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### **CASES ON CRIMINAL LAW AND PROCEDURE. By Augustin Derby and Lester B. Orfield. Indianapolis: The Bobbs-Merrill Company, Inc., 1950**

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# BOOK REVIEWS

CASES ON CRIMINAL LAW AND PROCEDURE. By Augustin Derby and Lester B. Orfield. Indianapolis: The Bobbs-Merrill Company, Inc., 1950. Pp. 820. \$6.50.

This reviewer believes that this volume contains the best collection of cases ever assembled in a single volume on the combined subjects of substantive Criminal Law and Criminal Procedure. The authors have evidenced unusual skill in being able to select a group of cases which so thoroughly covers the subject matter in so small a volume. Its contents, along with a reasonable amount of supplementary materials, can be covered easily in a four-semester-hour course. It might be added that some supplementary matter will be desirable, but many instructors favor using some local materials to supplement general casebook matter and such use is not in derogation of the casebook itself.

The authors have not only shown skill in selecting well-reasoned, concise cases but the cases are very well edited. They have chosen the cases from a large number of jurisdictions. Often casebooks are made up of cases from very limited areas, but this volume contains cases from widely-scattered courts. The book evidences unusual ability on the part of its authors to spot cases which are based upon clearly-stated facts and in which the decisions are expressed in understandable language. They have retained the old standby cases and brought the law up-to-date by supplying a splendid array of more-recent opinions. This combined subject of Criminal Law and Procedure is generally offered during the first year of legal study, and any freshman student should have little difficulty in reading and understanding this collection of cases.

In the Preface the authors state that this is intended to be "essentially a casebook." It is believed that they well could have included more non-case material. A dozen or so pages of historical introduction would aid the freshman student at the beginning of the course. Also, in taking up the matter of Jurisdiction and Venue, at p. 503, they well could have inserted some non-case material on theories of jurisdiction in criminal matters. Levitt's articles on "Jurisdiction over Crimes," 16 J. CRIM. L. 316, and 495, would supply such content. Of course, a drastic condensation through an elimination of considerable portions would be required. Moreover, where can one find a better brief analysis of the plea of *nolo contendere* than is set out by Murphy in 10 WIS. L. REV. 384? Most law teachers will agree that it is rather difficult to teach any law subject from cases alone.

It is possible to supplement non-case materials by assigning outside reading, but there are serious drawbacks to that. If there is a large enroll-

ment in the course, the students will experience difficulty in availing themselves of the limited number of copies accessible. Furthermore, in a relatively short time the pages containing the assigned materials will become "eaten" out of the particular volumes in the library. It is better to include such materials in the adopted book, since it would then be available to all and if the instructor does not desire to cover such materials he can omit them.

The arrangement of materials in the volume is very commendable. This reviewer has taught these subjects many years, and he has found that criminal law can be taught more effectively by taking up the specific crimes separately. Moreover, it is preferable to not commingle the substantive and procedural law. Furthermore, it is desirable to cover the substantive law first and take up the procedural matter later. The entire arrangement of the materials in this volume is excellent. Possibly the section of Unlawful Search and Seizure (at p. 797) could better be dealt with in connection with the subject of Arrest, but that is a minor matter.

Owing to the crowded curriculum in law schools in general, Criminal Law and Criminal Procedure generally are combined in one course. This presents the difficult problem of deciding just what procedural matter should be covered. As is well known, Criminal Procedure is largely a statutory matter, with the subject matter consisting mostly of local procedural rules. In order to secure a large number of adoptions, the abridged material on the subject must be kept extremely general in content. Local procedural laws from one jurisdiction would unsuit it for use in another. As a result, such abridged material, to a large degree, is not suitable for any law school which purports to teach any considerable amount of local law. This problem has to be solved in each particular situation. Sometimes a desirable result may be attained by use of supplementary local materials, if time will permit, while other schools leave the matter of local rules of pleading in criminal cases to be developed in more practical courses such as Trial Technique and Practice Court. But, be that as it may, this volume, unlike many casebooks on the subject, devotes more space to recent cases rather than dwelling entirely upon ancient common law procedural matters. Like the substantive portions, the procedural materials are reasonably modern.

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THE LAW OF LABOR RELATIONS. By Benjamin Werne. New York: The Macmillan Company, 1951. Pp. 471. \$5.75.

The title of Mr. Werne's volume is considerably broader than its content, unless "labor relations" be narrowly defined to mean only that portion