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BOOK REVIEWS

THE AMERICAN LAWYER: A Summary of the Survey of the Legal Profession. Albert P. Blaustein and Charles O. Porter. Chicago: The University of Chicago Press, 1954. Pp. xiii, 360.

Reginald Heber Smith, in a foreword to this newest addition to, but independent of, the extended list of survey reports, expressed the thought that few potential readers would feel like tackling the aggregate bulk of material concerning the legal profession which has been produced during the past seven years. In view of the substantial volume thereof, one would be inclined to agree. It was also his thought that a one-volume condensation could be compiled to provide a sufficiently accurate profile of the American lawyer so as to satisfy the needs of most leaders of public opinion, whether members of the bar or not. It may be said, at the outset, that the co-authors of this work have, without question, achieved that objective without losing any of the value in the thousands of printed pages on the general subject which have appeared to date. Here, in essence, is the information which the public, as well as the profession, ought to possess as it moves forward to the job of reform in those areas where reform is needed for the better administration of justice.

In the course of nine chapters, with their accompanying graphs, charts, and illustrations, the authors, exhibiting a fine degree of selective judgment but without a display of personal opinion, have provided a synthesis of the American lawyer which should serve as an answer to those frequently posed queries concerning what it takes to become a lawyer, what the lawyer does, what his problems are, what part he plays in society, what service he may ethically perform, and what he is doing to discharge his functions. The lawyer, in private or public practice, is examined statistically, geographically, and financially. His work, whether performed for individual clients, corporate entities, or as a specialist, and even when done while serving on the bench, is evaluated and analyzed in detail. His education, both in terms of formal training and in the days following admission to practice, is demonstrated to be a lifetime undertaking. His ethical standards are opened to view and his organized activities are scrutinized carefully. Few who read these pages could fail to recognize the American lawyer as a wise counselor, a sturdy advocate, a public-spirited citizen, and a leader in daily affairs; but one who is, nevertheless, a human being subject to those frailties common to all men, in kind if not in degree.

For the accuracy of their synthesis, the authors, who served as members of the survey team, deserve an award of merit; for the service they render

the public, a measure of praise. It still remains, however, for the profession to examine itself in the mirror so presented and to determine what steps it should take to correct the faults there displayed. Not even the busy lawyer can now say that he lacks the time to make the necessary self-appraisal; the standard by which he may judge himself has that clearly and simply been recorded. To the more patient and painstaking member of the bar, this book will serve as a key to the whole survey undertaking.

LEGAL MEDICINE. R. B. H. Gradwohl, Editor. St. Louis, Missouri: The C. V. Mosby Company, 1954. Pp. xvii, 1093.

This book, built from the collaborative efforts of thirty acknowledged English and American experts in a wide variety of fields wherein medical science and law most frequently form association patterns, should prove to be a welcome aid to both the medical and legal professions, and their students, despite its emphasis on technical language. In scope, it ranges from an historical discussion of legal medicine on the one hand, through descriptive passages on types of death and trauma from varied causes, into psychiatry and law administration on the other. To a large extent, it dwells on matters of concern to coroners, police officials, and their staffs, but it does not overlook the powerful impact medical science may possess if wisely utilized in some areas of civil, as opposed to criminal, law. Recognizing that the medical expert witness has come to be an accepted phenomenon in many types of suits and proceedings, a section has been devoted to an explanation of his potential service and as a guide for his advance preparation and efficient interrogation. The literature in each of the areas covered, for the benefit of those who would be interested in going beyond the pages of this volume, is listed in concluding notes to each chapter.

The legal practitioner should find the chapters on autopsies, blood tests, paternity proceedings, alcoholic intoxication, abortion, mental illnesses, and lie detection of especial significance for they are replete with statutory and case references as well as highly illuminating descriptions of accepted medical practices or commonly used scientific devices. These chapters furnish the core of knowledge which the lawyer should possess in order to be able to perform his function properly as he works with the medical expert in the presentation of his cases or as he faces the expert appearing on the other side.

Credit for the collection and publication of these papers, forming an excellent textbook for a course in medical jurisprudence, must be given to the editor who has, incidentally, served as founder and first president

of the American Academy of Forensic Sciences. His action in bringing together material of such widely diversified character adds emphasis to the fact that a knowledge of pathological anatomy and toxicology, the former chief constituents in courses on legal medicine, no longer serves to guide the practitioner. It may truly be said that the administration of justice, in civil and criminal courts, has outgrown, without neglecting, these subjects as it has come to rely on knowledge enriched by studies in other areas of science.

