

## Books Noted

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## BOOKS NOTED

*How To Handle the Negligence Case: Aggravated Liability.* BY STUART M. SPEISER AND PAUL RHEINGOLD. New York: P.L.I. 1969.

The authors preface this volume by stating their objective to be a discussion of the "big negligence case." This objective has been achieved, but the usefulness of this volume to the practicing attorney is by no means limited to that type of litigation.

The techniques employed in the development of a negligence case are chronologically analyzed from the pre-pleading stage on through the procedure followed upon appeal. Each aspect of the discussion has been thoroughly documented, thereby providing the practicing attorney with an invaluable research tool.

Especially notable are the chapters devoted to pre-trial procedure. These chapters include a discussion of such topics as jurisdiction, choice of forum, choice of remedies, and a very comprehensive analysis of discovery and motion practice.

*Negligence Case Techniques* will not only enhance the reader's understanding of the pitfalls involved in negligence litigation, but will also enable him to avoid these errors which are so costly to both him and his client.

*How To Avoid Lawyers.* BY EDWARD SIEGEL. New York: Information, Inc. Pp. 423. \$6.98.

To the "do-it-yourselfer" there are no sacred cows; even the law has been subjected to his attack by books which purport to make the reader more knowledgeable than those solons who have merely devoted their entire lives and study to the field. Even more credence is lent to the stand of the dilettante when an actual lawyer apostatizes himself and writes a "do-it-yourself" legal guide.

Edward Siegel has what appears to be a creditable legal background, which ranks him as an experienced and intelligent lawyer. He should have foreseen the difficulties which would arise in attempting to sort out the law and write a book on those parts which he felt to be important, and to manage to convey those parts to the reader in a way which would make the reader knowledgeable enough to do without counsel.

In some aspects, the book is an eye-opener for one who is utterly devoid of knowledge of the law. Although some of his advice is akin to that offered by Ann Landers, Mr. Siegel offers many aids to the layman in determining when a legal problem exists and how to present it to his attorney intelligently. The reader is presented with a general, but fairly comprehensive, study of debtor's problems, grounds for divorce, wills and real property transactions.

However, in these few glimmers of usefulness there is revealed the trap which yawns its gaping jaws for the unsuspecting. Siegel points out many

times that the law varies from state to state. Unless the reader knows the law of his own state, he would handle his own affairs according to Mr. Siegel's book only to discover that under the laws of his state he is totally in error. At that point he may learn that his problem can only be solved, if at all, at great cost, while it probably could have been handled by an experienced lawyer easily if called to his attention in its incipience.

One other glaring problem exists in Mr. Siegel's book. He states that he does not wish to present a comprehensive text or to make the reader a lawyer. He tells the reader that his purpose is to make the public aware of "elementary legal procedures and techniques," and to "cover the practical side of the law, as the average person might encounter it." Yet in the face of that statement he spends time discussing the marital deduction trust and various aspects of corporate law, while never mentioning such areas as landlord-tenant relationships or torts which a homeowner may encounter. One wonders what he considers to be the average person.

*How To Avoid Lawyers* is not an appropriate title for this book. It gives the impression that by reading the book one can do his own legal work. Yet by its general, Florida-law-oriented approach it points out, to the contrary, that to be safe, it is best not to avoid, but rather to consult, a competent attorney.

*Arbitration And Social Change.* EDITED BY GERALD G. SOMERS.  
Washington, D.C.: The Bureau of National Affairs, Inc. 1970. Pp.  
233. \$10.00.

*Arbitration And Social Change* is the official publication of the twenty-second annual meeting of the National Academy of Arbitrators. The purpose of this volume is to illustrate the specific mechanisms by which labor arbitration can effect social change. Among those topics discussed are: community conflict and fair employment problems; industrial jurisprudence and the campus; arbitrators and the youth revolt; industrial relations problems of employing the disadvantaged; use of fact-finding in the settlement of public employee disputes; use of medical and psychiatric expert testimony in arbitration decisions; and ramifications of back pay awards in suspension and discharge cases. Also included is a report on relevant labor legislation since the last annual report.

*Arbitration And Social Change* is a timely volume as the sociological implications of our legal mechanisms are being scrutinized as never before by laymen and lawyers alike. Coverage of recent decisions in the areas of arbitration and collective agreements is an excellent means of keeping abreast of current developments for lawyers who do not concentrate on labor law. The volume is, of course, indispensable to the labor practitioner, as well as the labor economist. Along with the previous annual volumes in the series this work would provide a valuable addition to any law library.

*The Effectiveness of a Prison and Parole System.* BY DANIEL GLASER. Indianapolis: Bobbs-Merrill. 1969. Pp. 345. \$3.75.

This edition is an abridged version of a 596 page report published in 1964, which is concerned with the rehabilitative effects of prisons and parole agencies, primarily those of the federal government. The original edition was based mainly on a research project funded by the Ford Foundation at the request of the U.S. Bureau of Prisons and was directed by Mr. Glaser.

