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BOOKS RECEIVED

Federal Statutory Law of Employment Discrimination. By Charles A. Sullivan, Michael J. Zimmer and Richard F. Richards. Charlottesville, VA: The Bobbs-Merrill Co., Inc., Publishers. 1980. Pp. lxxxiv + 874 + pocket supplement. Hardcover. \$45.00.

Citing a paucity of legal scholarship on what has been an uncertain area of law, the authors claim that a conceptual structure for employment discrimination has now evolved. Thus, this book attempts to bring order out of chaos. This volume focuses on Title VII, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967 and anti-discrimination features of other labor legislation. Constitutional issues are largely ignored due to the authors' judgment that recent United States Supreme Court constitutional decisions in employment discrimination cases make statutory remedies more effective. Organized in hornbook form, each federal statute is dissected to point out coverage and exemptions, special problems relating to specific types of discrimination and special issues encountered in suing local, state and federal governmental agencies. Enforcement procedures, class actions, interrelated remedies, settlements and consent decrees are also outlined. The book is based upon extensive research and presents references to and discussions of numerous federal cases in the mosaic of employment discrimination claims.

California Government Tort Liability Practice. By Arlo Van Alstyne. Berkeley, CA: California Continuing Education of the Bar. 1980. Pp. 916. Hardcover. \$65.00.

With characteristic attention to detail, Van Alstyne has produced an authoritative practice-oriented book on government tort liability after enactment of the California Tort Claims Act. A brief historical background of the Act comprises a short chapter. Another chapter delineates the general rules governing public entity and public employee liabilities and immunities. More specific information is contained in a

detailed discussion of dangerous conditions of public property and in a particularized section on liabilities and immunities in such functional areas as police, correctional and fire protection activities. A major portion of the text is dedicated to a how-to discussion of claims procedures, time limits, tactical considerations and special pleadings. The book contains a fully annotated copy of the text of the Act, cites more than 1,150 cases and provides a useful index.

Law Clerks and the Judicial Process: Perceptions of the Qualities and Functions of Law Clerks in American Courts. By John Bilyeu Oakley and Robert S. Thompson. Berkeley, CA: University of California Press. 1980. Pp. 183. Hardcover. \$17.50.

Starting with the notion that the law clerk's function is to bring advocacy into the chambers in order to force judges to justify each step of the decision making process, the authors assert that only short-term law clerks can safely fulfill this role. The book casts doubt on the independence and potential for undue influence of "parajudicial careerists" — long-term law clerks and central staff attorneys. Based on empirical data obtained in 1976, the authors sketch compromise profiles of representative judges of the federal district courts in California, the Ninth Circuit Court of Appeals, the California Courts of Appeals and the California Supreme Court. Although the book's obvious spotlight on courts located in California makes its subtitle somewhat misleading, the discussion should be of some interest to practicing attorneys, if only because it outlines the internal procedures of each court. The authors seize upon a quality vs. quantity choice as an explanation for the growing trend toward greater use of long-term clerks in the overburdened California state appellate courts. The book's presentation of the collected information (accompanied as it is by distracting anecdotal footnotes, sometimes ponderous detail and multitudinous disclaimers), is unsatisfying in its failure to do more than bolster the authors' preconceived ideal. Its publication, however, is timely. The long-term vs. short-term clerk dilemma is a hot issue in California appellate courts and one that all branches of state government are currently reviewing.

Discovery. By James R. Jenner. Berkeley, CA: California

Continuing Education of the Bar. 1981. Pp. 150. Hardcover. \$25.00.

The most recent volume in the CEB's California Criminal Law Practice Series, this book provides a quick overview of the background and current uses of discovery. Both decisional foundations and statutory provisions are cited and explained. Chapters cover discovery by the defense and by the prosecution. One chapter deals with informal and formal discovery procedures, as well as discovery at trial. Special discovery motions, such as *Pitchess* motions to discover police personnel records to find evidence of an officer's prior use of excessive force, and *Murgia* motions to obtain evidence of alleged discriminatory prosecution, are discussed in detail. On any area currently in a state of flux, the book presents the most prevalent views accompanied by their differing rationales. Sample forms and motions are included.

The Ninth Amendment: History, Interpretation, and Meaning. By Mark N. Goodman. Smithtown, NY: Exposition Press. 1981. Pp. 74. Hardcover. \$5.00.

Touted by the publisher as an "authoritative examination" of the ninth amendment, this book misses the mark if it was intended to add anything to ninth amendment explication. It does, however, present thorough research and numerous quotations from state constitutional conventions that may be of interest to federalism buffs. The author uses the annoying device of a "journey" through the amendment by way of traditional techniques of constitutional interpretation. Furthermore, the one-half page "conclusion" is an unabashed refusal to draw any conclusions from his research. One can expect a sequel when Goodman gets the time to ponder what all this means. Perhaps it would have been wiser to wait and write a single book that does more than merely collect quotations.

