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## Book Reviews

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## BOOK REVIEWS

EQUAL JUSTICE UNDER LAW—by Carroll C. Moreland. New York: Oceana Publications, Inc., 1957. \$2.75.

Mr. Moreland, Librarian and Associate Professor of Law at the University of Pennsylvania, has succeeded in cramming into a small package the information essential to an understanding of the American court system and its operation.

The beginning law student will find the material invaluable in familiarizing himself quickly with the functions of the various courts in the state and federal systems. The lay reader will discover that the step by step account of a civil and criminal action take much of the hocus-pocus out of what goes on in the big brick building on the square called the courthouse. The practicing lawyer who must make a speech before this or that club, and who hasn't time to prepare a short speech, can mine any chapter for more than enough material to leave his audience not only impressed but informed.

Pointing to the sometimes bitter experience of colonists with the British court system, prior to the revolution, the author indicates the way and how of the safeguards written into our system to prevent such conditions from developing again. The Bill of Rights becomes more meaningful when annotated by recent instances of statements by the courts to various government officials, telling them they could not do certain acts because of the constitutional rights of the individuals concerned.

The organization, function and personnel of the various state and federal courts will seem simple and easy to understand after reading Mr. Moreland's treatment. Chapter five, "How the Courts Operate", is a masterful example in eight pages of how to get across to the uninitiated the essential concepts necessary for an appreciation of the American judicial system. A civil action is followed from complaint through appeal; a criminal action from arrest through sentence. In the course of describing these steps, the justification for the jury system and the rationale of the principle rules of evidence are given; thus the chapter contains a well-rounded brief for American trial procedure.

The appendixes contain the Canons of Judicial Ethics, the guide to what we have a right to expect from the judiciary; the Canons of Professional

Ethics, the code of conduct that guides the conscientious lawyer, and an excellent bibliography.

In chapter four, "Justice For All", the efforts of the bar associations and law schools to provide legal service through legal aid clinics, lawyers referral plans, public defenders and court-assigned lawyers attest to the resolution of these bodies that all are entitled to Equal Justice Under Law.

JAMES J. McARDLE.\*

PLANNING AND TRYING CASES—Revised Edition, by Charles W. Fricke, West Publishing Company, 1957.

The author of the book under review eminently qualifies as an authority in trial practice. Mr. Fricke has both an LL.M. and a J.D. He has been a member of the California bar for over half a century and has been a judge of the Superior Court of Los Angeles County for a number of years. His writings have been extensive in the field of criminal law and include works on California criminal procedure, evidence and investigation. His ability to write clearly and succinctly is evidenced by the ease with which the book may be read.

The First Edition of this work was published in 1952; its popularity necessitated a second publication. To this the author has added chapters almost exclusively devoted to the criminal law which deal with alibis, firearms, ballistics, fingerprints, handwriting and intoxication. The original work has been revised and brought up to date by the use of fresh illustrations. Although the book is based on practice in criminal cases, suggestions rendered by the author can readily be applied to civil matters.

The book serves its greatest value to those just entering the profession of law as well as to practitioners who have had limited opportunities before a jury. To the experienced trial lawyer it brings to thought matters of which one is not consciously aware. Judge Fricke has pictured problems which arise in every day trial practice. Numerous trial techniques are presented, analyzed, criticized and condoned. The author's extensive use of illustrations enables him to arrive at conclusions with relative ease and extreme clarity.

As far as possible the book has been arranged in chronological order, carrying the reader through the evolutionary process of an actual trial. The first five chapters are concerned with preparation for trial and go into such

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matters as the client-attorney relationship, the mechanical functions of the court and its officers as well as the conduct of counsel. The following seven chapters pertain to actual trial with interjections on unique situations which might arise during the course of an action. The next ten sections illustrate and suggest ways by which varying situations may be properly handled; problems concerning examination and cross-examination of children, experts and persons of limited education and intelligence are fully discussed. Chapters 24 to 28 have been added to this edition and, as noted, deal almost exclusively with the criminal law. The author concludes with discussions on argument, instructions to the jury and proceedings after verdict. An extensive index has been prepared which allows the book to be used as an immediate reference.

To the attorney who is just beginning trial practice, many suggestions made in the work will be extremely beneficial; one may even use the author's line of attack of a trial matter as a guide in order to establish his own routine. The extensive preparation for trial which Mr. Fricke suggests would be very helpful to the young attorney who is attempting to build a reputation. The fact that such preparation is time consuming should be of little concern to the beginning practitioner. Blind use of many of the suggestions might hamper the immediacy with which certain matters must often be handled; the reader must be discriminant lest he become bogged down with a multiplicity of tasks. Each suggestion must be considered in the light of the applicable situation. To the established trial attorney, many of the suggestions might supplement a satisfactory trial routine which would be difficult to revise.

The work is not without fault. On several occasions the author has become repetitious. To emphasize a point, exact fact situations are repeated rather than analogized. Such repetition often occurs within the same chapter.

Despite the fact that the book might seem elementary to many, a wealth of experience has been compiled, analyzed and presented in a fashion which would serve to benefit even the most adept advocate.

DAVID L. HORUVITZ\* and  
G. M. EISENSTAT.

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