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Recent Publications

CRIMINAL JUSTICE PROCEDURE, Second Edition, By Ronald L. Carlson, Andersen Publishing Company, Cincinnati, Ohio, 1978. Pp. 367.

The author states in his preface, "that a working knowledge of the criminal justice system (is) important to citizens and crucial to law enforcement officers." In this context, this text is an effective introduction to, and overview of, the criminal justice process.

Probation officers will find a concise rendering of the probation and parole process. The practicing attorney, law professor, and law student will find an extensive outline requiring supplemental analysis, especially in the areas of probable cause, application of *Miranda*, and standing to object.

The approach is a lucid and practical guide which covers procedures from arrest through sentencing, appeals and habeas corpus relief. It provides a complete step by step analysis of the criminal trial, including suggestions for witnesses. Attention is given to both federal and state idiosyncracies. Controversial areas such as the merits of punishment and rehabilitation are viewed from different perspectives, both pro and con. A companion volume, *Judicial Decisions and Other Materials*, expands on and illuminates corresponding areas of the main text, as well as providing useful discussion of current cases. The author explains the modern trend in criminal procedure, incorporates suggestions that have been made for improvement, and points out the need for support of the adversary system.

E.D.B.

WHAT EVERY ENGINEER SHOULD KNOW ABOUT PRODUCTS LIABILITY, By James F. Thorpe and William H. Middendorf, Marcel Decker, Inc., New York, 1979, Pp. 104.

This work was designed to educate engineers and engineering students in the area of Products Liability as it may affect them.

The book begins with a superficial, though adequate, overview of the legal system and the laws and agencies which a product design engineer might expect to encounter. This is followed by an equally brief, but exceptionally concise overview of the theories and evolution of products liability law.

The most valuable and useful portion of this work is in chapter 6 entitled "Reducing Product Liability Risk". While the previous chapters are interesting and somewhat educational, the true value of this work can be found in this chapter. Here, several suggestions are made which can reduce the liability exposure of the engineer and his employer while protecting the consumer from the risk of loss caused by a defective product.

The final few chapters address themselves to the engineer's role as an expert witness in litigation, ethical considerations, and the benefit of education in the area of products liability.

The difficulty of addressing such a broad subject area is evident in this discussion of products liability law. While this work would not provide a law student or attorney with the information needed to handle products liability litigation, it does provide the engineer with the information needed for familiarity with the law as it affects him. In that regard, it is an extremely valuable work.

J.G.A.

THE DEVELOPMENT OF PRODUCT LIABILITY IN THE U.S.A., By Prof. Derrick Owles, Lloyd's of London Press, Ltd., London, England, 1978, Pp. 160.

The author has attempted to address the entire field of products liability from duty-to-warn to conflicts-of-law, within 120 pages of text. Surprisingly, he was fairly successful in this endeavor.

The book contains a good deal of quoted material from both pertinent cases and from the restatement. These quoted sections are well placed, however, and do not detract from the readability of the work.

Prof. Owles has effectively addressed the field of products liability and provides the legal scholar much valuable information which will assist him in dealing with litigation in this area. The work is not, of course, a complete discussion of the products liability field, but it is adequate to give the attorney or law student a working knowledge of the state of the law.

This work is a well conceived, concise and accurate overview of

the law of products liability. It is recommended reading for anyone interested in the field.

J.G.A.

TRIAL OF A CIVIL LAWSUIT, By Charles R. Holley, Harrison Company, Norcross, Georgia, 1978. Pp. 107.

In his preface the author states: "This is a primer. The purpose of this primer is to keep the beginning lawyer, or the older lawyer who has not tried a jury case, from appearing out-right foolish in front of the jury and client." Webster defines a primer as "a simple book". "Trial of a Civil Lawsuit" fulfills that definition. Unfortunately, this simplicity occasionally results in advice which borders on the absurd.

For example, under Section 2-14, "Problems Before the Trial", the author states "You may not be feeling well. Your client may not be feeling well. You may have diarrhea but not sufficient to require requesting a continuance. Tell the judge. You might have to run without asking the permission of the court."

Section 2-16 entitled "Personal Comfort" advises "In a scholarly treatise you would never find the next sentence, but this is a nuts and bolts primer. The very first thing you should do after walking into that courtroom and putting down your briefcase is to turn around, walk out of the courtroom and go empty your bladder. And you do the same every recess."

Luckily, the remainder of this work, although somewhat elementary, is not quite as useless as these excerpts might indicate. The author takes the reader step by step from Pretrial Conference through Post Trial Motions, Judgments, and Execution. The purpose seems to be to advise the inexperienced practitioner as to who does what and when. References are to Florida Statutes, and therefore some of the steps described cannot be followed in California, and presumably in other jurisdictions.

The "Postlogue" states "Forgetfulness, inexperience with a particular situation, irritation, stupidity, hangover, and all the human frailties are involved in a jury trial." Most would believe, and certainly all would wish, it were otherwise.

E.D.B.

JUST DESERTS. By Richard G. Singer. Ballinger Publishing Company, Cambridge, Mass., 1979, Pp. 220.

Professor Singer pointedly draws attention to some of the infirmities inherent in contemporary criminal sentencing procedures. He persuasively argues that the philosophy which molded the present system and the indeterminate sentences which it produces are not justifiable. Instead of a system where the length of incarceration is determined by the evaluation of such factors as the convicted parties past criminal record and his prospects for rehabilitation, the author advocates an alternative sentencing procedure which would punish the offender for what he has done, not for what he is or for what he may become in the future. The commensurate desert approach envisions a model which imposes the same sentence on all who commit the same crime.

A skillful analysis of the philosophy behind desert theory is undertaken in this book. However, its most important contribution is an attempt to show how this mode of sentencing might be implemented. *Just Deserts* contains artfully drawn model statutes which legislatures might adopt. It also contains statutes currently being employed by various states which were molded by desert thought.

An adoption of the programs advocated by the author would have far-reaching effects both inside and outside of the courtroom. As a result, desert theory has been roundly criticized. Professor Singer notes these criticisms and successfully refutes their substantive merit.

In the final analysis one is impressed with a system which administers a sentence strictly on the culpability of the offender and the harm he has done. Legislators, judges, and attorneys who are dissatisfied with current sentencing procedures and feel that the system is in need of reform will be well served by consulting this book.

W.S.