

legislators, local and national. His problems probably will not be solved by bankruptcy legislation; and in the scheme of bankruptcy, he comes in voluntarily if at all, and normally not very often. On the business side of the picture, our distance from markets and freight differentials discourage the growth of industry. It follows that since there is little prospect for the growth of large business structures, our bankruptcy courts will probably continue to deal with small estates involving a few small creditors. Oftentimes creditor's agreements or the general assignment are resorted to, and, when feasible, offer the best solution. The crux of the matter, therefore, is that our seniors, suddenly made practical by the realization that in a few short months they will be faced with the problem of making a living, dislike bankruptcy because it offers little prospect as a money-maker.

It is at this point, therefore, that I should acknowledge a debt of gratitude to Mr. Hanna. Nowhere else in the curriculum of the small law school do we find an opportunity to present adequately problems in the enforcement of judgments. Furthermore, the manner of presentation both enables the teacher to point out forcefully the reason for bankruptcy legislation and helps arouse interest in the subject. It is a distinct advantage, when considering specific problems in bankruptcy, to be able to refer to an already familiar concept covered in the first part of the text; and effectiveness in presentation is increased when one can contrast the race of diligence between simple unsecured creditors with the principle of pro-rata distribution found in bankruptcy, particularly when the topics of general assignments and creditors' agreements are still fresh in the student's mind. In short, this casebook has proved in practice to be a sound teaching instrument, with sufficient materials to lend itself to the needs of all types of law schools.

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**Cases on Federal Jurisdiction and Procedure.** By Armistead M. Dobie and Mason Ladd. St. Paul: West Publishing Co., 1940. Pp. lxiv, 1090, 149. \$6.00.

The adoption in 1938 of Rules of Civil Procedure for the United States District Courts has resulted in the publication of a flood of contributions of legal science, ranging in bulk from Moore and Friedman's three-volume treatise on Federal Practice in its entirety to almost innumerable law review articles and notes dealing with minutiae of procedure under the new rules. Judge Dobie of the Circuit Court of Appeals for the Fourth Circuit and Dean Ladd of the College of Law at the University of Iowa have made their contribution to this new literature in a complete revision of Judge Dobie's *Cases on Federal Jurisdiction and Procedure*, a revision so complete that it has been published as a new work rather than as a new edition.

On handling and examining this volume, one is first impressed by its great bulk and by the extraordinary detail into which its subject has been carried. The one thousand odd pages (exclusive of appendix and tables) contain portions of almost four hundred judicial opinions; perhaps another fifteen hundred cases are cited and some even discussed in footnotes. In addition, many of the 122 distinct sections and subsections which make up the book commence with quotations from Judge Dobie's text on Federal Procedure, and more than five hundred law review articles are cited.

One cannot fail to admire the scholarship and the industry which have gone into the

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production of this encyclopedic compilation. Yet the skeptic may be permitted to ask whether this represents the case method at its best. The question is directed not at the employment of text quotations and law review citations, but at the manner in which the regular case material has been utilized. The number of judicial opinions here quoted is tremendous, even for a one thousand page volume. When many pages are reserved for reprinting rules, statutes and text material, extreme compression becomes necessary. As a result, a decided majority of the cases used appear as excerpts three-fourths of a page to a page and a half in length. Similarly, the tremendous number of different topics touched upon results in numerous short sections and subsections, most of which contain from two to five of these bobtailed cases. An inevitable but unfortunate effect has been to diminish the interest and the teaching flexibility of the cases used by focusing each one sharply upon a single rule of law. Another effect, presumably the one intended, is to permit the inclusion of an amazing amount of information between two covers. But was the case method of law study designed to teach such simple facts as that a Circuit Court of Appeals will not certify a question of law to the Supreme Court unless it deems the question doubtful,<sup>1</sup> that motions to dismiss have been substituted for demurrers under the federal rules,<sup>2</sup> or that it is immaterial whether the petition for removal from a state to federal court or the notice thereof be filed first, provided both are filed about the same time?<sup>3</sup>

Indeed it is questionable whether the dissemination of information on the intricate details of any procedure is the function of a university law school. The introduction to Frankfurter's *Cases on Federal Jurisdiction and Procedure* quotes the late Circuit Judge Charles M. Hough as saying, "It is idle for law schools to give courses in federal practice. Once they come before my court they will learn more in three weeks than a law school can possibly teach them in a year." The subject of federal procedure is then defended as coming within the ambit of scholarship insofar as it concerns "the systematization of knowledge at once significant and susceptible of scientific ordering." A casebook which goes beyond this goal into the exhaustive presentation of detail raises serious questions not only concerning the case method as there applied, but also concerning the very purpose of law school education.

The foregoing treatment has been somewhat critical in tone, not because the casebook is without merits, but because it seems to this reviewer to raise issues of legal teaching method too vital to be ignored. For the rest, the volume admirably achieves its apparent ends of complete coverage and annotation, and highly contemporary emphasis. Hence, while some may not care to use it as the basis for classroom instruction, every teacher of jurisdiction and procedure should find it an invaluable reference work.

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<sup>1</sup> P. 972 (six-line excerpt from *Williams v. Order of Commercial Travelers of America*, 41 F. (2d) 745 (C.C.A. 6th 1930)).

<sup>2</sup> P. 631 (eight-line excerpt from *Howard v. United States*, 28 F. Supp. 985 (Wash. 1939)).

<sup>3</sup> P. 449 (one-page excerpt from *Bank of America Nat'l Trust & Savings Ass'n v. United States Nat'l Bank of Los Angeles*, 3 F. Supp. 990 (Calif. 1933)).

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