Suggestions from the Law Library

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[Editor's Note: The Louisiana Law Review has asked the Law Librarian to extend the services of the Library to the Bench and Bar with summaries of recent noteworthy legal publications.]

In commenting on the "Expenditures for Library" in the Economic Survey of the Legal Profession in Louisiana, published by a special committee of the Louisiana State Bar Association in the fall of 1960, the reporter, Dean William D. Ross, Jr., of the LSU College of Business Administration, raises the important question of "the extent to which Louisiana attorneys are keeping themselves informed and are actively attempting to develop their professional knowledge and abilities." (p. 35) As Dean Ross points out, "So-called continuing education has become a necessity in almost every professional and occupational group in the rapidly changing world in which we live today. . . . The lawyer is daily involved with the use of legal reference books, but his intellectual curiosity may easily be allowed to atrophy." (p. 52)

This new venture is designed to stimulate your appetite with food for thought. Suggestions for future comments are invited.

Appealate Practice

The Common Law Tradition: Deciding Appeals, by Karl Llewellyn. Boston-Toronto: Little, Brown & Co., 1960. Pp. xii, 565. $8.50. The author of The Bramble Bush and articles with titles like "Across Sales on Horseback," "On the Good, the True, the Beautiful in the Law," "Why we need the Commercial Code" presents in book form the results of thirty years of studies on the appellate process. For the judge it opens insights into the day-to-day operations of the appellate courts—how do judges decide cases; which factors move them to the results that they reach. There is a strong appeal for improved craftsmanship. Llewellyn, the advocate, pleads for better advocacy and for higher and more self-conscious standards of judging. For the attor-

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ney there are practical analyses of cases, the relation of their holdings to significant factual circumstances and advice on how the result of argument can be influenced by wisdom in presentation. Here is the outside help for the average lawyer with which he can improve his advocate's powers.

**Briefing and Arguing Federal Appeals**, by Frederick Bernays Wiener. Washington, D.C.: Bureau of National Affairs, 1961. Pp. xvi, 506. $11.75. The author is a former assistant to the Solicitor General of the United States and an attorney with extensive private practice. His previous work entitled *Effective Appellate Advocacy* was published in 1950. Although this second version is limited to federal appeals, much of the discussion is also applicable to appeals in state courts. This book is neither a practice manual nor a text on federal appellate procedure; rather it deals with the problems that are common to appeals in all federal courts: the task of presenting facts and law effectively, the psychology of persuasion, the requirements of candor and accuracy. The main parts deal with practice before different types of federal courts before and after argument, with briefing and arguing, rehearings, and, in the last part, examples on the use of statements of facts, petitions for rehearing and a critique of an oral argument. The book contains a wealth of suggestions arranged in orderly fashion and is a welcome deviation from the style so common to "how to do it" publications.

**Corporations**

**Model Business Corporation Act Annotated**, by American Bar Foundation and American Bar Association Committee on Corporate Laws. St. Paul: West Publishing Co., 1960. 3 vols., pp. xxxii, 724, xix, 804; xix, 390. $32.50. This study is comparable to some of the statutory revisions prepared by the Louisiana State Law Institute with the joint efforts of Louisiana lawyers from all segments of the profession. Volumes one and two contain the articles of the Model Act in its 1953 revised version with cumulative addendum of 1959 and with references to statutory provisions of all the states and a citation table for these acts as of January 1, 1960 (with the exception of Connecticut, for which the new act of January 1, 1961, was used). The annotations refer to cases, texts and digest classifications, ALR annotations, and law review articles as of December 1959. Volume three contains the unannotated text of the Model Act,
official forms, bibliography on corporation law, table of cases, and subject index. The work is a practical reference tool for the working lawyer as well as for those members of the profession who are interested in recommending improvement in their own corporation statutes.

**Handbook of the Law of Corporations and Other Business Enterprises**, by Harry G. Henn. St. Paul: West Publishing Co., 1961. Pp. xxix, 735. $10.00. Although the author, a professor at Cornell Law School, prepared the book for the use of law students, it will also be a helpful handbook for the practitioner. It deals with all aspects of corporate practice from pre-incorporation matters to liquidation and corporate reorganization. It is a hornbook — which should adequately describe its value and scope.

**Corporation Law and Practice**, by George D. Hornstein. St. Paul: West Publishing Co., 1959. 2 vols., pp. xxx, 658, xxiv, 724, with pocket parts. $50.00. The writer's objective has been the formulation of an intelligible pattern of prevailing corporation law, with due consideration of statutory requirements of primarily ten commercially important states. The current pattern of case law is shown by illustrative precedents, with noting of minority holdings where the conflict was considered fundamental. Some Louisiana statutes and cases are included. The author also discusses developments in state policy, the fields of public issue and closely held corporations, foreign incorporation, the interplay of substantive and procedural law. Throughout, checklists and forms are included and special consideration has been given to tax problems.