Mr. Frank Loveland, a sponsor of the original report, promoted this less technical version as the Director of the Institute of Correction of the American Foundation. All the major ideas and information of the original report are included in this edition; however, many technical details are omitted. Decreased especially are statistical tables and extended accounts of research procedure. Despite this decrease, the highlights of the statistics are summarized in the text, several tables are included, and the research techniques employed are indicated. The book summarized the available knowledge on prison and parole effectiveness and its implications.

The work is divided into three distinct parts. The first part consists of three chapters under the heading of "The Knowledge Needed for a Science of Correction." This section contains a detailed analysis of the factors and influences present before a prison term which tend to indicate those prisoners who are most likely to be repeaters. The author makes it clear that these factors cannot be changed through correctional procedures and can only be used to predict a return to crime and prison. They, therefore, largely determine the burdens faced by any prison and parole program in endeavoring to rehabilitate criminals. The second part is entitled "The Effects of Imprisonment." Among other topics, consideration is given to work and education in prison. One of the great problems involved is motivating inmates to work and receive schooling while in prison. This part also has a discussion of discipline. The last section "The Post-release Experience," is a six chapter discussion of what an ex-prisoner faces once he is released from prison. Taken into consideration is not only the economic difficulty, but also the social environment he must face. One of the traditional conditions of parole is the arrangement of a job before being released. The author points out that in practice it is generally difficult for men in prison to arrange satisfactory promises of employment upon expectation of release. Statistics are provided which suggest that the traditional condition of a prerelease job is an unwise requirement. This last section also describes the parole officer's role in the post-release period. Aside from the traditional role, there is an explanation of experiments being conducted in post-release supervision. The work provides most interesting reading.

*Doctors, Lawyers, And The Courts.* BY JAMES R. RICHARDSON. Cincinnati: The W.H. Anderson Company. 1965. Pp. 605. \$17.50.

With the ever increasing influx of litigation in the area of personal injury, what is the role played today by the physician? This is but one

of the many questions confronting the judiciary. James R. Richardson discusses not only the integral relationship of the physician with the judicial process, but also examines the legislative and judicial regulation of the medical profession as it directly or indirectly affects the individual litigant or the court.

In this comprehensive and highly analytical work, Professor Richardson has captured those elements necessarily encompassing medicine and the law and presents an overall description of their inter-functional qualities. Of particular note, is the author's exposition on the areas of expert medical testimony and demonstrative evidence, as the treatment given these portions of a personal injury case forms a fundamental basis for both theoretical and practical application.

To be sure when one is attempting to write in an area so large in scope as the relationship of medicine to law in a single-volume work of only 605 pages, either the content of the book will be extremely superficial or it will contain an indepth discussion of only a limited portion of the physician-attorney-court relationship. Professor Richardson, however, is not merely touching the surface of this area nor is he examining only a narrow portion of it. He resolves this seemingly insoluble dilemma in scholarly fashion by pinpointing legal sources to support his conclusions. This, perhaps more than anything else, makes this book a must as a reference tool for the personal injury attorney. The practicing physician should also examine this text to point to his duty owed to the courts, as well as to his patients and the profession.

*Aerospace Law.* BY NICOLAS MATEESCO MATTE. Toronto: The Carswell Company, Ltd. 1969. Pp. 501. \$12.50.

*Aerospace Law*, by Nicolas Mateesco Matte, is one of the latest books on the subject of aerospace law, a field in which scientific and technological developments make publications over five years old very much outdated.

Noting in the introduction that "[i]t seems quite clear that more inventions will be achieved by the end of this century than since the origin of man," and that "we are . . . assured that more than half the instruments and objects which we will . . . use [in the year 2000] have not yet been invented," Matte begins his inquiry into the emerging law of air and outer space environment. The primary question considered by Matte is whether man will develop sufficient legal institutions to prevent in space the wars and conflicts that have characterized most of his history on earth. Matte sees disarmament as the condition precedent to the survival of humanity on earth, as well as to all significant development in outer space.

Matte's book is both a discussion of the present law applicable to man's activities in the atmosphere and his new environment of outer space, and a critique of the effectiveness of the treaties, customs, and international organizations which relate to outer space. Matte proposes a complete overhauling of the present theory of aerospace law, beginning with a rejection of the dichotomy now existing in regard to the legal status of outer space—which by treaty (and to some extent international custom) has

been declared not subject to any claims of territorial sovereignty—and the legal status of airspace—which by international agreement is subject to the complete and exclusive sovereignty of the state located on the subadjacent territory. Airspace and outer space, asserts the author, should be regarded each as part of the same continuum; hence, an aerospace law should be fashioned with this in mind.

Although the realization of many of Matte's idealistic goals will be precluded for some time by the present realities of international relations, particularly the jealous regard states have for their own sovereignty, Matte's motivation in proposing such goals cannot be faulted, and his proposals for an improved public order both on earth and in outer space deserve careful consideration.