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BOOKS RECEIVED

Cohabitation Without Marriage. By Michael D.A. Freeman and Christina M. Lyon. Brookfield, VT: Gower Publishing Co. 1983. Pp. vii + 227. Hardcover. \$35.50.

Originally regarded as little more than a species of prostitution, cohabitation is fast becoming a mirror institution reflecting the legal model of marriage. Beginning with the historical and sociological perspective of this evolution, this book continues with an in-depth examination of cohabitation and how it is treated in the legal systems of Australia, Canada, France, Sweden, Yugoslavia and the United States, with major emphasis on the laws of Great Britain. Of particular interest are the justifications presented among these countries for the newly elevated legal status of cohabitational relationships. Also presented is an interesting discussion of the problematic anomaly whereby, for legal purposes, a contract is implied between cohabitants who had originally established their relationship to avoid such contracts. Although not of great use to the practitioner due to its emphasis on commonwealth law, this book does provide thorough treatment of an important future aspect of family law.

Practicing California Arbitration. By N. Harris, W.A. Robinson, J.S. Warnlot, and F.W. Brandt. Berkeley, CA: California Continuing Education of the Bar. 1983. Pp. xiii + 243. Hardcover. \$55.00.

This book provides a view of California arbitration practice from three postures: counsel for plaintiff, counsel for defendant, and arbitrator. Included as topics are the advantages and disadvantages of arbitration, when arbitration is applicable, initiating or opposing arbitration, preparation of evidence, selecting arbitrators, post-hearing procedures and trial de novo requests. For the arbitrator, important subjects are discussed, such as eligibility and qualifications for appointment, the functions and powers of the arbitrator, pre-hearing practice, and conduct of the hearing. This section includes a guide for evaluating evidence and a hearing awards checklist. Useful appendices contain the judicial arbitration statute, applicable provisions of the California Rules of Court, and a large selection of sample forms. Of special interest is a scheduling sheet which provides an overview of the arbitration process. This book includes case citations

and is to be periodically supplemented.

California Expert Witness Guide. By Raoul D. Kennedy. Berkeley, CA: California Education of the Bar. 1983. Pp. xiv + 334. Hardcover. \$55.00.

Experts serve many functions in the legal community—as investigators, to determine whether a claim has merit and is supported by the evidence; as educator, instructing attorneys in the vocabulary and subject matter of a case; and, of course, as witnesses. This book covers these roles by first exploring certain elementary questions: how to decide whether you need an expert; if you do, what type of expert; and how to make the appropriate selection. Coverage in this segment concerns the nature and basis of expert testimony, including the judicial and statutory prohibitions against certain materials, such as voiceprints, forming the basis of expert opinions. One of many practical points the author provides is how the California Vehicle Code section 20013, which prohibits the introduction of traffic reports as evidence, may be avoided by qualifying the reporting officer as an expert and then using the report to refresh his recollection.

Despite the shallow treatment given to types of experts and how to locate them, this book nevertheless, provides an extensive discussion of the factors one should use when choosing an expert. Many factors are obvious, such as the expert's qualifications, opinion, and potential effect on a jury. Others, however, include often overlooked practical questions. These include the availability of the expert, his or her compatibility with the attorney, and whether the expert has been "overused" so as to make his or her integrity subject to attack by the opposition.

A major portion of this book is composed of the specific evidentiary rules surrounding the use of expert witnesses. The attorney-client privilege and work product rule are discussed as they apply to the expert under California law, the Federal Rules of Evidence, and the Federal Rules Civil Procedure. Similar treatment is given to the problems involved in the discovery and deposition of experts. Extensively analyzed are the rules surrounding direct and cross-examination of experts. Here, the author provides examples of specific methods of cross-examination, such as peripheral questioning and the use of *voire dire* and motions in limine, as possible alternatives to cross-examination. As with most CEB publications, this book is concise and thorough and may be of great value to a litigation practice.

Jurisdiction in Civil Actions. By Robert C. Casad. Boston, Mass: Warren, Gorham, and Lamont, Inc. 1983. Pp. xxi + 598. Hardcover. \$65.00.

According to the author, the literal meaning of the word jurisdiction is "the saying or declaring (dicta) of the law (juris)."¹ With this introductory definition, the author commences to comprehensively treat all aspects of jurisdiction. Constitutional limitations on the exercise of state court jurisdiction, long arm statutes, federal jurisdiction, methods of challenging jurisdiction, and jurisdiction in specific actions, such as tort, contract, property, domestic relations, patent, copyright and class actions, are a few examples of the extensive coverage given to this subject. To supplement the analysis, case citations of over 4000 cases and a complete reproduction of all state long arm statutes are included. This treatise, which is to be supplemented annually, is an excellent reference for both the student and the practitioner.

Additional Books Received

Corrections: An Issues Approach. (Second expanded edition). Edited by L.F. Travis III, M.D. Schwartz, and T.R. Clear. Cincinnati, OH: Anderson Publishing Co. 1983. Pp. xiv + 250. Softcover. \$13.95.

Labor Agreement in Negotiation and Arbitration. By Arnold M. Zack and Richard I. Block. Washington, D.C.: The Bureau of National Affairs, Inc. 1983. Pp. xii + 233. Hardcover. \$20.00.

1. R.C. CASAD, JURISDICTION IN CIVIL ACTIONS 1-1 (1983).

