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## BOOKS RECEIVED

**Evidentiary Foundations, Second Edition.** Edward J. Imwinkelried. Charlottesville, Va.: The Michie Company. 1989. Pp. xix + 330. Hardbound. \$35.00.

*Evidentiary Foundations* is intended to bridge the gap between an evidence course and courtroom practice. The text briefly touches on evidentiary doctrine and then focuses on application of the rules at trial. In discussing evidentiary doctrine the author briefly describes the rule, explains its practical elements, and then presents a sample of the practical elements in use.

The first two chapters present procedural rules and techniques. The introduction discusses the legal and practical rules pertaining to both direct and cross-examination. Chapter Two covers the procedural issues encountered at the outset of a trial, such as motion *In Limine*.

Chapter Three explores the competency of witnesses, including discussions of questioning children, lay and expert witnesses, and spouse witnesses. Chapter Four presents authentication of evidence, such as writings, photographs, and oral statements. This chapter also examines verification of demonstrative evidence and validation of scientific evidence.

The fifth and sixth chapters examine Rule 403 and relevance limitations. These chapters discuss issues such as bolstering witnesses, impeachment and rehabilitation of witnesses after impeachment, character and habit evidence.

Chapter Seven focuses on privilege and related doctrines, including confidential relationships, work product and government privileges. Chapter Eight provides detail on the best evidence rule while Chapter Nine probes the rules surrounding opinion evidence.

Chapter Ten is a detailed examination of the Hearsay rule, its exceptions and exemptions. The final chapter presents substitutes for evidence, such as stipulations and judicial notice.

*Evidentiary Foundations* is a good text about trial techniques

and the use of the rules of evidence from a practical standpoint. It would be a useful volume to supplement either an evidence class or trial techniques coursework. It would also be useful as a reference for attorneys preparing for trial when evidentiary questions arise.

**Labor and Employment Arbitration.** Tim Bornstein and Ann Gosline, General Editors. New York, N.Y.: Matthew Bender. 1989. Three volumes. Compression Bound.

Of approximately 165,000 collective bargaining agreements in force, over 95% contain clauses providing for arbitration in the event a grievance occurs.<sup>1</sup> *Labor and Employment Arbitration* is a complete reference guide to arbitration procedures and practices as they apply to labor and employment related disputes. The treatise remains current through the use of cumulative supplements that are published as necessary.

Within three volumes, there are eight major areas of concentration. The first several chapters focus on the practice and procedure of arbitration. Topics covered include hearing procedures, discovery, advocacy, witnesses, and evidence. The topics receive in depth explanation, for example, the chapter on evidence in arbitration explains the various evidentiary doctrines and their application to the arbitration arena. The chapter explains that evidentiary rules are generally less formal than in judicial courts, and the chapter points out where the rules are relaxed and how they tend to be interpreted.

The second major area of concentration explores the issue of arbitrability, with chapters on challenges to arbitrability, *stare decisis* and *res judicata*, and management rights. This section also contains a chapter on the principals of contract interpretation that provides guidance to arbitrators with interpreting contractual language.

The third section of the treatise examines issues of discipline, discharge, and resignation that may give rise to an arbitration event. Just cause, progressive discipline, absenteeism, drugs, violence, theft, and sexual harassment are some of the specific topics discussed. Each topic includes discussion of the types of situations that may arise in the workplace, and what arbitrable issues are likely to arise in the situation. These chapters also provide guidance with court cases, sample bargaining agreement language, and arbitration hearings that

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1. 1 LABOR AND EMPLOYMENT ARBITRATION § 1.02 (T. Bornstein & A. Gosline, 1989).

have dealt with the matter.

The next grouping of chapters concentrate on seniority rights, compensation, and employee benefits. Topics covered include transfers, promotions, layoffs, vacation and other time off practices, and overtime. This section also has a chapter on remedies which explores the sources and scope of an arbitrator's remedial power.

The fifth section includes chapters on judicial review of arbitration awards and civil rights arbitration. The sixth major area focuses on arbitration in the public sector. The seventh major portion of the guide covers miscellaneous issue such as selecting an arbitrator, non-union use of arbitration, and labor management committees.

The final area of discussion examines arbitration as it applies to specific industries. This section includes chapters on police and firefighters, the postal service, the railroad industry, higher education, and other industry specific uses of arbitration.

The third volume concludes with four appendices that provide a code of professional responsibility and alternative sources of arbitration rules. There is also a table of the cases that are cited throughout the volumes.

This compendium on labor and employment arbitration contains a wealth of information about arbitration and its application to the labor field. The set would be a valuable resource to attorneys, arbitrators, employee relations or personnel professionals, bargaining agents and anyone else with an interest in alternative dispute resolution in the employment area.

**The Successful Law Firm: New Approaches to Structure and Management, Second Edition.** Bradford W. Hildebrandt and Jack Kaufman. Clifton, N.J.: Prentice Hall Law and Business. 1988. Pp. xi + 398. Hardbound. \$75.00.

*The Successful Law Firm* begins with an introduction that examines eleven major trends that are affecting law firms. Among the trends discussed are billing practices, office structure, competition, and quality of life. The book then offers practical discourse for firm management and survival.

The book offers insightful and thought provoking comments on management styles, practice management, office administration, profit distribution, marketing and business development, and advertising media such as brochures or newsletters.

*The Successful Law Firm* also provides a chapter that focuses on mergers and acquisitions and a chapter that examines strategic and long range planning for law firms.

The book also contains a chapter that questions and discusses the partnership admission process and suggests that alternative or newer management structures may be appropriate as firms grow faster than the number of available partnership slots.

This book is a must read for office administrators, managing partners, and attorneys who are getting ready to hang their own shingle.