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LAW AND TACTICS IN JURY TRIALS, by  
Francis X. Busch. Bobbs-Merrill, Inc., Indianapolis,  
1949. Pp. xxii, 1147.

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If and when such a day comes, and equality is achieved by statute, Berger predicts that the Christian principle of "Love thy neighbor" will in fact be fulfilled.

*Charles A. Reynard\**

LAW AND TACTICS IN JURY TRIALS, by Francis X. Busch. Bobbs-Merrill, Inc., Indianapolis, 1949. Pp. xxii, 1147.

"Twelve Good Men and True"—the bulwark of democracy and the preserver of our freedom. Does Louisiana hold the jury trial in the same degree of respect and reverence as do all the other states of the Union? This is an interesting question, but in view of the fact that the civil jury trial has been used very sparingly in Louisiana up until recently, it has been said that Louisianians do not have the same understanding and confidence in the jury system as do those who see it in more constant usage. Perhaps the reluctance of Louisiana attorneys to use the civil jury trial is attributable to the provision in our law which grants the appellate court the right to review the facts of any given case. It has been generally felt by plaintiffs' attorneys that our law is not geared for effective civil jury trials; this explains the negligible part that jury trials have played in the legal history of our state.

During the last several years, however, there has been a trend toward the more frequent use of the civil jury trial. Many prominent Louisiana attorneys have apparently been enlightened relative to the advantages that the jury trial affords, and have been putting it to very effective use in the federal courts and have even used it to some extent in the state courts. This trend in Louisiana developed on the heels of a nationwide rejuvenation or modernization of jury practice. Certain leading legal luminaries have achieved phenomenal success by injecting new methods and devices into jury practice, such as the more extensive and refined use of demonstrative evidence—charts, pictures, diagrams, blackboards, et cetera. Their ideas and methods have been spread throughout the country, and they have given the jury system a boost which might well return that system to the stature which it once held.

Regardless of how one feels about the jury trial, he cannot

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safely ignore the fact that the civil jury trial is becoming ever more popular in Louisiana and promises to be in very frequent use in the future. Any attorney in the general practice of law, whether representing plaintiffs or defendants, will probably be required to participate in jury trials.

Are we adequately equipped to handle civil jury cases? By and large, Louisiana attorneys have been reared in an environment of "trial by judge," and have not been schooled in the psychology and art of jury persuasion. In view of the impending revolution which has already had a profound effect on the practice of law in Louisiana, we must look for outside help in order to make ready for the new developments.

This book may well provide the answer to our legal literary needs. Dean Busch offers a virtual encyclopedia on the subject, which should be of great benefit to all who are interested. He traces the development of the jury trial from its embryonic stages in England to the latest "model" in the United States. He explains in great detail every phase of the trial from the selection of the jury to the rendition of the verdict. The book provides in "hornbook" fashion the procedural law involved in every phase of the trial. The law is stated in running commentary, but is authenticated by citations to cases in point. The writer of this review was particularly impressed with the number of citations from various jurisdictions on each important question. Where there is a diversity of opinion in various states, the author generally identifies the majority rule and explains the minority position. As in a legal encyclopedia, one may look through the footnotes for a citation or annotation of a case in his jurisdiction and may thus determine at a glance whether his state subscribes to the majority or minority rule.

After reading the book, one senses why Dean Busch has reached the position of eminence which he now enjoys. His treatise is complete and exhaustive—he leaves no stone unturned. Preparation seems to be the keynote or theme running through the entire book. He has devoted a whole chapter to the "Preparation of the Case," and it is obvious that thorough and adequate preparation is one of the required ingredients in his formula for successful litigation.

Another area that Dean Busch treats at length is the vital subject of cross examination. It is generally conceded that cross examination is one of the most difficult arts to master in the

practice of law, yet one of the most important. Much has been written about the art of cross examination, but certainly Dean Busch's contribution to that phase of legal literature will rank with the greatest. He covers almost every type of examination of witnesses and gives helpful suggestions for each type. The book does not show any partiality or favoritism for either the plaintiff or the defendant. He recommends the proper type of question for a particular situation on direct examination, and he then suggests the best manner of counteracting the evidence so elicited by proper cross examination. Thus, the book will certainly prove equally useful and advantageous to defendants' attorneys and claimants' attorneys.

Perhaps the most interesting feature of the book, and the factor which makes it so effective, is that at the end of each section of commentary there are real illustrations showing how eminent attorneys put into practice the principles and methods which the author has dwelled upon in that particular section. The illustrations are particularly good because each one relates to a factual situation which has been explained in detail. One can visualize the actual trial conditions, and as he reads the questions and answers he can almost feel the effectiveness of the attorney's presentation. The author has been careful to select excerpts from the testimony in famous trials, such as the Lindbergh case, which are of special interest to all practitioners.

Dean Busch, in the many years of his illustrious career as a trial attorney, as a legal scholar, and as a teacher, has undoubtedly acquired a keen insight into human nature and a true understanding of the operation of the jury system. Through the long years of his active practice, he felt the pulse of the American jury so many times that he knows and understands the operation of the human mind as few men do. The value of these attributes in the practice before juries can never be overestimated. The value of this book lies in the fact that it conveys much of that understanding and insight to the reader. As one reads the book, he gets the impression that Dean Busch has literally poured into this work all the knowledge and experience which he has acquired through the years of his legal career. The book is truly a masterpiece and it should be a definite "must" on the reading list of every law student, attorney and judge who might come in contact with the civil jury in the future.

*Louis D. Curet\**

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