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BOOK REVIEWS

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THE CHALLENGE OF LAW REFORM. By Arthur T. Vanderbilt. Princeton University Press, 1955. Pp. 194. $3.50.

This is a revision of the William H. White lectures delivered by Chief Justice Vanderbilt[1] at the University of Virginia in 1954. In his preface he cites the following problems for discussion: (1) The improvement of the caliber of judges, jurors and lawyers; (2) The elimination of technicalities and surprises in trials; (3) The installation of sound business methods in the judicial system; and (4) The simplification and modernization of the substantative law.

Judge Vanderbilt says that the basic consideration in every judicial establishment is the caliber of its personnel. A capable judge can after a fashion make a poor system work; but a judge not properly qualified and equipped for his office will defeat the best system. He says the best judges can be procured through appointment or through election by the General Assembly. Judges elected by popular vote are forced into active politics which are detrimental to the conduct of the office. He quotes Justice Lummus of the Massachusetts Supreme Court as saying: "There is no certain harm in turning a politician into a judge. He may be or become a good judge. The curse of the elective system is the converse, that it turns almost every judge into a politician".

The earlier judges were appointed by the governor, subject to confirmation by one or both branches of the General Assembly, or were elected directly by the General Assembly. There was a great deterioration of the quality of the judges during the second half of the Nineteenth Century because of the great length to which the philosophy of Andrew Jackson as to the equality of man was carried. Jefferson held that all men are created equal. Jackson's followers assumed that all men are in fact equal, thus putting the layman, the lawyer and the judge all on the same plane, irrespective of training, character and station, to the great detriment of the profession and of the respect of the public for the courts.

As to the elimination of technicalities and surprises in trials, the author gives a very interesting history of the slow progress of procedural reform from the early days of common law pleading to the David Dudley Field Code, the English Judicature Act of 1873 and the adoption of the Rules of Civil Procedure for the District Courts

1. Chief Justice of the Supreme Court of New Jersey.

of the United States. Judge Vanderbilt thinks that these rules are a great improvement over the former procedure in any courts and strongly recommends their adoption by the state courts.

Relative to the installation of sound business methods in the courts, Judge Vanderbilt says that there has been great improvement in the administration of the courts and the clearing of congested dockets in New Jersey, attained through the Administrative Office of the courts of New Jersey and the Judicial Conference of that state. The Administrative Office has general supervision of the operation of the courts, keeps up with the dockets, equalizes the work of the justices by assigning them to courts where most needed and publishes reports from time to time on the work of the courts. This is very important in states of dense population, but probably not so greatly needed in South Carolina.

The Judicial Conference in New Jersey is composed of all the judges, representatives from the General Assembly, the Attorney General, the county prosecutors, deans of the law schools, officers of state and county bar associations, sixty lawyers appointed by the county bar associations and ten by the Chief Justice. This body meets once a year, discusses all matters pertaining to the improvement of the association and makes recommendations which are of great value to the courts, with reference to judicial procedure and judicial administration and to the General Assembly relative to needed legislation. One suspects, however, that notwithstanding the value of these agencies, the very dynamic personality of Chief Justice Vanderbilt has had a great part in their successful operation.

As to the modernization of the substantative law, Judge Vanderbilt thinks that this is a job for the schools acting as law centers in each state. A law center, he says, is merely a law school which sets its sights above the mere teaching of the law to the general simplification, modernization and improvement of the law.

This small volume by Chief Justice Vanderbilt is very timely in South Carolina where we should be giving serious study, particularly to the organization of a judicial council and the improvement of our rules of procedure. It is well written, very readable and well arranged and is important reading for every lawyer interested in the improvement of our judicial system.

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THE GREER CASE: A TRUE COURT DRAMA. By David W. Peck. Simon and Schuster, New York, 1955. Pp. xi, 209. $3.75.

In reporting the Greer case in popular book form Justice Peck has shunned the familiar pattern of literary presentation — the so-called "story based upon actual fact" — which pattern so often inspires the writer to the production of more fiction than fact. In his own words, "This was not a case to inspire a story . . . it *was* the story." It would be difficult for even the most imaginative to conjure up a more dramatic and suspenseful experience than that which is revealed, without embellishment, in the actual trial of the Greer case. Nor is it likely that anyone other than Justice Peck who received the case on appeal could have told that story as well, in terms informative and interesting to lawyer and student alike while retaining the element of popular appeal so necessary in presenting court procedure to the layman.

Prior to her marriage in 1908 to Louis Morris Greer, a member of New York's "400", little was known of Mabel Seymour Greer, a factor which lent greatly to the mystery which shrouded the Greer case throughout. After almost 40 years of married life the wealthy Mr. Greer preceded his wife in death. Her death, shortly thereafter in 1946, precipitated one of the most puzzling and dramatic "will battles" ever to be fought in the American courts. Apparently having no living relatives Mrs. Greer had willed her entire fortune to Harvard University. Had it not been for certain "discreet confidences" concerning her past made by Mrs. Greer shortly before her death, so might it have rested. From time to time Mrs. Greer had revealed to various friends and finally to her executor's attorney that prior to her marriage to Mr. Greer she had borne an illegitimate son whose father was a certain Dr. Segur. Though she had not seen Dr. Segur since that time, she knew that he had recently died and was survived by an adopted son, Harold A. Segur, who lived in Worcester, Massachusetts. From the version of her story given by her confidants at the trial Mrs. Greer seemed convinced that this son was the illegitimate child born to her and Dr. Segur.

The three-sided conflict presented in the Surrogate's Court of New York County before Justice Delehanty, who heard the case below, was sparked by the determined effort of Lester Friedman, counsel, to prove the *sine qua non,* that Harold A. Segur *was* the son of Mabel Seymour Greer — a fact which if proved, carried with it the right to a half million dollars. Segur as Mrs. Greer's son had two grounds of attack — one based upon the prohibition against dis-

inheritance of a child to the extent of more than one-half in favor of charity. He also stood to gain the entire estate as a surviving child should the will be invalidated. Armbruster, draftsman of and attorney for the executor under the will, had first revealed the existence of a child under his duty to disclose any information he found as to possible heirs. Now, he was placed in the peculiar position of defending the will and opposing Segur. And yet a third figure appears — that of the attorney for the Public Administrator whose right to challenge the validity of Mrs. Greer's will was entirely dependent upon the defeat of Segur's claim.

Justice Peck has with some artistry given his story the vital suspense of a "whodunnit". He has with skill walked the tight rope between overtechnicality and oversimplification. Using as a vehicle the presentation of evidence he builds his story witness by witness concurrently explaining its everchanging legal picture without distracting his reader.

Those long at the bar as well as those preparing to enter will feel more than a smattering of justifiable pride of profession in the skill, resourcefulness and devoted persistence of trial counsel throughout the case. Only dedication to professional ideals could have motivated and sustained the month and a half long search of the wills and deeds of six Massachusetts counties for a clue to the identity of the mysterious Addie Weston. Only sincere belief in a cause can account for the courage with which counsel for all parties returned to the fray after a severe blow had been dealt. And only the skill born of thorough preparation could have dealt with the changing factual panorama that accompanied the course of the trial.

To the student Justice Peck has given the trial lawyer in action — to the practicing attorney the interesting and puzzling aspects of a most intricate "wills case" — to the layman a fascinating story of the law in action.

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South Carolina's Federal Justices and Judges