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Throckmorton, A., Cases on Code Pleading, 2nd Ed.

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The author states in his preface that the second edition has been reduced in size to provide materials for a three-semester-hour course. Apart from the reduction in size the only change made in the organization of the book or of the subject-matter covered is the omission of a separate chapter on motions, which is covered in this edition by a brief text statement in connection with the chapter on the demurrer.

To a considerable extent the materials found in the first edition have been retained in the second edition, although a number of recent cases have been substituted for older cases and the notes have been brought down to date with references to the more recent cases and law review materials. The new Federal Rules on Civil Procedure have been copied in full in the appendix and reference has been made throughout the book to the Illinois Civil Practice Act.

Undoubtedly the casebook constitutes a thorough revision of the earlier edition. The scholarship of the author constitutes a guarantee that the materials have been carefully selected. An instructor interested in the traditional course in Code Pleading certainly will find the book a very fine tool for such a course.

It occurs to me that a valid criticism of the book must be based on the objective and content of the course it is designed to serve. After some considerable experience in teaching in this field I have become convinced that it is a rather serious mistake to give separate courses in Pleading and Practice. If two separate courses are given there is necessarily a considerable amount of repetition and no real opportunity offered or taken to present the law of procedure in its larger aspects; if only the course in Pleading is given a considerable body of procedural law which is important and perhaps more difficult than the law of pleading is omitted. The traditional course in Code Pleading is much too narrow and it over-emphasizes a few of the rules in that field. It constitutes to a very considerable extent a course in substantive law, to the exclusion of a significant treatment of procedural technics as such.

Thus, for example, in this casebook the first 386 pages are devoted to the questions of parties, the joinder and splitting of causes of action, and the substance of the complaint in various types of situations. The code rules on those subjects are stated in terms of the substantive law background, and in my experience the accepted interpretations of those rules can very adequately be presented in a rather brief time. While it may be very helpful to the student to go over large portions of the substantive law involved in the varying applications of those rules, such a practice constitutes primarily a splendid review for the student of his substantive courses. A lawyer who knows the generalities of those rules will have little difficulty in applying them to specific situations and if he should make a mistake the further rules on amendment and waiver of procedural defects make the mistake relatively unimportant.

What a lawyer needs to know most intimately and with certainty about procedure are the various procedural techniques available in properly raising jurisdictional, substantive, and procedural points. The law of procedure
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imposes this obligation on the parties and normally provides an exclusive procedure on a given point. Thus it seems to me to be a serious mistake to omit the chapter on motions. The modern tendency is to increase their use to the exclusion of demurrers and pleas. Their form and purpose is of primary importance to one who expects to engage in the practice of law.

Of immediate interest to the practicing lawyer also is the problem of the practical effect of not raising jurisdictional, substantive, and procedural points in the light of consistent tendency to provide for the waiver of questions not properly raised; and a thorough knowledge of the rules governing the privileges of amendments and substitutions. On this latter problem the present casebook contains materials covering only 35 pages and on the former problem, apart from the materials on the splitting of a cause of action, the materials cover only 6 pages. I am sure that the real importance of those subject-matters requires a more extended treatment of them.

The conclusion is that an instructor who likes the type of course in Pleading for which this casebook was designed will find the book a very competent tool. But one who has in mind a course in Procedure which would deal with Procedure in its larger aspects, and which would emphasize the rules on the accepted procedural technics besides the practical result of the violations of those rules, will find it quite inadequate.

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The economic crisis of recent years has brought with it a great deal of criticism of traditional ideas and methods, as well as proposals for change. The field of accounting is one in which changes have been most actively discussed, not only by irate outsiders, but also by puzzled practitioners of the profession. The natural tendencies in this direction, which would in any case have followed the crashing of many business dreams, have been intensified by the creation of governmental agencies. Their activities are making necessary the defense or alteration of many accounting conventions that would have been considered sacrosanct a decade ago. As is the custom in such circumstances, the critics have agreed that present practices should be changed, but their positive proposals lumped together advise the accountant to proceed rapidly in all directions.

The two books under review typify the similarities and differences to be found in the literature of reform. They agree that present methods are not

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