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## Prashker on New York Practice (3d ed.)(Book Review)

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## BOOK REVIEWS

PRASHKER ON NEW YORK PRACTICE (3d ed.). By Louis Prashker. Brooklyn, 1954. Pp. XXVII, 954. \$12.50.

Every artisan should know how to use the specific tools of his trade. Every artist should understand how to employ the special instruments of his medium. The profession of the law being both an art and a trade, any treatise on the law (especially when designed for student use) must—to be of value to the student (whatever may be his age or experience)—partake of this double standard. It is in this dual spirit that Prashker's third edition of his *New York Practice* must be judged. And it is in this same spirit that—at one and the same time—I greatly enjoyed reading it in moments of legal browsing and I found it very helpful in my day-to-day work.

In preparation for my comments here, I did some little research on my own. I glanced through the earlier editions of the work, published in 1947 and 1951 respectively—the first of which I had used while in practice and the second since I have been on the bench. I read the reviews by my learned colleagues, Mr. Justice Henry Clay Greenberg<sup>1</sup> and Mr. Justice James B. M. McNally,<sup>2</sup> and I read the reviews by two professorial colleagues of the author, one by J. Leo Rothschild, Esq.,<sup>3</sup> and the other by John W. MacDonald, Esq.<sup>4</sup> They all agree in words or substance upon one thing: with the Civil Practice Act of the State of New York as detailed and expansive as it is, to write one small volume on civil procedure and to make it readable and useful is a difficult task, but that nevertheless the author has achieved this goal with admirable success.

I do not note this with any personal surprise. Skillful lawyer, experienced teacher, keen thinker, devotee of law reform, able writer—these are Professor Prashker's personal attributes and these characteristics are all discernible in this book. He has made a specialty of the field of practice—and a broad and exacting field it is. And it is a field in which important developments currently occur. To be pardoned a personal reference (mentioned here only as an indication of my point) I note that, of certain judicial opinions of mine having to do with problems of practice and procedure which have been "published in the books," at least fourteen—each on a different topic of the law's progress in the matter of the mechanics of the judicial process—found their way in text or footnotes in the book now under review. This shows, I think, the vastness, the difficulty, the significance and the up-to-dateness of Professor Prashker's compact treatise. The Civil Practice Act is the cutting tool of our trade—the sensitive preliminary implement of our art—and a student who obtains early an intimate knowledge and facile understanding of that tool and

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<sup>1</sup> Greenberg, Book Review, 118 N.Y.L.J. 1836, cols. 2, 3 (Dec. 20, 1947).

<sup>2</sup> McNally, Book Reviews, 22 ST. JOHN'S L. REV. 187 (1947), 26 ST. JOHN'S L. REV. 212 (1951).

<sup>3</sup> Rothschild, Book Review, 14 BROOKLYN L. REV. 141 (1947).

<sup>4</sup> MacDonald, Book Review, 33 CORNELL L.Q. 324 (1947).

of the sharpness or dullness of its blade will be enabled to obtain both economic satisfaction and spiritual enjoyment in its use. To that student—in the law school, in the law office and in the law court—I commend and recommend *Prashker on New York Practice*.

When I first began to record my thoughts, I assumed that I would proceed as does the experienced book reviewer: I would point out that the third edition has about 120 pages more than the second; that important recent changes in the law have received proper mention—such, for example, as Section 50-e of the General Municipal Law (procedural steps preliminary to the commencement of an action), Rule 121a of the Rules of Civil Practice (examination before trial), and Section 285 of the Civil Practice Act (interpleader); that the outline of contents is topical and helpful; that the index and the table of cases are complete and invaluable; and that there have been other improvements. I thought too that I might express some disagreement—in the usual style of the reviewer. I thought I might suggest, for example, that, in a book as compact as this, to devote separate chapters to each type and element of a pleading—Complaint, Answer, Reply, Verification, Service and Amended and Supplemental Pleadings, is an unnecessary utilization of valuable space. Or, also for example, I might point out that to place such a topic as *Res Judicata* under the heading of Complaint, rather than under or near the heading of Judgment, is not appropriate. But, in the vein in which these comments are finally written, to subject this splendid book to minute criticism would, I think, be an act of supererogation. Other defects of emphasis or arrangement I think there are. Quite naturally, the author or even another reviewer may disagree. Since I have informed the author of my views, I hope that when (in consequence of the expected demand) the fourth edition is published, Professor Prashker will do me the honor to adopt my suggestions although I have not here made them public.

MATTHEW M. LEVY.\*



THE AMERICAN LAWYER: A SUMMARY OF THE SURVEY OF THE LEGAL PROFESSION. By Albert P. Blaustein and Charles O. Porter, with Charles T. Duncan. Chicago: The University of Chicago Press, 1954. Pp. XIII, 360. \$5.50.

The Survey of the Legal Profession sponsored by the American Bar Association (commencing in 1944) and the Carnegie Corporation is now substantially complete. The Survey has involved the work of over 300 research workers and has culminated in several thousand printed pages of reports. Twelve volumes and 158 special articles and reports have appeared. They reflect the education, ideals, and professional and public services of the American lawyer. The special articles and reports have appeared from time to time in law reviews and legal periodicals. But in many instances, copies of the articles and reports are not presently available.

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\* Justice of the Supreme Court of the State of New York.