



12-1-1956

Lawyer Presents

Notre Dame Law Review Editors

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>

 Part of the [Law Commons](#)

Recommended Citation

Notre Dame Law Review Editors, *Lawyer Presents*, 32 Notre Dame L. Rev. 3 (1956).

Available at: <http://scholarship.law.nd.edu/ndlr/vol32/iss1/1>

This Introduction is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

THE LAWYER PRESENTS —

To its profound dismay, big business has found in recent years that there are many and devious paths to violation of the antitrust laws. Some of the lesser known pitfalls are those attendant upon the advantageous pricing position enjoyed by an integrated company because of its multifunction nature. In the lead-off article of volume XXXII of the *Lawyer*, Mr. George A. Birrell, member of the New York City firm of Donovan Leisure Newton & Irvine, discusses the "problem of how much attention an integrated company need pay to the relationships between its prices at different vertical levels or in different geographical areas." Integration is defined by Mr. Birrell simply as the carrying on of separately identifiable economic functions, no matter whether there be a vertical separation or a geographical one. The subsidization of pricing in one of these functions by compensation pricing in the other may lead to a price squeeze upon competitors. When it does, trouble is ahead, not only from the Sherman Act, but perhaps also from a novel use of section 2 (a), as amended, of the Clayton Act. We are happy to note that one of Mr. Birrell's assistants in the working out of this paper was a past member of the *Lawyer* editorial board, Mr. George N. Tompkins, Jr., also of Donovan Leisure Newton & Irvine.

Though the *Lawyer* frequently has concerned itself with the natural law philosophy of the legal order, it has rarely had the opportunity to present to its readers anything more than fragmentary views of other philosophies of law. In opposition to the natural law, the other major legal philosophy of today is positive law, the view that the only law is that established by authority of the state. Mr. Reginald Parker presents the case for positive law in an article which outlines the tenants and moral force of that position. The author has sought clarity rather than extreme profundity, and the result is a thoroughly understandable treatment of an abstruse subject. Mr. Parker, professor of law at Willamette University, Salem, Oregon, is one of the most eminent American exponents of the positivist theory. His reputation is well founded upon numerous law review articles and

reviews. In addition to his other writing, he is the author of two books: *ADMINISTRATIVE LAW*, published by Bobbs-Merrill in 1952, and *QUESTIONS AND ANSWERS ON LABOR LAW*, second revised edition published by the Claridge Corporation in 1951.

Mr. Daniel H. Pollitt, professor of law at the University of Arkansas Law School, contributes an analysis on pleading the Fifth Amendment before a congressional committee. His approach to the problem is one of practicality. Is it advisable to plead the Fifth Amendment, considering other possible defenses available; considering the information the witness is willing to, and perhaps even wishes to, divulge; considering the information he wishes to withhold; considering the questions he is asked by the committee; considering the likelihood of being cited for contempt? Once the legal consequences of relying on the Fifth have been explored, the reality of there being more than one practical alternative for the witness to consider is questioned by the author in a brief addendum. In addition to his academic duties, Mr. Pollitt is an associate of the Washington, D.C., firm of Rauh and Levy.

Part two of Dr. Anton-Hermann Chroust's study of the legal profession during the Middle Ages traces the development of the concept of a general attorney who was able to handle all the legal difficulties of a given client, the relaxing of the formalisms attending the appointment of the medieval attorney, the rise of the English serjeants, and the role of the city of London in the growth of the English attorney. Dr. Chroust, professor of law at Notre Dame, is well known to *Lawyer* readers for his pioneering work in the history of the legal profession. The most recent of his many achievements has been appointment as acting editor-in-chief of the *Natural Law Forum*, a journal of natural law studies edited at the Notre Dame Law School. Part one of this study of the medieval lawyer appeared in 31 *NOTRE DAME LAW*. 537 (1956). Part three will be published in 32 *NOTRE DAME LAW*., No. 2 (March, 1957).