

Book Appraisals

Edited by A. MICHAEL BEAIRD
Law Library, University of Houston

What They Do at the Capitol

Davies, Jack, *Legislative Law and Process in a Nutshell*. St. Paul, MN, West Publishing Company (50 Kellogg Blvd., 55102), 1975. Pp. xxi, 279. \$6.00.

Attention, students of the legislative process! A publication now exists that you will not be able to ignore. This paperback is a step-by-step guide to the creation of state legislation with comparisons to the federal process. The book includes an explanation of how the democratic form of government operates from the complexities of bill drafting, committee hearings, and lobbying, to the final votes in the House of Representatives and Senate and from the enactment of the statute at the agency or local government level to the judicial interpretations and repercussions of the newly passed law. The author, Jack Davies, professor at the William Mitchell College of Law and Minnesota state senator, is well-qualified to contribute to the growing number of publications on this topic.

The book, one of the *West Nutshell Series*, is divided into four parts: [I] the legislative process, [II] making a bill, [III] perspectives on legislative power and [IV] the legislatures and courts. The format follows that of *Vernon's Annotated Texas Statutes* and is easy to use and specific enough for anyone's needs. The physical size of the book and the print facilitate easy reading; the excellent table of contents and index make it a valuable ready reference tool. Although the book is written primarily for law students in legal research courses and provides elementary definitions for the newcomer, it is a useful addition to the reading list of persons already well-established in politics, government, lobbying and the practice of law.

Mina Akins Brees, Librarian
Legislative Reference Library
Austin

Everything You Ever . . . Etc.

Binder, David F., *The Hearsay Handbook*. Colorado Springs, CO, McGraw-Hill Book Company/Shepard's Citations, Inc. (P.O. Box 1234, 80901), 1975. Pp. 286. \$30.00.

This book is not, and was not meant to be, a detailed treatise, but is rather a quick-reference text, neatly organized and concisely written, designed to be of use as a handy practical aid to attorneys engaged in all fields of trial work.

The book is divided into two major sections. Part I

deals with how to recognize whether a piece of evidence is hearsay or not. Part II, the bulk of the book, concentrates on the Hearsay Rule's exceptions, of which the author estimates there are approximately forty. He devotes a chapter to each one, first broadly defining the exception, then analyzing it in terms of a wide cross-section of recent case decisions, as well as keying in on the Federal Rules of Evidence. The author points out the prevailing majority and minority views in both the state and federal courts, then offers his observations as to recent trends in case decisions. Cross-references to *Am Jur 2d*, *CJS* and *Wigmore on Evidence* appear at the end of each chapter.

The main recommendation for this book is that, rather than trying to cover the entire evidence spectrum, it focuses strictly and directly on the subject of hearsay, one of the most frequently encountered and surely one of the most complex of all evidential subcategories. In doing so, the author manages to turn the elusive trick of simplifying his subject matter without over-simplifying it. He succeeds admirably in providing the reader with a basic understanding of the Hearsay Rule and its exception, while at the same time emphasizing that pat answers in this area seldom, if ever, exist. To this end, the book is highly readable, well-indexed and equipped with an adequate table of cases, in addition to the previously mentioned cross-references.

The only major fault that can be found with this book is its price. Content and style aside, \$30.00 seems an outrageous price to pay for a relatively small-sized, simply bound, 286-page book, especially when the publishers have padded on an extra twenty-five pages by inserting blank pages between chapters to beef up the book's thin appearance.

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Whither Our Profession? Whither the Law?

Schwartz, Murray L. (ed.), *Law and the American Future*, Prentice-Hall, Inc. (Englewood Cliffs, N.J., 07632), 1976. Pp. 216. \$4.95 (pb).

In a bicentennial election year when public interest is focused on the past and the present, publication of *Law and the American Future* is a timely reminder that with luck and a little foresight there will also be a future for the United States. In this thin volume Professor Schwartz collects 15 short essays which explore the forces which will shape this future and the role of law and lawyers in channeling these forces.

