

March 1956

## Book Reviews

William F. Zacharias

W. Samore

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>



Part of the [Law Commons](#)

---

### Recommended Citation

William F. Zacharias & W. Samore, *Book Reviews*, 34 Chi.-Kent L. Rev. 189 (1956).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol34/iss2/6>

This Book Review is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact [jwenger@kentlaw.iit.edu](mailto:jwenger@kentlaw.iit.edu), [ebarney@kentlaw.iit.edu](mailto:ebarney@kentlaw.iit.edu).

## BOOK REVIEWS.

**IMPARTIAL MEDICAL TESTIMONY:** A Report by a Special Committee of the Association of the Bar of the City of New York. Delmar Karlen, Research Director, and Irving S. Wright, Medical Consultant. New York: The Macmillan Company, 1956. Pp. ix, 188, with exhibits.

No one concerned with the formulation of adequate standards in matters of proof or as to the best utilization of the time of trial court judges, particularly in relation to the handling of personal injury cases, can afford to overlook this report of an experimental project conducted by the bar and the courts of New York City. In recognition of the fact that the bulk of modern litigation lies in the personal injury field and that the giving of medical testimony in such cases goes to the very core of the court operation, with much uncertainty, confusion, and waste of time proceeding from the often conflicting opinion evidence given by partisan doctors, it was the basic idea of the project to provide the courts with access to neutral testimony from outstanding physicians in the various specialized branches of medicine. With the receipt of financial aid from some public-spirited foundations plus some whole-hearted co-operation on the part of the local medical societies, it was not long before the project was able to enlist the services of medical men of unusual attainment and prestige. In the two years or more that have elapsed since the project was initiated, these experts of the highest order have aided the courts in matters of doubt to the point where it is now possible for the Special Committee to report that the process of finding the medical facts in litigated cases has been improved, the courts have been relieved of congestion, the modest expenditure has produced large savings in court operations, and the way has been pointed toward better diagnosis in the field of traumatic medicine. Instead of doctors, lawyers, and judges bickering fruitlessly, the three groups have worked effectively in the solution of a common problem, leading to an increase in public confidence in the administration of justice.

As the Committee Report provides a complete explanation of the plan, even to the point of furnishing specimens of the forms, orders, and other documents utilized, it is not necessary here to go into details other than to indicate that the reference of the case to one of the medical experts, or to a panel of such experts, is done in conjunction with the pre-trial conference so as not to interfere with the right of either party to subpoena such witnesses as he might please in the event the case is later called for trial. The neutral expert may, however, be called to testify as would

any other witness, being subject to call by either side or by the judge. In many of the instances detailed, the effectiveness of the impartial examination was demonstrated by the fact the case was settled, usually at the compromise level, either when the plaintiff was thereby convinced that the injury was not as serious as originally claimed or when the defendant realized that there was factual merit in the several elements included in the demand for damages. Even when a negotiated settlement was not possible and the case was tried, the trial judge generally found the impartial medical specialist's testimony at least helpful, if not a decisive factor, in the final outcome.

Since Illinois lacks any procedural rule by which a party to litigation can be compelled to submit himself to a physical examination, the courts of this state are not yet ready to follow the New York lead in the area described in this report. Against the time when such a rule is adopted, and one cannot be delayed forever, the members of the trial bar of the state ought to familiarize themselves with the favorable and the unfavorable aspects of the New York remedy for the problems involved in the presentation of medical proof to the end that any proposed rule may be adequately framed and effective machinery may be devised for its proper implementation.

W. F. ZACHARIAS

AN INTRODUCTION TO THE LAW OF NATIONS. Oscar Svarlien. New York: McGraw-Hill Book Company, Inc., 1955. Pp. xv, 478.

The author of this book, Professor of Political Science at the University of Florida, states that his book is not definitive and not for experts, being designed merely as an introduction to be used by the student. He is faithful to these self-imposed limitations. With the exception of perhaps more emphasis on historical background and on new developments such as the individual, the continental shelf, and air law, the presentation of the subject is orthodox. By way of organization, the book is divided into five parts, dealing with the International Community, the Function of States, Territorial Problems, Hostile Relations, and the Individual in International Law. In covering these fields, Svarlien recognizes the controversial and the unsettled areas in International Law, but he does not always take a position. Because of the scope of the book, no area has been too well covered and some areas, such as executive agreements, hostile measures short of war, recognition of Red China, and the status of Formosa, might have been covered more thoroughly. It is also a matter of some remark that fundamental instruments, such as the United Nations

Charter and the Statute of the International Court of Justice, have not been reprinted as appendices.

