

1937

## Cases and Materials on Trials, Judgments, and Appeals

Bolling R. Powell Jr.

*William & Mary Law School*

---

### Repository Citation

Powell, Bolling R. Jr., "Cases and Materials on Trials, Judgments, and Appeals" (1937). *Faculty Publications*. 807.  
<https://scholarship.law.wm.edu/facpubs/807>

Copyright c 1937 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.  
<https://scholarship.law.wm.edu/facpubs>

## BOOK REVIEWS

CASES AND MATERIALS ON TRIALS, JUDGMENTS AND APPEALS.  
By Thurman W. Arnold and Fleming James, Jr. St. Paul:  
West Publishing Company. 1936. pp. xxvii, 869. \$5.50.

The compilation of cases and materials contained in this book covers the procedural situations which occur most frequently in the progress of ordinary litigation in its course through the trial and appellate courts. This phase of legal training is too often sacrificed in law school curricula for proficiency in the nice analysis of legal dialectic. The book, then, written from the point of view of training the student in the use of legal principles as convenient legal analogies for forwarding particular trial objectives or in answering ingenious arguments unexpectedly presented in the course of litigation, fills a very practical and vital need in modern legal training.

The authors, of course, have adopted the point of view of the trial attorney in selecting their cases and materials. Consequently, the social and logical concepts of what the law should be and the underlying reasons therefor are abandoned as criteria in the selection of materials, and the practical strategy of the suit is made the test. Naturally then, there are included in the book many extreme and even indefensible decisions rather than opinions which would ordinarily be considered the best examples of judicial reasoning. This is illustrated by the inclusion of such cases as *Squibb v. Mallinckrodt Chemical Works*.

The book begins by emphasizing the fact that the technical ritual of legal procedure is not determined—to borrow the statement of Lord Coke—“by natural reason but by artificial reason and judgment of law, which law is an act which requires long study and experience, before that a man can attain the cognizance of it.”

The balance of the book is consumed in initiating the student into the more particularized phases of procedural ritual encountered at the various chronological stages of litigation. The book concludes with a rather brief and simple treatment of appeals, which, rather than attempting to summarize procedural reform, is an exposition of some of the conceptual difficulties which hinder and delay procedural reform.

The authors have selected the material for the book from an unusually wide range of sources. There is included, in addition to the cases, extensive excerpts from, and references to, legal periodicals, textbooks, book reviews, Corpus Juris, Ruling Case Law, ancient legal writings, codes and statutes, and even an United Press news dis-

patch. This wealth of material is ably presented in an extremely interesting and coherent manner through the liberal use by the authors of their own running comments and descriptive matter, thus giving the student a general and correlated picture so that the narrower procedural problems may be better understood.

BOLLING R. POWELL, JR.

*Birmingham, Alabama.*

---