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Book Review - Schlei and Grossman: Employment Discrimination Law

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Book Reviews

EMPLOYMENT DISCRIMINATION LAW. By Barbara L. Schlei and Paul Grossman. The Bureau of National Affairs, Inc. Washington, D.C., 1976. Pp. liii, 1472. \$39.50.

The scope of the general field of employment discrimination law coupled with the broad audience addressed by the authors have yielded a book of almost 1500 pages dealing with many facets of this field. To write a single, definitive book in this area is a Herculean task, but the authors have approached this project with a zeal suitable to such an assignment.

Authors Barbara Lindemann Schlei and Paul Grossman have designed the book for both the practitioner and the student. Because of their dual audience, the size of the book required expansion to include many cases which are printed in whole or in part. This is somewhat out of character with other parts of the book which are more in the format of a hornbook or practice manual. However, the inclusion of pertinent sections of applicable statutes and the authors' general commentaries increase the book's usefulness.

The volume may have been more useful if the casebook aspect of its format had been dropped and the procedural and substan-

tive materials retained. This would have reduced both the size and the price of the book. However, the inclusion of the cases does not materially distract from the book. It merely increases the size and physically dilutes the book's more useful sections.

This relatively new area of the law has grown at a rapid pace during the last twenty years. The breadth and scope of this fast-growing field requires analysis and synthesis if it is to be treated with any facility. The authors appear to recognize this as they attempt to analyze basic areas that will be of immediate use to the student and to the practitioner.

They begin by dividing employment discrimination into four basic categories: disparate treatment, present effects of past discrimination, adverse impact and reasonable accommodation. In addition, their analysis includes the treatment of discrimination on the basis of specific, protected classifications including race, color, sex and national origin. Treatments of non-age discrimination and equal-pay-for-women statutes are included.

Part six of the book addresses discrimination in three separate factual settings: entering the work force, seniority in layoffs and discharge. Unions and employment agencies receive briefer treatment in part seven of the book. One section discusses the various statutory and executive order sources of protection against discrimination. This section also deals with the basis for and implementation of affirmative action programs.

The last two sections of the book address the areas of procedure and litigation. In these sections detailed information is presented concerning the administrative process, court practice and a multitude of procedural items including the appropriateness of specific remedies.

The appendix contains Title Seven of the Civil Rights Act of 1964, as amended, and other related statutory materials. Forms are limited to a single sample settlement agreement and a general release. Also included here are general testing principles that are recognized as acceptable for use in the successful validation of personnel selection procedures.

The wealth of employee discrimination case materials found in the book will be useful to the person who has an immediate need in this area. In fact, probably much more information than that which is needed in a particular situation can be found. Collating these materials will thus prove challenging when one considers the full spectrum of rights and relief in this area.

It is hoped that the authors will consider preparing a supplement that can be published in the next few years so that recent developments in this rapidly changing area of the law might be easily discerned. Compilations such as these generally lose their values rapidly if provisions are not made for frequent updating.

Employment Discrimination Law will provide the answers to questions other than those one has always wanted to know about this field but somehow was reluctant to ask. For attorneys with limited libraries and for those who have particular interests in this field, the book will provide valuable compilations of resource materials.

The excellence of the book is found in its broad scope, its analysis of the entire field and of its component parts, and the skill with which the authors have amassed a variety of useful materials in this area of employment discrimination law.

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CALIFORNIA LAW GUIDE, Second Edition. By Dan Henke. Parker and Son Publications. Los Angeles, 1976. Pp. ix, 757. \$40.00.

For the person attempting to do any research in California law the initial experience can be more than a little harrowing. The very mass of California's statutory and case law and the complexities of its administrative laws, rules and regulations are overwhelming. In addition to the primary sources, however, there is also an ever growing and changing number of secondary tools needed to locate and trace California law. This makes it almost impossible, therefore, for even the experienced practitioner to stay familiar with developments in all areas. So when something becomes available which organizes this mass, puts it into perspective, helps one analyze one's problems and determine where to turn to solve them, it is a rare and valuable find.

Dan Henke, in the second edition of *California Law Guide*, has provided that tool. What he has created is a ready-reference handbook designed to meet the practical problem-solving needs of the practitioner, the collection-building needs of the librarian, and the detailed legal research training needs of the student. He provides a detailed analysis of good research techniques and instructions on the tools to use, where to find the law in given situations and how to use effectively the legal data compiled. There are also specific instructions on writing briefs, memoranda and opinion letters.

The primary emphasis of the guide is on California law, but there are also included excellent materials on statutory law, case law and finding tools of other states as well as similar helpful materials for research on the federal level. Along with this is included an extensive bibliography of secondary aids arranged by subject giving authors, titles, publishers and addresses, dates of publication and often hard-to-find prices. This comprehensive section is invaluable to the person wishing to acquire these titles or to build a collection, and even though prices change it provides relative sums needed to acquire books in a given area. Other valuable material contained in this volume includes information on legal periodicals, professional associations, legal education and bar examinations.

Another noteworthy feature of the guide is its detailed presentation of the new technology available in the field of legal research. The various computerized systems such as WESTLAW and LEXIS are explained and an analytical illustration of a legal problem researched by means of the electronic process as compared with the traditional method is included. Also extremely useful and available in very few guides of this sort is a listing of specific computer data bases.

The only problem encountered with the guide was the format used to present the materials. The guide resembles a code and uses section and paragraph numbers. While this approach is not inefficient, it is unexpected in this type of book. The format requires that one spend some time in learning how to locate specific information. This approach obviously lends a legal flavor to the guide but it may initially detract from its utility.

Mr. Henke has provided us with an outstanding tool for legal research, however, and his attempt to do many things for many people was accomplished well.

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