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Trial Tactics and Methods by Robert E. Keeton

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Story, Wheaton, Greenleaf, Wharton, Sedgwick, Racole, Bishop, Parsons, and Washburn. Their works helped to create the basic law in all but one of the states of the Union. Louisiana followed the civil law.

These doctrinal writings averted the danger of premature codification during the legislative reform movement. They preserved the unity in our law.

These four lectures are a real contribution to American legal history. They embody the results of much research and study in a field that has not yet received the attention of scholars that it should. Citations and references have been added. Dean Pound in his preface suggests that it would take a number of volumes to cover adequately the history of the formative era of American law but that as yet not sufficient preliminary work has been done. It is hoped that this is an implied promise that we may some day have such a work from his hand.

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Dean Robert C. Storey's foreword to this treatise clearly sets out the need for a work of this nature. The book is designed to give the graduates of our law schools a practical knowledge of court procedure by the time they enter law practice. It is planned for use in their practice court courses in the law schools. The work is well adapted for such courses as well as for use in seminar work.

This treatise is of real value to a trial lawyer since it is full of worthwhile suggestions, both pro and con, on any point that can arise regarding the preparation and trial of a cause of action from the time the client first enters the lawyer's office for advice until the case has reached the appellate court. Use is made of nearly a hundred hypothetical cases with thorough discussions of all points involved therein. The author has crowded into the 488 pages a surprising amount of material, raising questions that the practitioner is faced with and stating the possible results of his decisions whatever course he follows. The citation of a few of his section headings will serve to illustrate: "By what means may you emphasize important parts of a lengthy document?"; "How should you introduce secondary evidence?"; "What methods should you use in cross-examining a witness whose testimony is greatly influenced by his bias?"; and "What should you do when you know that an objection would be overruled by the court?"
Seventy-nine pages are given to the consideration of "Direct Examination"; ninety to "Cross-Examination and Impeachment"; forty-seven to "Objections to Evidence"; and a lesser number to "Motions during Trial," "The Charge," "The Jury," "The Non-Jury Case," "Preparation for Trial," "Pleadings," and "Proceedings before Trial."

For beginning the preparation of a case, the author sets out the importance of making a thorough study of the case law on the subject involved. On page 295, he says:

In addition to the ascertaining of substantive rules which may be applied to your case, a number of other matters are also deserving of your attention, though relatively less important to the outcome of most cases than the ascertaining of the substantive rules within which your case will be developed. ... Study reports of cases of similar facts to yours for the purpose of noting types of evidence developed. ... As an example, you may find indications of the type of expert evidence used by the parties, perhaps revealing to you a field of inquiry that you would otherwise have overlooked for lack of familiarity with the subject matter of the expert testimony.

It is hard to find a law treatise so concise in statement and so crowded with valuable suggestions as is this work by Professor Keeton. It should readily make a place for itself in every lawyer's library.

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The principal concern expressed in these posthumous essays is the legal protection of the rights of individuals or groups against coercion by "private governments." The papers fall into two broad groups, the first exploring the adequacy of existing constitutional provisions for implementing these rights, and the second suggesting that the peculiar history of our common-law system offers sufficient ground for an unfolding jurisprudence of courts and administrative agencies able to cope with the tenser issues of the day. These essays merit, and will doubtless receive, more careful attention today—since the Supreme Court pronouncement on segregated schools—than earlier.

The first theme, typified by one essay, "Private Governments and the Federal Constitution," emphasizes the place of private governments (unions, real estate boards, etc.) in our political structure, and argues that we need defense against these local powers as much as against the legislatures or the federal government. Despite our growing body of law dealing with trusts and unions, Pekelis argues, we have not suf-