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Book Reviews

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BOOK REVIEWS


The treatment of these two works within the framework of a single review might cause some to experience the belief that the reviewer must have so far taken leave of all sense of proportion as to have reached the point where he would be likely to compare the Bible with things of the nature of Hitler's Mein Kampf or Marx's Das Kapital. If the purpose of comparison were no more than one to test the relative merits of two publications so linked together, then the belief would be a justified one for the two books here considered are poles apart in terms of their scholarly competence, their coherence of organization, and their value to the reading community. But comparison is sometimes invited more nearly because the things compared or contrasted are only variant symptoms indicative of a common background; in this case, a well-defined dissatisfaction with the criminal law and its operational effects. On this premise, then, there is some basis for treating these seemingly unlike works together even though, in the process, invidious results may follow.

The first of these books may be dismissed lightly by saying that it comes from the hand of the author of Cell 2455, Death Row, a work which excited attention at the time of its publication principally because it represented one of the few works ever composed by men in prison and, possibly, the first ever so written by one under sentence to death. The current product, however, appears to lack genuine purpose, other than one to glean whatever financial rewards may follow from its publication, despite the promise to "fire the social imagination" to the point where vision can and should be substituted for vengeance in the treatment of criminals. It is a formless work composed of part diary, part rehash, of things written by, of, and concerning the author, with a jumbled and repetitious resume of the many legal steps taken in an eight-year period of battling against an allegedly unjust sentence, served up with some scattered impressions gathered from association with other inmates of Death Row. If one accepts the author's claim that an injustice has been done him, as to which the reviewer expresses no opinion, then the sole merit in this book lies in the fact that it offers a single, vivid personal argument why Americans should arouse themselves to right inadequacies.
which exist in the field of criminal law and its administration for, without correction, law and justice will fail to correlate.

It is the merit of the other book, itself no more than the presentation of a plan looking toward the eventual correction of all inadequacies, that it lays out a systematized and comprehensive outline, with a description of the necessary organizational structure, under which it will be possible to uncover those areas in law and government where the defects exist to the end that corrective measures may be formulated. Working along lines similar to those pursued in the monumental Survey of the Legal Profession, but not confining the proposed investigation to, or by, law and lawyers, the American Bar Foundation proposes to reseach the entire field of administration in criminal justice, using certain selected states and communities as pilot areas for that purpose. The outline reveals enough to indicate that the search will be a thorough one, will push far beyond limits already reached in the few spasmodic local surveys made to date, and will be ambitious enough to produce reports and other data of compelling value. It is to be expected, therefore, that in the not too distant future, the criminal law, if it does not catch up completely, will at least be able to keep in sight of the rest of the procession as the world of law and order moves forward. When that is so, men like Caryl Chessman will have neither the rhyme nor the reason for the production of books like the one entitled "Trial by Ordeal."

W. F. Zacharias


Except for the anticipated publication of an Index Volume, it may now be reported that, with the issuance of the current volumes,1 the New York State Insurance Department and its energetic Deputy Superintendent have now reached the culmination of a tremendous effort to place the matter of insurance, insurance companies, and state regulation thereof into readable, hence understandable, format. While much of the material in these two volumes will be of prime significance to those charged with intelligent planning for the financial side of the industry, for the general topics covered deal with rate-making, loss experience, compensation of agents, premium accounting, limitation of expense and the like, there is much of benefit to the lawyer with respect to subjects of importance such

1 A review of Volumes 1 and 2 of this set appeared in 32 CHICAGO-KENT LAW REVIEW 276-8; of Volumes 3 and 4 in 33 CHICAGO-KENT LAW REVIEW 97-8.
as the effect of non-forfeiture laws, of retaliatory statutes, of administra-
tive responsibilities, and as to the shaping of new forms of coverage
including, among the latter, the variable annuity plans which currently
attract widespread attention. Particularly worthy of attention, in that
connection, are the opening lectures to be found in Volume 6 which have
been devoted to the social, legal, and economic aspects of America’s largest
non-governmental financial activity.

In these six volumes, approximating 4200 pages, more than fifty skilled
technicians of the New York State Insurance Department and some forty-
five outside authorities drawn from the insurance fraternity have pre-
sented over one-hundred papers, replete with charts, tables, graphs and
the like, so that it is now possible to view the field of insurance both from
the outside, as seen by those “regulated,” as well as from the inside,
examined by those who “regulate,” leading to a dual perspective which
makes the entire treatise the most comprehensive and significant one ever
issued. If one previously lacked instruction in an area of activity of
profound importance to the community, the means by which to gain in-
formation is now both readily and presentably at hand.


