Book Reviews

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Administrative Rulemaking

James T. O'Reilly
Shepard's/McGraw Hill
P.O. Box 1235
Colorado Springs, Col. 80901
1983
480 pp. $75.

This recent addition to Shepard's Regulatory Manual Series is intended to acquaint the reader with the prelitigation stages of a federal rulemaking project, and the broad outlines of subsequent judicial review. An introductory textbook, it does not purport to analyze any issue in exhaustive detail. The orientation of the book is unashamedly practical.

This is not to say, however, that Administrative Rulemaking lacks authority, or substance. On the contrary, the book presents the essence of the law in well organized, well balanced, concise and well-connected subsections. Unlike many practice-oriented works, this volume reflects a scholarly understanding of a very complex field, and a conscientious attempt to focus on the most objectively important issues. It is highly readable and well worth the attention of anyone interested in federal administrative law.

Rights of Physically Handicapped Persons

Laura F. Rothstein
Shepard's/McGraw Hill
P.O. Box 1235
Colorado Springs, Col. 80901
487 pp. $70.

The title of this new work from Shepard's implies too much. The book is primarily an explication of Section 504 of the Rehabilitation Act of 1973 (29 USC, Sec. 794), and related legislation. As such, its focus is on the constitutional and federal statutory rights of handicapped persons in the areas of education ("a free, appropriate public education"), employment (non-discrimination by federal contractors) and access to public buildings and facilities. While the book does discuss enforcement, and some common law remedies, it makes no effort to treat benefit programs applicable to the handicapped (social security, workers' compensation, etc.) or State law protections for the disabled (restrictions on evicting blind tenants, for example) or the special problems of mentally impaired or institutionalized citizens.
The rights conferred by Section 504 and similar provisions are
(regrettably, we think) extremely narrow. Moreover, because of the recency
of the legislation and of limitations on the right of individuals to bring
an enforcement action, there are relatively few cases interpreting the statutes.
As a result, the book is extremely short (208 pages of text, 237 pages of
appendices, and an index). Indeed, the text, which can stand alone, is not
much longer than many law review articles.

Nevertheless, the book is extremely well written, clear and
highly readable. As such, it is useful, not only to lawyers, but to those
educators and other professionals who are directly involved in applying the
law on a day by day basis. For these users, the book, which will be supplemented,
is well worth the price.

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For a recent application of Section 504,
which is not discussed in the Rothstein
book, see The Case of Baby Andrew, supra,
p. 69.

— Ed.