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The Judicial Process in Tort Cases (Book Review)

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BOOK REVIEWS

THE JUDICIAL PROCESS IN TORT CASES. By Dean Leon Green. St. Paul, Minn.: West Publishing Co., 1932, pp. 1,900.

The compilation of a case book which presents a branch of substantive law from the viewpoint of the practical application of rules of adjective law is a novel and interesting departure from the usual form of such publications. A properly presented course based on such a work will of necessity be of great practical value to the neophyte. As the subject of Torts is usually presented during the first year of law school work, a student at the inception of his studies receives an introduction to the operation of the judicial process.

To collect well selected cases, not only illustrative of fundamental principles of the law of Torts, but also indicative of the proper method of presenting the usual formulae and rules in a judicial forum, is indeed a worthwhile contribution to legal education. The writer agrees with Dean Green that the proper place for the instructing in procedure is in connection with problems of substantive law. "The severance of the judicial process at this point into substantive and procedural law is as fatal as would have been the execution of Solomon's judgment in the celebrated maternity case."

Too frequently are students confused by apparent conflicts in adjudicated cases, when the real reason for the differences in ultimate determinations is the manner in which the issues of substantive law were presented. This situation is aptly illustrated by the selection of cases utilized. Procedural rules are a vital factor in all cases and it is well to be taught this fact while acquiring knowledge of substantive law principles.

In arrangement, the work leaves nothing to be desired. It evidences that the distinguished author of the work is not only familiar with the entire field of his choice, but is skilled in pedagogic method. The chapter devoted to Torts arising out of trade relations lends a modernistic touch to the work. Too frequently is the subject treated solely with respect to its effect on personal relations.

The only possible criticism of the work that might be advanced is its size. It is the writer's opinion that it would be impossible to complete the book in the hours usually allotted to the subject. However, the selection of cases to be used would challenge the skill of the instructor using the book.

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CASES ON BILLS AND NOTES. By Howard L. Smith and Underhill Moore. St. Paul: West Publishing Co., 1932, pp. 967.

This is the third edition of these cases. The first edition appeared in 1910; the second was published in 1922. In the preface, the authors inform the reader that although in scope and arrangement the present edition is like its