

Michigan Law Review

Volume 47 | Issue 8

1949

Vanderbilt: MEN AND MEASURES IN THE LAW

Michigan Law Review

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Recommended Citation

Michigan Law Review, *Vanderbilt: MEN AND MEASURES IN THE LAW*, 47 MICH. L. REV. 1242 ().

Available at: <https://repository.law.umich.edu/mlr/vol47/iss8/30>

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RECENT BOOKS

This department undertakes to note or review briefly current books on law and matters closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

MEN AND MEASURES IN THE LAW. By *Arthur T. Vanderbilt.* New York: Alfred A. Knopf. 1949. Pp. xxii, 156. \$3.

In this series of documented lectures delivered on the W. W. Cook Foundation at the University of Michigan, the author, Chief Justice of the Supreme Court of New Jersey and distinguished leader of legal reform, urges revision of the administration of justice to keep pace with social change. Neither the enormous bulk of case law nor the unknowable maze of statutory and administrative law delays progress so much as outmoded procedure. Inheritances from the Jacksonian emphasis on "equality" rather than experience and ability still plague many of our state systems with such practices as the election of judges, short tenures, frequent rotation of chief justices, and the rules that a court may not interrogate witnesses, summarize or comment upon the evidence, charge the jury in his own words, or instruct them after the closing arguments. Reform has been paralyzed by the satisfaction of incumbent judges with the system which has robbed them, the unwillingness of attorneys to antagonize the judges before whom they practice, and the aversion of many of our best legal minds to active participation in the social and political phases of the law. The non-judicial duties of the courts should be turned over to administrative personnel, administrative supervision of judicial functions should be vested in someone such as the chief justice, and trial courts should be given control of pre-trial and trial procedure and made responsible to higher authority. Trial courts must be given equal rank, and the selection and tenure of judges revised to make the bench attractive to able lawyers. Decision should closely follow argument. Exemptions from jury service should be reduced. Not least important, honest and efficient judges must be placed in the police and traffic courts, which handle most of the nation's court business. Chief Justice Vanderbilt suggests that the law schools, the only remaining institutions which can develop on a large scale the esprit de corps needed to overcome the inertia of complacent bench and bar, must educate students to the need for reform as a vital element of the progress of law and liberty under law.