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Prashker on New York Practice (Book Review)

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would eliminate the painful dichotomies which are perpetuated in our system and would tend to minimize not only the administrative burdens, but also the most important, yet most forgotten consideration, the ultimate cost to the taxpayers.

The underlying irony of it all is the apathy of the taxpayers who should be the ones most aroused at this duplication of revenue collection costs. Yet let a member of the bar or a certified public accountant or other tax expert come forth with such a suggestion, and the average taxpayer is likely to stifle a yawn, or more likely barely stifle a yawn and relegate the subject to the technical men. It is really those who have the vested interest in the confusion, the tax experts, who point out the need for reform, yet the subject, being fraught with little sensationalism, never quite touches off the great emotion of reform in the ordinary taxpayer.

The reviewer's compliments, however, to Professor Harrow. In all fairness to his book, I would say with true, contrite fervor that no law office should be without one.

BERTRAM HARNETT.*



PRASHKER ON NEW YORK PRACTICE. By Louis Prashker. Brooklyn, Second Edition, 1951. Pp. xxxiv, 828. \$12.00.

The active practitioner is very much concerned with procedure whereby substantive rights are developed. Unlike substantive law, the law and rules of procedure do not readily fall into a logical pattern. One, therefore, cannot be certain at all times of the appropriate procedure. A comprehensive and incisive text on practice and procedure is consequently a necessity in the active practice of the law. *Prashker on New York Practice* is precisely what a practitioner requires for it is the product of an inexhaustible and profound knowledge of the law of practice and procedure tempered by the flames of innumerable court skirmishes.

It was the writer's privilege to review the original edition published in 1947.¹ The present book follows the general pattern of the prior edition. Many topics not treated therein are treated here, such as *lis pendens*, pre-trial practice, satisfaction and cancellation of judgment, arbitration and costs. Many provisions of the Civil Practice Act and rules of Civil Practice added or amended since the last publication are also dealt with.

In its general aspect the book is a work of art by a very skillful lawyer and legal writer. The sequence and content of the subject matter are in complete accord with and perfectly keyed to the point of view and approach of the busy practitioner. So much so, that to a large extent the excellent index and tables are unnecessary. All too often valuable content eludes the active prac-

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¹ McNally, Book Review, 22 ST. JOHN'S L. REV. 187 (1947).

tioner because of an inadequate index and the sequence is not in conformity with the ideological associations of the busy attorney. Here, the material is admirably arranged and the tables and index serve to rapidly and accurately direct the reader.

Although *New York Practice* is of inestimable value to the active practitioner, it is equally attractive to the scholar and student by reason of its unusually apt and crystal clear exposition of the history and philosophy of the law of procedure and extensive citations and discussions of cases, legislative history and treatises. A well-known legal author once said: "The business of a lawyer is to know the law." The logical corollary to that statement is that it is the business of a law student to learn the law. This the student of pleading and practice may do by using Professor Prashker's book. In short, Professor Prashker's *New York Practice* is the magic capsule of knowledge phantasied from time immemorial by the practitioner and scholar of the law.

JAMES B. M. McNALLY.*



BRIEF WRITING AND ORAL ARGUMENT. By Edward D. Re. New York: Oceana Publications, 1951. Pp. x, 150. \$3.50.

Most books produced by members of the law teaching fraternity are not written primarily for the law student. On the contrary they are usually written for the use of lawyers, judges and law teachers, and from the viewpoint of satisfying their concepts of legal scholarship in the subject treated. There is also the further objective of escaping the barbs of the reviewer. Moreover, all too frequently, the writer of a book initially sets out to produce what he hopes may be called an "original contribution" to the subject dealt with. This is altogether a most worthy objective, yet it must be kept in mind that it is not given to many of us to make original contributions. Having, in an editorial capacity and over a long period of time, observed the literary efforts of many in our profession, it has long been my impression that much of the time which some authors have expended in the direction of an original contribution would have been better expended if it had been used in bringing together widely scattered information on some specific topic, arranging and synthesizing such material in a systematic order and in making it generally available in printed form to the legal profession.

With this idea in mind, it is refreshing to discover Professor Edward D. Re's little book on *Brief Writing and Oral Argument*. It is written primarily for the law student in simple, clear-cut, understandable language, yet with sufficient technical treatment to serve the needs of lawyers who have only recently graduated from law schools, the needs of those law schools which conduct courses on how to write trial briefs and memoranda of law, and how to prepare a clear-cut brief for appellate review. This book may also be of

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