

The section on misnomer, misdescription, and mistake raises some exceedingly worthwhile questions as to the function of the judicial process when the reasonably clear intention of the testator may be frustrated by "well-settled rules" which were designed to give effect to that intent.¹⁹ This element of the growth of law is particularly significant in the field of gratuitous transfers, and the integrated course should give renewed emphasis to this aspect of legal education.²⁰

The book contains sufficient suggestions of practical detail to enable students to see the application of the materials. Most students will remember the suggested procedure for executing an attested will.²¹ Suggestions of this type provide readily available answers to any "Cantrall"²² questions that may be raised.²³ No two men would prepare exactly the same materials and few, if any, have ever seen a perfect coursebook. Nevertheless, in this instance, three men, by pooling ideas, have prepared a coursebook to which many will find they can comfortably adjust their course or which can be adjusted to their needs. Further, the book represents a noteworthy attempt to bring together in teachable form the materials of a cohesive area of the law.

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THE CHALLENGE OF LAW REFORM. By Arthur T. Vanderbilt. Princeton, New Jersey: Princeton University Press, 1955. Pp. vi, 194. \$3.50.

The stature of Chief Justice Arthur T. Vanderbilt of the Supreme Court of New Jersey is such as to make a book length publication by him a significant event in academic and governmental circles and in the legal profession generally. Thus, his latest work, *The Challenge of Law Reform*, which surveys the need for reform in various areas of procedural and substantive law and which proposes possible solutions, is worthy of considerable note.

Few are as qualified to comment upon these matters with understanding and knowledge, bred from both experience and study, as Chief Justice Vanderbilt. For years, as distinguished general practitioner,¹ teacher,² and judge,³ Chief Justice Vanderbilt has almost single-mindedly devoted himself to the study of law reform and the improvement of existing legal systems. He has served on

19. pp. 650-57. See also p. 549 n.5.

20. Particularly is this true when the tax incentive has caused "overnight" changes which formerly took years to occur. *E.g.*, p. 630. See also the handling of the controversial "second look" doctrine in perpetuities, pp. 760-66, and the Thelusson statutes, p. 818 n.46. Incidentally, the colorful saga of Peter Thelusson, his progeny, trustees, and their lawyers, is relegated to judicial discussion, (p. 811) and a statistical footnote (p. 815 n.44).

21. p. 98.

22. Cantrall, *Law Schools and the Layman: Is Legal Education Doing Its Job?* 38 A.B.A.J. 907 (1952); *cf.* McClain, *Is Legal Education Doing Its Job? A Reply*, 39 A.B.A.J. 120 (1953).

23. See also p. 778.

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1. Between 1913 and 1943 Chief Justice Vanderbilt was a leading practitioner of the bar of the State of New Jersey. In 1937 he was elected President of the American Bar Association and in 1939 President of the American Judicature Society. In 1948 he was awarded the American Bar Association Medal.

2. Between 1913 and 1943 he served on the law faculty at New York University. He was appointed dean of the law school in 1943 and dean emeritus in 1948. See Gerhardt, *Chief Justice Vanderbilt and Teaching Procedure*, 34 SYRACUSE L. REV. 205 (1953); Williams, *Arthur T. Vanderbilt and Legal Education*, 24 N.Y.U.L.Q. REV. 1 (1949).

3. He has served as Chief Justice of the Supreme Court of New Jersey since 1948.

numerous federal committees which have studied current procedures, and recommended needed legal reform.⁴

Under his direction as Chief Justice, the judicial system of New Jersey has become in a few years one of the best state systems in the nation, if not the best. That great weight should, therefore, be given his opinions is not surprising. That such weight is well deserved becomes apparent in the reading of his most recent book.

The book contains five chapters. Chapter I discusses in general terms the need for reform and the lack of interest in it by both the bar and judiciary. Chapters II, III, and IV discuss, respectively: "the improvement of judicial personnel, including jurors as well as judges"; "the simplification of the judicial structure and of procedure" to eliminate technicalities and surprise; and the "elimination of the law's delays by modern management methods and effective leadership" by means of "an administrative head of the courts in each jurisdiction and an administrative office of the courts to assist him."

