

THE GREAT WORLD AND TIMOTHY COLT. By Louis Auchincloss. New York: Houghton Mifflin Company, 1956. Pp. 285. \$3.75.

MORE than seventy years ago, Oliver Wendell Holmes observed, in a classic address to the young men at Harvard College, that in the practice of law, as elsewhere, "If a man has the soul of Sancho Panza, the world to him will be Sancho Panza's world." Mr. Louis Auchincloss, in a novel which is not a classic, touches on the subject of Holmes' address and willy-nilly confirms that premise.

The novel's young protagonist, Timothy Colt, the only product of a marriage between the daughter of a shabby-genteel Virginia family and the last of a thinned-out old Manhattan family, starts life at the bar without any connections other than those he made on the *Columbia Law Review*. He enters a large Wall Street firm—Sheffield, Knox & Dale—imbued with the notion that the practice of law is, or at any rate can be, the embodiment of the good, the true and the beautiful. That notion seems to be proved in the seven or eight years of his apprenticeship to Knox, the senior partner in the Corporate Department of his firm. But conflict among his seniors forces Colt to forsake the Good and to make a tortuous journey through the Trusts and Estates Department of the firm. There, under the ægis of Dale, he learns that the lawyer's life embraces, if it does not wholly consist of, the greedy watch for clients and practice of shopkeepers' arts—at which our hero is not very successful.

Indeed, Colt's first serious contact with a client is the turning point in his career. Torn from the secure and cozy nest which Knox has feathered for him with corporate bond indentures, certificates of incorporation and securities registration statements, our hero is thrown into the harsh world of promoters and "deals," and is required to handle the somewhat complicated purchase of a substantial business by George Emlen, a sharp and aggressive young promoter who is also Dale's nephew. Colt structures the "deal" competently enough, but, alas, offends the client, who no more, and no less, deserves being offended than most such clients. Colt's universe is shattered when he is faulted for insulting the client and told by the saintly Knox that his job is not only to be true to the craft, but also to hold the client. From that point on, Colt is determined to be a "worldly" lawyer, a determination which leads him inexorably to adultery and breach of trust. But there is reason to believe he does not enjoy either and, indeed, is as stuffy and ineffectual in the one as he is in the other. He ends, appropriately enough, with the forgiveness of his wife and, apparently, the Bar Association.

Whatever the author may have intended to say about the trouble with the practice of law on Wall Street, the trouble in his novel is with Timothy Colt. Mr. Auchincloss' uni-dimensional young hero ends in the cul-de-sac for which he was clearly destined even before he entered Columbia Law School. The level at which the author develops the story and such of the characters as may be so-called fits them for presentation in the average motion picture, but hardly for comment in the pages of this august *Journal*. While Mr. Auchincloss' treatment

of life in a law office and the practice of law on Wall Street does not generally penetrate any more deeply than his characterizations, some of his observations may be worthy of note here.

The long hours and arduous attention to detail which are demanded of the young men in Sheffield, Knox & Dale help to explain their apparent indifference to the entrepreneurial aspects of the practice of law and their concentration on advancement in the firm rather than on acquiring clients. The predominance attributed to the Corporate and the Trusts and Estates Departments—as distinguished from, for example, the Litigation Department—in the politics and economics of the firm does not seem unreasonable, although one wonders at the absence of any reference to a Taxation Department in the firm. With or without Taxation, however, the status of those two specialties may well account for the direction in which bright young lawyers tend to move and, apparently, for the values they tend to acquire; and, at least in the larger firms, it suggests their ultimate development into the organization men which Mr. Auchincloss portrays.

The heads of the two dominating departments in Sheffield, Knox & Dale are presumably designed to embody the polar forces which compete for a young lawyer's commitments in law practice. Dale of Trusts and Estates started as an "unprepossessing young man from Fordham" and, although competing against all the presumably prepossessing young men from Harvard and possibly Yale and Columbia, grew up to be the "confidant of . . . rich widows and old maids." It is unclear which is cause and which is effect; but it may be noted that he inevitably insisted upon coming up with some sort of a solution for his client's problems, even though his solution often "provoked new problems or cut too short corners or [was] . . . not in accordance with what the client more deeply, more basically required." Dale's rugged assumption that some solution is better than no solution contrasts with the attitude of Knox, in the Corporate Department, who insists on finding the "perfect" or "correct" solution; but since finding the "correct" solution takes so much time and manpower, Knox can find it only for the most affluent business corporations. Not the least intriguing of the notions about Wall Street law firms thus dangled before the reader is the suggestion that philosophers and social architects—repositories of wisdom, reflection and learning—direct and inspire the Corporate Departments of the big law firms, whereas the Trusts and Estates Departments are guided by hucksters through whom the tawdry and the tarnished, not to say the downright fraudulent, may creep in. It is difficult to say whether it is more astounding to discover that in eight years in Corporate our young hero has not learned that a vital part of practice is to satisfy clients, or to find out that in Trusts and Estates this lesson is most bluntly taught.

The exposition of the problem on which Colt breaks—the relationship between him and Emlen, the promoter, in the conduct of the latter's purchase of the business—is done with skill and an eye for detail that reflects experience as well as insight. Emlen, annoyed at not having a senior partner service his important deal, distrusts Colt's competence and makes this clear as he con-

tinuously hovers over the transaction. He raises and probes all sorts of minor issues, which require Colt to press a variety of details; and, at the same time, he admonishes Colt that legal "quibbling" over details will cost him the deal. Finally, he catches Colt off base on one such issue and thereafter doesn't let him forget it. Emlen's provocation brings out Colt's not-so-latent sense of superiority at being a craftsman in the law rather than a boorish entrepreneur. The result is endless tension and bickering between lawyer and client and, ultimately, the former's crack-up and downfall.

While the aggregate of Emlen's characteristics may be unusual in any one client, singly they are not hard to find in clients. Indeed, their presence underlies the oft-repeated dictum that it is harder to deal with clients than with their problems or opposing counsel. Apart from conflicts of personality or ethics, however, the practice of law—at least in commercial areas—often produces a conflict between the lawyer's sense of craftsmanship and the client's single-minded interest in the result. Like practicing doctors who must frequently choose between scientifically pursuing a diagnosis and satisfying the immediate, and not unreasonable, desires of patients to be cured, practicing lawyers must often sacrifice ideals of technical perfection for the essentially practical interests of the client. Mr. Auchincloss' emphasis on Emlen's obnoxiousness obscures the reasonableness of the client's concentration upon the result rather than the manner in which his lawyer got there. Similarly, the author's treatment of Knox and Dale ignores the necessity—too frequently encountered in practice—of striking a balance between exhaustively pursuing a "correct" answer and finding a solution within the time and the budget which any particular transaction can afford.

Much in this novel indicates that Mr. Auchincloss has seen and understood a good deal more about the problems and pleasures of practice in a large Wall Street law firm than he has disclosed. It may be—to refer only to one problem the novel touches—that such a practice does not permit the pursuit of the ideal of which Holmes spoke in his address at Harvard College. But Mr. Auchincloss' background and ability suggest that if he takes the time, he may yet come to grips with the practice of law on Wall Street in a more edifying novel than he has produced here.

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Photo by Sylvia Salmi

FELIX FRANKFURTER

The Editors take pleasure in dedicating this issue of the JOURNAL to Mr. Justice Frankfurter, on the occasion of his seventy-fifth birthday.