



PennState
Dickinson Law

DICKINSON LAW REVIEW
PUBLISHED SINCE 1897

Volume 58
Issue 4 *Dickinson Law Review - Volume 58,*
1953-1954

6-1-1954

Book Review

Follow this and additional works at: <https://ideas.dickinsonlaw.psu.edu/dlra>

Recommended Citation

Book Review, 58 DICK. L. REV. 403 (1954).

Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol58/iss4/12>

This Article is brought to you for free and open access by the Law Reviews at Dickinson Law IDEAS. It has been accepted for inclusion in Dickinson Law Review by an authorized editor of Dickinson Law IDEAS. For more information, please contact lja10@psu.edu.

BOOK REVIEW

HOW TO WIN LAWSUITS BEFORE JURIES by Lewis W. Lake; Prentice-Hall, Inc., New York, 1954, pp. 303 (\$5.65) and HOW TO PREPARE A CASE FOR TRIAL by Elliott L. Biskind; Prentice-Hall, New York, 1954, pp. 206 (\$5.65).

Experience has and perhaps always will be the greatest teacher in the legal profession, and the days spent going through the school of hard knocks can often be long and trying. In recent years a number of books have been published which have been highly useful to attorneys, both young and old, in conveying and explaining the most desirable procedures and methods applicable to the many situations arising in the profession, and with direct and forward "how to" guides have greatly assisted the practitioner in developing his own best techniques. To this list Prentice-Hall has now added *How to Prepare a Case for Trial* by Elliott L. Biskind and *How to Win Law Suits Before Juries* by Lewis W. Lake.

Elliott L. Biskind is a practicing attorney of the New York Bar and is a member of the National Panel of Arbitrators of the American Arbitration Association. He served as trial examiner for the National Labor Relations Board and presently, in addition to his own trial practice, counsels for other attorneys in cases involving intricate and prolonged preparation.

Lewis W. Lake has spent most of his legal career as a specialist in the trial of law suits before juries. He is a member of the Maryland Bar and has practiced before the courts of several other states.

Both of these books are outstanding in that they are relatively brief and yet comprehensive of the subjects discussed. They furnish excellent guides as to just what are the most desirable standards and procedures to be used in the practice of law and contain literally thousands of suggestions concerning the application of these techniques.

How to Prepare a Case for Trial takes the reader through the complete preparation of a case for trial, setting down specific patterns for assembling facts in order to present them effectively. The subject is covered from the attorney's first interview with his client through to the actual trial of the case.

In a full authoritative chapter devoted to interviewing witnesses, Mr. Biskind tells how to know your witness, how to handle unwilling witnesses, what to do when the witness holds back information, what kind of witnesses you can expect to find, how to know the other side's witnesses, whether you should let a witness talk to the other side, and dozens of other suggestions for the handling of this phase of trial work successfully.

Another chapter outlines the techniques for making a thorough investigation of the facts. Here is explained how to be sure of physical evidence, how to make certain your investigation is complete, and how to make use of "signed statements".

The book gives detailed help in preparing your presentation of the law as well as the facts, dealing with such things as selecting and testing a working hypothesis, checking and correcting inconsistencies, and how to select the material to be used.

In *How To Win Law Suits Before Juries* the reader is taken past the detailed preliminary work of pre-trial preparation directly into the trial of a case before the jury. In his book Mr. Lake draws on his own personal experiences to show you the traps which must be avoided, the breaks which must be recognized, and the trial preparation which must be completed to insure success in trial work.

The book starts with a discussion of the qualities necessary for a successful trial lawyer and the methods of development, distinguishing between fighting as opposed to persuasive methods, and herein also sets forth the principles of conduct to be shown toward opposing counsel, trial judge, and court attaches.

From this opening chapter the reader is taken into the subjects of selecting jurors, influencing jurors by various trial considerations, preparing the witness for trial, making the opening statement and what to say, the best procedures in direct examination and the use and importance of cross examination, what can be gained from cross examination and the protection of counsel's own cross examination, the handling of medical witnesses and finally, the method of making a convincing concluding argument.

To even suggest that the reading of any "how to" book would make one an "expert" would of course be facetious and I have nothing like that in mind, but I do think that these two books would certainly give the reader a better understanding and insight as to just what can be done to improve his own professional techniques along with concrete guideposts as to how this goal can be attained.

Roger N. Nanovic
Member of the Senior Class

BOOKS RECEIVED

ADMINISTRATIVE LAW (Cases and Materials) by Louis L. Jaffe, Prentice-Hall, Inc., N.Y., 1953, pp. 643, with index and appendix. (\$10.00).

Professor Jaffe introduces his subject with a defense of its newly acquired status on the law school curriculum, stating that, as a synthesis of fundamental administrative law, it is comparable to the more traditional subjects all of which are presented in the abstract because of extreme variation in particular application. Specifically, there is no more reason to study just the law of the National Labor Relations Board than to isolate the law of automobile sales or the law of injuries arising through use of automobiles from the sales or torts courses.

The text material is presented in a manner which is superior both as to organization and concept. First, the basic position of the agency in our constitutional pattern is established and then the author proceeds to a consideration of preliminary issues involving law making by the agency, the type of law made and promulgation and enforcement of that law. It is at this point that the student begins to learn of the practical issues arising when an agency operates within (or without) its sphere and of the application of theory to hard business reality. Finally, agency activity is considered under the law, and the right to and scope of judicial review are presented to fix the position of the agency in our jurisprudence.

But none of this is presented dogmatically. Perhaps the outstanding feature of Professor Jaffe's book is the keynote of investigation. This law of the administrative tribunal is barely fifty years old, by common law standards inconsiderable, and so the proper object of the student is not the acquisition of many well-formulated rules, but an appreciation of the problems and trends only now beginning. This facet of the subject has been successfully mastered by Professor Jaffe in his text.

* * * * *

SOCIAL MEANING OF LEGAL CONCEPTS: #5 PROTECTION OF PUBLIC MORALS THROUGH CENSORSHIP, edited by Bernard Schwartz, New York University School of Law, N.Y., 1953, pp. 88.

This pamphlet contains essays on the subject indicated by the title with comments by faculty members of the New York University School of Law. In the same series are titles such as *Inheritance of Property and Testamentary Disposition*, *Criminal Guilt*, *The Powers and Duties of Corporate Management* and *Sales of Consumer Goods*.

The essays are the result of an annual conference conducted by the New York University School of Law in which outstanding practitioners in the various social sciences are invited to participate. The instant volume is the result of four addresses on the subject, one each by an attorney, an artist, an educator and a professor of social philosophy.

It is both of value and interest to the practicing attorney to have a different light thrown on the ideas with which he deals so constantly and it is undeniably well for the student of law to be presented with the broader picture of the social sphere encompassing his field. Each of the articles is relatively brief and the comments even shorter so that from many standpoints this pamphlet should be attractive to the profession.

* * * * *

CONSERVATION LAW AND ADMINISTRATION, by William F. Schulz, Jr. (A Case Study of Law and Resource Use in Pennsylvania), The Ronald Press Company, New York, 1953, pp. 607.

The Conservation Foundation, an independent research organization, has picked Pennsylvania as the subject for a case study on a state's conservation laws and their administration. The author has catalogued all the pertinent Pennsylvania and federal statutes in a comprehensive study including recommendations for a more effective and efficiently administered conservation program. Invaluable to Pennsylvanians interested in conservation of our natural resources, this book also provides an instructive program of value to conservationists in all states.