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## Books Received

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## BOOKS RECEIVED

**California Civil Procedure During Trial—Volume I.** Ed. by Lawrence M. Reiser. Berkeley, CA: California Continuing Education of the Bar. 1982. Pp. xii + 563. Hardcover. \$90.00.

Once a decision is made to try a legal dispute, whether or not early settlement is contemplated, a competent attorney must view the complexity of civil procedure not as an impediment to success on the merits, but as a framework for successful strategy. Any attorney who intends to try a client's case will benefit from a comprehensive guide to state civil procedure which provides both the veteran and novice with a checklist of critical issues, as well as a detailed guide to the nuances of state trial practice.

CEB has produced its first revised guide to California trial procedure since 1960 in response to substantial changes in the law. Volume I, published in 1982, encompassed topics including issues surrounding the engagement of trial counsel, calendaring considerations, pretrial discovery, preparation and examination of witnesses, pretrial motions, jury selection problems, opening statements, use of discovery materials and preserving objections and other matters for the record. Volume II, due to be published immediately thereafter, will complete CEB's comprehensive trial procedure coverage by discussing documentary and demonstrative evidence, judicial notice, conduct and misconduct during trial, motions, arguments, jury instructions, verdicts, motions after trial, trial without jury, judgments, costs, fees and interest.

The strength of Volume I, like many of the CEB publications, lies in its concise discussions of relevant statutes, case law, and suggested forms of drafting. Sometimes referred to as the "cookbook" school of lawyering, the CEB approach has great value in laying out a logical checklist of critical considerations for what can amount to a procedural maze without such a road map. Furthermore, while it is said that good trial attorneys learn their craft in court and not in class, a step-by-

step compilation such as California Civil Procedure During Trial can reduce the surprise element that a neophyte is bound to encounter by providing a way to anticipate each step before and during trial by weighing all possible procedural alternatives and responses.

This guide is not a substitute for thorough familiarity with the law of evidence and civil procedure. But it can save an attorney valuable time and effort by serving as a foundation for pretrial preparation and strategy.

**California Real Property Remedies Practice.** Ed. by Craig H. Scott, Victor L. Chuan, Herbert Gross, Jon A. Rantzman. Berkeley, CA: California Continuing Education of the Bar. Pp. ix + 506. Hardcover. \$75.00.

The law of real property in California has undergone far-reaching developments in the last decade. Although the array of primary and secondary legal sources in this field is broad, the editors of California Real Property Remedies Practice note that a practice-oriented guide to those real property remedies most commonly encountered in California real property transactions has been missing up until now.

Approaching their subject from two directions, contractual considerations and traditional real property doctrine, the editors first discuss rescission, reformation, damages for fraud and breach of seller-buyer agreements, specific performance, and cancellation of instruments. The second area of discussion concerns quieting title, partition, slander of title and ejectment. Drawing from a prior CEB publication generally concerning damages, the authors have wisely included two final chapters on damages for injuries to real property and damages in landlord-tenant disputes.

In a no-nonsense discussion centering around available causes of action, defenses, and preventive measures, the authors lay out fact situations which give rise to the specific remedies they discuss. They also include numerous citations to California case law and statutes. Invaluable attorneys' checklists relevant to major discussion areas appear throughout the book in addition to numerous model drafting forms.

All of this leaves the reader with the feeling that a real property specialist as well as a general practitioner has something to gain from the detailed analysis and discussion in this work. Its only serious shortcoming is a cursory treatment of

remedies relating to secured property transactions. The authors appear to be aware of this problem and appropriately refer the reader repeatedly to a companion CEB publication, *California Mortgage and Deed of Trust Practice* (California C.E.B. 1979).

**International Symposium: Patent Information and Documentation: Lectures, Submitted Papers, Discussions, Munich, May 16-18, 1977.** Pub. by K.G. Saur. Detroit, MI: Exclusive U.S. Distributor Gale Research Company. 1978. Pp. 429. Hardcover. \$65.00.

A highly academic collection for the international specialist in patent documentation and examination, this work has a specific but limited utility in discussing the role of patent information in technology development and transfer in both the commercial and scientific contexts. Assembled following a world-wide forum where nearly five hundred patent and information management experts from twenty-nine nations discussed topics including user needs, present day documentation, and the future of patent documentation, this Symposium was produced nearly four years ago in several languages. Seven of the thirty-three lectures and/or submitted papers are reproduced in non-English languages. Yet the U.S. distributor of this collection neglects to mention in its advertising that seven scholarly papers and large sections of three main panel discussions featured during the International Symposium are reproduced in languages other than English. Admittedly, this is an ethnocentric complaint, but few U.S. readers will be willing to translate or have translated over one hundred pages of text.

This is not a nation-by-nation guide to the patent laws of the world: much of the discussion presupposed basic knowledge of patent law doctrine. Rather, it is a ruminative study of the ways patent information might be better organized, classified, and retrieved with an eye toward benefitting the international industrial community. The goal of the editors is to explore international efforts at providing access to patent information and to promote enhanced transfer of the technology underlying such information, with the resultant economic activity benefitting a broader portion of the world economy.

Yet, once the qualified reader gets beyond the language problem, he or she will discover that this Symposium encom-

passes highly detailed theoretical analysis of technology information systems in capitalist, developing, and communist countries. Patent counsel for high technology developers, commercial research firms, administrative agency attorneys, and international policy makers are among the potential beneficiaries of this kind of collection. While the role of computers is discussed in regard to the indexing and management of international patent information, the thrust of these discussions is that scientific and technological information can be a significant resource in the development of a national economy.

