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## BOOKS RECEIVED

**The Negligence Case: Comparative Fault.** By Henry Woods. Rochester, N.Y.: Lawyers Cooperative Publishing. 1978. Pp. iii + 628. Hardbound. \$45.00. Pocket for Supplements.

*Comparative Fault* goes beyond the normal hornbook treatment of its subject with the inclusion of a detailed state-by-state analysis of the law of comparative fault. The author discusses the legal development and present status of topics such as the basis of comparative fault (judicial or statutory), assumption of risk, last clear chance, willful misconduct, multiple parties, wrongful death, products liability, conflict of laws, and jury instructions. In addition, there are chapters on the approach of the FELA and admiralty law to comparative negligence, and special attention is given to strict products liability. The full text of the Uniform Comparative Fault Act is included with a critique. This in-depth treatise will be beneficial to practicing attorneys because of the inclusion of sections on the practical aspects of handling comparative negligence in such situations as counterclaims and jury interrogatories.

**How to Ask for More and Get It: The Art of Creative Negotiation.** By Francis Greenburger with Thomas Kiernan. New York: Doubleday. 1978. Pp. xiii + 173. Hardbound. \$7.95.

The glib title and narrow aspect of this volume are deceiving. The authors approach their subject in a serious tone, write in a literate, noncondescending style and include numerous anecdotes to liven the text. They present various practical techniques to enable a negotiator to maximize his or her effectiveness in any exchange. For example, proper preparation includes establishing and quantifying primary and secondary goals so as to compromise in the least detrimental areas, while the tactic of holding back a primary goal until negotiations are almost complete may achieve its acceptance without challenge. The average lawyer spends extensive time in some form of negotiation, whether it be plea bargaining, settlement talks, contract negotiation, or client control. The strategies described in this book should help prove the authors' contention that negotiating skills are not instinctive but can be learned and improved.

**Real Estate Tax Planning.** By J. Scott Morris. Boston: Little, Brown and Company, 1977. Pp. xv + 546. Hardbound. \$37.50. Pocket for Supplements.

This treatise is intended as a reference and practical guide for attorneys specializing in tax or real estate practice, who must pay close attention to the federal tax consequences attendant on any real property acquisition, development or disposition. The hornbook format, presenting numerous clarifying examples and thorough case and statutory referencing, provides enough flexibility to make the book useful to general practitioners, brokers, accountants and law students with a particular interest in the area.

The author analyzes the tax problems involved in the major types of transactions such as lease, sale, sale & leaseback and tax-free exchanges. Variations such as leveraged leases and multi-cornered exchanges are also considered. Further evaluation from the perspective of the business entities likely to be used in structuring these transactions is provided in the chapters on partnerships, corporations (including Subchapter S corporations) and real estate investment trusts (REIT's).

**Fighting Back: How to Cope with the Medical, Emotional and Legal Consequences of Rape.** By Janet Bode. New York: Macmillan. 1978. Pp. ix + 279. Hardbound. \$8.95.

The rape victim, unlike the victim of any other crime, can be outrageously maltreated by the criminal justice system. She is sometimes forced to undergo polygraph tests as well as the usual medical exam before the police will even commence an investigation. She is usually humiliated by insensitive police, medical personnel, prosecutors, judges, and defense attorneys, and totally traumatized by the trial, especially in those states that still admit sexual history. This is all in addition to the enduring fear and emotional crisis engendered by the rape itself. In describing this situation, the author speaks especially to the victims and their families. She addresses the difficult decision of whether to report the crime, provides alternatives such as civil suit, and suggests some startling non-legal possibilities such as direct confrontation (with the support of friends or a rape prevention organization). Those involved in prosecution, law enforcement, forensic medicine and legislation should also find this well-documented and objective analysis extremely informative and helpful in reassessing and revising the approach of the criminal justice system to the crime of rape.

**Banned Books: 387 B.C. to 1978 A.D.** [Fourth Edition of *Banned Books: Informal Notes . . .*, by Anne Lyon Haight.] Updated and Enlarged by Chandler B. Grannis. New York: R.R. Bowker. 1978. Pp. vii + 196. Hardbound. \$13.19.<sup>o</sup>

*Banned Books* is fascinating reading for anyone particularly interested in freedom of the press. Historical analysis reveals that repression of religious and political nonconformity has been more prevalent than the suppression of obscenity. Charles Renbar, the attorney who successfully defended *Fanny Hill* and *Lady Chatterley's Lover*, contributes a caustic and thorough essay on obscenity censorship in the American courts, noting its continual testing since the Supreme Court's obscenity decisions in 1973. The major focus of the book is its annotated chronology of censored authors and works beginning with Plato's attempted expurgation of Homer, and proceeding like a "Who's Who" of literary giants (Shakespeare, Flaubert, Whitman) with a few surprising entries such as Walt Disney and Hans Christian Andersen. Appendices include excerpts from statutes, major decisions, and the Report of the Commission on Obscenity and Pornography.