Illinois lawyers who were present at the practice course entitled Ef-
fective Law Office Management given at the University of Illinois College
of Law in 1954 may remember mention of one of the “rather scarce
authorities on law office management” which was said to contain “many
valuable suggestions” for the attorney who was seeking to “re-organize
his office.” A particularly ingenious reminder system was there mentioned
which would “give a lawyer confidence that he will get a file in time
to take action” but would otherwise permit him to be a “clean desk”
lawyer, that is, one who worked under conditions toward which all should
strive in the interest of utmost efficiency. The reference, of course, was
to the earlier edition of this popular work on the business side of the
legal profession, a book which, in truth, was one of only a handful on
the subject. Allied in subject matter, to some extent, is the excellent book by Besse May
Miller entitled Legal Secretary’s Complete Handbook (Prentice-Hall, Inc., New
York, 1953), which was reviewed in 31 Chicago-Kent Law Review 390.

1 See, in particular, the remarks of Francis D. Conner, reproduced in 43 Ill. B. J.

2 Allied in subject matter, to some extent, is the excellent book by Besse May
Miller entitled Legal Secretary’s Complete Handbook (Prentice-Hall, Inc., New
York, 1953), which was reviewed in 31 Chicago-Kent Law Review 390.
Among the latter will be those who, while presently engaged as students, look forward to the day when they will open, rather than reorganize, a law office. There is much here which could interest them, not alone from the standpoint of the description it provides with respect to office planning, equipment, personnel and the like but also for the sound advice it contains on personal habits, the handling of interviews, concerning the billing of fees, and maintaining the esprit de corps of the bar. Such persons may not, for the moment, contemplate nor wish to adopt some of the more elaborate suggestions made by the author. They should, however, be conscious of these matters against the day when the adoption thereof might make the sole difference between a full measure of success or a life ground out in hopeless bondage to an inefficient practice.


No lawyer would wish to use this book as an aid to the handling of casualty claims, even though it was prepared by a lawyer who acts as attorney in charge of the Claims Division of a large insurance company, for it is not a law book in the accepted sense of that term. It is, more correctly, a course book or manual for claims adjusters, designed particularly for those who have little or no knowledge as to the legal points involved in insurance claims but whose handling of investigations and efforts to negotiate settlements may make or break a case. It is replete with much valuable data which the claims man might not gather except from years of experience; it presents highly significant lessons in human psychology; and it evaluates concrete situations in terms of policy coverages. To that extent, it could prove to be of interest to law students, many of whom, while studying law with a view toward its eventual application at the professional level, hold jobs as claims adjusters or investigators for insurance companies. They, at least, could benefit from the educational program mapped out herein as the book should serve to save them from errors committed from ignorance while helping to develop worthwhile adjusting skills and techniques.


Without doubt, one of the more difficult areas in the law school curriculum from the student standpoint falls in the realm of procedure, probably because the student is there called upon to organize the concepts of substantive law into the technically precise forms and order of arrangement necessary to the proper presentation of the litigated case.
Rights and wrongs, as well as defenses, can there no longer be regarded as abstract ideas, marked with a semblance of independent existence, but must, of necessity, be placed in juxtaposition with one another and be confined within a framework of language sufficiently adequate to permit a judicial tribunal to rule intelligently for one or the other of the parties. The job of crystallizing ideas in that fashion often becomes a stumbling block to progress because of a lack of understanding with regard to the complete essence of a cause of action or defense and from a genuine difficulty not infrequently experienced over the necessity of stating these concepts in precise but work-day language.

Professor Blume, familiar with these conditions, has now acted to condense and re-orient the materials in his casebooks on the general subject in the form of a short, but adequate, text which, in two parts, presents the legal and factual conditions necessary to support recovery in the more commonly used types of cases and then details the steps involved in the commencement and prosecution of a civil action. There is enough of historical perspective to illustrate why the choice of remedy may serve to control the output of the courts and enough of detail, including forms and the like, to provide models for the handling of each significant step in the case. Integrating procedural principles followed by federal courts with those observed at the state level in even one state is difficult enough, but Professor Blume has worked out a sufficient basis of comparison with the systems in use in a wide enough sampling of jurisdictions to make this book a useful tool, at least for students, in practically every American state.