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## Law Books and Law Publishers

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## LAW BOOKS AND LAW PUBLISHERS

By Arthur S. Beardsley, Ph.D.

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## INTRODUCTION

There are indications that the depression, which has burdened us for the past five years, is slowly receding. In its wake will doubtless follow renewed prosperity with all the blessings of peace and contentment. A freedom from financial worry will replace the present fear, and money will be more plentifully earned and freely expended.

It remains to be seen, however, whether the problems encountered during this economic cycle will be soon forgotten. Will the members of the legal profession and the law libraries return to their former policies of, what has appeared to be, uncontrolled and ill-advised purchasing of the multitude of books printed for the so-called use of the profession? Will the publishing companies continue to produce law books at their former or even their present rate? If there be no change in either of these policies, the lessons of the present depression will have been learned in vain, and a foundation will have been laid for a return engagement of the same destructive forces which have strangled library growth for the past few years.

It would seem, in retrospect of the night which is passing and in the light of the dawn of the new day which is before us, that there is need of a New Deal for law libraries, and for a planned economy on the part of those who are entrusted with the responsibility of their funds. To that end, the following discussion is directed.

## THE PROBLEM

The matter of law book publication, the duplication of services, and the high costs of law books in general has long been regarded as a serious problem. It is not a new issue recently developed. It is an old one which is still unsettled. It has been discussed at many meetings of state bar associations, at meetings of the American Bar Association, at meetings of the National Association of State Libraries, and at the various meetings of the American Association of Law Libraries.

The last two sessions of the American Association of Law Libraries devoted considerable time and space to discussions of the seriousness of this problem (Proceedings, 1933, p. 107-111; 1934, p. 82-83), while their special committee reported a need for its early solution. Accordingly a discussion of this problem

<sup>1</sup>A paper read at the Round Table on Library Problems at the thirty-second annual meeting of the Association of American Law Schools, the Stevens Hotel, Chicago, Illinois, December 29, 1934. In the absence of Dr. Beardsley, the paper was read by Dean Harold Shepherd of the University of Washington. Professor Ralph Fuchs of Washington University, Chairman of the Round Table, presided.

Dr. Beardsley will participate in the Panel Discussion on Duplication of Law Books to be held on Wednesday evening, June 26, 1935, during the thirtieth annual meeting of the American Association of Law Libraries, Denver, Colorado. (See program at page 79 of this number of the Law Library Journal).

at this time before the Round Table on Library Problems would seem to be apropos.

The publication of law books is admittedly an important service to the profession. It is an essential and necessary service without which the practice of law would be almost impossible. In fact, the accessibility of the many decisions and statutes in printed form, with their generalization in text statement, have doubtless played a great part in the progress and growth of the legal profession during the past century.

It has been estimated that there are several thousand titles of volumes popularly designated as "law books" published in the English language each year. This total includes those groups of books technically described as source materials and such other books as are indispensable to the search for authorities in point. It also includes many titles of books dealing with the theories of judicial interpretation, but which are not entirely indispensable to a successful practice.

The total of indispensable and dispensable law books referred to above is often augmented by that vast group of books, both closely and remotely related to the law, which are called the legal miscellany. The latter occupying, as they do, a position on the periphery of the field of legal literature, constitute a connecting force between law and the other social sciences, or between law and the industrial arts. In the light of the complexities and intricacies of modern social and economic life, who can fairly say that the vast number of books belonging to this group are not desirable or worth while? The difficulty is in determining which ones to buy.

However, the purchasers of law books must somewhere draw the line. Out of such a mass of books, few lawyers can afford most of them and probably none can hope to buy all. The maintenance of office libraries is rapidly becoming an increasing burden. How noticeable this has been during the present depression—during which law publishing has gone on with but small diminution notwithstanding the shrinkage of professional return—may be left to individual speculation. It remains a seeming contradiction that, with the present financial obstacles, law publishers have been able so successfully to market their products. The explanation can only rest in the tradition, built up through years of careful salesmanship, that all new law books are necessary to the lawyer; that without new books in his library he will not be able to compete—or at least will be handicapped in his practice—with his fellow contender at the bar; and that they must imperatively keep up with all the latest legal works as they are published. That such a theory is based upon an obvious fallacy is apparent; but, notwithstanding such error, law publishers have been able very satisfactorily to continue in business.

