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Book Reviews

RESEARCH IN LOUISIANA LAW, by Kate Wallach. Louisiana State University Press, Baton Rouge, 1958. Pp. xi, 238. \$5.00.

Many components enter into the successful practice of law, not the least of which is a knowledge of legal bibliography and research. Yet despite its importance, the average practitioner often has only a rudimentary understanding of the fundamentals of legal research, based perhaps on a dim recollection of a law school legal bibliography course plus haphazard know-how acquired through sometimes hit-and-miss use of the books in his library. Indeed, he may not be aware of the full legal resources available for his own state. This can be attributed in part to the fact that the standard texts on legal bibliography, as employed in most schools, naturally tend to emphasize nationally-used law books. Although these texts are invaluable for finding general law or for practice in the federal courts or those of other states, still they do not and cannot effectively acquaint the student (or attorney) with what he must know to investigate adequately a problem in his local lawbooks. In view of these inadequacies, it should be welcome news to the bar of a state when a book which devotes itself principally to the legal literature of that state makes its appearance. And when the work in question represents one of the finest examples of bibliographical scholarship that can be found in the field, the news should be doubly welcome. Kate Wallach, the eminently qualified Law Librarian of Louisiana State University, has written such a book.

Research in Louisiana Law is, first of all, a lucid, comprehensive description of the sourcebooks of Louisiana law and the methods of research within them. Second, it gives a brief but invaluable presentation of Louisiana's legal history; the origin and development of her legal institutions; and the operations and publications of her present governmental and administrative bodies. Third, it explains the historical materials needed for understanding of the Roman, French and Spanish backgrounds of Louisiana jurisprudence. Fourth, it assembles for the librarian and research expert accurate and helpful checklists of the state's principal legal publications. These, and other useful features, such as indicating proper citation forms, or

giving helpful references to articles or books which develop more expansively the topics discussed, all serve to enhance the book's great value as a research tool.

The scope of the volume is quite comprehensive. In addition to a first part which sets out the basic sources for finding Louisiana law, there is a second part which presents a bibliographical history of Louisiana civil sources. This coverage is necessitated, of course, by the unique status of continental law in a state whose colonial background differed from the common-law environment of her sisters in the Union.

In the first part, the description of the repositories of Louisiana law proceeds along conventional lines. The first chapter deals with the sources of statutory law. In it Miss Wallach discusses methods of finding the state's constitutions, session laws, compilations, codes, and municipal ordinances. She does more, however, than describe the standard sources. The researcher pursuing the elusive goal of determining legislative intent will discover useful analyses of the materials available for constitutional research (e.g., the *Projet* of 1950; convention proceedings); for legislative research (e.g., the work and publications of the Louisiana Legislative Council and the Louisiana State Law Institute; legislative journals and documents); or on the background of the Codes (e.g., the Louisiana Legal Archives). The student of legal history will find information relative to early constitutions, compilations and codes, as well as the organization and structure of the legislative and judicial branches of Louisiana's earlier governments. For example, the section describing the codes presents their relationship, a chronology of their enactment and revision, the published forms and sources of the Civil Codes of 1808, 1825 and 1870 with their *projets*, early compilations of the Code of Practice, and the developments leading up to the adoption of the Criminal Code and Code of Criminal Procedure. Assembled also are comprehensive checklists of constitutional conventions, session laws, Louisiana Legislative Council and Law Institute publications, compilations, indices to revised statutes, uniform and model acts adopted by Louisiana, unadopted codes, the Civil Code editions, the Code of Practice editions, and editions of the Criminal Code, Code of Criminal Procedure and other criminal laws.

