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additional third tier court, the U.S. National Court of Criminal Appeals (a junior supreme criminal court).

The staffing of such new criminal courts will of course require an assertive judicial appointment program by the president, utilizing the president's recess appointment powers if necessary.⁸ Once on the bench, these new criminal court judges could handle all criminal, habeas corpus, prisoner cases, and thus permit the existing court system fairly and fully to adjudicate civil cases.

Rationing Justice on Appeal serves as an excellent primer for all those wishing to join the debate regarding the future of our federal courts; in particular, the work's extensive bibliography is an important reference resource. ■

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Endnotes

¹X Writings of George Washington 35 (Jared Sparks, ed. 1836).

²G. EDWARD WHITE, THE AMERICAN JUDICIAL TRADITION 9 (1976)(quoting EDWARD CORWIN, JOHN MARSHALL AND THE CONSTITUTION 15-24 (1919)).

³Judicial Conference of the United States, Committee on Long Range Planning, PROPOSED LONG RANGE PLAN FOR THE FEDERAL COURTS 18 (1995);

⁴See Jon O. Newman, 1,000 Judges—The Limit for an Effective Federal Judiciary, 76 JUDICATURE 187 (1993); in response to Victor Williams, Solutions to Federal Judicial Gridlock, 76 JUDICATURE 185 (NOV./DEC.1993).

⁵See Magistrate Judges Ease Civil Trial Workload, THE THIRD BRANCH, SEPT. 1995, AT 4.

⁶United States v. Lopez, 115 S. Ct. 1624 (1995).

⁷PROPOSED LONG RANGE PLAN, *supra* note 3, at 19.

⁸See U.S. CONST. ART. II, SEC. 2, CL. 3.

■ *The Law Firm and the Public Good*, edited by Robert A. Katzmann; The Brookings Institution and The Governance Institute, Washington, D.C., 1995, 189 pages \$36.95 (hardback), \$16.95 (paperback).

Reviewed by Michael Foster

Among the general public, the question of how to provide equal access to the courts for all citizens is likely to draw little interest. Many people favor limiting access to the courts, so the suggestion that financially needy Americans should have easier access is not a popular one. After the O.J. Simpson trial, convincing the public that the courts work as well for America's poor as they do for the wealthy would be a daunting task.

In the U.S. Congress and in most state legislatures, government-financed legal service programs are on the chopping block for both economic and political reasons. On Capitol Hill, the Legal Services Corporation draws as much wrath as the National Endowment for the Arts and the Corporation for Public Broadcasting.

Even the question of what constitutes proper *pro bono* work can provoke an argument. Is it in the public good to challenge the death penalty of a serial murderer, or to try to set aside the conviction of such a pariah on the basis of some arcane legalism? Would Gideon's trumpet sound so loudly today, or would its promise of fairness for an accused in a criminal case be muted in the face of ever-increasing crime, the drug plague, and terrorist bombings? Is pushing for expanded welfare rights a way to accomplish the public good when the social safety net is now viewed by many as morally bankrupt because it undermines the family structure and encourages chronic dependency?

The legal profession is accused of being driven by greed, placing more emphasis on the bottom line than on achieving justice. Lawyers are the

scapegoats, considered to be causing many of the problems America faces today, rather than contributing to their cure. Future historians and social commentators may well characterize this era as the Age of the Bottom Line, because it often seems that family life, the safety and welfare of our children, and the quality of life are subjugated to it. One attitude has been to let government agencies handle our social problems; we pay taxes to fund solutions to these ills, so we can put our consciences to rest. Now we question whether the benefits are worth the burden, particularly when we see the problems mounting and the bill getting ever larger.

Against this background of growing concerns, in 1989, the American Bar Association proposed a program to provide *pro bono* legal services to the poor that is detailed, broad in scope, and quietly revolutionary: the ABA's Law Firm Pro Bono Project. Its purpose is to provide technical assistance and training to law firms interested in embarking on *pro bono* programs and to serve as a clearing house for *pro bono* information. One of the project's first initiatives was to create the Law Firm Pro Bono Challenge. The concept is simple enough: encourage the nation's 500 largest law firms to commit to establishing long-term, ongoing legal services programs and to allocate sufficient funds and personnel to make the programs meaningful and effective.

In 1991, The Governance Institute assembled a steering committee of distinguished members of the legal profession to facilitate and encourage large firms (those with 100 or more lawyers) to commit to undertaking *pro bono* projects. *The Law Firm and the Public Good*, co-published with The Brookings Institution, provides a blueprint for firms to follow in developing programs and assuring compliance with the requirements of the Law Firm Pro Bono Challenge.

The book strikes a balance between offering reasons why large law firms should participate in the challenge and giving valuable practical