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Book Reviews: Basic Civil Procedure

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BOOK REVIEWS

BASIC CIVIL PROCEDURE. By Milton D. Green. New York: The Foundation Press, Inc. 1972. Pp. 291. \$8.00. Mr. Green is a Professor of Law at the Hastings College of Law in California. Reviewed by Julius Isaacson.*

Both professors and students will gladly welcome this book on a most important and difficult course included in a law school curriculum, a course aptly described as the machinery of justice, yet one that is highly technical and intricate. Professor Green, cognizant of the difficulties that confront professors and students in this area, sought to overcome them, and I believe he has done so with much success, by charting a course between an outline and a large book, thereby simplifying an otherwise complicated course.

The difficulties stem to a great extent from the fact that law schools generally allot but limited time to courses on civil procedure and also to the fact that the available casebooks on this subject are rather lengthy. Since decisions in such books are often based on statutes or local rules of different states, they are of little aid to a law student or practitioner of another state. Most writers on this subject refer to the federal rules of procedure which may or may not be entirely applicable to local rules. This is particularly apparent in Maryland where the federal rules are few in number in comparison with the Maryland rules. Professor Green makes no pretense that his book is a comprehensive treatise, yet by his effective presentation and interpretation of American civil procedure he enables the law student to grasp its fundamentals and thereby avoids the pitfalls of a highly complex subject.

I believe Professor Green would do well, in future editions of this text, to discuss in some depth common law forms of actions such as trespass, ejectment, trover, replevin, and assumpsit. Though today, federal rules dominate the scene and a diminished number of states cleave to the codes, nevertheless Maryland is a common law state and this text, including the suggested material, would be particularly helpful to Maryland law students. For it must not be overlooked that though codes of civil procedure and rules promulgated thereunder are designed to simplify pleading and to eliminate some of the technicalities of pleading at common law, yet generally, except as modified by such provisions, the common law rules of pleading are deemed to remain in force.

Professor Green's book consisting of two-hundred and ninety-one pages, including an excellent index, covers the general subject very satisfactorily and together with local rules of procedure, can fit rather well into the time usually allotted for a procedural course. *Basic Civil Procedure* is a small book, yet practical, useful, and helpful.

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