The profession, on the other hand, ought not to be too severely criticized for yielding to the persuasive arguments of salesmen. After all, it is but natural that enterprising lawyers should wish to climb to the higher vantage ground of professional success. They are eager to make themselves more proficient. They are not satisfied with mediocrity. Accordingly, if the purchase of the latest law books will assist them in their professional ambition, they feel a sense of justification in ordering them. Witness, therefore, the result! All law publishers have among their lawyer-patrons good, but unpaid, accounts totaling into many thousands of dollars.

Some publishers pursue a practice of refusing to permit any but their own salesmen to sell their publications, thus depriving local law book salesmen of the opportunity of selling these books, and forcing the lawyers and libraries to deal with them direct.

Other publishers follow a practice of sending a salesman from their home office, or a member of their office staff, to canvas a certain locality in advance of, or at the time of, publication of some of their books. This representative skims the cream in advance orders and then leaves for newer pastures. The local representative may then enter the field, and if there are any sales left to be made, he may make them. Why does the publisher take this rich profit unto himself? Why does he not permit the local representative to get some of the cream as well as the milk? The cream goes to the stockholders in the form of dividends, when it might well go to the local representative to help him with his local taxes, and to be spent by him in the state where he has to make his living.

A similar policy is used by many publishers in sending out the annual pocket supplements to all lawyers and libraries who previously have purchased the original set, without having first received an order for the same.

Not long ago a certain publisher carried the above practice to an even further limit. Certain supplementary materials were sent out without an order therefor, but in addition to this, they were sent and billed direct to the customer of a library agent, who had taken the order for the initial set and who had the proper record for keeping the customer informed as to the publication of the supplements. When this fact was called to the publisher's attention they were able to make only a very unsatisfactory explanation.

If the publication of such a mass of law books has more than taxed the financial ability of private law firms to pay for so many books, what is to be said for the public law library upon which now rests a greater burden? The latter is expected to supply not only all the facilities of the former but also many more. It is expected to keep up with all the latest law books, to accession and catalogue them, to shelve and re-shelve them, and to bind their parts as completed. It is expected to be abreast of the book market and to be able to supply the new books as they come from the press.

All of these demands call for a big outlay of money, and libraries are being taxed to their limit to provide the indispensable volumes to say nothing of the greater mass of desirable but not indispensable volumes.

Because of the demands upon libraries to buy everything that is published, it is becoming more and more necessary in the purchase of law books to discriminate between the permanent and the ephemeral, the scientific and the popular, the worth while and the worthless. Books are submitted to the profession and to law libraries by publishers and their salesmen without any regard for the necessity or desirability of such books in the library. The public is informed that the books are essential, but probably the publishers have never endeavored to ascertain from lawyers or libraries, before publication, whether a need for such a book exists. Should not the prospective purchasers of law books be in some way consulted by the publishers in order to determine whether new books or new editions are needed?

Law publishers do not seem to cooperate to any extent with each other in so far as book publishing is concerned. One publisher announces a certain type of book, and this announcement is frequently followed by that of another publisher who, in a scramble to get a portion of the anticipated profit, likewise announces a new book upon the same or a similar subject. It is doubtful if both are needed. When it comes time to issue a supplement to the book in question, or a new edition thereof, the announcement of one publisher is frequently followed by a similar announcement from his competitor. The theory seems to be that of the old adage: "the early bird catches the worm", and the public is the worm.

No attempt is here made to deny the importance of some form of supplementation to law books. Some form of such supplementation is essential to many types. The criticism herein directed against the publishers is against the frequency of issue, and the content of the service rendered. At the present time supplements are on a quarterly or on an annual basis; few law books need supplementation as frequently as this. Many people believe the new "pocket supplement" or "life-time" feature has become a nuisance rather than a blessing and with the end of the nuisance not yet in sight.

Conceding the great merit to be found in the loose-leaf services which are now so popular, the fact nevertheless remains that they are an expensive luxury. Why is it necessary that there be two rival services such as those of Prentice-Hall and the Commerce Clearing House almost completely duplicating the best features of each? The costs of these services are extremely high, and the tax upon the time of clerical assistants is great. It would be a splendid plan if these two services could be merged into one.

