

Book Review

BY CHIEF JUSTICE CARL V. WEYGANDT

Of the various volumes authored by Hon. Arthur T. Vanderbilt, Chief Justice of the Supreme Court of New Jersey and former president of the American Bar Association, his recent *Cases and Other Materials on Modern Procedure and Judicial Administration* with 1390 pages and 16 chapters, is the most formidable in both title and content.

However, this is justified by the important and difficult objective the author seeks to attain. And he does it in readable and interesting fashion. In his preface he states that "this casebook has been compiled with the definite purpose of taking the mystery out of procedure, of showing its significance in the judicial process as well as in the lawyer's daily life, of exhibiting the most modern system of procedure in operation and demonstrating its essential usefulness as an aid in the investigation and ascertainment of the truth in litigation, and of revealing the progress, or lack of it, in each state in meeting the minimum standards of judicial administration recommended by the American Bar Association"—surely an ambitious undertaking to accomplish in one volume.

The chief difference between this and the ordinary casebook is that, in addition to the usual judicial decision found in every casebook, the author relies mainly on the federal rules of civil and criminal procedure and the comment of the advisory committees. One advantage of this is that court rules ordinarily are stated more simply than statutes and hence are less difficult for students to grasp.

The author wisely devotes an entire chapter to each of the ten fundamental problems usually involved in litigation: (1) in what court may suit be brought—jurisdiction; (2) who may sue whom—parties; (3) where may suit be brought—venue and transfer of cases; (4) how to get the defendant or his property into court—process; (5) what relief is sought—remedies; (6) how to state the controversy—the pleadings; (7) how to prepare for trial—pretrial procedures; (8) how to litigate the controversy—the trial; (9) how to correct trial errors—judicial review; and (10) how to enforce a judgment—execution. The information contained in these chapters is invaluable not only to students but is worth the time of even the busiest practitioner. That this is true is indicated by the number of instances in which courts are disappointed to find that they unfortunately are prevented from reach-

ing important substantive questions because of some fatal procedural mistake.

The final four chapters of the volume are entitled JUDICIAL SELECTION AND RELATED PROBLEMS, JURY SELECTION AND SERVICE, THE LEGAL PROFESSION, AND JUDICIAL ADMINISTRATION. These are important related subjects ordinarily not treated in even the expanding curricula of our present day law schools.

Chief Justice Vanderbilt has succeeded in making a valuable contribution to the literature of the law.