



1959

## Kentucky Practice--Methods of Practice by James R. Richardson

Frederick W. Whiteside Jr.  
*University of Kentucky*

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### Recommended Citation

Whiteside, Frederick W. Jr. (1959) "Kentucky Practice--Methods of Practice by James R. Richardson," *Kentucky Law Journal*: Vol. 47 : Iss. 3 , Article 10.  
Available at: <https://uknowledge.uky.edu/klj/vol47/iss3/10>

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# Book Reviews

KENTUCKY PRACTICE—METHODS OF PRACTICE. By James R. Richardson. St. Paul; West Publishing Company, 1957. Vol. 3, pages lii, 697; Vol. 4, pages lii, 627; Vol. 5, pages lii, 730. \$75.00.

Since this comprehensive set of books designed for use by the practicing lawyer in Kentucky has now been in use for more than a year, perhaps the most meaningful review is what lawyers have said about it. Typical comments by attorneys are: "a must for the Kentucky law office," "indispensable in the handling of a wide variety of legal matters," "a newcomer to the bar cannot afford to be without Richardson's new books," "amazingly complete coverage of the entire body of substantive law, yet practical too," "the most significant publication to date, specialized to Kentucky law," "not only a valuable reference work in looking up law, but it contains checklists preventing costly procedural mistakes," "the quickest way to the heart of most any how-to-do-it problem," and "time saved through the purchase of this series has been worth many times its purchase price."

Examination of the chapter and section headings gives some idea of the breadth of coverage of the work. The eleven main parts are entitled Land Titles, Real Estate Transactions, Personal Property, Business Organizations, Landlord and Tenant, Debtor-Creditor, Domestic Relations, Devolution of Property, Practice, Drafting, Procedure. Chapter titles include not only the traditional subject headings from Abstracts through Wills, but also Arbitration Procedure, Collecting Claims, Scientific Evidence, and the Trial Jury. There are chapters specialized to the preparation of office memoranda, trial briefs, jury instructions and legislative drafting, in addition to the drafting suggestions throughout the chapters relating to specific subjects. To illustrate by a particular area, debtor-creditor relations, the scope of coverage goes all the way from remedies of the individual creditor, such as attachment and liens, up to and including collective action including bankruptcy and the related devices. And in addition, we find in the section on Practice a very practical chapter on Collecting Claims (Chapter 45), discussing such matters as preliminary considerations and checklists, the forwarding to other attorneys, settlements and settlement papers. And in the section on Procedure, one chapter treats Cognovit Judgments, Executions and Supplementary Proceedings

(Chapter 56). The coverage includes some treatment of just about everything a lawyer is likely to be confronted with in his office or courtroom work.

With coverage so broad in scope, one would not expect to find a complete reference manual on the substantive law. That is left for such works as Collier on Bankruptcy or Williston on Contracts. There is nevertheless an adequate introduction to the nature, purposes and functions of each device with the pertinent legal principles discussed sufficiently to afford the practitioner a good working understanding. The statutes and judicial decisions are outlined in sufficient detail to enable the beginning lawyer to acquire necessary familiarity with the subject and the seasoned practitioner a convenient handbook for refreshing his information on a specific point.

The practical nature of the work is also shown by the numerous instances in which real or seeming discrepancies between the law in books and the practices by some attorneys are noted and evaluated. For example, there is the practice in the Justices' Courts of permitting an attachment in small claims cases without any formal (written) petition, a survival stemming from a former dispensation allowing oral "pleas" where less than \$50 is involved. Here, as throughout, the effect of the New Civil Rules (implying that here there must be a written complaint) is carefully analyzed. And, where there may be alternative methods of procedure, the better practice as contrasted with minimum statutory requirements, is pointed out. For example, there is a practice of meeting the affidavit requirement or an attachment by combining the complaint and affidavit in a single verified instrument, a practice which has been upheld by the court, but which is not necessarily the better practice.

The most valuable items included are the drafting suggestions and comprehensive checklists of what to do, in every major subject including what information to obtain from the client, what facts and law to check, motions, orders, affidavits and other papers to prepare or file, with suggested contents. There is also a careful selection of forms.

On the statistical side, this three volume work has 2,054 pages of text, 2,652 sections, 61 chapters organized into 11 parts, with an 82 page Index and a 105 page Table of Cases and Statutes. Each volume contains a full summary of contents for the set. Although this set of books is designated Volumes 3, 4 and 5 of the publisher's series entitled "Kentucky Practice" and follows Volumes 1 and 2 consisting of Russell and Merritt's Probate Practice and Procedure, it is fair to point out that these two parts of the five volume series

are completely independent and unrelated to each other and may be purchased separately from the publisher.

*F. W. Whiteside, Jr.*

College of Law  
University of Kentucky

**HANDBOOK ON JURY SERVICE:** Published for The Institute of Judicial Administration by Oceana Publications, Inc., 80 Fourth Avenue, New York 3, N. Y., Pp. 16, 1958. Single copies 25c.

This pamphlet is significant in that it is representative of a rather recent movement which recognizes that layman juries perform judicial functions, and, consequently, need basic instructions on their conduct in the discharge of those functions.

These handbooks are in use in Federal District Courts and in some state courts. The fact that they are not required reading for jurors borders on criminal neglect, or, more properly, obstructionism, since many trial attorneys apparently feel that such attempts at enlightenment might well prejudice their clients' cases. In any event, the right of the court to issue a jury handbook to trial jurors has been questioned in several federal and state courts, and this publication is an attempt at complete objectivity in order to avoid objections from opposing counsel. This objective seems to have been achieved by the publishers. In simple and direct language the Handbook discusses the history and functions of trial juries, methods of selection, conduct and behavior during trial, listening to instructions, deliberations in the jury room, and manner of reaching a verdict. In some respects the text may be repetitious of the trial judge's cautionary charges in certain cases, and it lacks an important feature in that local juror-qualifications for service are not included, but, in the main, the publishers have made a commendable effort in sponsoring a constructive adjunct to the trial jury system.

*James R. Richardson*

Professor of Law  
University of Kentucky