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## Courts on Trial: Myth and Reality in American Justice by Jerome Frank

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## Book Review

COURTS ON TRIAL. MYTH AND REALITY IN AMERICAN JUSTICE. By Jerome Frank. Princeton, N. J., Princeton University Press: 1949. pp. xxi, 441, Incl. Index.

Much of what Judge Frank has to say in this provocative book he has said before. But there must be thousands of lawyers who are still not sufficiently familiar with his ideas. Aside from that, in *Courts on Trial* we find much more than a rehash.

This book is an earnest plea for lawyers and judges—and law teachers—to stop kidding themselves about what they do and why they do it. It is a critical analysis of our traditional modes of administering “justice.” Few will agree with everything Judge Frank says. For instance, most lawyers are probably much more aware of the difficulties, indeed the near impossibility, of absolutely accurate fact-finding than Judge Frank seems willing to admit. At the same time, none can disagree with everything he says. And his pervading stress on the relative unimportance of “the law” as compared to “the facts” will not shock nearly as many members of the profession, even in the law schools, as he seems to anticipate. Nevertheless, one suspects that despite the appearance of obviousness in many of the main theses of the book, the majority of the legal profession has given them little thought. Judge Frank is therefore probably justified in the way he hammers away. The administration of justice must inevitably improve in this country if the profession reads this book widely and makes an honest effort to re-orient its thinking in the directions pointed. The book is honest, fearless, stimulating, often annoying, often extreme. It is not this reviewer's intent to describe its contents or attempt to refute its arguments. It will certainly start arguments wherever discussed; and that will be good for the soul of the profession. It gets to the bottom of some very important things having to do with courts and trials and our adversary system—and other things—and if it sometimes muddies the waters, it is because it finds a lot of mud at the bottom. A lawyer who doesn't know Frank's ideas is out-of-date. Like them or not, they can't be lightly brushed

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