The essays comprise the background papers presented to The American Assembly on Law and a Changing Society II, which met at Stanford Law School June 26-29, 1975 under the joint sponsorship of the American Bar Association and the American Assembly. Unfortunately, the short Final Report made by the Assembly after debating these background papers is not reprinted and must be obtained separately from the ABA or The American Assembly.*

A masterful introduction by Professor Schwartz ties together the three main topics of the book: What will the future look like? How can the unrepresented be represented effectively in legal institutions? and, What should be the role and responsibility of lawyers? The essays provoke thought and further discussion rather than exhaust the assigned topics. Contributors include legal practitioners, law professors, and scholars from other disciplines.

The essays are easy to read: all are short and academic paraphernalia is kept to a minimum. Most readers should find some new information or interesting observation in virtually all the essays.

The format, however, does not lend itself to systematic analysis and I found a number of essays superficial and heavily value-laden. Nevertheless, several essays stand out in my mind as particularly thought-provoking: Kenneth Boulding on Economics, Evolution, and Law (suggesting that we may have already nearly exhausted the total stock of new things to learn about the universe); Suzanne Keller on Work, Family, and Values in the Years Ahead (which makes no pretence to relate the subject to law); and Geoffrey Hazard on Representation in Rule-Making (analyzing a model for rule-making, as opposed to adjudicative, bodies). Other readers, no doubt will find different essays more stimulating.

In sum: bedside reading for the busy practitioner, perhaps; a small, informal (expensive paperback) gift for the non-lawyer, maybe; required reading, no.

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It's Academic!

Hobles, Robert and M. K. Woodward, *Case Materials on Texas Land Titles*. Austin, Tex. Sterling Swift Publishing Company (900 Old Koenig Lane, Suite 130, 78756), 1975. Pp. 509. \$16.50.

This will be an excellent casebook for law students. It is well organized and adequately covers the field of Texas Land Titles. As for the practicing attorney, this book probably will not be too helpful. Title company attorneys and attorneys in related areas may be interested in this work because of the compilation of cases in their field of specialization.

The work is well structured and the material is presented in an orderly manner. In six chapters the authors, two Texas Professors, present Covenants for Title, Estoppel by Deed, Recordation, Title Insurance,

* Readers of S.W.2d advance sheets may remember seeing the Report in the yellow pages of the July 15, 1975 edition, printed as a public service by the West Publishing Company.

Adverse Possession and Texas Public Lands. For certain professors and students this book would be a good acquisition.

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Re: The Father of Administrative Law

Kraines, Oscar, *The World and Ideas of Ernst Freund: The Search for General Principles of Legislation and Administrative Law*. University, Ala., University of Alabama Press (Box 1435, 35486), 1974. Pp. 221 (167 p. text). \$8.00.

Ernst Freund (1864-1932), along with his teacher, Frank J. Goodnow, was instrumental in establishing the place of administrative law in the American legal system. Freund, a member of the first faculty of the University of Chicago Law School, through his teaching and writing, which included the first systematic casebook in the field (1911), earned the title "father of American administrative law."

Freund, a man of broad interests (he was a founder and later president of the American Political Science Association), was a leading advocate of the notion that every new rulemaking body is a potential source of change in the social structure. Thus he was always concerned with the effect of administrative action on private rights. He was a reformer who drafted legislation on workmen's compensation, minimum wages, and domestic relations, but he remained concerned with the relationship between discretionary authority and individual rights. He not only defined American administrative law and traced its development, but he also attempted to describe its future role. Freund's best known works were *The Police Power* (1904), *Standards of American Legislation* (1917) and *Legislative Regulation* (1932). Professor Kraines's study of Freund and his work is useful and lucid. It offers valuable material to any practitioner in the field of regulatory law who wishes a firmer grasp on the manner in which American administrative law has developed its theoretical base.

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