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## Book Review: My Life in Court, by Louis Nizer

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Book Review

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## Book Reviews

*My Life In Court.* BY LOUIS NIZER. GARDEN CITY: DOUBLEDAY, 1961. pp. 524.

Any lawyer may learn from Mr. Nizer's book that there is no substitute for preparation. It is obvious that the author does not fight for his client without preparation, which is almost limitless. It can be seen from his cross-examination. This is not any impromptu art. For that matter, good cross-examination never is an impromptu art. No witness is ever demolished in such a fashion, unless it be the result of luck or bad management. Mr. Nizer does, however, demolish witnesses. This is achieved as the result of hard and careful preparation. Perhaps the best example of it in the book, is his cross-examination of the doctor in the chapter entitled "Life and Limb". Few, if any questions are asked in the whole book that give any witness any opportunity to extricate himself. Certainly none is asked which might prompt an answer that would demolish Mr. Nizer.

From a lawyer's point of view, the book would have had perhaps more reality, and less drama, if the odds that Mr. Nizer was forced to overcome were not quite so insuperable. I suppose however this adds to the drama and is what is termed poetic licence. When, however, both sides of the drama are brought to light, things fit into a little better proportion. The insuperable odds do not then seem quite so insuperable. Perhaps that too is poetic licence.

The chapter entitled "Proxy Battle" is a good illustration. Mr. Nizer says:

Word percolated through various sources that we had been outwitted and trapped. Mayer, Tomlinson, and some of their lawyers were telling influential friends in Wall Street, in industry, and in the press that a precedent existed in Delaware which we didn't know about, which disposed of the legal question in their favor, and that they had so manoeuvred the situation that they now came precisely under the rule of that case. This time Nizer is going to get the beating of his life.

Later Mr. Nizer said:

I am promising nothing. A Judge (I mentioned his name) met me yesterday and said he thought the odds against us were 1000 to 1. He didn't think we had a case. So I know what we are up against.

When the devastating precedent is finally revealed to the reader, its authority in relation to the facts of the case involved, vanishes into thin air. If the shennanigans of the enemy were as bad as Mr. Nizer had painted them, it is no wonder that Equity came to the rescue of his client.

However, even the over-dramatization of the fearful odds that Mr. Nizer had to face, do not in any sense detract from the conclusion that Mr. Nizer's success depended to a great extent upon hard and laborious preparation.

I have been told that the book is on the best seller list. Perhaps this is due in part to the curiosity of the reading public. Most of us cannot resist poking our noses into other people's business. Especially when the other people are public figures such as Quentin Reynolds, Eleanor Holm, Louis B. Mayer and others. It must go without saying that the dramatic use of the client's unfortunate ventures in litigation, as well as those of the opposition, would only be made with their consent.

For my own part I would have preferred it, had Mr. Nizer put his wide experience to other purposes. He tells us on the jacket of the book:

I have opened hundreds of courtroom doors in many states.

From his book it is obvious that he is a highly successful advocate. During his life at the Bar he cannot have failed to have formed opinions which would have been of great service to the community, had he told us of them. I am sure he could have made us all understand the real purpose that a lawyer must serve if he is to make any contribution at all to the system of which he is a part. I am sure that he could have advanced persuasive arguments that might have convinced some of us of the very real and fundamental purpose that a Jury serves in that system. I am sure that he could have shown many of us the great contributions to that system by great American Judges such as Justices Hand and Cardozo.

As lawyers, we need to be told these things frequently, so that our conscience does not fall to be measured by the dollar sign. Comparisons are always odious, but I venture to suggest that any one speech to a Judge or a Jury by Clarence Darrow reflects the dignity and purpose of the democratic process in a way that Mr. Nizer did not touch upon in his book, and yet we all would have been indebted to him had he done so.

The title of the book is *My Life in Court*. All lawyers know that a life in Court is not circumscribed by winning or losing a case. So much emphasis is placed upon the fortunes and misfortunes of the litigants in the book, that there is little room left for anything but the verdict. This after all is of really no concern to anyone except the litigants.

If one reflects upon Mr. Nizer's *My Life in Court*, and couples with it a reflection upon the intellectual efforts of a Cordozo to achieve justice, or the social conscience of a Darrow directed to the same end, we can learn, as lawyers, where we shall be able to make the greatest contribution of which any of us is capable, and where we may find satisfaction.

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