Sometimes it is said (perhaps rather unfairly) that law publishers are afflicted with a certain disease, now becoming quite common, known as "new-editionitis". Every few years they are prone to issue new editions which do little more than to add new footnote citations. For example, the publication of new editions of textbooks in America is fast approaching the English system which calls for the issue of new editions nearly every year. As an example of such a system, note the number of editions which some texts have experienced. The following list of a few English texts illustrates the principle:

Chitty—Contracts, 18th ed.  
 Chalmer—Bills of Exchange, 10th ed.  
 Porter—Insurance, 8th ed.  
 Snell—Equity, 21st ed.  
 Williams—Real Property, 25th ed., etc., etc.

The theory which at one time indicated the superior quality of a text that had endured several editions no longer obtains, rather it is now more nearly the index of a weakened quality.

Much of the criticism which attaches to the extensive publication of textbooks is directed toward their quality.

(a) Some critics have said that from a careful study of the standard textbooks it would appear that little, if any, serious attention is given to the critical comparison, analysis, or review of the authorities upon which they are based. Their text statements are too frequently clothed in terms of general language. It is hard to find instances of a philosophical study of the bases of the decisions

cited. The sentence structure is short, with one or two legal principles in a single sentence which if connected together by the coordinate conjunctions would closely approach the ordinary paragraph type of digest; while without the use of conjunctions, the sentences closely approach the common type of sentence digests. As digests such books have value as a starting point in a search for authorities, but as treatises upon the law of particular subjects they must be used with caution.

It is within the field of textbooks that the law book market is most often flooded; it is within the field of textbooks that the most wasteful production of books is found; it is likewise within the field of textbooks that the poorest quality is encountered. This is a matter of much misfortune to the profession, because it is within this field that there exists the greatest need for quality of production.

Inferior quality of subject matter in textbooks is the more unfortunate because textbooks constitute one of the first classes of materials to be consulted by the profession in their search for authorities in point through the use of the topical method of approach. They form the starting point for many lawyers in their efforts to brief the law, and as such they occupy a position of distinct prominence and favor.

(b) Another criticism of textbooks is that aside from the single volume editions, they do not, as a rule, contain "tables of cases cited", which was the customary practice a few years ago. Those lawyers who rely heavily upon textbooks as the books with which to initiate their search regret exceedingly the absence of such tables. When book publishing costs were high, these tables were included; but, since book publishing costs have been greatly reduced, the new books do not include them.

The retail law book sale prices today show no such decline in commodity cost, nor do they show any reduction which might be attributed to the omission of the "tables of cases cited" which obviously is a costly feature to include. They still embrace the common classifications—\$5, \$10, \$15, \$20—within which fall the sale prices for practically all legal textbooks. As an illustration of this criticism a recent examination of some of the leading textbooks showed the following results:

*No, "Table of Cases Cited"*

Bancroft—Code Practice (9 vols.)  
 Cooley—Insurance (8 vols.)  
 Cooley—Taxation (4 vols.)  
 Cyclopedia of Federal Procedure (8 vols.)  
 Fletcher—Corporations (20 vols.)  
 Huddy—Automobiles (21 vols. in 11 books)  
 McQuillin—Municipal Corporations (8 vols.)  
 Remington—Bankruptcy (9 vols.)

*"Table of Cases Cited," Included*

Bancroft—Probate Practice (4 vols.)  
 Bancroft—Code Pleading (5 vols.)  
 Couch—Cyclopedia of Insurance (9 vols.)  
 Hughes—Federal Procedure (16 vols.)

Not the least among the criticisms of law publishers in the publication of textbooks is that which lists so many text writers who are comparatively unknown in their respective fields of the law, or which enumerates compilers chosen from the members of their individual editorial staffs. There would seem to be small promise of improvement of quality in the production of textbooks of the law until such time as the publishers choose as their writers only the leaders within the fields which are to be covered. The limited number of such leaders might tend to reduce the number of textbooks prepared, which after all, might not be an undesirable goal to attain.

Books which fall within the objections discussed above will well deserve the fate which awaits them—a short life and a long oblivion. Those which have avoided these objections should endure such favor and popularity as have characterized the more modern classics of the law themselves.

Another serious criticism of the law publishing program has to do with the publication of elementary texts and case books.

The elementary text is, for the most part, a bid for the patronage of students and teachers of the law. While some of these texts are very short but carefully prepared, most of them are of restricted value because of the brevity of their treatment, because of the character of their subject matter, or because of the hasty assembling of decisions.

