Cases and Materials on Modern Procedure and Judicial Administration by Arthur T. Vanderbilt

James W. Cammack
Kentucky Court of Appeals

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BOOK REVIEWS


Judge Harold R. Medina, of the United States Circuit Court of Appeals, in a speech before the Kentucky Bar Association, said of Chief Justice Arthur T. Vanderbilt’s new book, “I will guarantee that anyone really interested in improving the administration of justice will get a thrill out of these materials.” Even a casual reader of this new venture in textbook writing wholeheartedly will agree with the well-known jurist.

The title of the book, “Cases and Materials on Modern Procedure and Judicial Administration,” belies the content of this excellent work. Within its 1400 pages lies the culmination of Judge Vanderbilt’s 34 years of experience as a lawyer, a professor, an appellate chief justice and a leader in the reform of judicial administration in the United States.

The textbook represents another phase in Judge Vanderbilt’s all out attack on old, unwieldy methods of judicial administration. He attempts not only to assist the young legal mind in learning much substantive and procedural law, but also to stimulate that same mind to recognize his basic premise that “a trial is an orderly search for the truth in the interest of justice rather than a contest between two legal gladiators with surprise and technicalities as their chief weapons.”

The scope of the book is broad. There is presented to the reader a careful study of the preparation and practice of civil and criminal cases under the new Federal Rules. It is not limited, however, to a mere recital of procedure, but presents everyday practical problems that the working attorney must face. The main headings include: (1) Jurisdiction, the power of the court to hear and determine; (2) Parties, who may sue and who may be sued; (3) Venue, where suit may be brought; (4) Process, the means of bringing the defendant into court; (5) Remedies, the relief sought; (6) Pleadings, statement of the controversy; (7) Pre-trial preparation; (8) Trial, how to litigate; (9) Review by the trial court of its own proceedings; and (10) Execution, enforcing the judgment.

For the first time within the knowledge of the writer, civil and criminal procedure are treated together. The result is stimulating and highly informative.
BOOK REVIEWS – Continued

The final section of the text contains several chapters on the workings of the judicial system, with suggestions for improvement. They include: (1) judicial selection; (2) jury selection and service; (3) the legal profession; and (4) judicial administration. Throughout the book there appears adequate reference to cases, public reports, speeches, law reviews and other authorities. An excellent table of contents enables one to pinpoint a problem quickly.

Kentucky lawyers will find this book an especially useful tool to assist them in practicing under the new Rules of Civil Procedure to be adopted by the Court of Appeals in July, 1953.

JAMES W. CAMMACK

Court of Appeals of Kentucky
Frankfort, Kentucky


As a part of the movement to take divorce out of the framework of tort and put it into the broader sociological field, this recent volume by the eminent jurist, if read by the persons to whom it is directed, should serve a definitive purpose. As a follow-up on his well-received chapter in the Albert Deutsch symposium on the Kinsey report, Sex and the Law realistically assesses the differences that exist between the moral and legal sanctions in America. As a survey of the inadequacies of law making and enforcing in the whole field of intimate and erotic behavior, Judge Ploscowe’s latest publication sets a high mark for other authors. As an approach to the difficult task of delineating what is amoral, anti-moral, and moral as well as pathological, this well-documented study by an exceptionally trained student of criminal law and criminology makes what this reviewer believes are the proper distinctions.

The book is comprehensive in coverage but so succinct that the 300 pages amply cover the gamut of the ordering of sex conduct through law. From the first chapter on the state of marriage legislation to the last chapter on social policy there is a successful attempt to show that the objective of the law is to safeguard the basic group of society, the family, to protect the children, and, insofar as it is commensurate with American ideology, to place the responsibility for the maintenance of offspring upon the real parents.

To achieve these objectives Ploscowe declares that “our matri-