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 pur-
poting 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 Instru-
ments.” There are two statements contained in this section which are ap-
parently 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 re-
garding 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 REPRE-
SENTATIVE OPINIONS. Selected and edited by Samuel J. Konefsky. New

This work is a compilation of 43 of the most significant and representa-
tive 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.”

* Member of the Faculty, St. John’s University School of Law.
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, . . .” 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 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.” 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.