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New York Evidence (Book Review)

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provision for a permanent professional staff for the continuous re-
examination of the practice provisions and for the formulation of
proposals for their improvement. If the product of the staff work
has merit, it will readily win approval, whether the power of ultimate
decision is vested in the legislature or in a body of judges. I am
happy to see that the Advisory Committee's report contemplates a
process of continuous re-examination by a professional staff. Pro-
fessor Prashker's own career is a demonstration of the prime im-
portance of continuous study by experts. He initiated many far-
sighted and useful reforms which have been incorporated into our
practice, in some instances by action of the legislature and in other
instances by action of the courts.

A professional colleague of Professor Prashker has recently
pronounced this judgment: "This book is undoubtedly the best
short work in the field and a fitting tribute to the man who con-
tributed so much to procedure and procedural reform in this state." 9
I concur.

PHILIP HALPERN.*

NEW YORK EVIDENCE. By Edith L. Fisch. New York: Lond

Anyone who undertakes to turn out a complete work on the law
of evidence within the confines of a single volume assumes a monu-
mental burden. The author of Fisch on New York Evidence has
borne that burden remarkably well.

In 581 pages of text, the author has dealt with most of the rules
of evidence and their exceptions normally found in more pretentious
works on the subject. Nor is the work a mere cursory treatment of
the subject matter in outline form. The author has presented the
various rules of evidence as they apply in New York, has traced their
growth and development and has analyzed and evaluated them.

The order of treatment of the various rules appears to be some-
what novel and unique, but this does not detract from the value of
the work which contains a critical analysis of the basic problems
posed by the law of evidence. Instead, it demonstrates that the au-
thor has exercised a high degree of discrimination in the choice of
subject matter for discussion.

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York State Supreme Court.
The style adopted by the author makes this book extremely readable and understandable.

The busy New York practitioner will find in this volume an invaluable aid to preparation for trial. Diligent research by the author is reflected in the voluminous citations contained in the footnotes and, if there is a New York decision on the particular subject, it will in all probability be found therein. In those instances where no New York decision is available, the author has been able to come up with a decision from some other jurisdiction.

The author has not, however, contented herself with an analysis and evaluation of the rules of evidence which is her declared objective. She has gone further and made sweeping recommendations for the abolition of certain of the rules of privilege, notably the privilege against self-incrimination and the privilege against disclosure of confidential communications between husband and wife. These rules of privilege are so fundamental and have so long existed that they should not be swept aside without compelling reason. The reasons advanced by the author do not seem to justify so substantial a change in these fundamental rules of evidence.

At first blush, it would appear that this text would be of questionable value for use in the classroom because of its general limitation to a discussion of the law of New York which, in many important instances, is contrary to the general rule. A close examination of the subject matter, however, demonstrates that in every instance where this is so, the author has painstakenly pointed out the conflict.

Apparently, it is the intention of the author to supplement this volume in the future since various sections are reserved for future use.

This is an excellent feature and should serve to recommend the book to the lawyer who is primarily interested in finding the law of New York and finding it quickly, for with this treatise, the New York lawyer will be furnished with a ready, current and useful guide.

This book will be a valuable adjunct to the practicing lawyer’s library and should take its place along with the other recognized texts on the subject.

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