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BOOK REVIEWS

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BOOK REVIEWS

ADVANCE TO BARBARISM. By F. J. P. Veale. (Appleton, Wisconsin: C. C. Nelson Publishing Co., 1953. Pp. xvi, 297. \$4.50.)

Mr. Veale is concerned with the effect of the war crimes trials that were held at Nurmberg in 1945 and 1946. He claims that through the ages there has been a development towards giving more consideration for defeated people by the victors, and the first five chapters are devoted to showing how conquerors have accorded more and more mercy to the conquered. Certainly the writer is correct in saying that on the whole a code of conduct was evolving by the seventeenth century which provided for a certain amount of protection for the vanquished.

Beginning with the American War of 1860-1864, Mr. Veale contends that the cruelty and barbarism of primary war began to have an influence on the civilized military code of Europe, but the change did not occur until nearly eight decades later. It was the exhausting struggle of World War I that caused the first breakdown in the minds of people and politicians. Following this, Veale holds England responsible for the first real departure from the "traditional European code" of war because of its decision to bomb non-military objectives in 1940. Then there followed a general reversal of centuries of civilized practice as German and British air armadas bombed objectives that had little direct relation to the war effort. Recalling the events of the late and lamented war, the author shows how civilians and soldiers were attacked alike, and the view is presented that Germany fought much longer than it would have had not the Allies insisted on an unconditional surrender.

Once the fighting was concluded, the author says that the victors attempted to justify or overlook their own crimes and to begin prosecutions against Germans for the crimes that they had committed. The trials at Nurmberg are criticized for several reasons. First it is maintained that the Allied offenses were as serious as those committed by the Germans although no apologies are made for the Nazis. Secondly it is thought that the victors were not on sound legal grounds in some of the cases. Thirdly the contention is made that the machinery of justice was improperly organized, and lastly it is argued that in destroying the "traditional European code" of war and peace negotiations a dangerous precedent was created.

The thoughts presented in this book have been ably written, and,

whether one agrees or disagrees with the thesis, it is well that someone has advanced these arguments. However, there is still much to be said if Mr. Veale's contentions are to be supported. To begin with, the author has applied a series of standards to a world conflict and to world conditions that were adopted to fit a European aristocracy and its ranking military leaders. The "traditional European code" did not give the defeated people nor the defeated fighting man the same rights after a war nor during it that the generals and top government officials received. When total war is waged, there are very few non-military objectives, and the breaking of civilian morale becomes a military objective.

Possibly the machinery of justice at Nurnberg could have been arranged differently, and here the writer seems to be on somewhat safer ground. In order to prevent the same states from acting as judges and prosecutors, it may have been better to have judges selected from neutral states. This would have been more in line with one traditional method for deciding such cases, but one might ask if the decisions would have been any different, especially in the light of the arguments and facts that were presented. Considering the body of law that had developed since 1908, there seems to have been adequate grounds for holding the trials since even the German leaders had at one time accepted the views and law on which they were tried. Mr. Veale has overlooked the fact that the law in his own country does not hold that because a man has allegedly committed a crime he is disqualified from giving evidence in another case.

The wisdom of holding the trials brings up a different point. It may be that a precedent has been established which can be used to justify large scale purges after another war. This could be extremely serious. However, those who are the most feared at the present time have not needed precedents to justify their purges. Moreover, there is ample theory and precedents in the Orient to justify post war trials.

Whether because of, or in spite of, the arguments that are presented in this book, one finds it very absorbing and stimulating. It can only be hoped that there will be more research and more writing on this subject. Certainly it is never too soon to consider this aspect of international law and all the ramifications.

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THE LEGAL SECRETARY'S COMPLETE HANDBOOK. By Besse May Miller. (New York: Prentice-Hall, Inc., 1953. Pp. 662. \$7.50.)

During the past two decades the transformation of the business and professional world into a world of specialization has become an accomplished fact. Current demand is for the employee and assistant whose basic training has been supplemented by intensive work in his own field or the adaptation of his training to a special business or profession. In some cases this supplemental training requires conventional education; in others, the need may be met by means of serious application to manuals, guides, handbooks, and the like. When such a manual or handbook "proves" itself, alike to the novice and the experienced person, it often becomes the "ready reference", the guide, or "the bible" of the specialist. *The Legal Secretary's Complete Handbook*, though not yet time-tested, is a likely candidate for this position.

Though this volume is addressed to the legal secretary, the comprehensive treatment of the subject recommends it as well to the beginning lawyer. Many of the practical details of law office organization and conduct given as advice to the secretary may prove of much value to the young attorney.

The author has covered every phase of the legal secretary's duties, from the first formal announcement of the attorney's entry into practice to the specialized techniques of corporate, real estate, and probate practice. Dozens of charts, checklists, examples, and illustrations prepared with the cooperation of legal secretaries from each of the 48 states show requirements for the preparation and filing of court papers in every state. In the literal sense of the word this publication is a "complete" handbook.

The first section entitled "Usual Duties in a Law Office" begins with an orientation chapter in which the author describes the legal profession, the organization and personnel of a law office, the physical layout of the office including furniture, decoration, supplies and equipment, and the secretary's duties in regard to notation of new cases.

