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## Book Review

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## BOOK REVIEW

### A "Pathfinder" Book to Pennsylvania Practice and Procedure

PENNSYLVANIA CIVIL PRACTICE. By Dale F. Shughart.\* Charlottesville, Va.: The Michie Company, 1988. Pp. xxv, 713. \$70.

Reviewed by Edwin L. Klett\*\*

It is often said that "one cannot judge a book by its cover" — but this is not always so. *Pennsylvania Civil Practice* by Dale F. Shughart is a noteworthy exception.

As is commonly the case, the title and author of this book appear prominently on its front cover. Unlike most other literary efforts, however, these succinct references, especially to a Pennsylvania lawyer, convey a clear understanding of the author's special credentials, as well as the subject matter of the book.

Dale F. Shughart is well known in Pennsylvania legal circles. He has devoted over fifty years to the law, including 36 years as a common pleas judge, and is held in high regard by both the bench and bar. He has been a practicing lawyer, prosecutor, judge, rulemaker and educator. He has been a member of the Pennsylvania Supreme Court's Civil Procedural Rules Committee and, for nearly thirty years, has taught Pennsylvania Practice at The Dickinson School of Law. Judge Shughart has served as chairman of the Juvenile Court Judges Commission of Pennsylvania, and has worked diligently on behalf of the State Trial Judges Association.

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For these reasons, it can be said with confidence that this as yet unopened book, in the hands of a Pennsylvania judge, lawyer or educator, will portend what is to be found within its covers.

In forty chapters, Judge Shughart methodically reviews the length and breadth of Pennsylvania practice. Citations to statutes, rules, and decisions abound. In style, Judge Shughart's work resembles a legal encyclopedia, yet each of the essays contains the detailed discussion expected of a single-volume practice treatise.

The initial chapter of the book concerns the organization and jurisdiction of the Pennsylvania courts, and subsequent chapters march in step through the entire litigation process. There are distinct discourses relating to the commencement of actions, service, pleadings, joinder of claims and parties, discovery, pretrial and post-trial procedures, judgment executions and appeals.

Informative discussions involving the less commonly confronted forms of actions also are presented including interpleader, foreign and fraudulent debtor's attachment, ejectment, quiet title, replevin, mandamus, and quo warranto. District magistrate, compulsory arbitration, and Board of Claims procedures likewise are reviewed.

Special attention is given to many sensitive areas of Pennsylvania practice. For example, fair warning is given to the unwary practitioner who believes that merely issuing a writ of summons without following through to effectuate service will toll the statute of limitations. The significant but subtle distinctions between a case stated and a submission on stipulated facts are explained. The myriad of practical problems associated with governmental immunity, comparative negligence, and contributions among joint tortfeasors are identified. Additionally, there is a very helpful discussion regarding appealable and nonappealable orders, final and interlocutory, together with an explanation of waiver issues which may affect an appeal.

In a generic sense, this is a "pathfinder" book which provides a most useful and practical review of Pennsylvania practice and procedure. It does not (and in this reviewer's opinion, should not) offer an in-depth analysis of any particular legal authority, make predictions with respect to developing areas of the law, or supply advice on "how to do it." The book is basically devoid of pleading forms. These aspects of Pennsylvania practice are better left to the multi-volume practice treatises. If this author had attempted to be as equally expansive, the book's intrinsic value as a desk reference most assuredly would have been undermined.

By choice, Judge Shughart has traveled a familiar road. His

commitment is reminiscent of that of the faithful lamplighter of old, who, with lighting staff in hand, also strode the familiar road, by choice, not venturing into remote or obscure footpaths. As with the lamplighter's staff, this book could become a much used and familiar tool for the general attorney and trial specialist alike.

