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Book Reviews

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BOOK REVIEWS

FRIENDS AT COURT. By Henry Cecil, New York: Harper & Brothers, 1956. 178 Pages. Price \$3.00.

Friends At Court deals with a brilliant attorney who has been in the general practice of law for a period of 12 years. This book is a continuation of an earlier work by Mr. Cecil entitled *Brothers In Law*. Mr. Henry Cecil presents throughout the book, a masterful knowledge of legal processes. This he demonstrates by setting forth cases in which Roger Thursby was participating. The author introduces to his readers the importance of such preparation for trial work conferences between the attorney, his client and opposing attorneys. The necessity of considering the various qualities of the opposing counsel and the judge hearing the case is also stressed.

The topic of legal ethics from the standpoint of the attorney-client relationship and between the attorney and opposing counsel appears often in the book. A typical example set forth concerned an attorney who questioned the innocence of his client. This attorney asked Roger Thursby the advisability of accepting the case under those circumstances. He received the following answer: "You mustn't put forward what you know to be a false case but, subject to that, you must put forward whatever your client's case is, whether you believe it or not."

The author points out the friendship between members of the legal profession, and shows how this relationship differs in and out of a court room. This friendship helps rather than hinders the attorney in his duty to his client. The author has presented the story very well, including sufficient humor and human interest to hold the reader's attention.

JOSEPH R. MAICHEL.

WASHINGTON TRIAL PRACTICE II. By Fred S. Duggan and Lewis H. Orland, St. Paul: West Publishing Co., 1957. 604 Pages. Price \$22.50.

The lawyers, whether practicing or preparing to practice, are fortunate that a man like Fred S. Duggan was challenged and accepted the challenge to write *Washington Trial Practice*. Fortunate because the challenge was thrown to a man who was so well versed in the subject he was to discuss, and because of the spirit in which he accepted the challenge, not for personal gain, but to assist the bar. Every person who will read the volume will find himself with a much better understanding of the theory and art of trial work.

The book is outstanding in two respects. It fills a longstanding need for a work on trial practice, written by someone who has actually practiced, written in a non-technical and clearly understandable manner in every day English with a minimum of legal verbiage. For a student to study it during his preparatory years, as well as a lawyer out in the field to refer to it for occasional assistance will enable both to prepare their case and walk into court for their client a much better prepared advocate of their client's interest.

The make-up of the book is excellent. The author is to be complimented on the very fine arrangement of his topics consisting of 767 various sections, which cover the entire procedural field, knowledge of which is essential to a lawyer who desires to prepare and try cases. The order in which the material is presented begins with an illuminating discussion on jurisdiction, venue, continues with commencement of actions including service of process, pretrial and discovery and so on into court, suggestions in choosing a jury, a discussion of the province of the court and so on through every procedural step, including the difficult and so often essential provisional remedies. Throughout all of these Mr. Duggan gives many helpful suggestions gleaned from his many years of practice, which alone make the book invaluable to the lawyer who wishes to practice well.

One definite regret I did have on completing the volume: In this day and age where the practice of all courts are tending to become similar with the adoption of the federal rules of civil procedure, or rules similar thereto. Wouldn't it have been fortunate for lawyers practicing in other states with similar rules of practice if Mr. Duggan had gone just a step further and annotated his topics at least with federal rules and decisions as far as they were applicable, if he was unable to carry the work any further? Particularly would this, in my mind, have added considerably to the book, where the author made some positive statement of interpretation of a certain rule or statute, and there was no Washington decision on the point, if authorities from other states on the point would have been cited as authority for the interpretation.

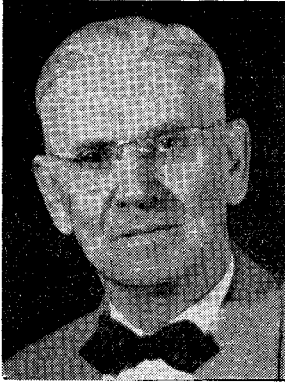
The only criticism I have is of the many times an identical rule or code section is repeated verbatim throughout the work, where a reference to the preceding section containing it would seem to have sufficed. Surely every lawyer would want to refer to the section in the code or rules if the point was in issue. This however is minor, and may be this reader's reaction only.