Aside from matters of content, Svarlien appears to follow the present trend of devoting less space to the laws of war, a trend which seems to be overly optimistic in view of the precarious international scene of today. He has, however, found room to mix speculation and legal theory, presenting, among other things, his ideas on the territorial status of outer space. He suggests, in that connection, an analogy to the open sea, that is, that space should be the common property of all nations. Yet it is remarkable that the author has been able to cover such a wide field in so few pages. Because there is too much reliance on secondary sources, the work cannot be said to be a book of reference. It does, however, deserve wider reading than by the beginning student. The practicing lawyer, deficient in a knowledge of International Law and lacking the time to read anything as lengthy as the two-volume Oppenheim-Lauterpacht treatment of the subject, would do well to give attention to this book.

W. SAMORE

LAWYER'S GUIDE TO ACCOUNTING. H. A. Finney and Richard S. Oldberg. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1955. Pp. xxi, 291.

A capacity to grasp the significance and meaning, as well as the implications which lie behind, an assemblage of figures is as much a part of the competent lawyer's skilful technique as is his capacity to understand, organize and present the facts concerned in the client's affairs. Without this capacity, just as would be true of a lack of knowledge of literature or government, the lawyer could not be a social, political or economic architect but would be a veritable drudge; one forced to rely on the plans and designs of other men. This is not an assertion that the lawyer must include all of the skills of a certified public accountant among the diverse techniques over which he is expected to be a master for one does not have to be an experienced chef to enjoy the savor of tastefully prepared food. He should, however, possess a degree of familiarity with accounting language and practice, with accounting forms and concepts, to the point where he is able to recognize the real meaning thereof and to avoid pitfalls from a too-blind reliance thereon.

It has been the case in the past that books on figures have either been directed to the "mysteries" of double-entry bookkeeping or, because prepared by accounting professors, have gone deeply into accounting techniques so as thereby to lose value and perspective for lawyers. It is the particular merit of this book, one compiled by a former professor of

accounting at Northwestern University in collaboration with a Chicago practicing lawyer, that it contains enough of the basic procedures at the same time that it highlights the things the lawyer will need to know. It possesses further charm because, through the use of frequent and recurring illustrations drafted in non-technical language, it presents the subject matter in both a lucid and an entertaining style. No one could fail to appreciate the importance of the subject to the lawyer after preliminary experimentation with the twenty questions which serve as a preface to the text; no one of average ability should be able to profess ignorance in this vital area after reading the contents. If more emphasis is needed, the chapter devoted to an accounting detective story should prove the truth of the adage that figures do not lie but that, sometimes, liars do figure! A lawyer instructed and informed by the material so skilfully presented should readily avoid being fooled by this fact.

**EXAMINATION OF INSURANCE COMPANIES.** Lectures Delivered Before the Examiners of the New York Insurance Department. Adelbert G. Straub, Jr. New York: New York State Insurance Department, 1955. Vol. 7, pp. ix, 991.

A six-volume work approximating 4200 pages of textual material could hardly be considered either usable or complete without a suitable index and other appropriate tables. When such a work is as detailed as is this vast analysis of the administrative chore involved in supervising the proper activities under law of manifold insurance companies, the indexing task becomes a formidable one for, if poorly done, a wealth of factual, descriptive and explanatory material could be lost to view. It is to the credit of the New York Insurance Department that it numbers among its research staff enough competent workers to turn out, with surprising rapidity, an index volume of the excellence and magnitude of this one. Not only has the entire subject matter been given exhaustive topical treatment but every variety of tabular device which could prove to be helpful in locating anything bearing on the contents of these volumes has been supplied. With the issuance of the Index Volume, a book larger in size than any of the predecessor volumes, the country now possesses a comprehensive picture of the techniques employed in at least one of the larger units of administrative activity. If other governmental departments should be inclined to follow suit in an effort to remove some of the mystery which enshrouds their functions and doings, they now have a standard by which to be able to guide their plans or to measure the effectiveness of their efforts.