

Supplement to Cases and Materials on New York Pleading and Practice (Parts I and II)(Book Review)

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has specialized and gained an enviable reputation in the trial of civil and criminal cases. He has also been a legal educator, teaching in the Illinois College of Law, later absorbed by De Paul University, and subsequently becoming Dean of its Evening Law School, in which position he served until 1923 when he became Dean Emeritus. His prior publications have been strictly confined to law books.

The editor states in the frontispiece, that this book provides "more practical instructions for the young trial lawyer and law student than are to be found in a hundred orthodox law books." With this statement, your reviewer whole-heartedly disagrees.

The book is essentially a compilation of interesting anecdotes detailing occurrences during trials in which the author either took a part, or was an observer. Various colorful members of the Illinois Bar, and judges in the different courts of that state, appear frequently in the many short stories told.

Interesting factual situations are presented, clever bits of cross-examination are related, and unusual and humorous rulings by certain members of the judiciary are told. The book makes absorbing albeit light reading and can be highly recommended for an evening's entertainment. However, its value in practical instruction is almost nil. No summary of the contents can herein be presented, because there is no particular point made by the book, nor has it a plot or central theme. It can be likened to a collection of O. Henry stories, with similar wide variations of characters and surprising or unusual conclusions.

The book, having as its situs Chicago, gives a good description of the practice of law in a large metropolis during the early part of this century. Court-room procedure was decidedly more informal then, than now. Trial counsel apparently were then permitted much greater liberty in cross-examination and in making pointed observations respecting witnesses and even the court itself. A spirit of friendliness among the judges and opposing counsel then prevailed. But then, as now, the most important weapon in the trial counsel's artillery was intensive investigation. If any point is made by this book, it is in again and again impressing upon the reader the indisputable principle that the investigation of facts and the preparation of the law pertaining to the facts are the foundations of a successful trial.

TRAVERS E. DEVLIN.*

SUPPLEMENT TO CASES AND MATERIALS ON NEW YORK PLEADING AND PRACTICE.
Parts I and II. By Louis Prashker. Brooklyn, N. Y., 1942, pp. 542.

Probably the most discouraging feature of any legal publication on current law, is that its usefulness begins to be impaired with the date of publication. Fresh from the press, it begins to deteriorate by the enactment of new legis-

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lation and the changing attitudes of courts to old doctrines in the solution of different, if not novel, states of fact.

Although much can be said in behalf of those who believe it unimportant that law students be "kept up to date" and that the emphasis should be on legal reasoning and not on last-minute results, the case of these advocates is not so strong when it comes to the law of pleading and practice as developed in a particular jurisdiction. It would seem that in this subject modernity must be stressed unless the position is taken that the student is not interested in how procedure is functioning today.

Professor Prashker has apparently seen the need for a living course in procedure. In his latest publication, he has meticulously stated and appraised decisional and statutory law of procedure since the date of his main publication in 1937. Many have been the changes in this short period, as an inspection of the supplements will reveal. Nor has the author hesitated, when opportunity presented itself, to state unqualifiedly his views on matters which remain quite unsettled.¹

There is little doubt that in ordinary times, it might have been better to have integrated the new matter with the old and published a single revised edition. However, these are not ordinary times and any intelligent method whereby the law can be so skillfully brought down to date, without adding to the expenditures of the student, seems sound.

Practicing lawyers cannot fail to appreciate the merit of the main volume and the supplements. Together, they analyze, they clarify and they summarize the New York Law of Procedure in a scholarly and lucid manner. Another work of outstanding excellence may now be added to our bookshelves.

EDWARD J. O'TOOLE.*

¹ See discussions of C. P. A. § 229-b at p. 127; of Statute of Limitations and conflict of laws at p. 39; of effect of service of amended pleading at p. 237; of scope of amendments to a pleading at pp. 240-243; and of admissions as to matters of fact, papers, documents and photographs (C. P. A. § 322) at p. 413.

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