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Book Review. Michigan Administrative Code

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*State-wide Studies in Judicial Administration.* 47 p. (A report of progress of the study of judicial administration in Ohio as of June 1, 1931. Identical with Bull. 2, Study of the judicial system of Maryland.)

**OREGON**


**TEXAS**

Stayton, R. W. "Functional Indications in Reported Opinions." (Cf. I Judicial Statistics in General.)

**WEST VIRGINIA**


**BOOK REVIEWS**

**MICHIGAN ADMINISTRATION CODE.** Lansing, State of Michigan, 1944. 1567 p. $5.00, including Supplements.

The compilation of administrative rules is a relatively new venture in the field of legal publication. Such publications are issued in response to new and different needs for administrative materials, for it would be erroneous to conclude that administrative regulations are new arrivals on the legal scene. Administrative rules have existed for a great many years and, in one form or another, have been reduced to printed record. For the non-lawyer, administrative regulations were more generally available and more frequently used than statutes. A contractor, a barber, a utility, a pharmacist or a fisherman, always received, together with the license, a concise and convenient pamphlet setting forth the regulations upon which the license was conditioned. A contractor, knowing nothing of tort liability for negligent construction, was never ignorant of the requirements of the building code.

1 See 2 SUTHERLAND STATUTORY CONSTRUCTION (3rd ed. 1943) §4001 et seq. Publication of the regulations has not always followed however. Panama Refining Company v. Ryan, 293 U. S. 388 (1935).

2 Thus liability under the doctrine of negligence per se is extended in most jurisdictions to administrative rules; or as in Michigan is made evidence of negligence. Blickley v. Luce's Estate, 148 Michigan 233, 111 N. W. 752 (1907).
A lawyer, on the other hand, unless he specialized in one of the fields principally covered by administrative regulation was not likely to possess copies of administrative rules and certainly never considered them necessary materials for the proper briefing of his cases. But today there is scarcely an issue of law, the determination of which will not be affected either mediatly or immediately by administrative rules. Thus, the original practice of providing the occasional administrative pamphlet to interested persons is no longer sufficient to meet the needs of the legal profession.

The State of Michigan is to be commended for providing, as an official responsibility, easy access to all rules promulgated by the administrative agencies of the state. The present volume covers the usual wide variety of administrative subject matter. It is the reviewer’s opinion that it is unfortunate that the material is not arranged in a form which would insure easy cross-reference to the compiled laws of Michigan. Likewise if the volume was annotated to the judicial decisions and the attorney general’s opinions affecting administrative rules, it would be more useful. No one, however, can seriously complain of this omission when most official codes do not include annotations.

It is a little surprising that this volume is not looseleaf or that no provision has been made for pocket-supplementation. Supplements are to be published every three months and Supplement No. 1 was issued with the original volume. But even this defect may not be too serious, for contrary to popular belief the bulk of administrative amendment is not large and the frequency of change is not great.

This volume joins a limited number of other administrative codes and compilations, and the careful law librarian will start now to build these collections, if he desires to avoid the errors of the past which let invaluable volumes of statutory material escape law library shelves. Only a few lawyers may use these volumes now, but inevitably they will turn to them as necessary materials.

In many respects administrative rules are more vital to precise law determination than the statutes themselves, for the statutes frequently outline general policy only and leave the vital questions of compliance to administrative enumeration.

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3 The volume contains 56 titles. The diversity of the regulation can be appreciated only by a study of the volume. Random selections illustrative of the contents: vegetable seed germination standards; factors of safety for hoisting and counter-weight cables for power freight elevators; approved form of balance sheet for class 1 motor carriers; safety factors for enclosed air-break switches; appraisal for valid real estate loan by financial institutions. See also, Dignan, The Michigan Administrative Code (1945) 13 State Govt. 85.


5 The compelling integration of administrative regulation into the body of law is well illustrated by Ind. Acts 1945, c. 120, creating an official administrative code and establishing detailed procedure for the adopting of rules, their publication and official distribution.