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the problem of Negro underemployment and cast about for new definitions of
discrimination which, while perhaps more relevant to the problems of why
adequate numbers of Negroes are not being hired, nevertheless depart to some
extent from previous notions of what discrimination is. Meanwhile, there is
increasing recognition that neither nondiscrimination nor "affirmative action"
will suffice, and the emphasis is shifting to job training, to prevocational train-
ing, to moving job sites into the ghetto or ghetto workers out to the jobs, and,
finally, if all else should fail, and one detects a certain expectation that it will,
to making the Federal Government the "employer of last resort." There is
recognition also that the problems of education, housing and employment are
inextricably intertwined, that they feed upon each other, and that none will
yield perceptibly—at least in the short run—to an approach based primarily
on achieving nondiscrimination in the legal sense. Whatever the solution may
be, it will demand a greater public commitment, material and spiritual, to the
achievement of practical equality than our society has hitherto been called
upon to make.

Richard K. Berg*

Manual of Federal Practice. By Richard A. Lavine* and George D.
$24.50.

Today the federal court is becoming increasingly familiar to the average
attorney. Gone is the day when federal practice was limited to a select bar in the
largest cities. Going is the day when an attorney can economically and realistic-
tically limit himself to the state court practice. Social Security, government con-

34. Commissioner Samuel Jackson of the federal Equal Employment Opportunity Com-
mission recently stated:
Thus, EEOC has taken its interpretation of Title VII a step further than other agencies
have taken their statutes. It has reasoned that, in addition to discrimination in employment,
it is also an unlawful practice to fail or refuse to hire, to discharge, or to compensate un-
evenly, or to limit, segregate and classify employees on criteria which prove to have a de-
monstrable racial effect without a clear and convincing business motive. CCH Employment
35. See, e.g., Cassell, The Development of Jobs, 34 Vital Speeches 59 (1967); remarks of
Sen. Kennedy (N.Y.), introducing an Urban Employment Opportunities Development Bill,
S. 2088, 113 Cong. Rec. S9419 (1967); Moynihan, White Blindness Lamented, Washington
President Johnson recently has proposed a $350 million federal Job Opportunities in Busi-
ness Sector Program, under which employers would hire and train hard-core unemployed
who do not meet the ordinary standards for hiring, and the Government would pay the
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the District of Columbia.
tract, tax, labor, federal tort matters now bring the federal presence into every hamlet. Every Congress increases that presence and the occasion for federal court litigation—our increasingly mobile society renders a diversity case more and more usual. Yet many attorneys outside the District of Columbia have not the slightest acquaintance with federal practice and either shy away from it altogether or operate less effectively than might be.

Law book publishers, mirroring the profession, have been notoriously behind the need, and this is as true of federal practice as in other areas. We have some large works: Moore\(^1\) (tragically out of date in some areas), Barron & Holtzoff\(^2\) (recently vastly improved and brought up to date by Professor Charles Alan Wright) and a few others (e.g., Nichols, *Cyclopedia of Federal Procedure*).\(^3\) We also have a few smaller works, such as *West's Federal Practice Manual*\(^4\) (now receiving a much needed revision and updating, but also being expanded). And recently we have seen several one volume works that are excellent working tools. Professor Wright's *Federal Courts*\(^5\) is an admirable text of great value, but is now almost five years old and developing larger and larger gaps. Professors Jacoby and Schwartz have produced an excellent work on *Government Litigation*\(^6\) for those working specifically in that area. And Lester Jayson's work on the Federal Tort Claims Act\(^7\) is a good guide for those not thoroughly familiar with that specific field of federal court litigation. Particular works have similarly been done for other areas within the realm of federal practice.

But lacking has been a good one volume desk reference manual on federal court practice, one than can present to the attorney a quick, easily understood, how-to-do-it reference to the problems of such practice and their solution. This gap has now been filled by Richard A. Lavine and George D. Horning, Jr., in their new *Manual of Federal Practice*.

This work attempts—and fairly well succeeds in the impossible—the covering of the field of federal court practice in one volume. It starts with the problems of jurisdiction, problems that appear so esoteric to many but are grittingly practical to those who practice in federal court. In 174 pages the authors present as clear and concise an exposition of this area as this reviewer has ever seen, explaining the concepts, pointing out the pitfalls and, where possible, how to avoid them, as well as providing checklists to follow. From there the book goes on to a like survey of venue, of pleadings and parties, of preliminary motions, of discovery, of pretrial, and of trial, ending with the mechanics of taking and perfecting an appeal. Throughout, the pattern is consistent: concise development of concepts, clear exposition of problem areas, practical means of avoiding or solving the problem, and easily used checklists. This in itself would make the work a valuable tool. But the authors go on to furnish suggested forms with explanations interspersed where appropriate among the chapters, and citations to more extensive discussions of each topic. Thus the book should be a valuable

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tool on the attorney's desk or by his side, for quick reference to the ins and outs of federal practice. As such it has value not only for the novice in federal court, but also the practitioner who has not yet gained a firm grasp on all aspects of federal practice.

But the virtue of this work contains its danger as well. Conciseness and clarity are its hallmarks. The authors do well in making simple concepts that authors, courts, and advocates have been debating for decades. This is a valuable aid to initiate one into the problems of federal practice. But the danger in simplification is that the attorney, once he has located the concepts applicable to his case, will not go on to dig deeper, for the precise application is not always as simple as this work could lead one to believe. A comparison of the almost simplistic explanation of Federal Question jurisdiction in this work with the discussion of the problem in Professor Wright's *Federal Courts* book is an apt illustration. And Professor Wright's treatment is short, concise, and clear compared to most. Again exposition of new (as amended in July 1966) Rules 19 and 23 give no hint of the serious problems concerning those rules now in the courts. This is pointed out not in derogation of the Lavine and Horning work but in caution of its use. If these matters were fully explored we would have a different work, one that would not approach the gap that this book is designed to fill. This book must be recognized and used as it is designed: a quick reference to concepts, problems, checklists, and forms of federal practice, with citations throughout to more extensive treatments of individual matters. In this position the book should prove of great value to those who practice in federal courts.

One more word needs to be said, and truly a word of regret. The law unfortunately refuses to stand still. Apparently since this book went to press there have been certain statutory changes and some significant decisions. The authors must of course cease writing at some point or a book will never see the light of day. Yet with each passing week the book loses value. Perhaps the authors will give us occasional supplements. But a supplementary volume has a tendency to appear sporadically and to wander on the shelf from the proximity of the main volume. It is to be regretted that there is no provision for a regularly appearing pocket part to keep the work current. For it would be a regret that a work as good as this should soon become of questionable use due to age.

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