Book Review: Problem in Contrasts by Henry Winthrop Ballantine

R.E.C.

Follow this and additional works at: https://uknowledge.uky.edu/klj
Click here to let us know how access to this document benefits you.
tions, party emblems, to interfere with or overcome reason, judgment, conscience, patriotism? Is not this a time for unity, for Americans to be Americans and thank their Creator for the "Schoolmaster?"

E. H. DECKER, Barbourville Bar.

BOOK REVIEW.


The use of problems in connection with text book or casebook is one of the best and most impressive forms of instruction for it stimulates interest and causes the student to read the text or cases more critically. Further, it accomplishes one of the most important aims of legal education, that is, it drills the student in the application of the fundamental principles of the law to the various sets of facts. Thus training the student to reason and analyze, so that when he leaves the law school he will be well trained in the art of analyzing legal propositions; which, after all, is the most important thing. But next we must have authority. The student should be familiarized with the best authorities and how to find these readily.

The author, realizing these needs in the law school, has prepared a most creditable work. It contains practical problem cases and questions. They are supplemented with recent decisions and citations from texts which will give a pointer to authorities both for and against. Some of the problems can be definitely answered, while others are close questions, about which there is a conflict of opinion.

The author suggests the following method as one of the best of many ways this book may be used, and it seems to us a most excellent ideal; that is, "to assign one or more problems to each student every week, requesting a written opinion or brief of two or three pages to be handed in for correction. The student should be required first to analyze out and state the precise issues involved in the problem, taking the facts up step by step. He should next form a provisional hypothesis or theory of the case on principle. He should then proceed to select from the authorities one or more of the cases not di-
rectly in point. Having abstracted his cases and made notes of his authorities, he may then write a three or four page opinion in the form of a brief under the proper headings. He should meet, the issues squarely, and state and apply his authorities, being careful to bring out the reasons upon which his conclusion rests.” (Preface). The appendix contains directions for brief making, which are twenty-four rules covering the work of drawing outlines or skeletons of brief, with which every student should be familiar.

This book is in one volume of three hundred and sixty-three pages, printed in good type on flexible paper, and handsomely bound in brown Buckram. The topics are so arranged as to present in logical order the important distinctions and crucial issues of the Law of Contracts.

R. E. C.

A Matter of Ethics.

Janie Overalls v. Obie Overalls. Docketed in Sixth District Court, at Paris, Texas. It seems that Janie is disposed to get rid of her Overalls. Query: Is it proper for a lawyer to assist in the removal?

This matter has been seriously considered by a Committee on Legal Ethics, which decides as follows:

The committee assumes, ex vi terminis, that after the removal of Janie’s Overalls she will be a vested remainder. Limiting the answer to the case of outer garments only, a majority of the committee is of opinion that, although a lawyer should view with suspicion a retainer such as Janie’s, yet if the partial undressing of her person is the only means of redressing her wrongs, the lawyer may take part in the removal without derogating from the essential dignity of the profession. See In re Coates, 3 Abb. Dec. 231; Dresser v. Dresser, 40 Barb, 300; People v. Comstock, 78 N. Y. 356; Pantzar v. Tilly Foster, 99 N. Y. 368, 2 N. E. 24; In the Matter of Baring (1893) 1 Ch. 61.

A minority of the committee is of the opinion that the foregoing answer should be further limited to a case where the lawyer is a lady (citing Comstock v. Draper, 1 Mich. 481; Baring & Willing v. Moore, 4 Paige, 166; Goodman’s Appeal, 199 Pa. 1, 48 Atl. 809; Priest v. Coates Clipper Co., 81 Fed. 615.)—The Docket.