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Review of “Principles of Judicial Administration,” by W. F. Willoughby

William G. Hale
Washington University School of Law

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Book Reviews

PRINCIPLES OF JUDICIAL ADMINISTRATION, by *W. F. Willoughby*. Washington: The Brookings Institution, 1929. Pp. xxii, 662.

It is doubtful if any greater service can be rendered today than to direct the attention both of lawyers, including law students, and of the lay public to the problems of the administration of the law and to effective ways of solving them. Dr. Willoughby's book is directed definitely to these ends and constitutes an excellent working tool for colleges, law schools and bar associations. It can also well find a place in the editorial offices of newspapers and periodicals where the need is great for a better understanding of what is already being done by the legal profession to meet its public responsibilities and for a more intelligent cooperation between the press and various agencies for the improvement of judicial administration.

It is only fair to say that the pioneer work back of this publication is that of the American Judicature Society which for twelve years through its Journal has been industriously and intelligently moving the legal profession and the public in the path of legal administrative betterment. Dr. Willoughby's book brings together in condensed and convenient form the results of the notable work of the American Judicature Society, and of individual and public studies. In a useful bibliography in the appendix reference is made to the more important sources of this author's study. Incidentally, the need of a complete bibliography of the subject is noted.

The book is comprehensive. It deals first with the prevention of litigation and crime, the former through developments in administrative adjudication, conciliation, arbitration, declaratory judgments and advisory opinions; second with the machinery for law enforcement; third with judicial organization, including a study of the movements for the unification and efficient business administration of the courts, the judicial council development and such specialized courts as small claims and juvenile and domestic relations courts; fourth with the need and methods of securing a better personnel in the bench and bar; fifth with various aspects of procedure, especially the determination of rules of procedures by the courts instead of legislatures; and sixth with legal aid.

By way of detailed criticism we find occasion only to refer to the short section which deals with hearsay evidence and to call attention to the fact that it carries the misleading implication that all hearsay evidence is excluded. This implication is of course not true and doubtless was not intended. So many exceptions to the hearsay rule have become established that they have almost become the rule and the rule in turn the exception. Moreover attention might well be called to the further rational extension of the exceptions by statute in Massachusetts. Gen. Laws Mass. (1921) c. 233, sec. 65; originally Acts 1898, c. 535.

Washington University School of Law.

WILLIAM G. HALE.