By understanding how various countries treat patent grants, both procedurally as well as economically, regulatory officials, patent attorneys, and patent holders or licensees should have the benefit of international policy, conventions, and treaties which will enhance the value and the effect of the technical developments which are protected by the patent system.

**1982 Edition of Litigation Under the Federal Freedom of Information Act and Privacy Act.** Ed. by Morton H. Halperin and Allan Adler. Washington, D.C.: Center for National Security Studies. 1981. Pp. i + 188, Appendix i + 115. Softcover. \$25.00 for attorneys and institutions; \$10.00 for law students, faculty, and exempt organizations.

If there is ever a need for an outline to help unravel the complexity of the federal privacy statutes, this work will satisfy it. Thirteen contributors have pooled their talent and experience to provide an analytically sound, easily digested guide to the two main statutes which have the reputation of containing all their teeth in their numerous exceptions.

The thirteen contributors, nearly all attorneys, are actively involved in the public sector, with heavy representation of the American Civil Liberties Union and the Freedom of Information Clearinghouse. The text of this collection obviously reflects extensive experience litigating cases under these two statutes and includes citations through 1981. A cross-indexed case listing following the appendix assures the reader that recent developments in federal privacy law can be tracked and analyzed with ease.

Any student of federal privacy law or any practitioner considering a cause of action under either 5 U.S.C. section 552 (The Freedom of Information Act of 1966) or 5 U.S.C. section

552a (The Privacy Act of 1974, not to be confused with the first subsection of the FOIA, 5 U.S.C. section 552(a)), will discover a wealth of information regarding the language of the statutes as well as relevant administrative process and judicial interpretation.

Section-by-section analysis of the numerous provisions of each act outlines doctrinal concepts, legislative history, substantive, and procedural criteria for enforcement, the basis for each statutory exemption and how to meet the elements contained therein, equitable considerations, trial strategies, litigation costs, sample complaints and motions, and cites to the Federal Register.

This work has been developed for use by advocates representing plaintiffs who are challenging government information management practices. The Freedom of Information Act (FOIA) was developed in order to combat bureaucratic secrecy by establishing that records in the possession of agencies of the federal government must be disclosed unless specifically exempt. On the other hand, the Privacy Act was passed to protect individuals from governmental snooping by placing restrictions on disclosure of personally identifiable records, and to give individuals the right of access and correction regarding their own records.

The authors describe situations in which the FOIA might be used: to expose governmental wrongdoing, for use in consumer group activities, to challenge agency rulemaking, for example. Finally, there is a solid analysis of the relationship between the FOIA and the Privacy Act, including the potential conflict between the two, relevant legislative history concerning congressional intent, and judicial treatment in response to parallel exemptions of these acts.

**Pattern Discovery: Securities.** By Douglas Danner. Rochester, NY: The Lawyers Co-operative Publishing Co., 1982. Pp. iii + 710. Hardcover. \$65.00.

The author of this highly technical manual asserts that because federal securities law and litigation are so factually complicated, in a securities dispute it is essential to have a comprehensive discovery plan to determine factual allegations and legal contentions which may not appear from the pleadings. Written for a securities specialist (or an attorney who hopes to become one), *Pattern Discovery: Securities* is in-

tended for use in the most common kinds of federal securities litigation.

The author assumes that the practitioner has a strong foundation in securities law. However, the introduction contains a helpful summary of the two basic federal securities statutes, The Securities Act of 1933, 15 U.S.C. section 97 and the Securities Exchange Act of 1934, 15 U.S.C. section 78. Author Danner provides a brief but reasonably precise discussion pinpointing key issue areas surrounding the registration and anti-fraud provisions, proxy registration, and short-swing insider trading restrictions.

The main text is divided into two main sections. The first contains sets of interrogatories directed to various potential securities defendants (issuer, underwriter, dealer, director, controlling person, insider, accountant, lawyers, expert witness), as well as interrogatories intended for defendant to plaintiff. The second section is a highly detailed deposition checklist designed for both plaintiffs and defendants, including suggestions for deposing adverse parties, one's own or client, methods of conducting a deposition, and post-deposition follow-up.

In addition to forcing disclosure, verifying known facts, and pressuring the opposing party to prepare its case meticulously, this discovery technique lends itself to imaginative and efficient lawyering. Noting that a major abuse of pretrial discovery is the use of irrelevant interrogatories, the author advocates the "rifle" rather than the "shotgun" approach. Practitioners who follow this manual should find that Danner's approach certainly hits its mark.

#### *Additional Books Received*

**Legal Issues in Medicine.** Ed. by Sheila M. McLean. Hampshire, U.K.: Gower Publishing Co. Ltd. 1981. Pp. x + 219. Hardbound. \$39.00.

**Getting to Yes.** By Roger Fisher and William Ury. Boston, MA: Houghton Mifflin Co. 1981. Pp. xiii + 164. Hardbound. \$10.95.

**School Law in Changing Times.** Ed. by M.A. McGhehey. Topeka, KS: National Organization on Legal Problems of Le-

gal Education. 1982. Pp. 256. Hardbound. \$14.95.

**Equipment Leasing-Leveraged Leasing, second edition.** By Bruce E. Fritch and Albert F. Reisman. New York, NY: Practising Law Institute. 1980. Pp. xxv + 1233. Hardbound. \$75.00.

