

The Constitutional World of Mr. Justice Frankfurter; Some Representative Opinions (Book Review)

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acts enumerated in Section 34 of the Decedent Estate Law which are required for the revocation of a will in the absence of an attested paper writing purporting to effect such result. Instead the authors discuss the effect of erasures, interlineations and additions. Obviously this material is not related to the title and was mistakenly included thereunder.

Section 238A is entitled "Disposition of Revoked Testamentary Instruments." There are two statements contained in this section which are apparently inconsistent with each other. One statement is to the effect that the destruction of an old will after the execution of a new one may be inadvisable at times, and the other is to the effect that the retention of prior instruments does not serve any useful purpose. The former statement is tenable, but the latter is not. Any lawyer could readily suggest circumstances warranting the retention of an old will upon the execution of a new one. Whether this should be done in a given case depends upon the particular facts and circumstances. Certainly no general rule can be laid down.

Finally, it should be noted that the book does not contain a table of the cases cited in the text and in the footnotes. Presumably the answer to this objection is that the book does not purport to be an exhaustive treatise on the Law of Wills but rather a book of forms with a commentary on the law regarding the use of such forms. Conceding the adequacy of the answer, still the inclusion of a general index would increase the usefulness of the book.

The aforesaid observations do not in any measurable degree affect the general excellence of this work. It is a good, sound, scholarly, informative handbook for practitioners in this field.

GEORGE F. KEENAN.*



THE CONSTITUTIONAL WORLD OF MR. JUSTICE FRANKFURTER; SOME REPRESENTATIVE OPINIONS. Selected and edited by Samuel J. Konefsky. New York: The Macmillan Company, 1949. Pp. xviii, 325. \$4.50.

This work is a compilation of 43 of the most significant and representative opinions of Mr. Justice Frankfurter, each preceded by a foreword written by the author.

The author in his introduction gives ample justification for the publication at this time of the opinions of one who has been on the bench relatively so short a time. "There are . . . cogent reasons why Mr. Justice Frankfurter's opinions should be published. The first is that he is without doubt the most controversial figure on the Court today, the object of warm praise and bitter—in some instances, even vituperative—denunciation. . . . Many thoughtful observers find it difficult to reconcile much of Justice Frankfurter's judicial activity with the very ideas and values he himself professed¹ . . . (and) which led a liberal President to choose him as Cardozo's successor."

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¹ P. xvi.

Professor Konefsky thinks that although Justice Frankfurter's failure ". . . to live up to the expectations of some of his former admirers is . . . the basic reason for their disillusionment, . . ." ² he is also in part the victim of the fact that judicial opinions are not directly available to the average person who must instead rely on the inadequate reporting of Supreme Court cases by newspapers and periodicals. He concludes that the detractors of Justice Frankfurter would do well to read his opinions—their views might be more temperate. The purpose of this volume is to make those opinions more readily available to the non-lawyer.

Each opinion is introduced by a concise and lucid summary of the fact situation and the legal background necessary for adequate understanding of the cases involved.

ARTHUR L. GOULD.*



MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION. Edited by Arthur T. Vanderbilt. New York: The Law Center of New York University for The National Conference of Judicial Councils, 1949. Pp. xxxii, 752. \$7.50.

Minimum Standards of Judicial Administration is a book more accurately described by its subtitle. The subtitle is "A Survey of the Extent to which the Standards of the American Bar Association for Improving the Administration of Justice Have Been Accepted Throughout the Country." In an illuminating introduction, Chief Judge Arthur T. Vanderbilt, who has edited this colossal undertaking, states that the "volume is tendered not as a literary effort but as an arsenal of facts." ¹ An arsenal of facts it is indeed.

The book is the result of a nationwide survey conducted through the Junior Bar Conference and is calculated to record whether or not, or to what extent, each state is complying with the standards of judicial and procedural reform accepted by the American Bar Association. Anyone interested in ascertaining the reasons that prompted these recommendations may simply turn to the various appendices in the back of the book and read the appropriate Committee Report.

The body of the book records the facts of compliance or noncompliance with these recommended standards. It embodies the results of the cooperative efforts of judges, lawyers, and law teachers in the forty-eight states. In this regard Judge Vanderbilt tells us that "No effort has been spared in the attempt to obtain accuracy in the presentation of all of the available facts, but it is inescapable in a work of this nature that is the product of so many hands that

² P. xvi.

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¹ P. xxxii.