**Securities Regulation**, by Louis Loss. Second Edition. Boston-Toronto: Little, Brown & Co., 1961. 3 vols., pp. xxxvii, 715; xi, 1417; x, 2199. $60.00. While this second edition of the pioneer study is virtually double the size of the first, its basic structure remains the same. The treatment of the blue sky laws has been considerably expanded. A table of SEC statutes and rules has been added. The author discusses federal regulation of the distribution of securities, the Securities Act of 1933, the Trust Indenture Act of 1939, SEC functions under Chapter X of the Bankruptcy Act, Disclosure and Registration under the SEC Act of 1934, “fraud” and “free market” concepts under the SEC statutes, civil liabilities, and administrative procedures of the Securities and Exchange Commission.
Domestic Relations

Fraud on the Widow's Share, by W. D. Macdonald. Ann Arbor: University of Michigan Law School, 1960. Pp. 477. $10.00. The author seeks the answer to a question which is quite troublesome in common law states. What should be done about gratuitous inter vivos transfers in alleged "evasion" of the widow's statutory share? The writer refers to the high rate of remarriages which cause transfers to children of a prior marriage, the increasing popularity of gratuitous inter vivos property transmissions, and the inflexible nature of the typical statutory share. He advocates a compromise under a maintenance and contributing formula. The main portion of the book analyses the cases from all jurisdictions, including Louisiana. Proposed legislative changes are examined and a model statute is suggested.

Interstate Enforcement of Family Support (The Runaway Pappy Act), by William J. Brockelbank. Indianapolis-New York: The Bobbs-Merrill Co., 1960. Pp. vii, 195. $6.00. The author is a Uniform Commissioner for the State of Idaho and was one of the drafters of the Uniform Act which was adopted by Louisiana in 1952 (R.S. 13:641). The general provisions of the act are discussed as well as criminal and civil enforcement and registration of foreign support orders. A set of forty-two basic forms concludes the presentation. As George R. Richter, Jr., President of the National Conference of Commissioners on Uniform State Laws, states in the Preface: "This book is authoritative and should be of inestimable value to prosecuting attorneys, to judges, and to all members of the legal profession who have matters within the scope of the act."

The Mentally Disabled and the Law. The Report of the American Bar Foundation on the Rights of the Mentally Ill, edited by Frank T. Lindeman and Donald M. McIntyre, Jr., Chicago: The University of Chicago Press, 1961. Pp. xii, 444. $7.50. In 1945, the American Bar Association Special Committee on the Rights of the Mentally Ill recommended a thorough-going research project to study the law as it relates to mentally disabled persons. In 1956, the American Bar Foundation undertook the project and it was completed in a period of five years. The importance of this study is readily apparent when one considers that at the present rate of hospitalization the total yearly cost for mental disability probably reaches the three billion mark.
Each chapter of the Report deals with a specific topic of mental disability and the law: historical trends, involuntary hospitalization, voluntary admission, release and separation from mental institutions, the rights of hospitalized patients, eugenic sterilization, domestic relations, incompetency, personal and property rights, psychopathy, and criminal insanity or irresponsibility.

Not covered are the relations between the medical experts and the administrators of the written law, nor the application of the advances made in psychiatry. Left to further studies are the questions on how far the law should go in transferring control of the rights of the mentally disabled from judicial tribunals to men who are well schooled in the medical aspects of the problem; the prominence of the role of the medical expert in the courtroom; the measure of a disabled person's "need of treatment" or the "danger to himself or to others."

A wealth of statutory and case law as well as references to legal texts and articles are assembled in this extensive survey of existing law, which deserves the careful attention of any lawyer interested in legal problems in general beyond the immediate needs of the practitioner.

_Literature and Law_

_The World of Law_, edited by Ephraim London. New York: Simon & Schuster, 1960. 2 vols., pp. xiii, 654; ix, 780. $17.50. Volume one, the _Law in Literature_, contains cases and trials in fiction from the Apocrypha to Arthur Train and Herman Wouk and stories relating to lawyers, judges, jurors, and a witness from Rabelais to Robert Benchley. Volume two, the _Law as Literature_, includes excerpts from notable and notorious cases, testimony, argument, judgments, and observations and reflections on the law by jurists. This work is one of the most skillfully and well chosen anthologies of its kind.