The second chapter begins with an account of the development of Louisiana's judicial system during the colonial, terri-

torial and statehood periods. Next is an explanation and tabulation of the reports for the Supreme Court and courts of appeal, along with a notation on the reporting of dissenting and concurring opinions. Mention is made of the reporting of the decisions of federal courts sitting in Louisiana¹ and the possibility of local cases being found in the selected case series, such as the American Law Reports.² Of particular interest to the practitioner is the information given concerning the deposit of appellate briefs and records. These represent a fruitful source for legal research and should not be overlooked by attorneys having access to the Louisiana State University Law Library in Baton Rouge or the office of the clerk of the Supreme Court in New Orleans where these documents are filed. Other matters covered are the mechanics of the National Reporter Blue Book and the citators in obtaining parallel references,³ and a summarization of the jurisdiction of Louisiana's courts that should prove helpful to the law student or out-of-state researcher.

The next two chapters deal with digests and citators, two categories of law books that are virtually indispensable to the finding and evaluation of the jurisprudence. As she does with all the bibliographical sources cited, Miss Wallach evaluates their usefulness to the Louisiana lawyer and does not hesitate to criticize short-comings or commend advantageous features in the sets mentioned. Thus, Dart's Louisiana Digest is commended for its use of civilian terminology; the limitations of citators are noted; the great value of the key-number system used in West's Louisiana Digest is duly observed. These chapters are followed by a brief one treating of court rules and the rule making power. Here several small inaccuracies and omissions appear. The courts of appeal rules do not appear in Dart's Code of Practice as is intimated. The rules for the United States District Courts for the Eastern and Western Districts of Louisiana can also be found in the Federal Rules Service. Another source for the text of all the federal court rules and a commentary on federal prac-

1. Miss Wallach fails to mention *Federal Cases*, which reports the earliest federal district and circuit court decisions.

2. Another example given is *Negligence and Compensation Cases*. I would also include *The Oil and Gas Reporter* and the *Public Utilities Reports*, the former because of the importance of mineral law in Louisiana and the latter because it includes the decisions of the Public Service Commission.

3. I would have expanded this section to explain how West's Louisiana Digest Table of Cases can be used to find the citation of a Louisiana case known only by name, as well as checking the full citation if there have been parallel reports.

tice is the *Cyclopedia of Federal Procedure*, Third Edition, 17 volumes, which is not mentioned.

The chapter on administrative law represents one of Miss Wallach's most significant achievements. Perhaps no other area of law is as unfamiliar to the local practitioner, despite the pervasion of administrative bodies in every phase of state government; the same generally is true of his knowledge of how to find administrative regulations and information. Unfortunately most states do not have systematic modes for publishing administrative regulations analogous to the *Federal Register* and Louisiana does not appear to be an exception. Some Louisiana agencies publish reports and regulations with frequent regularity; others do not at all. But to the degree that publications are available, the author indicates them. She begins with a discussion of Louisiana public documents, noting that despite the lack of a series equivalent to the *Federal Register*, Louisiana does have the distinction of having a bibliography of all state documents published during the past 150 years. She then presents an analysis of the functions and itemizes the publications of some 35 state departments, commissions, boards and agencies. The constitutional or statutory basis for the creation of each agency is also given. For example, the section on the Public Service Commission gives the date of its creation and origin as the Railroad Commission, a statement of its functions, a description of its annual reports, tells where a compilation of the Louisiana Public Service Commission laws annotated and rules of practice before the Commission can be found, and includes a reference to a law review article describing the Commission's historical background.⁴ It is difficult to see how an attorney having cases affected by the labors of any of these administrative agencies can afford to forego the knowledge Miss Wallach has so succinctly and efficiently summarized in this one chapter alone.

The final chapters in the first part list by subject the current practice books in use in Louisiana, describe the principal formularies, and notarial manuals, and discuss a number of other miscellaneous legal publications such as legal institute proceedings, loose-leaf services, periodicals, bar association reports, and bibliographies. The presentation is quite helpful, although the section on loose-leaf services could have been expanded by listing

4. Mention might have been made of the fact that decisions of the Commission are often reported in the *Public Utilities Reports* (a special subject reporter) and the *CCH Utilities Law* loose-leaf reporter.

services which include Louisiana material, although not exclusively, *e.g.* the Prentice-Hall Corporation Service. The concluding section which sets out the extent that legal research facilities are available in Louisiana should be of practical importance to every researcher in Louisiana law.