There is an excellent chapter on contacts with clients and other callers covering every phase of the subject including the secretary's introduction to the client, the handling of incoming and out-going telephone calls, and even the manner of dealing with an hysterical client. Valuable suggestions for both the large and the small law office are to be found in the portion on reminder systems and practices, followed by a description of suggested filing systems which

should be particularly welcome to a beginner.

Letter styles with illustrations, proper methods of address, law office bookkeeping and billing the client complete the section on routine law office duties.

Part II is of a more technical nature, discussing primarily the preparation of legal instruments and documents. Information as to the distinctive features of law office dictation and typing and a detailed explanation in lay terms of such instruments as affidavits, wills, and powers of attorney will give much comfort to the new legal secretary and might serve as a good review for the experienced.

In Part III Miss Miller has performed an excellent piece of work in simplifying for the secretary the subject of "Courts and Litigation". This section gets to the very heart of such complicated matters as parties, practice and procedure, summons and complaints, stipulations, demurrers, motions, judgments and decrees.

How to keep a progress record of court matters and the "how and what" of appeal papers such as records and briefs conclude what may well be considered the most informative section of the book.

Attesting to the comprehensiveness of Miss Miller's work is the specialized practice coverage given in Part IV. Here the secretary learns the steps in the organization of a corporation and the many special duties incumbent upon her as an employee of the corporate practitioner. Real estate practice is detailed in chapters discussing the preparation of deeds, mortgages, and leases, together with the procedures incident to title closings and foreclosure actions. Procedures in the probate of a will and the appointment of an administrator are fully described under probate and estate administration.

To round out the education of the legal secretary Miss Miller has included a chapter on the law library, in which she covers the scope, purpose, and use of such basic items as statutes, codes, reports, the American Digest, Shepard's Citators and Corpus Juris Secundum.

Since legal dictation in every field contains many Latin words and phrases as well as technical English terms of law, the final chapter carries a definitive listing of the Latin and English terms normally used in the practice of law. With this chapter Miss Miller has placed the final touch to a handbook that should, if properly used, fully train the "new girl" and improve the experienced, and give to the young attorney aid and comfort in the proper organization and conduct of his office.

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LAW AND THE FARMER. By Jacob H. Buescher. (New York: Springer Publishing Co., Inc., 1953. Pp. 406. \$4.95.)

There is a distinct need for books of this type that bring a man and his occupation closer to the law affecting his particular activities.

A study by a farmer of this work will not enable him to practice law for farmers or anyone else — nor was this the purpose Professor Buescher had in mind producing *Law and the Farmer*. However, such a study will orient a farmer to the position of law in society and particularly to the law affecting the many sides of his business as a farmer. It is true that such a studying farmer will not be prepared to draw legal instruments or plead cases; nevertheless he will have been made aware of such problems as those incident to the acquisition of a farm, its sale or other disposition, the use of the farm and its products and equipment as security for loans, and all the other general problems which face the farmers.

In bringing out boldly the pros and cons of such farmer-family problems, as the old folks without strength to carry on the farming operation and the young folks moving off and just as uncertain as to their future as the old folks are to theirs, the author evidences a fine insight into human nature and real farmer problems. Of course, he evidences a knowledge of the law applicable to the many transactions of the farmer but he reveals also practical experience in handling and observing the needs of law in the farmer's life.

Professor Buescher is a professor of law at the University of Wisconsin, and though this work is largely written in the atmosphere of the laws of Wisconsin, nevertheless it is interesting to note that the difference in the local law affecting these problems in Wisconsin and the local law of South Carolina affecting similar problems is very slight, and in this state such differences would be recognized promptly by the general practitioner.

The author divides his subject into four parts. In Part One he is introducing the farmer to the field of law in society. In Part Two he deals with various methods of acquiring a farm — purchasing, leasing and the like; Part Three is devoted to transferring the family farm from one generation to the next; and Part Four deals with the legal aspects of operating a farm — federal and state regulations of farming business, taxation, farm debts secured and unsecured, the farmer as creditor and seller, boundaries, fences and water rights, trespassing, animals and strays, and a farmer's duty of care.

Not only is the book a good one for a farmer to have and study; it is a useful work for a lawyer, whether in Wisconsin or South Caro-

lina, to have, for in it he will find valuable solutions suggested for his farmer-client's problems. A lawyer going to a farmers' meeting and asked to address the gathering on some phase of the law would find the reading of this book most valuable as a springboard for his thinking.

Professor Buescher is to be commended for writing a text to familiarize a layman with the law that affects him in his everyday life—a task that could well be emulated by more of his professional colleagues. It is to be hoped that his notable effort will stimulate others in the authorship of books, pamphlets and articles that lie outside the field of pure scholarship and can constitute practical and useful contributions to men in their specific areas of activity. From the local point of view, Professor Buescher's work could be a partner for a similar work designed for South Carolina conditions in the light of state laws and customs—a source of reference and counsel for farmers and lawyers alike.

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