
Frascona: C.P.A. Law Review Under the Unifrom Commercial Code

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fending those who desire a complete report of the basic factors upon which the conclusions are based.

As mentioned previously, the jury is an established part of the American judicial system. There have been great discussions and debates concerning its efficacy, and Chapter 1 sets out these divergent beliefs in a simplified manner. The reader is thereby given an overview of the criticisms raised.⁶ The authors quickly point out that this study is not aimed at presenting answers to this debate, but has as its sole purpose discovering why a judge and a jury reach divergent verdicts in the trial of the same matter. In concluding their statement of the avowed aims of the study, the authors make the following remarks: "The study will have relevance for both the critics and the defenders of the jury system and will provide fresh material for the jury debate. It certainly will not terminate it."⁷ This observation is certainly borne out by the conclusions derived from the study.

Chapters 3 through 7 concern the methodology employed to give the basic information upon which the conclusions are based. While these chapters do not in themselves explain the reasons for disagreement between the judge and the jury, they present interesting reading material, in that justification for placing any reliance on the results of the study must stem from the credence which can be placed on these results.

The heart of the book is contained in Chapters 8 through 35, which explain in detail the reasons for the disagreement between the judge and the jury. It must be pointed out that it is not always the jury which is the more lenient in its verdict. Special treatment is given this result also. Speaking generally, five categories are established into which the reasons for disagreement are placed; namely, evidence factors, facts only the judge knew, disparity of counsel, jury sentiments about the individual defendant, and jury sentiments about the law. Disagreement occurs in 24.6% of the cases reported,⁸ and of these cases, one of the above categories is the sole cause for the disagreement in approximately 15% of the cases.⁹ The categories of issues of evidence and jury sentiments on the law are found to account for 83% of all disagreement,¹⁰ and are thus of the most consequence. The readers will find the discussions of the other categories as enjoyable and informative.

The American Jury is one of those few books which all of those who are truly interested in the functioning of the legal process will find stimulating and absorbing. Those not practicing Criminal Law will find that this work will whet our appetite for the soon-to-be published work on the civil jury.

PAUL W. ENGSTROM*

⁶ For a good discussion of the propriety of the jury in civil litigation and alternatives to the requirement of a unanimous jury verdict, see Comments, 15 DEPAUL L. REV. 398, 403 and 416 (1966).

⁷ KALVEN AND ZEISEL, *op cit supra* note 5, at 11.

⁸ *Id* at 56.

⁹ *Id* at table 28.

¹⁰ *Id* at 115.

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The Uniform Commercial Code has made its impact in substantive and procedural law, the changes in both areas now affecting almost all jurisdictions. Most practicing attorneys had their academic background and education in the various Uniform Laws relating to commercial transactions, including the Uniform Negotiable Instruments Law and Uniform Sales Act and in the courts' interpretation of these laws. It is only the younger attorney whose education includes the study of the U.C.C.

The volume under review is by title oriented to help "accountants and accounting students"¹ and is designed to provide complete guidance in preparing for the commercial law part of the Certified Public Accountant examination and also to assist practicing accountants who wish to keep up to date on commercial law. A reading of the material verifies the accuracy of this statement. However, a review of the material indicates a modesty by the author in his choice of title, since the volume is also very useful to law students and to the legal profession, and would make a worthwhile addition to the library of the practicing attorney.

While there have been treatises and commentaries on the U.C.C., this volume combines a completely classified and cross referenced copy of the 1962 Official Text Code with text material which succinctly gives the author's analysis covering (1) the differences between the Code and prior law, (2) the application by the courts of these changes to specific fact situations, and (3) the author's selection of pertinent comment from the Official Text. Questions and answers useful in a review of the subject are given and illustrative material is included where it would be helpful in understanding the problem.

In addition to the impact and effect of the Code upon each individual subject, common law and other statutes which affect the subject are discussed in context. Background information in each particular field of law is presented, intelligently pointing up the legal reasoning behind any change of emphasis or substance in the Code. The principles of interpretation of the Code are also delineated.

The volume covers the fields to which the Code specifically applies, in addition to areas of commercial law which the Code affects only incidentally. The Table of Contents includes the law of Contracts, Personal Property, Commercial Paper, Agency, Partnerships and Corporations, Secured Transactions, Bankruptcy, Insurance, Real Property, Wills and Estates, Trusts, the Accountant-Client Relationship and Administrative Law. The text is written in a clear, concise and understandable manner by a professor of law at the University of Colorado, and is the third section of the work which was first published in 1950 and again in 1959. It is extremely well indexed and classified.

The special feature of the volume is its broad coverage of the fields of commercial law with which a student or practicing attorney would come into contact. Particularly good text and explanatory material, footnoted as this volume is to the Code, would make a worthwhile volume. The addition of the Official Text Code in its entirety, with excerpts and quotes from the official comments makes it a valuable reference and review tool. On this basis it is a first rate addition to the literature on the Uniform Commercial Code.

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¹ FRASCONA, C.P.A. LAW REVIEW, p. vii (1966).

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