All in all, Mr. Duggan has done a fine job. The lawyers and law students of the state of Washington owe him a debt of gratitude. Lawyers and students in other states where the practice is largely similar, as it is here in North Dakota can and should read Washington Trial Practice with pleasure and profit to themselves and their clients. The profit will come in winning more cases, and also in knowing that although the case was lost it was lost on the merits and not because of some mistake in the commencement or trial of the law suit on our part. It is small satisfaction to have fooled our client when we know that our mistake may have lost him his case.

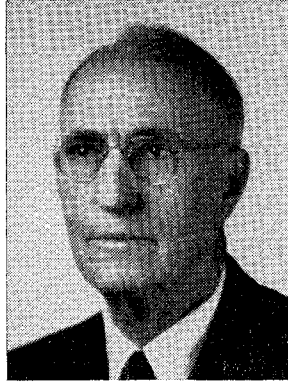
ARTHUR W. STOKES.

NORTH DAKOTA DISTRICT COURT JUDGES

FOURTH JUDICIAL DISTRICT



Honorable
George Thom, Jr.
Bismarck



Honorable
Harry E. Rittgers
Jamestown

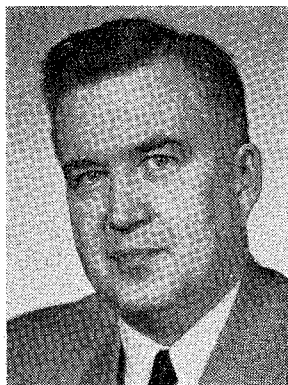


Honorable
Charles L. Foster
Bismarck

FIFTH JUDICIAL DISTRICT

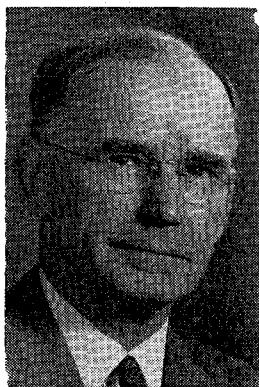


Honorable
A. J. Gronna
Minot



Honorable
Eugene A. Burdick
Williston

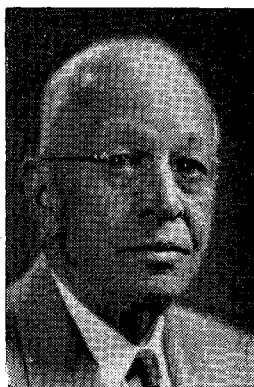
SIXTH JUDICIAL DISTRICT



Honorable
Harvey J. Miller
Dickinson



Honorable
Emil A. Giese
Hettinger



Honorable
Mark H. Amundson
Mandan

NOTICE

Due to the expiration of the term of office of the Honorable Herbert G. Nilles, there exists a vacancy on the State Bar Board. Article VIII of the By-Laws of the State Bar Association of North Dakota provides that the Executive Committee shall select the names of three members of the Association in good standing for submission to the Supreme Court. On August 8, 1958, the Executive Committee selected Mr. Herbert G. Nilles, Mr. L. T. Sproul, and Mr. Norman G. Tenneson as nominees for membership on the Board.

Article VIII also provides that members of the Association may make additional nominations by a petition signed by ten members which shall be timely filed with the Secretary of the Association. Thereafter, in the event nominations by petition are made, the membership of the Association shall be polled; and the names of those receiving the highest number of votes, "up to the number of nominees to be chosen shall be presented to the Supreme Court as nominees of this Association for members of the State Bar Board."

Pursuant to Article VIII of the By-Laws you are hereby notified that nominations may be made by petition for the vacancy on the State Bar Board, and that such nominations must be filed with the Secretary of this Association not later than November 15, 1958.