

2-1-1951

LABOR LAW– CASES AND MATERIALS. By Russell A. Smith. Indianapolis: The Bobbs-Merrill Company, Inc., 1950.

James A. Burnes

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

Recommended Citation

James A. Burnes, *LABOR LAW– CASES AND MATERIALS. By Russell A. Smith. Indianapolis: The Bobbs-Merrill Company, Inc., 1950.*, 5 U. Miami L. Rev. 344 (1951)

Available at: <https://repository.law.miami.edu/umlr/vol5/iss2/24>

This Book Review is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

the good habits of an advocate. To the veteran attorney, this book will be helpful in reflecting some of your shortcomings as an advocate.

THOMAS A. THOMAS

ASSOCIATE PROFESSOR OF LAW
UNIVERSITY OF MIAMI

LABOR LAW—CASES AND MATERIALS. By Russell A. Smith. Indianapolis:
The Bobbs-Merrill Company, Inc., 1950. Pp. xxxi, 1450.

The legal instructor who spends more than a little of classroom time lecturing to his students is not fulfilling his function properly. Many legal educators have echoed this opinion. It is based upon the hypothesis that the instructor is in a unique and superior position to develop and train the student in legal argumentation and analytical perception, and such time as he can devote towards the accomplishment of these ends should be sacrificed no more than is necessary for the lecture, which can so easily and adequately be substituted by the printed word. Under the pure or slightly modified Langdell casebook system, the instructor was burdened with developing too many principles or rules of law involved directly or indirectly in case studies; furthermore, much of his time was consumed in citing authoritative sources, commentaries and the like; moreover, in many instances, the teacher undertook completely the function of disseminator of information. This has been, and unfortunately is today where it is practiced, a criminal waste of time; law reviews, treatises, restatements, summaries and the instructor should perform their proper respective functions—*suum cuique*. The modern tendency has been to compile course materials with the view of freeing the teacher wholly or partially from functions which he should not properly discharge and at the same time preparing the student in the most efficient and adequate manner for a classroom session which will allow the instructor to discharge his function most efficaciously.

This modern tendency has been developed and refined by Professor Smith in his book *Labor Law—Cases and Materials*, which is worthy of deep consideration by legal pedants in hereafter selecting or compiling materials for courses. The book is designed to give the teacher maximum time to interrogate, argue and discuss the law without stinting on other aspects of legal education. (This, of course, is particularly valuable to the more mature law student such as one finds in *Labor Law*.) It is a partial usurpation of much of the instructor's traditional function of information dissemination. Much background material such as general historical surveys of the labor movement, early common law doctrine and labor legislation are briefly set forth by the author's original text. The free use of forewords to chapter and subchapter topics sets the stage, so to speak, in a way superior

to the lecture method both as to presentation and allocation of time; they give to the book a transitional continuity and unity lacking in most case-books, offering the student a better understanding of his case studies before he comes rather than after he leaves class. The forewords include a goodly portion of traditional lecture material fully and expertly exploited.

Notwithstanding the inclusion of an abundance of skillfully arranged "hornbook" information, the book does not "spoon feed" the student, but on the contrary provokes him to original thought and inspires him to a keener and deeper appreciation of analytical perception and argumentation. Well chosen and organized leading court and board cases (without the impediment of being absurdly repetitious), statutes, reports of the legislature and legislative committees and other source materials are plentiful, and, quite properly, form the backbone of the book. By the use of interestingly and entertainingly written notes and footnotes, Professor Smith gives both legal and extra-legal explanations and insights into cases and text materials. The notes are replete with unanswered questions and problems—far greater in number than classroom time permits for discussion—and are a true test of the student's mettle and intellectual and analytical powers; however, in some instances aid is given the student in thinking through the nearly imponderables.

Consequently, with such an approach to a course students attend classes, with greater knowledge, understanding and forethought and therefore a greater interest and appreciation in discerning the significant. The instructor is, hence, in a more advantageous position to exhort the student further.

The book is especially meritorious for an exceedingly able organization of source materials, which are kept current by means of a loose leaf binding. Considering the object sought and the medium used, the material may be considered to represent a nearly exhaustive presentation of the subject; it is apparently the product of a tremendous effort. Enough material is included for an advanced course; such a course could consist of the last one-third of the book dealing with collective bargaining and dispute settlement and institutional problems of unionism.

JAMES A. BURNES

ASSOCIATE PROFESSOR OF LAW
UNIVERSITY OF MIAMI