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BOOK REVIEW

LEGAL ANALYSIS AND RESEARCH, by
MARJORIE DICK ROMBAUER (Book Publishing
Company, Pp. 161. \$7.50)

*Reviewed by John Krahrmer**

Clearly, Mrs. Rombauer has little respect for the saying, "A bird in the hand is worth two in the bramble bush." Not only has she gone for the two—and gotten them—but she's brought back part of the bush as well, appropriately acknowledged at page iii, with twigs scattered in the first four chapters. The book, as its title implies, combines the basic elements of legal analysis with the techniques of legal research to present the student with a single text and a single course that mixes learning and doing instead of separating them as is often the result under other organizational formats. This mixing of "legal method" and "legal writing" makes good educational sense because it reinforces the intellectual understanding of judicial opinion and statutory analysis with the concrete use of such analysis in the preparation of written assignments. If it does nothing more, the book should make the student more appreciative of both the theory and the practicality of law-as-it-is-used or, as Professor Rutter says, "the jurisprudence of the lawyer's operations."¹

The foregoing remarks, however, should not be read as saying that the book eliminates the need for a standard course on legal analysis; the material on legal analysis is not sufficiently ample to do that. But it is sufficient to provide groundwork and to free the classroom method course for somewhat more advanced work, perhaps work that moves closer to the areas of "legal process" or "legal system." Even then, it is unlikely that the standard course could get (or would want to get) as deeply into the legal process as some materials would go since the students are still first year students and need absorption time before exposure to a full-blown legal process course if the results are to be optimum. But, with the freed time this book would seem to allow, a beginning could be made and the students could be prepared for the

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1. Rutter, *Jurisprudence of Lawyer's Operations*, 13 J. LEGAL ED. 301 (1961).

deeper analysis at a later stage. With the premium on curriculum time steadily rising, this is a stride forward.

After the basics of analysis and simple writing exercises are out of the way, the book develops, in an extensive fifth chapter, what the author terms "research-related analysis", a fairly descriptive label for a blend of material on research sources, research methods and legal analysis. All of the standard sources are presented, described and critically appraised as research tools; the basic research methods are set out; and, most importantly, there are constant references to legal analytical techniques as applied to problems under research. The book makes no pretensions, however, to be an exhaustive work on the use of source materials. It contents itself with being a basic teaching book, leaving especially complex source-use matters to the legal research standards, such as Price & Bitner, and Pollack.

The fifth chapter concludes the basic studies and what might be called the "minor writing problems." The next two chapters are devoted to the legal writing classics ("major writing problems") of the office memorandum and the appellate brief. Both chapters contain discussion on purpose, use, format and writing style appropriate to each of the problems. The treatment of appellate briefs is especially good and contains the happy addition of a discussion on ethical considerations that might arise in the writing of a brief centering on the extent of the lawyer's duty to disclose unfavorable authorities.

These two chapters complete the textual coverage of the book, excepting appendices, which contain an excerpted appellate brief to show format, a moot court transcript, Peter Lushing's review of the Blue/White Book and other miscellaneous matters relating to the text content. There is also an index which seems fairly exhaustive so whoever had to do that bit of drudgery did a pretty good job.

A few notes on mechanical points are probably worth making. The book is a loose-leaf, printed in large type on 8 1/2 x 11 inch paper, and bound in a good quality three-ring binder. This format would deserve compliments for providing ease of note-taking and note-insertion except for the number of pages—there are already a few more than the binder will hold and there is a tendency to tear some pages off

2. See 67 COLUM. L. REV. 599 (1967).

the rings as the book is used. The over-bulk limits the note-taking usefulness which might have been a helpful feature.

As a teaching tool the book has a very limited utility for the practicing attorney, but, for the teacher of legal writing and for curriculum committees that are trying to find more time in a crowded set of offerings, the book is worth more than a cursory examination. The legal writing teacher might find a very useful text and the curriculum committee might find a little time that is saved.

