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Book Review [State Administrative Law]

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BOOK REVIEW

STATE ADMINISTRATIVE LAW. By Frank E. Cooper. Indianapolis: The Bobbs-Merrill Company, Inc., 1965. Pp. xlii, 951.

This is a two-volume work, handsomely boxed and printed in an easy-to-read format. The first volume contains 432 pages, the second 519, a size which makes the books easy to handle. Each volume contains an identical Foreword and Preface. Each volume also has the complete Table of Contents and appropriate places for supplementary pocket parts. An Appendix to volume two contains the text of the Revised Model State Administrative Procedure Act and a historical note describing the development of this statute. This is followed by an extensive Table of Cases, a Table of Statutes and a well-done forty page Index.

Having thus given a description of the physical properties of Professor Cooper's latest work, one is tempted to stop there for the simple reason that any other review of a two-volume treatise on State Administrative Law is virtually impossible. A detailed evaluation is difficult, boring to writer and reader alike, and of little use to anyone. Spot criticism runs the risk of doing injustice to the author since it is based entirely on the reviewer's tastes and built-in bias. Spot praise is open to the same objection.

This review will certainly not be a detailed evaluation and it will attempt to avoid the grosser manifestations of bias, pro or con.

The Foreword and Preface (pp. VII, XI) point out that the book is geared entirely to the Revised Model State Administrative Procedure Act of 1961 and this constitutes a weakness of the work as well as one of its strengths. Tying in to the Model Act is a short-coming in the sense that the treatise too often emphasizes the law as it ought to be rather than the law as it is. This gives the book a missionary tone, an evangelical spirit which sometimes strikes the eye strangely. However, this does not prevent a very thorough coverage of the field which is a strength traceable in part to adherence to the scheme of the Model Act.

The foregoing criticism is not entirely fair since Professor Cooper does make a determined, and successful, effort to cover a number of areas not touched upon by the Model Act. The material is presented in an interesting and spirited fashion. Those who have read any of Frank Cooper's writings before know that his scholarship and style are such that he is unable to write a bad book in the field of administrative law.

Volume I presents a historical perspective of state administra-

tive law, an extended development of the constitutional law aspects of administrative law (separation, delegation, etc.), public information, rule making and "contested cases" from pre-trial through the hearing.

Volume II continues the subject of "contested cases" through post-hearing procedures and contains chapters on licensing, res judicata and stare decisis, standing to appeal, judicial review from timing of the application for review through scope of review in both adjudication and rule making.

The book is described as "A Research Project of the American Bar Foundation and the University of Michigan Law School." It is a solid piece of work and must be given shelf space by every serious student of administrative law.

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