

CASES AND MATERIALS ON MODERN
PROCEDURE AND JUDICIAL
ADMINISTRATION, by Arthur T. Vanderbilt.
Washington Square Publishing Corp. New York
City, 52. Pp. 1390.

Ben R. Miller

Repository Citation

Ben R. Miller, *CASES AND MATERIALS ON MODERN PROCEDURE AND JUDICIAL ADMINISTRATION*, by Arthur T. Vanderbilt. Washington Square Publishing Corp. New York City, 52. Pp. 1390., 13 La. L. Rev. (1952)
Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol13/iss1/17>

This Book Review is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact kreed25@lsu.edu.

by focusing the spotlight on truly fundamental problems, he is able to keep the reader's attention alive from the beginning to the end. To this reviewer, the picture he has drawn of the Soviet legal system is in its chief contours convincing.

*Edgar Bodenheimer**

CASES AND MATERIALS ON MODERN PROCEDURE AND JUDICIAL ADMINISTRATION, by Arthur T. Vanderbilt. Washington Square Publishing Corp. New York City, 1952. Pp. 1390.

This is a book which every law student, practicing lawyer and judge should have and refer to time and again.

To review this magnificent book one should first review briefly the career of its author. Chief Justice Vanderbilt is a man of many facets, of prodigious energy and ability. As is well known, he was an outstanding practicing lawyer for thirty-four years, and for much of that period was concurrently a professor of law at New York University and for five years its dean. Since 1948 he has been Chief Justice of the Supreme Court of New Jersey, ably performing tremendous administrative duties while at the same time maintaining a tradition of carrying more than his full load of appellate cases. He nonetheless has found the time to write many fine articles and carry a laboring oar in the building of the New York University Law Center. In addition, he has taken an active part in the advisory committee on the Revision of Statutes, the Citizenship Clearing House, the newly created Institute of Judicial Administration, and in the Judiciary Section of the American Bar Association. In brief, he has amazed even those who know and respect his tremendous ability and energy.

This latest of his publications reflects his wealth of experience in his many sided career.

The student, lawyer and judge will gain a new perspective from the author's discussion of the historical development of the principles of pleading and of the conflicting theories and systems. As a working tool, however, this book is especially valuable.

The various steps in court procedure, considered in order by Chief Justice Vanderbilt, are:

1. In what court may suit be brought—jurisdiction.
2. Who may sue whom—parties.

* Professor of Law, University of Utah.

3. Where may suit be brought—venue and transfer of cases.
4. How to get the defendant or his property into court—process.
5. What relief is sought—remedies.
6. How to state the controversy—the pleadings.
7. How to prepare for trial—pretrial procedures.
8. How to litigate the controversy—the trial.
9. How to correct trial errors—judicial review.
10. How to enforce a judgment—execution.

The new Federal Rules are fitted into each and with "chapter and verse." With pretrial and discovery now applicable in our state courts and taken almost verbatim from the Federal Rules, this book serves as a particularly valuable yet inexpensive reference and guide. But not only are all the Federal Civil and Criminal Rules themselves contained in this book; almost all are fully discussed and court interpretations quoted. For example, there are appropriate excerpts from some four hundred principal cases involving these rules; in addition, comment and footnote references are made to some five hundred more cases.

As Theodore Roosevelt once put it, "Every man owes some of his time to the up-building of the profession to which he belongs." Chief Justice Vanderbilt concludes his book with a challenge to both the bar and the bench. He makes readily available that famous address by the then young law professor, Roscoe Pound, before the American Bar Association in St. Paul in 1906—"The Causes of Popular Dissatisfaction with the Administration of Justice." It will rudely shock one's complacency to read that address, for no lawyer could fail to realize how true even now are many of those indictments of almost half a century ago.

The basic responsibilities of the bar are admirably outlined by Chief Justice Vanderbilt. Paraphrasing from his new book:

1. Are the Canons of Ethics observed by the overwhelming majority of the bar?
2. Is there speedy and effective procedure for enforcing compliance with the Canons of Ethics, and of discipline for their violation?
3. Is there really an adequate procedure for the defense of indigents charged with a crime?

4. Are we meeting our obligation to see that those unable to pay for needed legal services nonetheless obtain them?
5. Is there continued effort to reduce the cost of litigation and to eliminate its delays?
6. Are the state and local bar associations truly representative of the lawyers in the respective areas?
7. Are your bar associations actively engaged in promoting effective programs for raising the standards of judicial administration in this state?
8. Do the state and local bar associations present to the public the position of the bar on important issues of the day, more particularly those relating (a) to judicial appointment or elections and (b) to government generally?
9. Finally, are the lawyers the state leaders—and for the public good—in public and civic affairs?

And he suggests that both judges and lawyers constantly ask themselves:

1. Do our judges have the highest possible reputation for integrity?
2. Do they keep themselves free from the entanglements of state and local politics?
3. Are they punctual in opening their courts, diligent and prompt in their work?
4. Is the atmosphere of their courts one of dignity?
5. Are the Canons of Judicial Ethics overwhelmingly followed?
6. Are procedural technicalities minimized in our system?
7. Finally, are the judges collectively aggressively striving to improve the standards of judicial administration in our state?

Professor Wigmore's reaction to the St. Paul address of Roscoe Pound was to quote the great dramatist Calderon:

“A little spark may start a mighty blaze;
A gentle breeze a stormy gale may raise.
A little cloud may bring a flood's downpour,
A distant flash may end in thunder's roar.
Thus, starting as only spark, breeze, cloud, or flash,

They end as fire, and flood, and tempest's crash.'”

Arthur T. Vanderbilt has rekindled that spark many times, and, as his latest book shows, the flame is burning brightly.

*Ben R. Miller**

* Member, Baton Rouge Bar.