

Buffalo Law Review

Volume 22 | Number 2

Article 21

1-1-1973

Books Received

Buffalo Law Review

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Law Commons](#)

Recommended Citation

Buffalo Law Review, *Books Received*, 22 Buff. L. Rev. 677 (1973).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol22/iss2/21>

This Book Review is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

BOOKS RECEIVED

LAW AND THE INDO-CHINA WAR. By John Norton Moore. Princeton, New Jersey: Princeton University Press. 1972. xxxiii + 794 pages. \$22.50 (cloth); \$9.50 (paper). This book contributes to the ever-growing literature on the Indo-China conflict. The author does not simply rehash history, but rather analyzes the legal impact of the war. His general thesis is that international and constitutional lawyers must work to correct the deficiencies revealed by the war in both the international and the domestic legal systems. The book principally emphasizes the international law on non-intervention and the constitutional law on the division of war-making powers between Congress and the President.

LAWYERS BEFORE THE WARREN COURT. By Jonathan D. Casper. Urbana, Illinois: University of Illinois Press. 1972. 221 pages. \$9.50. Through questionnaires and interviews with lawyers arguing civil rights causes before the Warren Court, the author tries to assess the nature and extent of the impact of these lawyers and their clients on the political functions of the Supreme Court. The author discusses four "types" of civil rights litigants. He sees their impact to be increasing.

MEDICAL MALPRACTICE. By Charles Kramer. New York, New York: Practising Law Institute. 1972. ix + 191 pages. \$10.00. This volume succinctly outlines the elements constituting medical malpractice. It is primarily written with the practitioner in mind: a large part of the book is spent in discussing procedural considerations in the litigation of such lawsuits. The appendix is replete with quotations from a multitude of medical textbooks warning of hazards extant in a variety of medical procedures.

MODERN HOSPITAL LIABILITY: LAW AND TACTICS. By Richard M. Goodman, Esq. and Dr. Lee S. Goldsmith. New York, New York: Practising Law Institute. 1972. xv + 584 pages. \$25.00 (Revised edition). Offered as a careful exploration of hospital liability, the authors, in this revised edition, have produced a practical and concise handbook for those involved in the preparation of

hospital liability cases. This comprehensive work offers standards, codes, charts, explanations, and even strategy of invaluable assistance to the concerned lawyer. In addition, the authors devote a significant portion of the work to updating theories of hospital liability and a discussion of paraprofessionals. An excellent research tool, this book offers both the theory and practice of pertinent laws while also offering some insight into their future development.

PRISONERS OF PSYCHIATRY. By Bruce Ennis. New York, New York: Harcourt, Brace, Jovanovich, Inc. 1972. xix+232 pages. \$6.95. Injustice in the involuntary commitment of the mentally ill is depicted by the author, the director of the Civil Liberties and Mental Illness Litigation Project of the New York Civil Liberties Union, through a series of case studies. In some of the cases, individuals were charged with a crime, then found incompetent to stand trial and allowed to languish in mental hospitals without an adjudication of guilt or innocence. Here are stories of men and women whose lives were ruined by the stigma of "mental illness" and of the author's struggles on their behalf while bringing test cases to change New York's mental hygiene laws—laws that take away a person's liberty and dignity. It is a moving book that should be required reading for any lawyer or layman working within the mental health establishment.

PRIVATE INTEREST AND PUBLIC GAIN: THE DARTMOUTH COLLEGE CASE, 1819. By Francis N. Sites. Amherst, Massachusetts: The University of Massachusetts Press. 1972. 176 pages. \$9.50. This is a well-documented history of circumstances surrounding the famous case in which Justice Marshall restated eighteenth century natural law theory as theory of "vested rights" that are reflected in the contract clause and that protect charters of incorporation from governmental interference. The author contends the case had the following important legal, political and historical consequences, among many others: it restricted states' powers; it sanctified individual contractual and property rights, thereby facilitating capitalist exchange; it strongly influenced the form that institutions of higher education would take in the United States.

BOOKS RECEIVED

THE PROTECTION OF KNOW-HOW IN 13 COUNTRIES. Edited by Herman C. Jehoram. Amsterdam, The Netherlands: Kluwer-Deventer. 1972. 164 pages. This volume resulted from debates conducted at the Eighth Congress of the International Academy of Comparative Law held in 1970. The book consists of thirteen essays on the legal treatment of "know-how"—more frequently described as "trade secrets" in this country—in Europe, the United States and Japan. The editor has noted a similarity of treatment in the various countries reported on. Of particular interest to the American reader will be Professor Hawkland's survey of recent developments in this field in the United States.

THE SUPREME COURT AND SOCIAL SCIENCE. By Paul L. Rosen. Urbana, Illinois: The University of Illinois Press. 1972. 260 pages. \$9.50. A Canadian political scientist reviews the history of the United States Supreme Court's use of theory from the social sciences, starting with the Court's reception of Spencer's Social Darwinism and Pound's Sociological Jurisprudence. The influence of von Jhering and Stammler is not considered. Special attention is given to the sociological argument in *Brown v. Board of Education of Topeka* and other leading cases. The author believes there is an antinomy between law and social fact which must be presided over by judicial "interpretation."

THEY GOT TO FIND MEE GUILTY YET. By T. P. Slattery. Toronto: Doubleday Canada Ltd. 1972. 414 pages. \$10.00. This is a recreation of the 1868 trial of an Irish-American Fenian revolutionary accused of political assassination. The mystery revolves around the question whether the executed Fenian was guilty or was sacrificed by the Canadian government for political necessities.

