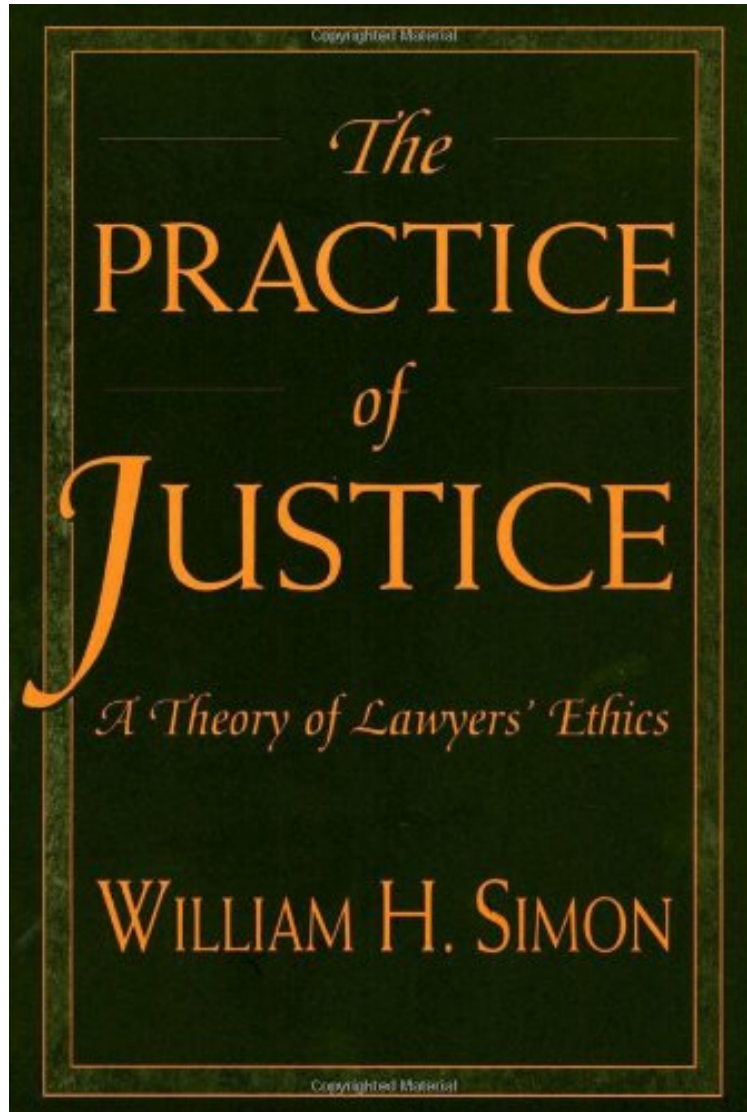


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The Practice of Justice

William H. Simon

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William H. Simon : The Practice of Justice before purchasing it in order to gage whether or not it would be worth my time, and all praised The Practice of Justice:

2 of 5 people found the following review helpful. HorrifyingBy I. MurphyOne of the worst ethics books I have ever read. It was extremely difficult to finish this book, mostly because the arguments made in one section is refuted in the other. He doesn't make sense most of the time. His reasoning is weak at best. At one point (Chapter 7), he refutes an argument because it is "silly." No further elaboration!

Should a lawyer keep a client's secrets even when disclosure would exculpate a person wrongly accused of a crime? To what extent should a lawyer exploit loopholes in ways that enable clients to gain unintended advantages? When can lawyers justifiably make procedural maneuvers that defeat substantive rights? *The Practice of Justice* is a fresh look at these and other traditional questions about the ethics of lawyering. William Simon, a legal theorist with extensive experience in practice, charges that the profession's standard approach to these questions is incoherent and implausible. At the same time, Simon rejects the ethical approaches most frequently proposed by the profession's critics. The problem, he insists, does not lie in the profession's commitment to legal values over those of ordinary morality. Nor does it arise from the adversary system. Rather, Simon shows that the critical weakness of the standard approach is its reliance on a distinctive style of judgment--categorical, rule-bound, rigid--that is both ethically unattractive and rejected by most modern legal thought outside the realm of legal ethics. He develops an alternative approach based on a different, more contextual, style of judgment widely accepted in other areas of legal thought. The author enlivens his argument with discussions of actual cases, including the Lincoln Savings and Loan scandal and the Leo Frank murder trial, as well as fictional accounts of lawyering, including Kafka's *The Trial* and the movie *The Verdict*.

Though slender and unpretentious, William Simon's new book, *The Practice of Justice*, packs a wallop. Aiming at nothing less than a radical rethinking of lawyer's ethics, it proposes a new conception of our professional responsibilities and challenges us to examine critically the conventional norms of our professional role. Along the way, it explores the scope and underpinning of our loyalty to clients, our obligations to protect the rights of third parties and our duty to promote justice...Simon's writing is lucid, well-organized and jargon-free...The cogency of [his] critique of the dominant view...shakes the grounds on which we currently practice...Thus, Simon's work is profoundly unsettling, even disorienting, both intellectually and emotionally. Therein lies its enormous value. (James M. Altman *New York Law Journal*)