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Reviews

CASES ON FEDERAL JURISDICTION AND PROCEDURE, by Armistead M. Dobie and Mason Ladd. West Publishing Company, St. Paul, 1940. Pp. lii, 1091.

This work by Deans Dobie and Ladd should be of interest and value to the teacher, practitioner and student. Unquestionably, the topic of federal jurisdiction and procedure is becoming more important as a subject in the law school curriculum.¹ Further, the new federal rules of civil procedure have greatly increased the practitioner's interest in, and his use of, the United States District Courts.

The casebook is ideal for use by the teacher who gives a practical course in federal jurisdiction and procedure. The topic is presented in a lively and interesting manner.

The material in the casebook is excellently selected, copious notes are presented and numerous law review articles are cited. The work in effect takes up where Dean Dobie left off in 1935 in his work, *Cases on Federal Procedure*.

It has been the writer's experience that the course can best be taught by dividing the topic into two parts: First, federal jurisdiction; Second, federal civil procedure under the new rules.

Chapter I deals with the federal judicial system. Chapter II covers the original jurisdiction of the United States District Court.

The removal jurisdiction and procedure of the United States District Court is the subject of the third chapter. This topic is minutely exploited, and to the practicing attorney it is possibly the most useful chapter.

Chapter IV covers venue in civil cases. The matter of the substantive law applied by the federal courts is dealt with in Chapter V. *Erie Railroad Co. v. Tompkins*² is discussed fully. Its effect, ramifications and importance insofar as what is substantive and what is procedural law is presented in detail.

1. Thirty-four schools, members of the Associations of American Law Schools, were listed in 1933 as offering a course on this subject. Thirty-nine member schools were listed in 1935, and forty-six were listed in 1939. See (1938) 14 Tex. L. Rev. 128.

2. 304 U.S. 64, 58 S.Ct. 817, 82 L.Ed. 1188, 114 A.L.R. 1487 (1938).

Chapter VI is an innovation in the federal jurisdiction field. It is a chapter devoted to the civil procedure in the United States District Court. This chapter does not deal with all of the rules of civil procedure. However, the rules not dealt with in Chapter VI are covered in other interrelated topics in the work.

The remaining chapters are devoted to the relations of state and federal courts; the appellate jurisdiction of the Circuit Court of Appeals; the appellate jurisdiction of the United States Supreme Court and the original jurisdiction of the United States Supreme Court. No cases are given dealing with criminal procedure in the federal courts.

The appendix contains the text of the rules of civil procedure for the district courts of the United States, and also the notes prepared by the advisory committee on the rules.

It is now possible to teach a course in federal jurisdiction and procedure that is exactly what its name implies. With the use of the Dobie and Ladd casebook the jurisdiction and procedure in the United States courts can be adequately covered in the law school in a most practical manner.

The reviewer has adopted this casebook for his course. The work is one that the student should keep for future reference; he will find it useful in the practice of law.

OLIVER P. CARRIERE*

RESPONSIBILITY OF STATES FOR ACTS OF UNSUCCESSFUL INSURGENT GOVERNMENTS, by Haig Silvanie. Columbia University Press, New York, 1939. Pp. 223. \$2.75.

This is a useful study of an interesting as well as important phase of international law. It is particularly valuable for its analysis of the decisions of international mixed claims commissions. These decisions, together with those of national courts, and the correspondence of foreign offices, form the basis of the author's conclusions.

In view of the "settled rule of international law that the state is responsible for acts of insurgent governments which ultimately succeed in establishing themselves in power,"¹ the author in this volume attempts "to state the rule of international law dealing

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1. P. 7.