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Recent Publications

REAL ESTATE CLOSINGS, By Raymond J. Werner, Practising Law Institute, New York, 1979. Pp. 290.

Mr. Werner's book is expressly intended to enhance the knowledge and practice of the experienced real estate practitioner and provide a basic real estate transactional background for the young lawyer. It provides a step-by-step analysis of closing procedures from a point immediately after the execution of the real estate sales contract through the transfer of title from the seller to the buyer. In addition, it examines the lending transaction by following disbursement of the purchase-money loan proceeds from the lender to persons designated by the buyer. Each step in the closing process is minutely detailed and analyzed from the standpoint of both buyer and seller. Checklists are provided to insure that clients will receive the benefits of the bargains and protection from future legal problems.

For the attorney who wants a practical guide on how best to handle a real estate closing, this book is the answer. It is straightforward, well documented, and provides a concise approach to each level of closing transactions.

W.S.

CALIFORNIA REAL ESTATE LAW, By Theodore H. Gordon, Prentice-Hall, Inc., Englewood Cliffs, N.J., 1980. Pp. 256.

The forward states that the book was designed for use as a collegiate real estate law text. It incorporates concise breakdowns of pertinent cases to illustrate the topics discussed and facilitate the learning process.

The text guides the reader through the basic fundamentals of property rights, the judicial system, and history of contemporary environmental law problems. Attention is focused on the transfer and leasing of land, including deeds of trust, land sale contracts and possible breach problems, the recording system, landlord lia-

bility and eviction rights, zoning, and taxes. Study questions, documents, and diagrams are utilized effectively to yield an extensive overview of these standard topics.

The design is functionally sound for the college student as well as the real estate agent or broker and property owner. However, the law student and practicing attorney require a more in-depth analysis than is offered here, but this book can be utilized as a supplement to case book study or a quick review of the field.

E.D.B.

APPLYING THE NEW COPYRIGHT LAW: A GUIDE FOR EDUCATORS AND LIBRARIANS, By Jerome K. Miller, American Librarian Association, Chicago, 1979. Pp. 133.

In the introduction, author Miller apologizes for the limitations placed upon the book by "the hazards of treating a specialized field of the law without benefit of legal training." In spite of a lack of legal complexity, the book succeeds as a lucid and practical guide to the new U. S. copyright law. Designed to provide librarians and teachers with a working knowledge of copyright laws, the book limits its focus to those copyright questions which confront the teacher and librarian.

Fair use, library photo-copying, obtaining permission, and methods of securing and retaining copyright protection are explained utilizing Senate and House of Representatives comments and interpretations, illustrative examples, and summary and review checklists. The approach includes excerpts of copyright requirements, followed by explanations of the purposes for each requirement, suggestions of possible compliance and noncompliance, and warnings concerning unsolved problems.

E.D.B.

HOW TO GET YOUR CREDITORS OFF YOUR BACK WITHOUT LOSING YOUR SHIRT, By Melvin J. Kaplan, Contemporary Books Inc., Chicago, 1979. Pp. 205.

As an attorney specializing in personal financial counseling and bankruptcy law, Mr. Kaplan is well qualified to provide methods for avoiding excessive debts and how best to cope with them if they have not been avoided. His experience with clients has led him to conclude that most people do not budget and when their

financial situation becomes precarious, avoidance of the social stigma of declaring bankruptcy becomes a paramount concern. For these reasons, Mr. Kaplan's book is not a specialized legal treatise on the intricacies of bankruptcy law; instead its aim is to reach the layman.

The highlight of the work is a summary of the significant changes made in bankruptcy law by The Bankruptcy Reform Act of 1978, which became effective in October, 1979. Special attention is paid to Chapter 13 of the Act and the desirability of using its provisions as an alternative to bankruptcy. For example, the new section allows debtors to voluntarily begin payments to creditors under the supervision of a court appointed trustee.

