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Reviews of “Cases and Other Materials on Administrative Law,” By Robert Maurer and “Cases and Other Materials on Administrative Tribunals,” By E. Stason

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CASES AND OTHER MATERIALS ON ADMINISTRATIVE LAW. By Robert A. Maurer. Rochester, New York: The Lawyers Co-Operative Publishing Company, 1937. Pp. iv, 608.

CASES AND OTHER MATERIALS ON ADMINISTRATIVE TRIBUNALS. By E. Blythe Stason. Chicago: Callaghan and Company, 1937. Pp. xxv, 757.

Teachers of Administrative Law have long regretted the limited choice of casebooks available in that increasingly more prominent field. Professor Freund's pioneering collection has become outmoded, due to the unpredictably great developments in the administrative field since its publication. To many, including the present reviewer, the stimulating Frankfurter and Davidson casebook seems too concerned with the constitutional aspects of the subject to be useful in acquainting law students with the actual functioning of boards and tribunals of mounting importance in the contemporary practice of law. It is safe to say that the appearance of these two extremely usable casebooks will largely decrease the use of privately collected and mimeographed selections of cases by teachers of Administrative Law.

Without ignoring the development of sound theory, Professors Maurer and Stason have had in mind the needs of the future practitioner. As evidence of the practical bent of these two collectors one need only cite the inclusion in both casebooks of such eminently practical problems as administrative procedure, suability of public officers, and judicial review through extraordinary legal remedies. The relative exclusion of British and continental authorities indicates the same editorial determination that the teaching of the first course in Administrative Law shall be kept from the academic stratosphere.

It does not follow, however, that the two casebooks under discussion are at all *ejusdem generis*. Their fundamental differences reflect the differences of opinion which at present exist with reference to the case system of instruction. Professor Maurer has compiled a casebook along traditional lines. Decisional material is dominant, and his footnotes are supplementary and not provocative of further inquiry. The only concessions to the contemporary tendency to cross casebooks with textbooks are introductory comments to the more technical chapters and the occasional inclusion of brief statutory excerpts and textual references dealing with particular administrative procedures.

Professor Stason, on the other hand, has seriously compromised the case system. The collection is closely sub-divided, and the detailed table of contents would be suitable for use as an outline for review. Professor Stason's departure from the pure casebook style is perhaps more fundamentally evidenced by his inclusion, for purposes of condensation of several long textual statements. In addition, he has included several long statutes and the texts of illustrative administrative rules and awards.

A pet grievance of the present reviewer has been the overemphasis upon federal administrative action in casebooks and monographs on Administrative Law. Professor Stason in his collection lays a wholesome stress upon

state administrative problems, an emphasis which students and teachers in the hinterland will approve. Professor Maurer, however, has drawn the greater part of his materials from federal cases. That the selection of illustrative state cases useful in schools generally throughout the country presents a difficult problem is to be conceded, but it is questionable whether the discrepancies in state procedures are so great that illustrative state materials would serve no pedagogic purpose. In defence of Professor Maurer's emphasis, however, it should be pointed out that his collection is sufficiently flexible to enable the individual instructor to integrate assigned local materials with those of a federal character.

Comparison of the value of the two casebooks will depend upon the inclinations of the user. The more closely packed selection of Professor Stason would doubtless make it possible to cover a greater amount of ground in a single semester course. Much of this additional material, for instance that dealing with the investigatory powers of administrative agencies, is of great value. On the other hand, Professor Maurer's casebook seems more flexible to the needs of individual instructors and somewhat better adapted to critical examination of the subject.

The present reviewer would have been pleased to see the comparative law approach given greater weight in both collections. The formative influence of American constitutional doctrines upon administrative techniques can only be appreciated from this point of view. Increasing judicial familiarity with and tolerance towards administrative procedures is augmenting the efficiency of administrative action, just as increased judicial familiarity with legislation added to the effectiveness of legislative alterations in the common law. The real relationship between constitutional doctrine and administrative efficiency must be understood by those who are going to be active in the dynamic field of administrative practice. No approach can be so useful in developing that understanding as the comparison of American administrative techniques with those which have been developed in countries which lack judicially-enforced constitutions. But this, perhaps, is an individual prejudice of the present reviewer, and one should look only for general excellence in a casebook. That both of the present collections possess that general excellence is undeniable.

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