The tendency among publishers of these types of books is to develop a special series into which are placed these student editions, hornbooks, or review manuals. They include in such series nearly all of the commonly taught subjects of the law, each by an individual writer, sometimes with and sometimes without a common editor. Among these types of publication are the Hornbook Series of the West Publishing Company, the prospective University Textbook Series of the Foundation Press, and the National Textbook Series of the Callaghan and Company, and an unnamed series by Little, Brown and Company. Some of the best of these books have been carried through three or four editions.

In the field of case book publishing, the scramble to issue case books on all subjects and to get them adopted by law schools throughout the United States takes on the appearance of a mad race. Today there are no less than six leading law publishers bidding for the case book business. Among these publishers there is a similar tendency to create a series and to plan a scope which is broad enough to cover all subjects common to the curricula. Hence there are the American Case Book Series published by the West Publishing Company, the University Case Book Series published by the Foundation Press, and the National Case Book Series published by Callaghan and Company. The result has been that some case books have been hurriedly prepared by unqualified writers, and that few of them have been subjected to teaching tests before being offered to the schools at large. Notwithstanding these facts, there have been many excellent case books published and sold.

In summarizing this portion of the discussion, it might be well to enumerate the outstanding points of the problem involved in the relation of law books to law publishers:

- (a) There is a general overproduction of law books.
- (b) Books closely related to the law, while important, complicate the library problem.

- (c) Discrimination in book buying is necessary.
- (d) Heavy demands upon the profession and upon law libraries are taxing their strength.
- (e) Lawyers and libraries, alike, are urged to buy books beyond their ability to pay for them.
- (f) No attempt is made to produce fewer but better books.
- (g) Unlimited competition exists between publishers.
- (h) Supplementation is carried to extremes.
- (i) "New-editionitis" is a new disease with which publishers are afflicted.
- (j) The quality of textbooks produced has become weakened.

#### TREATMENT OF THE PROBLEM

The scope of the field of law publishing includes a number of types of books. Among them are the following:

- Indexes and Compendiums
- Annotated Reports
- Digests
- Periodicals and Bar Journals
- Encyclopedias
- Textbooks
- Reports of Cases
- Statutes

The above group does not, of course, include all classes of law books. It lists only the important ones. It likewise does not include that extensive class of legal miscellany which is so important in stimulating the cultural background of any law library collection. What is true of the problem of overpublication within the specifically enumerated classes is likewise true of these latter classes.

It should be noted at the outset of the discussion to the second part of this study that there is really little that either the legal profession or law libraries can do to remedy the evils discussed in the first part of this study. These problems are analogous to certain wrongs without an effective remedy. While they cannot be entirely solved, their deleterious effects in many ways may be greatly ameliorated.

In the first place, lawyers and libraries have the power of protest, and the united professional voice of these protestants cannot but have a decided influence upon publishing companies. Such a method of action, which registers a thunderous "no" to the publication of too many books or to the publication of unnecessary books, should have a salutary effect. If this protest, however, could bring about a sympathetic understanding between the publishers and purchasers of law books, relative to their quality and/or their need, the way would be opened for the manufacture and sale of better books. This idea might also be expressed as pertaining to the writing and printing of better books with a more profitable distribution among law book purchasers. Both parties to the transaction—the book producer and the book consumer—would then be cooperating to the mutual interest of both. Any enterprise which serves a limited and exclusive patronage must, if it hopes for a profitable existence, consider the wishes and needs of those whom it serves. To this rule of life, the law publishers are no exception.

In the second place, lawyers and the libraries need not purchase all of the books published. Perhaps this is not so true of reports and statutes, but, aside

from these two classes, purchases of books within the remaining classes can be materially controlled. Such a method of action is the most effective one which can be devised. After all if the publishers cannot unload their book stocks they soon will either cease to publish, or they will accede to popular demand in regard to what they do publish.

The two methods of action above described are general rules which might be used to bring about a more satisfactory production of law books.

In addition to these, there are numerous special reforms which, if possible to obtain, would materially improve the conditions described in the first part of our study. Some of these are not within the power of either the publishers or the consumers, but rest with the discretionary powers of courts, or of legislatures—even extending to changes effected through constitutional reform. Such remedial changes can not be expected to materialize within any fixed time; they require much effort and patience for their realization.

