

## REVIEWS

MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION. Edited by Arthur T. Vanderbilt. Published by The Law Center of New York University for The National Conference of Judicial Councils, 1949. Pp. xxxii, 752. \$7.50.

THIS is a valuable book upon a specific but important area of legal activity. It will be of no interest to those lofty souls of our profession who look down upon the plebeian subject of court procedure. It will be anathema to those vigorous iconoclasts who regard "procedural reformers" as in league with the devil in trying to preserve and make workable an outworn system. But to a large group of active workers it will be a vade mecum of professional activity throughout the nation directed toward the improvement of court structure and court administration. This group is indeed an ever increasing body; hardly a bar association now fails to be somewhat permeated by the spirit which first found definite recognition in the federal rules of procedure and now is embodied in the movement for the integrated courts. And it is handy to have at hand the definite story illustrated by maps conveniently picturing the states from dark to speckled to white on the basis of the extent to which they have accepted the various recognized steps in procedural reform. Even the most chauvinistic state legislator can hardly fail to be somewhat impressed to observe the blackness of his own state thus contrasted with the snow-white condition of near neighbors.

The method of preparation of this volume was somewhat unique. It represents the conclusions from what is termed a factual survey of all the states conducted through seven or eight questionnaires to "state reporters" under the auspices of the Junior Bar Conference of the A.B.A. This involved the enlisting of the activities of a very wide group of persons all over the country. It also had the advantage of giving a reflex of court procedure and administration not merely as found in books, but as adjudged by persons of some competence in the local field. The returns were tabulated and checked by competent people and were then edited for this volume. Obviously the final task of editing would be both as onerous and as important as, indeed more so than, any other part of the work. It is interesting that here the only person who seemed immediately able to undertake the difficult job was the leader in the movement from the beginning, the distinguished law teacher, practitioner, bar leader, and now head of the judicial system of a reformed state, the Chief Justice of New Jersey. It is always a matter of amazement to see how much a single leader can accomplish; it is doubly so when one person combines so many activities of leadership so successfully as in this case. But he himself demonstrates the truth of his own statement here: "Manifestly judicial reform is no sport for the short-winded or for lawyers who are afraid of temporary defeat." And we are all in his debt.

This method of study of procedure has the advantages indicated of tend-

ing to avoid overoptimistic conclusions from observing statutes and court rules alone. I suspect, however, that it contains a certain optimism all its own, because the state reporters must naturally be those interested in the subject; and that means only optimists. So far as I can see, however, the statements are in general judicious and restrained. For example, as to court rule-making in Connecticut, where the State Judicial Council has somewhat exuberantly stated that "the legislature has gone 80 per cent of the way"<sup>1</sup> (a statement which overlooks that the final distance is by all odds the hardest, and doubtless also the longest of all), the statement and map in this volume list the state as one of crossed lines, quite properly showing only limited grants of rule-making power as to certain proceedings or in certain courts.<sup>2</sup> The great value of the volume is in any event for the over-all picture in each state, which, like a jury's verdict, may be expected to be pretty correct even though individual details may be less so. The various topics considered are those definitely recommended by the Section of Judicial Administration of the A.B.A. and in substance appearing in that section's pamphlet, *Handbook on the Improvement of the Administration of Justice*. The two will make a proper combination, the pamphlet stating the program and this book pointing to the degree of its execution in the states.

One can easily take exception to certain details of the program even if one has general sympathy with its over-all aspects. Thus the reviewer is not convinced that the Association's "Missouri Plan," which tends to freeze selection of judges in a select group of successful practitioners, may not prove too limitedly conservative for continuing public satisfaction. But such differences in detail hardly deserve airing here where warm approval of the very substantial professional activity reflected in this volume seems more in order. Its reach may, just possibly, extend eventually to a state such as Connecticut, where the some 400 courts and 2,000 personnel of the "minor" and probate systems well illustrate the need of procedural reformers after all. Since I have often had occasion to object to the steady conservatism of our greatest professional organization, it is a special pleasure to pay tribute to its worth-while program and accomplishment in this field. The several notable leaders thus developed, themselves led by the editor of this volume, are continuously affording evidence to disprove the teaching of the English experience that the hope for court reform rests entirely with the laymen.

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1. ELEVENTH REPORT OF THE JUDICIAL COUNCIL OF CONNECTICUT 7 (1948).

2. MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION 100, 104, 105 (1949).

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