Had Miss Wallach been content to deal solely with Louisiana materials, her accomplishment would be outstanding in itself. But as previously noted she has chosen to go further by including a bibliographical history of the Roman, French and Spanish sources for the Louisiana civil law. This comprises the second part of the manual. As the author points out, the student of Louisiana law is frequently confronted with citations to the original civil law sources when doing research and due to lack of language facilities and unfamiliarity with the authorities referred to, he does not understand the nature of the reference. Miss Wallach has set out to ease these difficulties and in a brilliant summarization of Roman, French and Spanish legal systems, she effectively does so. Although this portion represents an expansion of a similar treatise by her, published in 1955 by the Louisiana State Law Institute,⁵ its inclusion gives the manual a degree of coverage and broadness of scope unequalled in any other local legal research work. As a consequence, not only the local researcher but also the student of comparative law in this country who needs a perspective presentation of the development and legal literature of these three great systems of law will be able to employ this work profitably.

The chapter on Roman law with which the second part begins presents a concise analysis of its historical development, including a description of civil procedure and the varieties of Roman legislation. Brief definitions of the terminology used in Roman law are included. The section on codification depicts the period before Justinian, the compilation of the *Corpus Juris Civilis*, and post-Justinian developments, including the status of Roman law in medieval Europe.

In dealing with French law, Miss Wallach starts with a discussion of the historical status of French law in Louisiana. She covers the colonial charters, the Custom of Paris, and the royal ordinances. The chief sources and commentaries for each are listed. Of obvious significance is the section dealing with the

5. WALLACH, BIBLIOGRAPHICAL HISTORY OF LOUISIANA CIVIL LAW SOURCES (1955).

Code Civil which incorporates a check-list of preparatory materials for that great Code. Equally important is the discussion of the development of the French doctrine. Here Miss Wallach describes the various schools of French legal scholarship and selectively lists treatises which were their products, particularly those that are cited in Louisiana materials. Other valuable sections depict the bibliographical sources for finding modern French statutes, codes, court reports, encyclopedias, legal periodicals and loose-leaf services. There is also a brief summary of the French judicial system. The discussion of court reports elaborates upon the French private reports such as Dalloz, Sirey, La Gazette Du Palais, and La Semaine Juridique, and their method of citation. The final section gives the forms for citing other French research materials.

The final chapter is on the Spanish law. It encompasses early codifications, the status of Spanish law in Louisiana including special laws enacted for Louisiana as well as the laws generally applicable, and a brief bibliography of Spanish doctrinal writings. Here the researcher can learn the sources for such items as the Fuero Juzgo, Leyes De Toro, O'Reilly's Laws, Nueva Recopilacion, and the famous Las Siete Partidas. In this chapter as in the others in this part, Miss Wallach tells where bibliographical information in English can be found for more detailed study.⁶

In summary, little can be added to what has been stated. As this review indicates, Miss Wallach has made a very important contribution to legal bibliographical scholarship. Her book vindicates this reviewer's belief that there is a place for a local research manual, for no one can read and use this book without acknowledging that a manual such as this can do a job that no general work on legal research possibly can. Miss Wallach designed her study to aid the law student, the young lawyer, and the researcher in government in understanding the sources for finding Louisiana law. She certainly has accomplished her objectives. But more importantly, she has produced a work that every Louisiana lawyer, young or old, should have in his library because it is an essential tool in unlocking the wisdom embodied in Louisiana's legal literature.

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6. A very important bibliographical aid not mentioned is *Skladits, Bibliography on foreign and Comparative Law*, an exhaustive list of books and articles in English on foreign law.

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