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not go to the core of the issue. According to many authorities, the opinion is not the essence but the indicator of the law; the actual rule lies in the *ratio decidendi* which differs from, and transcends, the text of the opinion. Here, the author leaves a whole field of vistas unexplored; the concept of the ratio decidendi points to the Blackstonian theory of "pre-existing law," which may not be entirely extinct.

In fairness to the author it shall be stressed that he did not attempt a definitive work but merely a contribution to the problem. In spite of some imperfections, he has succeeded in many respects. He brings out the fact that law is actually reborn daily in our courts and that judges and all functionaries of the law serve not only the present case, but the ends of future justice too. The language of the book conforms to its general scholarly make-up. While not geared to students' needs, it provides a helpful teaching aid, and much inspiration and information to everyone who is seriously interested in jurisprudence and the significance of judge made law.

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*Reviewed by Jack F. Smith**

LEGAL ESSAYS OF THE PLAINTIFF'S ADVOCATE. Edited by Robert Klonsky. Published by Central Book Company (Brooklyn, N. Y.) 1961. 485 pages.

Legal Essays of the Plaintiff's Advocate is a compilation of articles which have appeared in the "Plaintiff's Advocate" a journal published by the New York State Association of Plaintiff's Trial Lawyers.

After a preface by the editor, Robert Klonsky, which likens plaintiff's attorney to a knight in shining armour, a modern day Robin Hood, follows a series of articles which have been broken down into various categories such as; The Jury System, Torts, Maritime Law and Aviation, Trial Tactics and Techniques, Medicine and the Law, Products Liability and Workmen's Compensation, and the general catch-all, Miscellaneous.

In view of the general subject material, it is difficult to understand why the first four articles or essays testifying to the

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worthwhileness of the jury system were included in this compilation.

Perhaps the jury system in personal injury actions is under greater attack in New York than elsewhere. Ordinarily, the defense lawyer is eager to retain the jury system. If he has the law on his side, the case should be taken from the jury by the judge. If he does not have law calling for a directed verdict in his favor, he can still hope to convince the jury that the plaintiff is not telling the truth or is a malingerer who has not been injured to the extent that he claims.

The essays following are, in the main, well written and well documented, disclosing thought and research in their preparation. While the names of some authors are repeated more than twice, this is to be expected. While the cases cited are mainly cases from the jurisdiction of New York, this is to be expected in view of the source of the essays.

To the practitioner in New York, and to a limited extent, to practitioners in other jurisdictions, this is a worth-while book partly because each essay is an exposition of the latest thought on a particular aspect of tort law, but mostly because each essay contains within itself a compilation of the latest cases involving that aspect.

For the neophyte or general practitioner, these legal essays will be a valuable addition to legal literature because he can, in one place, find his research done for him in various types of tort cases according to the categories encompassed.

Two essays on products liability by Thomas F. Lambert Jr. and Justice Harry B. Frank are masterpieces of condensation of recent cases in this field and of the apparent trend in judicial thinking regarding "privity." This is an expanding field of tort law, the basic aspects of which are unknown to the average lawyer, or if known are not understood. Here, in two short essays, is a complete run down on warranties running from the manufacturer of a product to the ultimate consumer even though there is no contractual relationship between them.

Another essay by Thomas F. Lambert Jr. describes and documents a new arrival in the law of torts, the intentional infliction of mental suffering. Sometimes called a "prima facie tort," a recovery is permitted for mental suffering or mental anguish intentionally caused by the defendant.

The essay by Alfred J. Julien regarding the responsibility of the plaintiff's attorney to see to it that any recovery for a personal injury be wisely applied to the plaintiff's rehabilitation and not squandered will do much, if his advice is followed, to dispel the layman's idea that a lawyer is only interested in him as a dollar sign.

A reading of the essays will be beneficial to any lawyer who has any thing to do with personal injury actions either as plaintiff's or defendant's advocate.

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*Reviewed by Marc D. Gleisser**

SUCCESSFUL TECHNIQUES IN THE TRIAL OF CRIMINAL CASES, by Henry B. Rothblatt. Published by Prentice-Hall, Inc., Englewood Cliffs, N. J., 242 pages, 1961.

The neophyte lawyer who has just gotten his first criminal case, or the veteran who rarely appears in the more sordid side of the law, should welcome this volume by a long-time New York practitioner in cases running from disorderly conduct to first-degree murder.

This book, patently a do-it-yourself type of treatise on criminal matters, can act as a big brother to the stumbling beginner or a valuable checklist to the oldster. In admirable simplicity, it recognizes that a lawyer's major task is to win his case and it briskly goes about its business of showing him how to do it.

Among its many virtues is the fact that this book is written in splendidly simple style. The choice of words makes for smooth and easy reading. The short chapters, liberally sprinkled with bold-faced sub-headings which outline the entire project clearly and logically, make it an easy reference work to follow on first reading and to check back on for specific points later. The contents of each chapter are completely outlined on a separate page at the beginning of the chapter, and then carried through the chapter in the sub-headings.

The substance of the book is equally clear. It carries the reader through from the time of the first telephone call when

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