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BOOK REVIEW

Litigation and Trial of Air Crash Cases. By John J. Kennelly. Chicago: Callaghan and Company. 1968 (publication of revised edition expected 1969). 2 Volumes. \$55.00.

The vast expansion over the past decade of the aviation industry in general and of commercial air travel in particular has resulted in a predictable increase in the publication of various works on the subject. Books by airline pilots, aviation writers and others of greater or lesser expertise have appeared, including several dealing with airline safety; television news specials have examined a number of aviation activities, primarily airport congestion; most of the major magazines and periodicals have devoted considerable space to the future of air transportation; and the technical and human difficulties attendant to the operation of a major air terminal have been the subject of a best selling novel now being adapted to a motion picture.

However, the amount of material on the legal aspects of aviation operations has not kept pace despite the fact that more and more lawyers find themselves faced with complex aviation law problems. It is a matter of conjecture whether the comparative paucity of materials on the subject results from a belief on the part of attorneys that there is nothing unique about aviation law, and therefore no market for legal publications, or from a shortage of authoritative individuals willing to undertake the task of writing good reference materials.

In any event, Mr. Kennelly's set is the latest of the few sources available on the specific topic of aircraft accident litigation. The author's credentials are excellent. He is one of the handful of practitioners in the United States whose name is known to the followers of major aircraft disaster litigation, and, apart from this specialty, he is recognized as one of the outstanding contemporary trial attorneys in the world. The publisher was fortunate to obtain a man of his caliber to write on the subject.

Unfortunately, Mr. Kennelly's book attempts, perhaps at the request of the publisher, to be all things literary to all persons interested in aviation law. The publisher's introduction states that "Mr. Kennelly's revolutionary philosophy and actual trial experience in aviation litigation makes this book invaluable, informative and absorbingly interesting to the entire legal profession, not only negligence specialists, but corporate, pro-

bate and insurance counsel, as well as aircraft pilots, owners, manufacturers, insurance agents, tower operators, and all persons concerned with the aircraft industry, including the passenger public." At best this is salesman's puffing.

In fact, the bulk of the two volumes is taken up with excerpts from trial documents and transcripts of trials, statutory materials, treaties, and a few statistical sources. There is very little in the way of original contribution or editorial comment. In a style reminiscent of the several Louis Nizer and Melvin Belli books, Mr. Kennelly's work emphasizes courtroom drama. The details of the discovery in the Mount Fuji crash case, the courtroom maneuvers by counsel in the Lockheed Electra cases, and any number of the other tales of lawyer derring-do recited in the book may make fascinating reading, but they make little contribution to the worthwhile source material available to the practitioner faced with a particular problem or the researcher seeking authority. What the publishers, the authors influenced by them, and the buyers of this and all of the "how-to" books overlook is that no one else is a Nizer or a Belli or a John J. Kennelly. A recital of what those gentlemen have done in a particular situation is of little or no value to men of lesser talent faced with similar, but not identical, problems.

Litigation and Trial of Air Crash Cases, at best, recounts for those interested in such things the courtroom in-fighting in some of the more significant aviation tort cases of the past ten to twenty years. For the serious student of aviation law, *Kreindler* remains the only authoritative and useful source available. (*Aviation Accident Law*. By Lee S. Kreindler. New York: Matthew Bender and Company, Inc. 1963 with 1968 cumulative supplement. 2 Volumes. \$70.00.) There remains a great need for additional good reference materials on the unique, interesting and increasingly important subject of aviation law.

ROBERT A. MELOTT

Assistant Dean and Assistant Professor of Law
University of North Carolina at Chapel Hill