline of the art of advocacy. The remuneration in other fields of the law has enticed away those who might have become great advocates. The bar has been inclined to look askance at the trial lawyer. In England and throughout the history of the common law, he contends, the barrister constituted the elite of the profession. The solicitor was rated as little better than a clerk. In England the class distinction has not changed; in the United States the social strata tend to be reversed. Mr. Stryker blames many factors for this decline—chief of these the love of money. Avarice has turned men from the highest ideal of the profession, the guardianship of liberty. Truly if the citizen's rights are not championed by the best talent freedom will be chipped away until nothing remains.

Mr. Stryker pours his righteous wrath upon those leaders of the bar who refuse to aid in the defense of unpopular causes. He lashes out at public opinion which prosecutes and pre-tries the accused through the newspapers and radio, thus bringing an inference of compounding a crime on any attorney who represents the defendant.

Deploring the paucity of law school courses on criminal law, he charges also that law schools fail to teach courtroom procedure and that they teach only the barest rudiments of advocacy. A specialist in any field of the law will level the same charge at the law schools for the neglect of his fetish. Would that the law schools could have time to do more. Perhaps they are devoting too much time to legal writing and research in comparison with the time allotted to studies tending toward advocacy. The reviewer is one who thinks Mr. Stryker has a point, but of course there is such a thing as prejudice.

For enjoyable reading, for instruction in the technique of trial tactics, spiced with scintillating asides, and for intimate and personal memoirs of great lawyers whose personalities have influenced the course of law and history, a perusal of Mr. Stryker's book is a unique pleasure.

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