SUPREME COURT PRACTICE, Second Edition. Robert L. Stern and Eugene Gressman. Washington: The Bureau of National Affairs, Inc., 1954. Pp. xv, 585.

Publication of this second edition of a work already well known to lawyers practicing before the Supreme Court of the United States, a revision which has been made necessary by virtue of the adoption of the Revised Rules of 1954, represents both a timely and a noteworthy achievement. Its appearance prior to the time when the Supreme Court began to operate under the new rules bespeaks of its timeliness. The substantial revisions effected in text and format as well the comprehensive treatment given to the subject require that more than a simple acknowledgement of publication should be printed. It provides a detailed guide, with many an incidental and illuminating "aside" remark of help to the uninitiated, to the proper presentation of all important types of cases coming within the jurisdiction of the nation's highest court, whether of original or appellate character.

Exhaustive treatment is necessarily and properly given to the several heads under which the litigant may seek relief at the hands of the court. In that connection, the discussion of the circumstances under which certiorari may be obtained should prove to be extremely helpful for the several relevant factors are evaluated in the light of the court's own expressions on the point. Naturally, since much of the work coming before the court is presented in written or printed form, a substantial portion of the second edition is devoted to the physical appearance of briefs, petitions, motion papers, and the like. Specimen forms alone cover some sixty pages, with another ninety-odd pages being devoted to the text of pertinent rules and controlling statutes. But the authors, perhaps from the depth of their own experience in the presentation and argument of cases or while in service as a law clerk to one of the justices, have not overlooked mention of the manner of securing admission to practice before the court or to record little items of interest such as the probable explanation for the seemingly odd hours utilized for the conduct of its public sessions.

Here, then, is one of the most detailed, up-to-date, and welcome practice books to be found. Without it, the lawyer who seldom finds occasion to appear before the United States Supreme Court would be at a considerable disadvantage. With it, he can feel assured that he has overlooked nothing which could be vital to the proper or timely presentation of his client's case.

EXAMINATION OF INSURANCE COMPANIES: Lectures delivered before the Examiners of the New York State Insurance Department. Adelbert G. Straub, Jr. New York: New York State Insurance Department, 1954. Volume 3, pp. xvi, 691; Volume 4, pp. xvi, 767.

It takes a skilled writer to hold reader interest while discussing an involved subject in detail. One solution by which to prevent any loss of interest is to collect a number of fluent and experienced individuals and permit each to discuss the area of the subject with regard to which he is best informed. This is the technique which has been selected by the New York State Department in the monumental work it undertook to perform, four volumes of which have now left the presses with two volumes remaining to be published. The result of this diversification in the selection of authors is to present a work, without doubt the most complete in its field, which has been written with a refreshing change of pace as each writer discusses his subject in his own style.

For the benefit of those who may be unfamiliar with the work, it could be mentioned that the volumes presently under review are the third and fourth in a set of six.¹ Basically, the entire set constitutes a compilation of a series of lectures given in connection with the New York State Insurance Department's in-service training course for examiners. The first volume contained a short discussion of the Department itself and of its history, powers and functions, followed by a survey of the varied types of insurance coverage written today. Volume Two directed its attention to the insurance companies themselves and to the methods used by the regulatory agencies to examine into the affairs of insurers.

The third volume discusses techniques used in determining the financial status of an insurance company, particularly when viewed from the standpoint of a regulatory body. Here, of course, detailed analysis of reserves and their valuation is required. Insurance company personnel and their advisers should find this part of the exposition most thorough and lucid but the practicing attorney who represents insurance claimants can benefit from the discussion as well; this not so much because of the treatment given to the legal bases for liability, which is mostly elementary, but primarily because of the insight the lawyer can gain into the point of view of the insurance company.

Volume Four, opening with an excellent discussion of the constitutional basis for insurance company regulation, should provide any lawyer with interesting and timely reading. Included therein are extended and meaty discussions of such matters as uniform accounting procedures, techniques used in examining specialized insurers, problems arising from credit insurance, and the development of record-keeping devices. It might well be said that the complimentary reception given to the first two volumes of the set is also properly due to these additional volumes. Prospective readers may be assured that the qualities of completeness and interest noted before continue without abatement.