The author notes that his vast experience in the bankruptcy field has enabled him to devise "a simple formula for those in financial trouble: go bankrupt if you must, but given the choice, try to resolve your problems without going to court, or if you must go to court, opt for Chapter 13." This statement is the thesis of the book, and Mr. Kaplan makes excellent use of case histories and hypotheticals to show how each alternative may be effectuated. In these days of high pressure sales techniques, credit buying, and skyrocketing inflation, it is worthwhile reading for all.

W.S.

CONGRESS AND THE AMERICAN PEOPLE, By William J. Keefe, Prentice-Hall Inc., Englewood Cliffs, N. J., 1980. Pp. 177.

Professor Keefe has written an enjoyable and thoroughly readable book about the United States Congress. The emphasis of the book is placed on the politics of that governmental branch and the factors which influence its political decision making.

Congress and the American People is divided into five chapters: "The Politics of Congress" analyzes the power structure in Congress, focusing on its lawmaking ability; "The Electoral Campaign" looks at typical congressional constituencies, campaigns and elections, and backgrounds of legislative members; "The Internal Distribution of Power" provides the reader with an in-depth view of the committee system and congressional party organization; "External Pressures" focuses on how the chief executive and interest groups interact with the legislative branch; and

"Changes and Constancy" argues that while Congress has changed dramatically in recent years, its basic characteristics remain the same.

This book discusses an important and often overlooked aspect of the national legislature with candor and clarity. It paints the picture of a vibrant Congress which is capable of changing with the politics of the time.

W.S.

VERDICTS ON LAWYERS edited by Ralph Nader and Mark Green, 1976, Thomas Y. Crowell Co., New York, pps. 341.

Ralph Nader and Mark Green present a critical attack on the legal profession through an anthology of essays authored by several political activists, including Ramsey Clark, Joseph Califano, Representative John Conyers, and former Senators Fred Harris and John Tunney. In the preface, Nader sets the stage by quoting Professor Karl N. Llewellyn's statement that, "Law is a profession in theory, and a monopoly in fact . . . established and maintained by law. Only through lawyers can the layman win in fact the rights the law purports to give him." Nader comments that "as the profession that commands high posts within the three branches of government, the lawyering fraternity merits an inside audit." Following this call to arms is an acute indictment of the law practice under six topic headings.

"The ABA and the Organized Bar" alleges that the establishment firms are afraid to take a leading role in social reform for fear of jeopardizing the pecuniary flow to their coffers. Moreover, these more successful local attorneys, who control the 'Bar', fail to raise legal standards through self-regulation but, instead, content themselves with sanctioning lawyers for the poor and middle class who do not pay dues to the "club."

"The Cannons of Profits" includes a plea for allowing solicitation to inform the layman of his cause of action and an accusation that the excessive cost of legal representation results from attorney motivation to do well, i.e. make money, rather than do good, i.e. public service.

The need of equal access to legal service for both the poor and the rich to uphold the basic premise of equal justice under the law is stated in "Access to the Legal System; Thou shalt not ration justice."

"The Business Lawyer: The Limits of Representation" urges the lack of independent objectivity due to in-house "kept" corporate counsel.

The articles in "The Government Lawyer: Who is the Client?" call out for allegiance to the inscription on the facade of the Department of Justice, "The U.S. wins its point whenever justice is done its citizens in the courts.", but find it sorely lacking.

The final section, "Judges: Sketches from Detroit, New York City, Chicago," concentrates on the incompetence and insensitivity of the bench.

Nader concludes that:

The gathering facts and judgments in his book can help illuminate the

tangible horizons of the profession so that the ranks of few, who are working for these kinds of change, can be swelled by the many who are on their way to the bar. The result could be a renaissance for the legal profession, which could well use it.

However, Nader's selected essays, though honest, present overly pessimistic views that ignore any positive aspect of the profession. This zealous approach will not appeal to most establishment practitioners, but may present a useful message to students and attorneys still amenable to a more flexible approach to the law.

E.D.B.

