

Book Review

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Recommended Citation

Book Review, 15 Md. L. Rev. 281 (1955)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol15/iss3/11>

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Book Review

COLLECTION OF MONEY JUDGMENTS IN MARYLAND *Through the Medium of* SUPPLEMENTARY PROCEEDINGS. By Daniel C. Joseph and Edwin Ottenheimer. Baltimore. The Daily Record Co., 1955. Pp. xiii, 255. \$6.50.

Members of the Maryland Bar know the dearth of textual authority on Maryland law. Here now is an authoritative, complete, and readable book on Supplementary Proceedings in Maryland. The history, the procedure, the relief and even the forms of pleading of this very useful action in satisfaction of a money judgment are all set forth with detailed authority and practical comments.

By way of background pointing up the utility and value of Supplementary Proceedings, two home-spun legal maxims may be noted: first, that the creditor client wants paper money, not a paper judgment; second, that there are two perfect defenses, (A) no liability and, (B) no assets. Too often, alas, the attorney pushes through his creditor client's case to judgment and is balked from collection (and this includes a contingent fee, of course!) by the recalcitrant or educated debtor who remains unrepentant, unconvinced, or even determined to resist collection by evasion, concealment or downright falsehood. What then, Mr. Attorney?

"It is the purpose of Supplementary Proceedings to afford the judgment creditor a summary method whereby he can discover and reach property of the judgment debtor, not exempt from execution, so it may be applied to the satisfaction of the judgment. . . ."¹ In the creditor's race to reach the debtor's assets, one must be quick and know where to dig, else he will find that the faery gold he hoped to see has turned to dried leaves or vanished, said one legal philosopher (who also practiced successfully a long time) not so long ago.

Our authors are not only perfectly familiar with the subject matter² but keenly aware of its practical value and the fine points of its usage. For example, they point out: "Oftentimes, the psychology of being required to appear in a courtroom, where the proceedings are heard in Baltimore

¹ JOSEPH AND OTTENHEIMER, 11.

² Mr. Joseph is Legal Commissioner of the Supreme Bench of Baltimore City and Law Commissioner of its People's Court and thus charged with conduct and examination of Supplementary Proceedings in the courts of that City, while Mr. Ottenheimer is a well-known commercial law attorney.

City, regardless of whether the debtor has assets available for payment or not, is sufficient to produce a settlement."³ Or the tip that "Registered mail service has been extremely effective in Baltimore City; and it is usual, where service is attempted at defendant's place of residence, to pay a few cents extra and have the registered mail delivered after 6 P.M."⁴

The subject is presented logically with an initial review of its history in Maryland, then a discussion of its nature and usage, followed by chapters on Jurisdiction, Parties, Examinations, Property Or Credits Which May Be Inquired Into, Relief, Contempt Proceedings and Costs. At the end of the book is a very complete and useful set of some eighteen forms tried and true from actual litigation. Then there is an extensive, well arranged index, and each chapter concludes with Notes of the authorities cited in that chapter, which makes for smoother reading than having them at the bottom of the page. It must be noted that the authors supply liberal authority for the principles stated, drawing heavily on the many decisions under the analogous New York statute where there is no Maryland case in point. Credit must also be given the Daily Record Company as printer for the large, very legible type and format which combine with the authors' easy style to make this book so readable.

If this review has any criticism, it is that the authors occasionally digress or dwell too long on somewhat extraneous matters such as the Feldman case and the earlier references to the Federal Rules. However, these are minor at best and may well be excused in the interest of thoroughness.

As Mr. Joseph comments in his very interesting and whimsical preface: ". . . it is right for an honest creditor to fish a little after the property of a dishonest debtor, since there is no severity in the law which requires an honest debtor to make a full disclosure to his creditor as to his property and its whereabouts".⁵ Here in a few words are the purpose and justification for Supplementary Proceedings, and here in this book is the sole, comprehensive text on that subject which, it is submitted, every Maryland lawyer in general practice would do well to read.

HARRISON M. ROBERTSON, JR.*

* *Supra*, n. 1, 10.

* *Ibid.*, 14.

* *Ibid.*, vii.

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