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MCCORMICK ON EVIDENCE. By Professor
Charles T. McCormick. Indianapolis: Bobbs-
Merrill Co., 1954.

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Where to start the subject has always been a problem peculiar to Bills and Notes. Is it better to badger the student with the formal requisites of negotiability at the outset, at a time when he cannot see what difference it makes, or should the effects of negotiability upon the liability of parties be taught before he knows what instruments give rise to those effects? The authors have resolved the dilemma by adopting the latter course. Their reasons for doing so seem sound, and I suppose it makes as much sense to start one place as it does another. In any event the student has to take a great deal on faith, and the best the instructor can hope for is that the light will break before the arrival of the examination ends the course.

A possible weakness of a book such as this is one inherent in all good casebooks or texts in that they tend to reduce the friction of learning to a point where the material may slide so smoothly through the student's mind that they leave little if any residue sticking in the pipes. It could result in a mere imparting of information with the hard work already done by the casebook editor. Perhaps the ideal method of teaching law would be to discard all casebooks and texts and send the student to the library to do his own research under the guidance of a great teacher. However, few teachers are great, time is short, library facilities are limited, and not many students have the essential curiosity vital to the success of such a method.

It is possible also that our hypothetical student, on arriving at the library, would take as his point of departure a book such as this, in which case he would be right back where he started from, and yet should be complimented for having had the good sense to recognize a valuable tool when he saw it.

The question of whether good teaching involves the posing of problems or merely the answering of them is perhaps best resolved by choosing a middle course. When dealing with a subject as obscure as Negotiable Instruments possibly the emphasis should rest on the answering — the problems posed and unanswerable being sufficiently numerous already. If this be so, then Professors Aigler and Steinheimer have done a good job. This should be an interesting book to work with.

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McCORMICK ON EVIDENCE. By Professor Charles T. McCormick.
Indianapolis: Bobbs-Merrill Co., 1954. Pp. 774.

An examination of Professor McCormick's Hornbook on Evidence reveals a fine accomplishment and complement to his case book on the same subject. A reviewer seeking to critically analyze this hornbook in an adverse sense would find himself in a most difficult position.

The book is divided into nine titles reflecting easily to even the novice, the subject matter contained therein. It should be observed in this connection that Chapters thirty-six and thirty-seven of Title Nine should become Titles Ten and Eleven respectively. Title Nine deals with Hearsay and its exceptions whereas Chapters thirty-six and thirty-seven deal with the Burden of Proof and Judicial Notice.

The preface contains the observation "That the treatment in this book, both as to topics and cases, is highly selective, with no pretensions to completeness." It is felt that the selectivity with regard to cases is entirely proper but with regard to topics is questionable. Since a function of the hornbook is to introduce a student to the subject, the topics covered should not be selective, but as complete as is practically feasible. It is felt that the author of the hornbook is justified in laying stress in certain areas of the field, but, nevertheless, ought to furnish to the student a starting point on any of his many evidence problems.

For the purpose of introducing a student to the subject matter of the law of evidence, it seems that Professor McCormick devotes too much space to his conception of what the law should be, or to what someone or some other group thinks the law should be, rather than to what the law of evidence *is*. This is not to be misunderstood as a difference of opinion concerning Professor McCormick's recommendations as to what the law should be, or his arguments in favor or against a certain position, because in most cases the reviewer is entirely in accord with the thoughts expressed. However, it is felt that the beginner should first be exposed to what "is" rather than what "ought to be" the law.

Subject to this cautionary observation, I shall and have recommended the book to my students and have learned a great deal concerning the law of evidence from having read it myself.

The writer is impressed with the particularly fine job done with the Art of Cross-examination, and Title Three, Chapter six which deal with the procedure of admitting and excluding evidence. The reviewer would have preferred a further elaboration of the section dealing with Circumstantial Evidence and Evidence of Slight Probable Value, as compared with Undue Prejudice, Confusions of Issues, Unduly Prolonging the Trial and Unfair Surprise.

Title Six is designated as Relevancy and Its Counterweights: Time, Prejudice, Confusion and Surprise. Chapter sixteen of Title Six is an excellent job of characterizing relevancy but little is done with the counterweights generally; the text being limited to Character and Habit, Similar Happenings and Transactions and Insurance against Liability.

The very difficult task of explaining hearsay evidence is excellently done. Not only is the rule explained in an easily readable and understandable fashion but paragraphs 227 and 228 dealing with instances where the hear-

say rule is, and is not, applicable gives clear and understandable examples of what is, and is not, within the hearsay rule.

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THE NEED AND PROPOSALS FOR JUDICIAL REFORM IN THE STATE OF FLORIDA.

By Lawrence C. Perlmutter. Coral Gables: University of Miami Library Press.

This study comprehensively covers the subject under discussion. Statistics and other data point up the congested docket of the Florida Supreme Court and similarly show the same conditions in several of the circuit courts, and other trial courts.

A strong plea based on sound and cogent reasons is made for a unified court system under the supervision of a court administrator. Mr. Perlmutter advocates a unified court system to relieve confusion to litigants from the hodge-podge of inferior trial courts and to improve the quality of trial courts and raise their prestige. He says a unified system would provide location of responsibility, centralization of control, proper channels for administration and an administrator—all of which would not be designed to destroy the independence of the court system. He quotes Dean Rascoe Pound:

The whole judicial power of each state should be vested in one great branch of which all tribunals should be branches, departments or divisions . . . so as to prevent not merely waste of judicial power, but all needless clerical work, duplication of papers and records . . . plus obviating expense to litigants and cost to the public.

The study points out that the federal courts have an administrative system which scrutinizes the work of those courts in order to insure their efficiency and disclose more effective means of directing the administration of justice.

He recites the progress that has been made through the judicial administrative process in federal courts and in the states that have adopted such procedures.

Mr. Perlmutter concludes that such a court administrative system would be of great value to our Florida judiciary and strongly recommends that it be adopted.

A chapter on Judicial Selection and Tenure in the treatise gives the reader a comprehensive insight into the history and the pros and cons covering the selection of judges by the elective or political process, as contrasted to the appointive method based on careful screening of potential nominees