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The Courts, The Public And The Law Explosion. Harry W. Jones, Ed.

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Mr. Sokol's seemingly pro-petitioner orientation is probably the product of his experience in the field; he is the Director of the Appellate Legal Aid Program at the University of Virginia and has argued many habeas corpus petitions in the Fourth Circuit. And he properly cannot forget that in each habeas corpus proceeding a man's physical liberty is at stake.

SAMUEL W. COLEMAN, III

THE COURTS, THE PUBLIC AND THE LAW EXPLOSION.

Harry W. Jones, Ed. New York: Prentice-Hall, Inc., 1965. 177 pp., \$1.95.

One of the most acute problems in our judicial system in recent years is the flood of litigation in our courts resulting in an indeterminate delay in the final determination of controversy.* "Interminable and unjustifiable delays in our courts are today compromising the basic and legal rights of countless thousands of Americans and, imperceptibly corroding the very foundations of constitutional government in the United States." (p. 31). This modern dilemma is the subject of a study by the American Assembly Program of Columbia University. The findings of that body have been accumulated in a series of six essays, written by a select group of legal scholars and edited by Harry W. Jones, Cardozo Professor of Jurisprudence, Columbia University.

The theme of the presentation suggests that our traditional procedural and administrative rules are inadequate in coping with this increase, and that new solutions must therefore be found. Individual articles are presented, each dealing with a significant area of the judicial process. The appellate courts and procedure, the criminal and civil courts, and the role and qualifications of trial judges, are each the subject of individual essays. In each of these areas the increasing burden upon our court system is clearly illustrated.

Of particular interest is the essay dealing with the general topic, "Court Congestion." The author, Maurice Rosenberg, presents a comprehensive analysis of the many procedural devices that have been tried or suggested to reduce the congestion in the trial courts. The causes of this delay are surveyed and remedial measures considered. One corrective approach is the proposal for split trials in negligence

*Illustrative of the present problem is the recent release by the Director of the Administrative Office of the U.S. Courts indicating that cases pending in the U.S. courts of appeals and district courts mounted to an all-time high in 1965. 51 A.B.A.J. 1026 (1965).

cases. Under this arrangement evidence as to damage would not be presented to the jury unless and until a verdict for the plaintiff has been rendered. Proponents of this device contend that such evidence is a moot point in forty percent of the personal injury cases, where a verdict for the defendant is returned.

In their entirety the several expositions present a succinct and thorough analysis of the problem with a minimum of theoretical abstraction. The presentation constitutes an extensive statement of the problem, but the examination of suggested remedies remains largely superficial. As a documentation of the crisis, the study is more than adequate. The value of the study is reduced to some degree in that the book merely articulates the problem and does not give serious consideration to the ramifications of suggested remedies, thus omitting an essential ingredient of any constructive analysis. Critical questions, such as the effect of certain proposals upon constitutional and substantive rights, are alluded to but not explored to any satisfactory degree. The question inherent in many of the suggested correctives, whether expeditious justice would be more unjust than delayed justice, is left substantially unanswered. The study does succeed in fulfilling its limited objective: to encourage an awareness of the crisis rapidly developing so that a concerned public will initiate the necessary reform. To this extent, the work is a valuable and informative source, providing depth without prolixity.

STEWART ROGER FINDER

JUSTICE RUTLEDGE AND THE BRIGHT CONSTELLATION.

Fowler V. Harper. New York: The Bobbs-Merrill Company, Inc., 1965. 406 pp., \$6.95.

In the summer of 1949 Justice Wiley Blount Rutledge died suddenly of a stroke after serving on the United States Supreme Court for only six years. Some of his critics believe that a brilliant career was thus cut short. The author feels this way and he clearly hopes to instill some of his admiration for Rutledge in the reader.

Professor Harper concentrates on Justice Rutledge's opinions on civil liberties, the area in which he is best remembered. Each of six chapters isolates an individual right guaranteed by the Constitution and traces it through the significant decisions of the New Deal Court of the '40s. All too often, though, the emphasis on Justice Rutledge loses its focus in the welter of references to the opinions of other