The last chapter is entitled "Modernizing the Law Through Law Centers." It is the most provocative chapter in the book. Here Chief Justice Vanderbilt recommends that the various problems discussed in the earlier chapters be solved, the law modernized, and leadership in continuing legal reform accomplished through the instrumentality or institution of the "law center."

The term law center is misleading; it is not necessarily a physical institution. From the academic standpoint, the law center is in essence an *approach* to legal problems by the integration of both legal and non-legal knowledge and skills as well as an attempt to remove the solution of legal problems from the sterile introversion of precedent and analogy. The adoption of the term indicates a recognition of new responsibilities in the field of legal education and in the development of the law to meet contemporary demands.

The concept of the law center is not new. Historically, and at least as early as the period of the English Inns of Court, "in the great Continental centers of legal learning, law was taught as a science and in the setting of its interrelations with the humanities and the social sciences."⁵ In this country, due in some degree to the heritage of English legal instruction and to a greater degree to the early influence of Justice Joseph Story at Harvard, "liberal and legal instructions were divorced."⁶

The integration of law and the social sciences is of relatively recent origin. In the 1920's the Yale Law School, under the influence of Robert M. Hutchins, Charles E. Clark and Thurman Arnold, initiated the first comprehensive attempt at an integration of legal doctrine and the social sciences. In the early 1930's Young B. Smith, then Dean of the School of Law of Columbia University, among numerous others, sought to break down the compartmentalization of specialists in the various social sciences by proposing the establishment of a law center as an "agency for coordinating and integrating the knowledge about human be-

4. In 1939 Chief Justice Vanderbilt was made chairman of a committee of lawyers which was to confer with a committee of senior circuit judges to draft a bill creating the Office of Administrator of the United States Courts. From 1939 to 1941 he served on the Attorney General's Committee on Administrative Procedure. In 1941 he was named chairman of an advisory committee of the United States Supreme Court to draft the Federal Rules of Criminal Procedure. In 1946 he was appointed chairman of the War Department Advisory Committee on Courts Martial by the Secretary of War. For a general account of his career, see *Arthur T. Vanderbilt: Chief Justice of the New Jersey Supreme Court*, 35 A.B.A.J. 740 (1949).

5. HARNO, LEGAL EDUCATION IN THE UNITED STATES 4 (1953).

6. *Id.* at 48.

havior that those who specialize in the study of different phases of social problems have accumulated."⁷

In 1948, Chief Justice Vanderbilt, speaking as Dean of the School of Law of New York University, gave the function of the law center in this language:

Where, then, may we turn for the adaptation of the law to the changing needs of the time in a manner that will be enlightened and effective? Obviously, the only branch of the profession in anyway equipped to accomplish this task or with the time to do it is to be found in the law schools. Nor will the law-school professors be able to accomplish it by themselves; they will require the counsel of learned judges and skillful practicing lawyers, of legislators and administrators, of businessmen and of labor leaders, if the new jurisprudence is to embody, as it must, the law in action as well as the law in books. We must recognize as fundamental that we need to regain our concept of the law as a system—a scientific, interrelated body of knowledge—and not a mere mass of technical rules. We need, moreover, to treat the law as one of the social sciences, premised on the nature of man as a social animal and the actualities of our social life; this is obviously a necessary requirement, but it carries with it a heavy burden of preliminary study.

So much, then, for the grand objectives of the Law Center, toward which the work of our undergraduate division and all of the other activities of the Law School have been tending. What is needed to bring such a Law Center into fruition? The component parts are administration, a faculty, a student body, an alumni body, a library, a law building—and a dormitory—and adequate financing. Each component part is indispensable; the treatment of any one part inevitably leads to a discussion of the others.⁸

Today, a few law centers in the institutional sense exist and numerous others are planned. A current manifestation of the law center as a concept is the attempt of substantially all schools to treat with available materials an area of "law," both from the perspective of existing statute and case law and of the behavioral sciences.