The suggestions which are to follow pertain to the improvement of the quality of the subject matter or the service within the various different classes of law books enumerated above. They will be referred to in that order, which is the inverse order of their importance.

#### INDEXES AND COMPENDS

This is a field of publication in which there has been but little activity. There is no overproduction, but rather, an underproduction in this class. More indexes of the law are needed. Books which teach the methods of approach in searching for authorities in point are badly needed. There exists a superfluity of books containing the law, but a lack of books, aside from digests, which open or unlock the law. Books which teach a better analysis of the facts of the legal problem, a better rationalizing of these facts, or which will develop a greater skill in the use of the mental processes are especially needed.

#### SELECTED AND ANNOTATED REPORTS SERIES

There are not many series of annotated or selected reports now being published. The one general series of annotated reports which is current—American Law Reports—is a splendid series, and fully takes care of the field of the annotated reports. No new general series is needed.

Among the special series of selected and annotated reports are such series as:

American Bankruptcy Reports  
American Maritime Cases  
Negligence and Compensation Cases Annotated  
Public Utilities Reports

There may be some question whether the use of the American Bankruptcy Reports and the Negligence and Compensation Cases Annotated actually justify their publication. Furthermore, unlike the remaining two sets, all of the decisions contained in these sets are reported in the National Reporter System.

## DIGESTS

A study of the problem involved in the digests is not so much a study of their overproduction, although there are too many instances before us of unnecessary duplication through competition, as it is of their very high cost and unsatisfactory classifications.

The digests of the law occupy a position of such importance that the true books of the law can hardly be used without them. The fact remains, however, that there are too many digests. The American Digest System is like unto an hierarchy of states. Based upon a uniform classification, it includes (1) the national units, (2) reporter and state digests combined, (3) the regional or reporter units (the two latter being identical except for labels) for use outside of the reporter area, and is now being extended to (4) the state or local units.

An alternative plan for state digests calls for the preparation of state digests under state authority in the same manner as that which generally pertains to the publication of state reports and codes. There are two difficulties inherent in such a plan, viz: the classification plan to be used, and the qualifications of the compiler of the digest. If consent of the West Publishing Company could be procured for the use of their digest classification, which, while not perfect, has the advantage of national acquaintance, the first difficulty would be removed. If the right man could be secured to do the editorial work, then the second difficulty would be overcome. How to locate and qualify the right man, is not germane to this discussion.

Besides the digests of the West Publishing Company, many other publishers have issued digests of state reports, some based upon their own classification plans, and some based upon the key-number plan of the American Digest System.

The publication of state digests along with those of the West System seems, however, to create an unnecessary duplication. There does not appear to be any need for such competition. In fact there seems to be merit in training the profession to use a single and universal classification of topics, which a universal digest would possess, notwithstanding the virtual monopoly which such a plan creates.

It is well to note that in the new Washington Digest (West) the editors have cooperated with some of the other publishers and have procured the privilege of including references to the annotations of the important annotated reports series. This ties the leading annotations to the decisions of this state and opens up a vast storehouse of valuable information for the briefer. Such features are worthy of commendation and it is to be hoped that they will be incorporated into the digests of other jurisdictions.

If, in time to come, the various units of the American Digest System should be combined and coordinated into a single digest, it is to be hoped that the composite digest thus compiled will not only include the above described feature, but will also include cross-references to periodical literature and to the leading texts and treatises. Such a digest would be of very great help to the legal profession.

A few words relative to the currently used annotated reports digests would seem appropriate at this point.

While the editors of the Ten Year American Law Reports Digest maintain that they have followed the same classification as that upon which the Complete Digest of Lawyers Reports Annotated is constructed and that the searcher can go from this digest to the corresponding topic and section of the A. L. R. Digest, (Preface, page 1) the fact remains that there are certain discrepancies.

One such discrepancy is to be found under the topic of Gaming Sec. 12-13. These sections appeared in the old A. L. R. Digest vols. 1-27 and correspond exactly with those in the complete L. R. A. Digest, but in the Ten Year Digest A. L. R. the sections have been changed, so that the material covered by these two sections has been scattered over several topics.

