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Book Review

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Judge, Ohio Court of Appeals

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ing aid, advice, research, assistance, information and cooperation in the solution of municipal legal problems. Because of Mr. Rhyne's position and long tenure with NIMLO, it may well be that this volume will become one of the "bibles" of the municipal attorney.

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*Reviewed by Judge Lee E. Skeel**

OHIO TRIAL EVIDENCE, by Joy Seth Hurd and Bert H. Long. W. H. Anderson Co., Cincinnati, Ohio; xvii, and 805 pp.; 1957.

Evidence is the lifeline of forensic jurisprudence. Rights, tested in court proceedings, can only be sustained when the means of presenting the necessary factual background upon which such rights are based can be clearly established. The rules by which ultimate facts can be proved or disproved are therefore a very necessary part of the working tools of the trial lawyer. To narrow the subject only to the needs of trial procedure is, however, to unduly limit the nature and utility of a knowledge of the rules of evidence. The desk lawyer, as well as the trial lawyer, must continuously seek the truth of disputed questions of fact. The same rules, which, through historical experience, have been found to guide the inquiring mind of the magistrate to a more satisfying certainty of the truth of disputed facts among litigants, must be considered as helpful to the counselor as a basis for his counsel and advice.

The recent book *Ohio Trial Evidence* by Judge Joy Seth Hurd and Judge Bert H. Long, of the Courts of Appeals of Ohio, fills a great need in this field. This valuable legal work brings into a single volume the basic rules of evidence (including some of the historical background of the subject) clearly stating the leading cases wherein such rules have been applied in actual legal proceedings, the statutes of Ohio dealing with the rules of evidence, and the cases of our reviewing courts in which such statutes have been interpreted or applied and, probably that

* Of the Ohio Court of Appeals; President of Cleveland-Marshall Law School; etc.

which is most important, an expansive index which brings to the lawyer, either at the trial table or while in counsel at his desk, a ready means of finding an immediate authoritative answer to the problem of sustaining rights in issues or disputes.

The book has many useful features. Referring first to "An Outline of Evidence" to be found in the "Appendix"—here the lawyer will find a basic, succinct review of the subject of evidence. Careful reading and constant reference to this section of the book will provide a renewed grasp of the basic principles of evidence, needed as a constant "refresher" by the practicing lawyer in going about his daily tasks. Here, in brief, is a complete outline of the subject, readily available, keyed to the text when a complete explanation of a particular question, supported by leading cases, is sought.

The subject content of the book is divided into thirty-one chapters, the subjects being divided into well understood, logical divisions. The chapters are in turn divided into a total of five headings and thirty-four subheadings, thus making possible the consideration of the many rules of the subject at ground level. The division of the subject into concise short paragraphs, in which each basic principle is given full and careful consideration, assures easier comprehension of any composite problem of evidence for the researcher.

Probably no question is approached by the trial lawyer with greater concern, as he contemplates the trial of a case or as he guides his case through the actual trial, than the subject of what evidence may be "relevant" or "irrelevant" to meet the issues of the case. In the Appendix there is a complete outline of this, as well as of the other relevant divisions of the subject; in this case keyed to Chapter 10 of the text, where a detailed analysis of "Legal Relevancy" and kindred subjects are portrayed.

One of the features of the book is its complete and expansive index, by which easy approach to each of its many subdivisions is made quickly available.

Judges Hurd and Long, whose long and successful careers as trial lawyers at the Bar and as Judges on the Bench of Ohio, and whose legal scholarship, are recognized by the profession, present a valuable contribution to the subject of trial evidence. This book, which brings up to date Metzler's Ohio Trial Evidence, a book of recognized worth by the Ohio trial lawyer of years gone by, will enrich the ability of the Ohio trial lawyer of today to seek justice in the courts of this State.