As outlined by Chief Justice Vanderbilt in this book, a law center is emphasized less as a method or approach and more as a physical institution, serving both as an improved tool for instruction and as an agency for continuing study and research. For the purpose of legal instruction, Chief Justice Vanderbilt describes the law center as a "laboratory." The law would not be studied as a static, unchanging form, but as a living organism molded by modern economic, social, and political pressures. Justice Vanderbilt states:

No longer will the law schools be looking exclusively to what the law has been and is, but they will be concerned also with what the law should be and how to bring it about. They will give their thoughts to the living law. In doing so they will breed an inspired corps of students, who will feel that they, too, are being trained to take an active part in the development of the law. . . . They will be studying and teaching not merely law as it is found

7. FOUNDATION FOR RESEARCH IN LEGAL HISTORY, A HISTORY OF THE SCHOOL OF LAW OF COLUMBIA UNIVERSITY 343 (1955).

8. Report of the Dean of the School of Law for the Year 1947-1948, New York University 58-59 (1948). See also Vanderbilt, *Mission of a Law Center*, 27 N.Y. U.L. REV. 20 (1952). The New York University Bulletin, Feb. 6, 1956, p. 8, describes the functions of its law center in this way:

The Law Center goes beyond the function of the traditional law school by bringing together practicing lawyers, judges, legislators, administrators, professors, and laymen to solve the vast problems in the law that in a less complicated age could be settled by individual scholars. If the first function of the Law Center is to make undergraduate law instruction more effective, the second is the continuing education of the members of the legal profession through graduate instruction, conferences, and publications. The most fundamental objective of the Law Center, however, is the revitalization, modernization, and improvement of law and its administration.

in the books, but law as it is in action. The study of law in action will drive us to an examination of the social, political, and economic forces that are moulding the law.⁹

The law center as an institution would not serve entirely, or even primarily, as a teaching tool. The title of the last chapter indicates the main function Chief Justice Vanderbilt would assign it: "*Modernizing the Law Through Law Centers.*" (Emphasis added.) To this function, the Chief Justice gives his greatest attention. The law center would provide an impartial, informed institution for *continuing* study of, research into, and solutions of contemporary socio-legal problems.

The project for the modernization of the law through the work of law centers has, I submit, the great advantages, first, of paying respect to the doctrine of the separation of powers; second, of avoiding politics and the clash of personalities and the jealousies which so often exist between the different departments of government; and third, of employing those who are best equipped for the task. It is a plan that allows the general consultation of all interested people, and it calls into active play the resources of our law schools which have been too long neglected. The project to which they are being asked to contribute will not be an ivory tower study but will call in experts from active life in the law who are closely in touch with the realities of current legal practice. It will be concerned with the environment of the law, present and prospective. It will employ, among others, the comparative approach, and it will search for universal rules wherever they are to be found.¹⁰

Apart from these generalities, he indicates that the law center should serve as: an institution for general and theoretical examination of the law; an impartial research body looking toward reform of substantive law; an agency for the evaluation of comparative data from other jurisdictions; an impartial and learned legislative reference body; and a source for improvements in the procedures of administrative agencies. These functions are to be performed within the context of a wedding of law and the social sciences.

This is a stimulating and readable book. The language and approach is admirably plain and direct; the exposition is clear. It reflects the backgrounds of its author for it manifestly is a product of great experience and of sympathetic understanding of the problems discussed. As a study "in depth," this book does not approach other writings of the author on some of the subjects covered. But depth is neither the purpose of this "little book" nor the intention of the author.

It is my hope that this little book will be useful to the judges, lawyers and laymen who are fighting the good fight for "the great interest of man on earth."¹¹

It is in the nature of a *survey* of current legal problems and of possible solutions. For clarity, understanding, and breadth of material well-covered, it would be difficult to recommend a better source than this.

Paul D. Lagomarcino†

9. pp. 173-74. An attempt at such an integration again points up the necessity of a required course of prelegal education. Required studies at the liberal arts level should be the "*foundations* of knowledge and understanding upon which the Law School can build." (Emphasis added.) *Report of the Dean of the School of Law, COLUM. UNIV. BULL. OF INFO.* Nov. 26, 1955, p. 8. It is not the function of a law school to fill in the chinks of an inadequate or overly "liberal" education.

10. p. 182.

11. p. 9.

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