It is unfortunate that the compilers of the A. L. R. Digest have dispensed with the *paragraph form* of digest for that of the *sentence* or *line type*. The latter type is so general and indefinite that the usefulness of the digest is materially decreased. The plan of including a reference to the annotation has, however, met with favor. In this feature the editors of the A. L. R. Digest have profited by the criticism directed toward the compilers of the L. R. A. Digest who omitted reference to the L. R. A. annotations, leaving them only in the Red Book (Index to Notes).

Some students of law books have suggested that it would be a profitable plan to rewrite the two digests (L. R. A. and A. L. R.) and combine them into one digest of the paragraph type with cross references to all L. R. A. and A. L. R. annotations and to the encyclopedic text of Ruling Case Law. Such a plan would not be as costly as it would otherwise appear and would prove to have great popularity.

#### PERIODICALS AND BAR JOURNALS

Periodical literature occupies a very enviable position among the modern books of the law. But even in the face of such a favorable opinion certain generalizations can profitably be made. There can be no conjecture upon these points:

- (a) There are far too many law school reviews being published.
- (b) Over half of them could well be discontinued without harming the quality of the remainder.
- (c) Law schools now vie with each other to publish a review. It is a fad almost equal to the old story of "Keeping Up With Lizzie".
- (d) There are far too many poor ones and few too many good ones.
- (e) Commercially maintained law reviews could all be discontinued without detriment to those remaining.
- (f) Considerable saving in subscription and binding costs would result to lawyers and libraries, if a big reduction in these law reviews could be effected.

The same problem is encountered in connection with the various state bar journals, the number of which is constantly increasing. While intended primarily as local association journals for the dissemination of bar proceedings, information, and aid to its own membership, they are carried as a part of the periodical subscriptions of the leading law libraries. There soon will be one for every state, and in some instances one will exist in addition to the report of the proceedings of the bar of that state and a law school journal as well. Individually they are

not very costly but the number of subscriptions to such journals or bulletins, to which are added their binding costs, produce a financial item of no small amount.

Partial elimination of this problem could be met by regional bar association journals which would displace the individual state bar journal or report. Having a larger area from which to draw its support, this regional journal ought to be of an improved type to that which now exists. Since this is not within the line of present-day development, one may not hope for any change within the immediate future.

#### ENCYCLOPEDIAS

At the present time the encyclopedias of the law have been reduced to two in number—*Corpus Juris* and *Ruling Case Law*—the former being general and the latter limited in scope. These two encyclopedias adequately supply the needs of the legal profession and no additional ones are needed. The annual service charges are normal in amount and probably cannot be reduced, but the period covered by supplements could be extended so as to cover a longer period of time. There is little need for annual supplements for books of the encyclopedic type.

#### TEXTBOOKS

The criticisms commonly heard in connection with the publication and sale of textbooks of the law have been explained in the first part of this study. A mere summary of these objections is sufficient at this point:

- (a) Inferior quality of textbooks due to lack of care in selection of authors, omission of tables of cases, and no critical comparison of authorities.
- (b) Excessive publication of new editions—"new-editionitis"—which adds heavily to the financial burden of the upkeep of law libraries.

In addition to the general plans for control of the problem of overproduction of textbooks or the production of unnecessary books, referred to at the beginning of the present study, the following special plan is proposed as an aid in determining what books lawyers and law libraries should buy. It is a plan of book recommendation and selection which, if adopted, could be carried out by several committees of the American Association of Law Libraries or through the central office of the Association.

The proposed committees would read and critically examine the recent textbooks submitted to them by the various publishers. Their examination would be impartial and fair and their verdict would take into consideration the purpose and function of the book, the scope and treatment of the subject, the qualifications of the writer, and the thoroughness of his research. The tests used could well be adapted to those proposed by Professor Hicks in his *Materials and Methods of Legal Research* (2d ed. page 134). If the law libraries would obligate themselves to adopt the recommendations of the committees, they would be relieved from the feeling of necessity that they should buy all of the texts for which they may have calls. Their answers to the salesmen would be that the books do not bear the stamp of approval of the Association's book committees. Publishers would seek the approval of the committees; and when favored by such a recommendation, publishers would advertise their books in that manner.

... Campaigns for the adoption and support of the plan could be brought before members of the American Bar Association, the Association of American Law Schools and the various state bar associations, where the education of the Bar to the need and value of such a plan could be carried on. The plan would resolve itself into a matter of education which in time would raise the standards of law books as no other plan could do.

