

Introduction to the Study of Law (Book Review)

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also comes in for treatment, the author pointing out the close relationship between substance and form. This part of the book should prove particularly helpful to the young practicing attorney who finds himself confronted with the problem of brief-writing for the first time.

In considerable detail and effectively, Professor Re also points out in this section the essentials of a good memorandum of law—its content and purpose, its form, and the distinction between a memorandum of law for the office and one for the court.

It is the reviewer's opinion that even experienced practitioners may profit from Professor Re's helpful hints on oral argument. Observance of these hints will give the lawyer the quiet confidence and ease which is apt to impress the court or the jury. These suggestions may also prove helpful to a lawyer suddenly interrupted with a question from the bench. In this compact little book may be found the story of how distinguished lawyers and judges have handled the problem, which is a "supreme test of the advocate's skill."

The book also includes the form of an appellate brief and a short but adequate bibliography for use by those who wish to pursue the subject further. The technical aspects of the subject as well as the format are good. Its only omission is a table of cases which may well be excusable where the author is observing the rule of brevity.

Among the good books which have been written on brief-writing and oral argument may be included, among others, Cooley's *Brief Making and the Use of Law Books* (1926); Hick's *Materials and Methods of Legal Research* (1942) and Weiner's *Effective Appellate Advocacy*. From the standpoint of price, scope and content, order of presentation, scholarship and literary style, and the high moral tone which pervades every part of the work, this book will compare favorably with its competitors, and because of its succinctness and compactness, will doubtless be used extensively throughout the country in those law schools where the art of brief writing and oral argument is receiving the attention it rightly deserves.

ALISON REPPY.*



INTRODUCTION TO THE STUDY OF LAW. By Bernard C. Gavit. Brooklyn: The Foundation Press, Inc., 1951. Pp. xvi, 388. \$4.25.

Dean Bernard C. Gavit of Indiana University School of Law has for some years been concerned with providing an introduction to law which would be helpful to beginning law students. It has been his conviction that students deserve a better background and orientation to the studies that they have undertaken, than has been offered by the traditional law school curriculum.

In the preface to *Introduction to the Study of Law* he says: "This is not a law book; it is a book about law. It is hoped it will be found helpful

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to three limited groups: (1) the beginning law student; (2) the pre-law student; and (3) the layman who has the abnormal curiosity to know and understand at least a little about our legal system."¹ Although the reviewer does not wish to be understood as detracting from the admirable, though perhaps "abnormal curiosity" of the layman who is sufficiently interested in law and the administration of justice to read a textbook about it, it must be confessed that the book was read in an effort to ascertain the extent to which Dean Gavit has succeeded in "introducing" readers within the first and second categories to the study of law. In fact the reviewer was primarily concerned with the book's merit as a teaching tool to afford the beginning law student a true orientation to the study of law.

The book does not purport to be a book on jurisprudence, nor is it like the conventional book on elementary law. Dean Gavit states that what he has tried to do is to explain those matters which he wished had been explained to him when he started law school in 1915. In this respect he may rest assured that he has succeeded in explaining not only matters that probably were not explained in 1915, but also matters that were not explained to law students of a much more recent date.

Since there is probably no unanimity of opinion as to what is an ideal background for the study of law or even as to what matters should go into an orientation course to be given to the entering law student, it is probably fair to say that no two persons would have written a book on an introduction to the study of law in the same way. The difference of opinion would extend not merely as to the subject matter to be included in such an introductory book but also as to the particular order for its presentation. Nevertheless, most teachers and students alike, upon reflection, would agree that an orientation course worthy of its retention in a crowded curriculum should include a discussion of the nature of law, legal concepts, the judicial process, and something about procedure and the forms of action. All these matters and much more can be found in Dean Gavit's *Introduction to the Study of Law*.

The beginning law student who may make the wise decision to read this book will doubtlessly be grateful to Dean Gavit for having ". . . tried to obey the mandate of the Code of Procedure and to state what is said in 'plain and concise language so that a person of common understanding will know what is intended.'"² Since it is entirely reasonable to assume that such a reader will be a "person of common understanding" he will not have the slightest difficulty in appreciating and comprehending the lessons that this experienced law teacher has incorporated in eight comparatively short chapters.

The above does not imply that Dean Gavit has ignored legal terminology and failed to make the reader aware of the importance of a mastery of those words of art which express definite legal concepts. To the contrary, Dean Gavit has done an excellent job in introducing the reader to Hohfeldian terminology. Although it cannot be said that the discussion of legal concepts possesses the same degree of accuracy and jurisprudential value as that found

¹ P. iii.

