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NORTH CAROLINA LAW REVIEW

Volume 55 | Number 5

Article 4

6-1-1977

Book Review

North Carolina Law Review

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Recommended Citation

North Carolina Law Review, *Book Review*, 55 N.C. L. REV. 1162 (1977).

Available at: <http://scholarship.law.unc.edu/nclr/vol55/iss5/4>

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BOOK REVIEW

THE FEDERAL RULES IN THE FOURTH CIRCUIT. By John V. Hunter III.* Charlottesville: The Michie Company. 1975. Pp. 489 (vol. 1), 506 (vol. 2). \$75.00.

Reviewed by E. Osborne Ayscue, Jr.†

This two volume work is a valuable tool for civil trial lawyers practicing in the United States courts in the Fourth Judicial Circuit. The author reviewed every published opinion of a federal trial or appellate court in the Fourth Circuit from the earliest published reports to the beginning of 1970, painstakingly cataloging each ruling in a civil case on a point of procedure or evidence. The result is an encyclopedic collection of substantially all of the case law relating to matters of trial and appellate procedure and evidence handed down by courts in the Fourth Circuit.

The main text of the work deals with the Federal Rules of Civil Procedure. Appendices deal with applicable appellate rules and the Federal Rules of Evidence. The volumes are conveniently arranged for quick reference. A chapter is devoted to each of the Federal Rules of Civil Procedure. The text relating to each Federal Rule is arranged as follows:

- (1) The present text of the rule.
- (2) A brief history of the rule and the amendments thereto.
- (3) United States Supreme Court decisions interpreting the rule. (These decisions, few in number, are set out in chronological order.)
- (4) A series of appropriate analytical topics, preceded by an index, annotated to cases decided in the trial and appellate courts of the Fourth Circuit.

The arrangement of analytical topics varies from rule to rule to accommodate the nature and complexity of each rule and the volume of decisional law interpreting it. Some of the rules are treated only with general analytical topics. When there is no case law in the Fourth Circuit pertinent to a particular topic, the text following the topic

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heading so states. When there is a large body of law on a particular point, the decisional law is dealt with on a state-by-state basis. An example is Rule 4, dealing with process, in applying which the courts have been required to interpret and apply the procedural law of the state in which the court was sitting. When a federal statute is pertinent to the interpretation of a rule, the statute is set out and related by explanatory text to the corresponding Federal Rule of Civil Procedure.

Appendix 1 deals with the Federal Rules of Appellate Procedure. Each rule is set out separately and is annotated in a manner similar to that which the author used in dealing with the Rules of Civil Procedure.

Appendix 2 consists of the Rules of the United States Court of Appeals for the Fourth Circuit (supplementing the Federal Rules of Appellate Procedure), also annotated with the case law interpreting them.

Appendix 3 consists of the text of the Federal Rules of Evidence. Since these rules were not in effect at the time the book was written, there are no annotations of cases interpreting them. The author has, however, added annotations of evidentiary rulings in civil cases under former Rule 43. These annotations are arranged and numbered to conform to the numbering of the present Federal Rules of Evidence, so as to provide a handy cross-reference to evidentiary rulings handed down prior to the adoption of the Federal Rules of Evidence.

The two volumes are thoroughly indexed at the end of Volume 2.

The work is not intended to be a substitute for one of the standard multi-volume works on federal practice and procedure, such as those of Professor Moore or Professors Wright and Miller. It does not purport to be a critical essay on the rules or on the decisions in the Fourth Circuit interpreting those rules. It is, rather, a quick-reference tool to locate decisions of particular courts on civil procedural matters.

In deciding a disputed point of law federal trial courts characteristically look first to the opinions of their respective circuit courts of appeals for precedent. This work places at the fingertips of a practicing lawyer, without the necessity of wading through decisions of other circuits, those cases in which his own circuit court of appeals has ruled on a particular point. Trial judges develop their own styles of dealing with procedural matters. A volume such as this also enables a lawyer to locate quickly and without lengthy research prior rulings on procedural matters made by the trial court in which he is appearing.

The chief weakness of the work at the present time is that the necessity of selecting a cutoff date for research prevented the inclusion of any decisions interpreting the 1970 amendments to the Federal Rules of Civil Procedure (which amendments are, however, incorporated in the text) or the more recently adopted Federal Rules of Evidence. The value of the work will be greatly enhanced if it is regularly supplemented by the use of pocket supplements.

These two volumes contain a wealth of lore on procedural matters. Their convenient arrangement makes them particularly easy to skim through by way of review. *The Federal Rules of the Fourth Circuit* is a thoroughly reliable, easy-to-use index of judicial interpretation by the federal courts in the Fourth Circuit and the United States Supreme Court of the current civil trial, appellate and evidentiary rules.

The author devoted many years of patient and painstaking research to compiling these two volumes. The result of his efforts is a work that should be a part of the library of any attorney who practices at the trial or appellate level in the courts of the Fourth Circuit.