The above plan is patterned, as will be observed, upon the plan of recommended books of the Book List Committee and the Subscription Committee of the American Library Association with which librarians are quite familiar. Librarians are likewise familiar with the psychological effect upon the publishers of a favorable recommendation and how they have used such recommendations as a basis of their advertising program.

Most law librarians study the book reviews of new books as they appear in the current legal periodicals. These are not particularly satisfactory because of the generally favorable treatment which the reviewer feels that he should give. The book reviews are spasmodic in their appearance and oftentimes written by unqualified reviewers. It is needless to state that only a few of the books published are ever reviewed.

#### REPORTS OF CASES

This class contributes a very great number of the law books published. They are, of course, among the most important and necessary of all law books used, but admitting the necessity of extensive publication of this class of books, there are far too many issued. For sometime past there has been a growing objection to so many volumes of case law. The question asked has been—how to reduce the number of printed decisions which the profession must consider in searching for precedents. The answer has taken the form of general suggestion, viz:

- (a) Discontinuance of the publication of state reports separately from the National Reporter System and their publication exclusively in the Reporters. This plan is slowly coming about in Canada where some of the provincial reports have ceased publication, with others to follow soon, and the general reliance of the bar upon the Canadian Reporters for these decisions.
- (b) Limiting the bases of appeal.
- (c) Creation of intermediate courts of appeal (whose reports would not be printed) with a limitation upon the appeals which could be taken.
- (d) Granting power to the court or to the court reporter to use his discretion as to which decisions should be printed.
- (e) Publishing the decisions in an abridged form, omitting most of the cases cited and unnecessary language.
- (f) Discontinuing the publication of county reports, such as are so extensively published in Pennsylvania.
- (g) A greater centralization of judicial and administrative bodies possessing the power to render decrees. This especially applies to Great Britain and to the federal departments, bureaus, commissions, boards, and courts of the United States. Many critics believe that these administrative bodies could be more closely unified and combined so as to reduce the number of bodies

possessing the power to render decrees. It is somewhat questionable whether this would relieve the lawyers and the law libraries from very much of the present burden.

Space does not permit a discussion of the above suggestions as to possible methods of reform. For the most part they are self-explanatory and require no further comment. It is conceded that some of these suggestions would require legislative if not constitutional changes—which even under the most favorable circumstances are never too easy to procure.

Recent progress in the publication of the American Law Institute's Restatements of the Law and their favorable reception by the courts, have given encouragement to the hope that a new starting point in our common law has been reached. It is the hope of those, who are the most sanguine for their success, that, by a universal acceptance of the Restatements, there will be little need to go back of their pronouncements to the decisions upon which they have been based. The need for reprinting the old decisions will have been obviated, and the number of new decisions greatly reduced. While the Restatements are not to be given legislative approval, such as is given to a code, the hope is that they will be accepted by the courts as partaking of the spirit of such a code.

#### STATUTES

This seems to be the day of costly state codes. The expense of code buying represents a heavy burden upon the legal profession and upon the law libraries as well. Initial code costs have gone up materially until today we have codes in pocket editions—patterned after the U. S. Code Annotated—or codes in sets of six to thirty volumes, and priced from \$75 to \$150. In one Western state (Washington) there are two codes (both annotated), a single volume edition selling for \$35 and a twelve volume code selling for \$90. Compare also the costs of such codes as Missouri, 15 volumes, Indiana, 12 volumes, Louisiana, 8 volumes, Pennsylvania, 40 volumes, New York, 74 volumes, and Illinois with two new codes on the market—one of 29 volumes and the other with 30 volumes.

The development of the code into a number of volumes called Self-Perpetuating Editions, Lifetime Editions or Permanent Editions, etc., call for the pocket supplement service at an annual subscription cost. These supplements during the years when the legislature is not in session contain nothing but annotations, but the subscription price (which does not obviate the necessity of buying the session laws) is the same as for the statutory supplements.

The question which is before the profession and the libraries concerning these code costs is, where is the end, and what will it be?

Relief from this burden can come only through the use and development of more single volume codes, even if it is necessary to sacrifice the annotations in order to obtain them. It should be noted that most of the codes issued by the states themselves are of this kind; and that the high priced and many-volumed editions are the product of private enterprise.

#### CONCLUSION

The above study has been presented not through a feeling of prejudice or bias, but rather in a spirit of fairness, and in the hope that it will present the law