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Book Review

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Book Reviews

*Reviewed by William K. Gardner**

CASES ON DAMAGES, by Howard L. Oleck. Publisher: Bobbs-Merrill Co., Indianapolis, Ind.; XXV and 811 pp. (1962).

This book departs from and is superior to the average stereotyped case book on damages. It not only merits adoption as a classroom book in law schools, but would be a valuable addition to the library of every law office, since it contains a handy and convenient reference to the general principles of damages as well as a comprehensive digest of court decisions on the subject in various jurisdictions, and also an excellent, discriminate selection of cases, edited with the care and judgment of a scholar. The reported opinions are reduced to the real issues involved and illustrate with clarity the points of law decided. All unnecessary tautology and needless verbiage has been eliminated from the courts' opinions, so that the student, instructor and other user may readily perceive the merits of the case without undue effort and needless confusion of reading.

Professor Oleck is well versed in the law of damages, is a specialist on the subject of torts and is equally well informed as to contract law. He has previously written and had published an imposing and comprehensive text book on damages, as well as other various writings in the field of torts and kindred subjects, as well as in business and nonprofit corporations. He has taught all of these subjects over a rather extensive career as a distinguished law professor.

The book is divided into three parts:

- Part 1. General Principles.
- Part 2. Specific Torts, and
- Part 3. Specific Contracts.

PART 1, GENERAL PRINCIPLES, embraces such matters as:

- Nature of Damages
- Nominal Damages—Compensatory Damages
- Punitive Damages—Value (and proof thereof)
- Certainty—Foreseeability
- Excessive Damages—Inadequate Damages
- Interest (when allowed as Damages)

* Of the Cleveland, Ohio, Bar; Professor of Law, Cleveland-Marshall Law School; Author of Gardner's Bates Ohio Civil Practice.

Pleading—Proof
 Minimization—Mitigation
 Instructions to Juries
 Verdicts and Judgments and
 Litigation Expense

Each chapter is prefaced by brief text matter setting forth the general principles of law with respect to the topic included therein, followed by a select list of cases and ending with annotations of authorities on the respective topics covered.

PART 2, SPECIFIC TORTS, is devoted to the coverage of various tort actions, such as Trespass on Realty, and on Chattels, Assault and Battery, Personal Injuries and Wrongful Death, Family Injuries, Nuisances, Fraud, Defamation, Interference and Privacy. An abundance of cases on all of these topics is set forth, with adequate text matter and annotations of authorities.

PART 3, SPECIFIC CONTRACTS, follows the same general outline as the first two parts, but deals specifically with Sales Contracts, Money Payment Contracts, Leases, Liquidated Damages and Eminent Domain.

AWARDS IN INJURY AND DEATH CASES. There are two chapters in the book devoted to the size or amount of verdicts or awards which have been sustained for specified bodily injuries and in death cases. This should be valuable information for lawyers who are not specialists in personal injury litigation, but who have occasion from time to time to negotiate settlements, or to prosecute or defend such claims. The information here contained should be especially beneficial in evaluating the monetary worth of the claims.

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*Reviewed by Rudolf H. Heimanson**

POLITICAL JUSTICE; THE USE OF LEGAL PROCEDURE FOR POLITICAL ENDS, by Otto Kirchheimer. Published by Princeton University Press. 452 pp. (1961).

The concept of political justice suggests a linking of law and politics which arouses understandable mistrust. Still, we should remember that legal and political science are distinctly related. Law making is the expression of the sovereign will; under popular government it is beholden to the public interest, in an autocracy it becomes a tool of oppression. In either case it reflects

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