

Book Reviews

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Sixty Years In The Courts. By W. Calvin Chesnut. Baltimore. The Daily Record Co., 1958. Pp. 107.

In a short book, Judge Chesnut has given a random sampling of his sixty odd years at the bar, both as an advocate and a judge. The book was published at the Judge's own expense and distributed on a limited basis to those of his acquaintances whom he thought would be interested in some of his remembrances. Sixty years is not long in the history of the law when we reach to the days of Coke and Bacon for precedents to support a point; but, it is a long time for one man to be active in the profession and relate from his own experience the changes which have taken place in the practice of law since he came to the bar in 1894.

This work is no autobiography, but truly lives up to the foreword which is directed to younger members of the bar. The man who is without a doubt one of the outstanding Federal District Judges in the country has taken the reader behind the bench with him, and lets the reader feel what the judge must feel when hearing a trial attorney violate some of the rules which the author sets out in one chapter. But the book is more than a "how to do it" book, although there are chapters on the conduct of the trial and practice under the federal rules. Judge Chesnut generally endorses the rules as being worthwhile, and he is quick to criticize the abuse of certain discovery rules by counsel who forget that Rule 1, of the Federal Rules of Civil Procedure requires the rules to be construed so as "to secure the just, speedy, and inexpensive determination of every action".

There are interesting chapters on the use of the oath in court proceedings and on the separation of law and equity. These subjects are treated historically as only Judge Chesnut can do, and most lawyers will find interesting the wordings of the various oaths which they may have heard many times, but probably without thought of their exact wording and background. All practitioners will be interested in the Judge's viewpoint on the selection of judges, both state and federal, as well as his personal recollections of some of the past judges. A chapter on the staff of the Court will be helpful to young lawyers, as it designates each one of the staff and his duties, and may also be of interest to the lay reader, since each has a definite part to

play in the drama of a trial. A chapter pays just tribute to the Judge's law clerks, many of whom have become well known in the practice and administration of law in Maryland.

Chapters on the physical nature of court rooms and court houses and the practice of law in them in the 1890's when the author came to the bar, as compared with those same things now in the 1950's, will be of interest to many. Judge Chesnut calls on his memory for the location and facilities of the various former court houses and compares them with modern conveniences. Equally intriguing is the glimpse of by-gone days in the practice of the law when such giants were on the Maryland scene as Mr. Severn Teakle Wallis and Mr. John P. Poe. Those were the days when most legal papers were handwritten and tied appropriately with red tape. The author intersperses old memories with pithy comments on the current practice of specialization among lawyers, pointing out the advantages and disadvantages.

In another chapter, it is shown that the relative position of the trial lawyer today is not what it once was in the profession. There are several reasons for this, some of which are enumerated as economic, delay in getting cases to trial, and excessive use of pre-trial discovery methods. Judge Chesnut believes that there is still a place for the skilful trial attorney and likens a trial to a game of chess. He says that real surprise at a trial is an extremely rare thing even without a lot of pre-trial activity. His vital interest in trials for most, if not all, of his sixty years in the courts, makes his description and opinion valuable.

Presenting the history behind some of the law's most familiar objects and some opinions about current practice and problems from a man who has lived his profession, "SIXTY YEARS IN THE COURTS" is well worth reading. The friends of Judge Chesnut who received copies will always treasure this contribution from this distinguished and respected judge.