My Life in Court by Louis Nizer

H. Foster Pettit

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Recommended Citation
Available at: https://uknowledge.uky.edu/klj/vol51/iss4/14

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Book Reviews


My Life in Court, by Louis Nizer, is very enjoyable reading. Its continued high ranking on the best-seller lists attests to its appeal to the great community of readers who have not been exposed to legal training. This book succeeds with the layman as well as the lawyer because its emphasis is on the telling of a story. The fact that the several episodes take place in a courtroom is not of major importance when determining the nature of the book’s appeal. A good story with interesting characters and unpredictable events holds never ending charm for all readers. These are the primary ingredients of the cases described by Mr. Nizer.

I would be doing the author an injustice if I failed to pay tribute to his clear and uncomplicated style of writing and to his sense of the dramatic which jointly carry the reader step-by-step through each story.

It is refreshing for a practitioner to pick up a book by a lawyer on the subject of the law and not face the usual jungle growth of tired and redundant verbiage which normally clutters legal draftsmanship. Of course, this book was never intended to treat any aspect of trial practice in a technical fashion, although several lessons can be recognized and appreciated concerning the art of trial preparation and procedures.

For instance, I was impressed with the monumental scope of detailed fact gathering undertaken before trial. In the libel suit of Friedrich Foerster, learned professor of philosophy and education, against Victor F. Riddler, publisher of ten newspapers including the German language newspaper, New Yorker Staats-Zeitung und Herald, Mr. Nizer represented Professor Foerster. While describing the necessity of thorough preparation, the author stated:

Libel actions are peculiarly lawyer-made suits in the honorable sense of the phrase; that is, they depend so much upon the resourcefulness and thoroughness of preparation. For example, in this case, I had every issue of the Staats-Zeitung over a period of fifteen years translated into English. Each news item of significance, each editorial, each special feature was translated, indexed and numbered, so that I could call for it at a moment’s notice during cross-examination.

And while on the subject of cross-examination, it is obvious that therein lies the author’s greatest fascination and his best talent. As
a matter of fact, his unbelievable success at discrediting, if not completely dissecting hostile witnesses, elicits from the reader both admiration and scepticism that anyone could be that good or could be presented with such fertile grounds for cross-examination.

Without doubt the most exciting story is the first one concerning the libel suit of Quentin Reynolds against Westbrook Pegler. The mere reading of the allegedly libelous references made by Pegler in his syndicated newspaper column, with a circulation of twelve million, is enough to stimulate anyone's interest into reading on to find out how the suit develops and ends. Pegler, using shocking language, assailed Reynolds for being a coward, war-profiteer, communist sympathizer, and moral degenerate. After Reynolds filed suit, Pegler and his co-defendants, the two Hearst corporations, filed an answer which not only endorsed all the prior vile statements, but actually related new instances, which by themselves were libelous. From the very unorthodox pleadings through the jury's verdict, this case presents a remarkable story which no one would believe had it come from the pen of a fiction writer.

Part of the fascination of this case, as is true with the others described in this book, is that all of the parties and many of the witnesses are public figures about whom we have all read. One of Nizer's most successful tactics is to memorize almost everything the opposing witnesses ever wrote, and then throw back at them inconsistent statements. It was very fortunate for him that many witnesses had published books or stories.

If there are slow spots in this book, they appear when the author stops telling a story and begins to give extended advice and explanation of legal problems. The section on divorce is one such place. Perhaps in a different setting these discussions would not look so pale, but following the Reynolds v. Pegler case almost any subject would suffer.

A third subject treated is that of "talent," or more specifically, the protection of original authorship from plagiarism. Nizer's client charged that the once popular song "Rum and Coca-Cola" was a near complete copy of the music of "L'Annee Passee" The successful attempt of Nizer to show with great technical precision and knowledge the similarity of the two songs and thus overcome the stringent burden of proof of such a lawsuit makes a good study in the virtues of knowing the case and subject matter.

Other cases described include a libel action whose main issue was pro-Nazi conduct in this country prior to and even after Germany and the United States declared war in 1942; and two negligence cases, with the first involving malpractice of a renowned obstetrician and
the second case speculating on the worth of a man in money damages for wrongful death suffered in a train accident. Nizer, who feels confident of his ability as a cross-examiner, seems most proud of the job he did in proving his case from the mouth of the defendant doctor in the first negligence action. The final story describes a proxy fight for control of Loew's, Incorporated, a giant in the motion picture industry, wherein corporate intrigue is the keynote.

Having read and thoroughly enjoyed My Life in Court, I am left with several distinct impressions about the author and the practice of law in court. Mr. Nizer is the finest of lawyers who stays ahead of his adversary at all times and commits no mistakes, and who excels and flourishes on cross-examination because of his native brilliance, tireless preparation and boundless memory. Apart from his philosophies about people and their legal problems, which views are liberally scattered throughout this book, Mr. Nizer's best advice for winning in the trial of a lawsuit is to absorb, digest and commit to memory every fact in any way associated with the issues, parties or witnesses involved. And, furthermore, he advises a lawyer to spend several months or years, if necessary, in preparing a case, with no effort or expense being too great to accomplish this end. And I might add my own advice to that provided by the author: to pray with great vigor for a client who can afford your efforts.

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This piece of fiction of a courtroom drama, written by a Texas reporter, which centers around a murder trial has already received considerable acclaim in literary reviews. The book has been favorably compared to Anatomy of a Murder. It has received a publisher's award and at the time of its publication was a Book of the Month selection. Given these laurels, one can look forward to a fairly clever novel, one which will certainly hold the reader's interest throughout.

The book is written from the standpoint of the defending lawyer who learns, as the story begins, that he has been appointed by the state to represent an accused murderer. This comes somewhat as a blow since he has enjoyed the comparatively secluded life of the civil lawyer for the past five years. The suspense builds as our hero (Owen Paulk) prepares his case. We are presented with a partial and tanta-