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BOOK REVIEWS

Handbook on the Conflict of Laws. By Herbert F. Goodrich. St. Paul, West Publishing Company, 1927. Pp. xii, 500. The Hornbook Series. \$4.50.

For several years, Professor Goodrich has been publishing articles in various law reviews on topics in the field of Conflict of Laws. It was indicated that the articles were to be incorporated into a forthcoming book. The publication of the present volume has therefore been anticipated with interest. In both the articles and the book, we find a clear, concise style, a fairness of statement and a broad conception of the subject, which make the book a standard presentation of the present state of the law.

Professor Goodrich indicates in his preface the debt which he feels is owed to Professor Beale. This debt is inherent in the work of Professor Beale's students. The arrangement of Beale's *Cases on Conflict of Laws*, his approach to the problems involved, his emphasis on jurisdiction are reflected in the present work. Professor Goodrich gives to jurisdiction a place commensurate with its importance. Jurisdiction to tax is recognized as a problem of Conflict of Laws as well as of Constitutional Law. Jurisdiction in the sense of power is a fundamental conception in Conflict of Laws and deserves extended treatment. In the earlier treatises on Conflict of Laws, the emphasis has been placed on jurisdiction as a procedural question, as in the treatises by Story and Wharton and in Lorenzen's casebook. The topic of jurisdiction, as such, is omitted by Minor and by the discussions in *Corpus Juris* and *Ruling Case Law*. Dicey, on the other hand, gives one-third of his book to the subject of jurisdiction. While there is considerable agreement on the inclusion of jurisdiction of courts as a proper topic in Conflict of Laws, it is evident that Professor Beale goes much farther and conceives of jurisdiction as fundamental in any consideration of the dealings of a sovereign state with persons and property. The American Law Institute Restatement, largely from Professor Beale's influence, places the proper emphasis on Jurisdiction as a fundamental question in Conflict of Laws.

The present volume will fill a much needed place. There has been no satisfactory textbook on the subject in recent years. Minor's work is twenty-five years old and, despite its great merit, the attempt to have

a situs for everything and everybody, debts, contracts, marriage, etc., is confusing and unsatisfactory. Professor Goodrich's work is accurate and up-to-date. Students and practicing lawyers will find it an essential part of their libraries. It is something of a misnomer to call an authoritative textbook of such merit a handbook.

University of North Carolina
School of Law.

R. H. WETTACE

Law Office Management. By Dwight G. McCarty, A. M., LL. B. Prentiss-Hall, Inc., 1926. New York.

The young man who begins the practice of law with an ambition to accumulate a fortune will most likely be disappointed. The prime purpose of a lawyer should not be to earn money. He should consider himself a public servant, always ready to defend the innocent, aid the poor and help unravel the tangled skein of business. There will be reasonable remuneration for diligent and efficient service, together with the constant possibility of honor in recognition of proficiency and eminence at the Bar. To the end that the lawyer's time may be utilized to the fullest extent, the above book was written.

It is said that the Caliph Omar ordered the destruction of the Alexandrian Library, saying: "If these books disagree with the Koran they are dangerous; if they agree with the Koran they are useless."

Many lawyers have the same view with respect to books relative to law office management, for if the author suggests methods contrary to their usual course of action, the book is regarded as a step in the direction of red tape; whereas if the author's views are the same as the attorney's he considers the book useless.

There are some who would consider the work impossible of practical application, and perhaps for the advocate who is required to spend a large part of his time in court where the length of trials is uncertain, definite plans for the day's work cannot be mapped out or followed. However, the publication of this book has such an abundance of valuable suggestions for saving time that it should commend itself to every lawyer. The author has exhausted the subject; he has brought together many kinds of forms that would facilitate the work of the lawyer and enable him to keep constantly posted with reference to all the details of the office. From the planning of an office building to the keeping of an eraser is discussed. The book is a marvel for detail and completeness.

Some of the topics covered in the thirty-five chapters are:

Time Records and Charges.

Standard Practice Instructions.

Office Management and Appearance.

Correspondence Details and Better Letters.

Law Office Filing Systems.

Court Chart and Office Docket.

Reception of Callers and the Lawyer's Personality.

Billing a Client.

Short-Cuts in Brief Making.

Few lawyers know what their overhead expenses are, or have any definite plan for charging fees. Since the great advance in rents, cost of books, stationery, stenographer's services, etc., the average lawyer's overhead expense is high. Hence, in order to earn a livelihood, the average lawyer must receive for his services a substantial sum each day.

The author gives a few concrete and enlightening examples illustrating how the "service per hour" method can be applied.

"Suppose the senior partner of a firm of lawyers charges his clients \$50.00 per day, and the junior partner \$25.00 per day, and the firm's overhead expenses are \$6,000.00 for the year. Dividing the \$6,000.00 by 300 working days, gives \$20.00, the daily overhead; and dividing this by 6 gives the hourly overhead as \$3.33 plus. As the senior partner has twice the productive capacity of the junior partner, he should carry twice the overhead burden. The senior then has \$13.36 of the overhead each day, or \$2.23 per hour; while the junior should carry \$6.64 of the overhead per day or \$1.11 per hour. This leaves the service charge of the senior \$6.11 per hour, and the junior \$3.05 per hour. The regular unit charge, therefore, for the senior partner would be his hour service charge \$6.11 plus his overhead charge of \$2.23, or \$8.54. This charge regularly made for each hour's work would give the \$50.00 per day, or \$15,000.00 for the year. The junior partner's service charge of \$3.05 per hour plus \$1.11 overhead charge, would make a unit charge of \$4.16 per hour. This hour charge would yield the \$25.00 per day or \$7,500 per year. The gross earnings of the firm on this basis would be \$22,500.00 for the year, and with the \$6,000.00 overhead deducted a net earning of \$16,500.00."

