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Review of "Trials and Appeals: Cases, Text, Statutes, Rules and Forms," By Charles W. Joiner

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experience of the past must not blind him to the realities and needs of today and tomorrow. His evaluation of the evidence of the law which diligence has brought forth must proceed in a larger framework than the negative concept of avoidance of conflict. Conflict will be avoided when law points the way to achieving desired goals, growth, and shared advantage. It will not be avoided when law is perceived to be shaped only by naked power and force.

KENNETH S. CARLSTON†

TRIALS AND APPEALS. By Charles W. Joiner. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1957. Pp. xxiv, 594. \$8.75.

The principal purpose of a law school is of course to teach students to think clearly and reason logically from legal principles. However, it is important to interest students in all phases of the legal profession, the actual practice of law, and the operation of the courts. That will produce lawyers who will bring about progress and improvement in the administration of justice. This book by Professor Charles W. Joiner of the Law School of the University of Michigan recognizes this need and its importance to the profession. He says the principal aims of the materials he has put into this book are: (1) To assist in the making of strong advocates, and (2) To assist in the development of lawyers with a sympathetic ear and an unflinching perseverance in the cause of improved judicial administration. In order to develop fully one system of procedure, the materials are built around the federal statutes and procedural rules. This is wise because all students will come in contact with federal practice wherever they may locate and because the rules of federal procedure, since their adoption in 1938, have had a great and ever-growing effect on state procedure. In fact, it truly may be said that there has been greater improvement in practice and procedure throughout the nation in the last 20 years, because of the example furnished by these rules, than in the preceding 75 years.

The scope of Professor Joiner's work can be seen from the chapter headings, which are: 1. Investigation of a case for trial; 2. Preparation of a case for trial; 3. Jury selection; 4. Opening statements; 5. Trial; 6. Instructions; 7. Deliberations and conduct of the jury and their verdict; 8. Judgment; 9. After verdict motions; 10. Trial by court without a jury; 11. Review. Thus it will be seen that this book is not intended for a course in pleading. Rather it affords a broad comprehensive basis for study and discussion of every phase of a trial lawyer's work from the time the case is commenced until it is finally

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decided in the appellate court. Chief Justice Arthur T. Vanderbilt once said that "it will do a lawyer little good to know all the substantive law in the books, if he does not know how it is actually applied in practice." Of course, a lawyer must learn most of this from experience, and he can never safely cease learning. Nevertheless, it is most helpful to have some guides to make it easier to start in the right direction and to have some ideas about what is essential. This book serves this purpose well, particularly in its early emphasis on preparation of the facts, as well as the law of the case, and how to go about learning the facts.

The plan of the book is to first give information in each chapter in text form about its subject matter, both from the author's own views and from selected quotations from others. This is followed by statutes, rules of procedure and forms. Finally some of the fundamental problems in each field are developed from selected cases, both state and federal. Many practical problems, with which the students will be confronted immediately upon entry into practice, are covered by the materials included in the book. It will certainly be helpful to them as young lawyers to have had them pointed out and discussed. Even lawyers who specialize in other fields of the law will find it most helpful to know something about the problems of trial practice, and particularly to know the needs of the courts and the importance of improvement in judicial administration.

It is indeed encouraging to see the law schools taking an interest in and emphasizing the need for improvement in the field of judicial administration. New generations of lawyers coming out of our law schools will determine the future of our practice and procedure and the effectiveness of our judicial system to serve public needs. It has been said that the public expects lawyers not merely to practice law but also to improve law. Such a book as this, and the interest it should arouse in law students in a course based upon it, holds forth renewed hope for improvement in our judicial system to better meet the vital needs of our times.

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