² P. iv.

in Professor Bowman's handbook on elementary law,³ nevertheless the chapter dealing with the meaning of such words as liberty, right, privilege, power, and immunity is very useful. In all probability Dean Gavit did not intend to delve into a jurisprudential discussion for fear that it might have discouraged further reading. The prefatory remarks indicate that the author was well aware of the psychological factors that deter a student from reading a textbook. Especially are these considerations important if the reading of the book is to be merely "recommended" rather than "required." Therefore, the author thought it essential that the book should be one of small physical proportions. He states that ". . . nothing is more discouraging than an elementary or introductory book which has an outward appearance which belies its purpose and function."⁴ For the same reason, Dean Gavit adds that in such a book "documentation is very much out of place." He explains that: "Unless a book is to be used as a reference book and as an 'authority' footnotes do no more than make for interrupted reading."⁵ Although this does not mean that no documentation is contained in the book, whatever documentation is used is incorporated into the text either with or without parentheses, and even this technique is used sparingly. Surely even Professor Llewellyn would not accuse Dean Gavit of being afflicted with "citis," if the Dean's legal writing habits are to be judged from this one book.⁶

Since the beginning law student studies segments of the law, which of necessity can only become meaningful at a later date when the picture will be rounded by additional subject matter, Dean Gavit is convinced that a general survey of the law can be helpful to the law student even though that survey deals principally with generalities and hence may occasionally be misleading. Hence, he has included in the book sections which deal with specific substantive topics, such as the law of contracts, agency, property, torts, and crimes. It is believed that their inclusion in the chapter entitled "Legal Concepts and Classifications" was entirely proper. As a matter of fact, their exclusion in an otherwise comprehensive book intended to serve as an introduction to the study of law, might very well have been deemed a serious omission.

One interesting feature of the book is Chapter II, entitled, "A Little About Pre-Legal and Legal Education."⁷ Therein are included such varied materials as remarks on opportunities in the law (including "two words of caution" to the young woman lawyer),⁸ the lawyer in business, the lawyer's income, the legal requirements for admission to the bar, the content and quality of pre-legal education, the importance of the "King's English," and law school training. Although this chapter has all the earmarks of what may be the good Dean's address of welcome to an entering class, a lawyer in the audience would particularly welcome the remark: "One entering upon the study of law should recognize that basically the practice of law is an intellectual occupation."⁹

³ BOWMAN, HANDBOOK OF ELEMENTARY LAW (1929). The late Professor Bowman was also a member of the law faculty at Indiana University.

⁴ P. iii.

⁵ *Ibid.*

⁶ See LLEWELLYN, THE BRAMBLE BUSH 8 (1951).

⁷ Pp. 24-40.

⁸ Dean Gavit states that: "People generally, and lawyers specifically, have what at least approaches a prejudice against women lawyers." P. 26.

⁹ P. 38.

Of course, when Dean Gavit adds that "[a] good lawyer is something of a scholar," it would seem that a motion is entirely in order to strike out "something of."¹⁰

Introduction to the Study of Law is an important contribution to the list of books that the beginning law student should read in order to acquire the firm foundation that is indispensable to make his study of law more than simply the learning of a craft. Because of its wealth of material and the simplicity of its presentation, a reading of Dean Gavit's book is heartily recommended to the lawyer of tomorrow.

EDWARD D. RE.*



CORPORATE MEETINGS, MINUTES, AND RESOLUTIONS. By Lillian Doris and Edith J. Friedman. New York: Prentice-Hall, Inc., Third Edition, 1951. Pp. lxxiii, 1114. \$12.50.

This work blends a treatise on corporate law with a collection of forms for use in corporate activities. The authors' purpose, as stated in the preface to the first edition, was (1) ". . . to explain to those who are responsible for preparing the minutes of corporate meetings, the elementary principles of corporation law, a knowledge of which is essential to a proper authorization of corporate action and to a proper record of action taken," and (2) ". . . to present precedents of minutes and resolutions that meet the usual legal requirements, that are carefully drawn, and readily adaptable to the needs of the average business corporation." In this, the third edition, the authors have adhered to the original aim, while at the same time bringing the second edition up to date. The plan of the book is to first present a chapter discussing the principles of law relating to a particular area of corporate life, and then to follow this discussion with a chapter of forms dealing with the same general area. Most of the ordinary corporate problems are included, as well as a good many of the more unusual ones.

The collection of forms, over eight hundred in all, is very good, and its intelligent use should be of substantial aid to the practitioner and the businessman as well. Such forms are likely to be especially helpful to the attorney in general practice, who, while not a specialist in corporate law, does a fair amount of such work. The specialist usually has his own collection of forms which have been employed by himself or his colleagues in the past, and thus has no great need for outside assistance on this score. The general practitioner, on the other hand, especially if he practices alone or in a small office, normally does not have enough of any one type of legal business to justify the purchase of a complete library of forms.

The main sources of the forms contained in the book were corporate minute books which had been brought before official investigating committees

¹⁰ *Ibid.*

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