It would be desirable and beneficial for lawyers if some of this information could be imparted to the layman, for oftentimes the public seems to regard the lawyer's time as of little value, and marvels at his fee, because the client has no conception of the time employed in the preparation and trial of a cause, or in the handling of business matters that pass through a lawyer's office. In fact, many lawyers do not know how much time they have expended in any particular case. They take things as they come without respect to the importance of the matter, and often suffer their time to be wasted because some person that may be a probable client desires information with reference to a trivial matter.

In 1909, a popular song could be heard on the University Campus almost any time during the day. The refrain was something as follows:

"If time was money, I'd be a millionaire;

If money was time, I'd have no time to spare."

The time was when an attorney could waste the better part of a day and it cost him little. He had more time than anything else, and less money; but now his time has become costly, by reason of heavy overhead expenses, so that when he wastes an hour it has cost him money. Hence, it is the writer's belief that the book written by Mr. McCarty should have its place in every law office, and that by following the plan of management outlined, an attorney will be able to save much time. Furthermore, by keeping the records mentioned by the author, he would be able to show to his client just what has been done in each case, and the possibility of misunderstanding and dissatisfaction in charging fees would be largely eliminated.

The author has done his work well, and the lawyer who continues to practice law in the haphazard manner that was possible ten or fifteen years ago, will lose much.

CLIFFORD FRAZIER

Greensboro, N. C.

Rose's Federal Jurisdiction and Procedure, Third Edition 1926. By Hon. John C. Rose, United States Circuit Judge for the Fourth Circuit. 1 Volume, 953 pages. Matthew Bender & Company, New York.

The first edition of this book was published in 1915, and the second in 1922. The present edition is enlarged and brings the work down to May, 1926, and as the author states, was "made necessary by the various important Acts of Congress and decisions of the Supreme Court which have marked the last four years and particularly by the Act of February 13, 1925." The appendix contains the Judicial Code and the Equity rules with all amendments made to any of them to April 3, 1926.

The volume is an unusually clear treatment of the distinctions between the State and Federal practice. In my opinion, it is the best one volume work dealing with this subject, especially for the lawyer whose practice has been confined principally to the State Courts.

Judge Rose clearly sets forth the important changes which have been made in the law since his second edition in 1922.

The book states briefly the general rules which determine the jurisdiction of the Federal Courts, giving a short account of the organization of the Federal Judicial system and pointing out the differences between the procedure of the Federal and State Courts.

Chapter One deals with the origin and limits of the jurisdiction of the Federal Courts—pointing out that all Federal Courts are of limited jurisdiction, and have no jurisdiction except that given them by the constitution or statutes passed under the constitution, and that there are no presumptions in favor of their jurisdiction, but the record must affirmatively show jurisdiction, whereas the State Courts and the English Courts are of general jurisdiction.

Chapter Two deals with the organization and the original jurisdiction of the Supreme Court.

Chapter Three discusses the history and organization of the inferior courts of the United States, including the District Court and the Circuit Court of Appeals, and the Court of Claims and the Court of Customs Appeal, which are courts of special jurisdiction.

Chapter Four treats of Federal criminal law and contains a very satisfactory presentation of the criminal jurisdiction and procedure of the United States Courts.

Chapter Five is limited to a consideration of civil controversies over which the jurisdiction of the United States District Courts is exclusive of the State, such as cases arising under the patent and copyright laws, admiralty and bankruptcy cases and suits against the United States.

Chapter Six deals with controversies of which the United States District Courts have concurrent jurisdiction with the State Courts.

Chapter Seven is limited to a discussion of the amount in controversy as affecting the jurisdiction of the Federal Courts.

Chapter Eight discusses the jurisdiction of suits arising under the Constitution, treaties and laws of the United States, usually referred to as cases which raise a Federal question.

Chapter Nine treats fully and clearly the subject of diversity of citizenship.

Chapter Ten discusses the venue of actions in Federal Courts when their jurisdiction is concurrent with that of the State Courts, while Chapter Eleven is confined to a discussion of venue when the jurisdiction of the Federal Courts is exclusive.

Chapter Twelve discusses the jurisdiction of the Federal Courts as affected by assignments of choses in action.

One of the most helpful and useful chapters is number Thirteen dealing with the removal of cases from the State to the Federal Courts.

Subsequent chapters deal with the procedure of the Federal Courts when sitting as Courts of law and as Courts of equity, and with the ancillary jurisdiction of the Federal Courts, and with the enforcement of agreements for arbitration of maritime or commercial transactions under the recent Act of Congress of February 12, 1925.

Chapter Nineteen contains an interesting discussion of the question of when the Federal Courts will not follow the State decisions.

The final chapters deal with the appellate jurisdiction of the Supreme Court and of the Circuit Court of Appeals as affected by the Act of February 13, 1925, and the author's treatment of appellate procedure is clear and illuminating.

While the work does not profess to be an exhaustive treatment of the subjects discussed, as this would be impossible in one volume, it will be found to be a most helpful and useful book.

J. CRAWFORD BIGGS

Raleigh, N. C.