

## BOOK REVIEWS

*Legal Resources Book*, edited by J. R. Gardner, D. J. Neal, and P. K. Cashman, (Fitzroy Legal Service 1977), looseleaf. Price \$10.00.

*Going to Court?*, by Michael Rosser, (Law Foundation of New South Wales 1976), pp. i-vii, 1-102.

It once was the case that legal problems were solved almost exclusively by lawyers in private practice — if you could afford their fees or persuade them that your case was worthy of their unpaid attention. The profession was clothed with an impenetrable mysticism. The layman believed he couldn't understand the intricacies of the law and didn't try to find out.

The demystification process was set in motion when specialist interest groups realised that they could master the law as it applied to their specialities. Accountants began to master the complexities of the Income Tax Assessment Act, real estate firms found that most conveyancing work was within their capacity, and divorce law reformers were able to produce 'do it yourself' divorce kits to enable their supporters to 'put asunder' without the aid of lawyers. The process gathered momentum when lawyers and law students began making themselves available for voluntary service at community legal aid offices where citizens could have many of their queries (legal and non-legal) answered. Eventually governments accepted responsibility for providing legal aid in many situations and community legal services were further expanded.

Another major factor in familiarising members of the community with their legal rights and obligations has been the extension of legal education to general courses in tertiary institutions and to the final two years of secondary schooling. No longer are lawyers the only people who have received legal education.

At the same time there has been a change in professional legal education methods. The traditional system of basic training through articles of clerkship could not cope with increasing numbers entering the profession and most Australian States have now introduced alternative courses at 'legal workshops'. While the courses are designed to teach intending practitioners to cope with practical problems, their teaching methods tend to be more akin to academic methods.

The result of these developments has been the creation of a market for books which explain law to laymen. Authors have not been slow to respond to the challenge and the last few years have witnessed a flood of publications in this field. Two of these are the subject of review.

The *Legal Resources Book* is the product of experience gained by those participating in Victoria's first community legal advice service. As people came for assistance it became apparent that there were recurrent problems which no one legal text dealt with. In many cases there was no text at all to provide assistance. The members of the service began to retain and collate the information which they collected in providing answers to those they were helping. The problems were those of poor people, of people who in days past would no sooner have stepped inside a lawyers office than flown to the Moon. Absent were many problems with which lawyers are familiar: corporate finance, conveyancing, and taxation. In their place were more mundane, yet vital, queries relating to entitlement to social welfare payments, rights of tenants, hire purchase commitments, accidents at the workplace, family disputes, and many more.

The book collects the Victorian law applying in these areas and presents the information in a well-ordered and readable fashion. Where possible, citizens are told

how to deal with a matter themselves: addresses of appropriate government authorities are given; the forms of basic documents such as deed polls are set out; and common queries are posed and answered. If the law is more complex than it is stated, in most cases, in the simplest possible terms and it is recommended that readers consult a lawyer they can afford. Although most of the contributions appear to be intended to be comprehensible to all readers one has the impression that some authors did not write with this objective in mind. For instance readers of the family law chapter are told that a prerequisite for dissolution of marriage is 'termination of the *consortium vitae*'. Difficult and all as this concept is, it is certainly capable of expression in simpler terms.

The *Legal Resources Book* will offer invaluable assistance to many people. Most of its chapters will guide laymen in resolving commonly-encountered difficulties with legal overtones. All will assist lawyers who deal with poor people's problems. Others who will benefit from some or all of the book are social workers, clergymen, legal studies students and teachers and youth workers. The looseleaf format with an updating service (available by subscription) will ensure that the information available to them remains current.

*Going to Court* is a book designed for law graduates who are undertaking their basic professional training. It follows the stages of a civil action from the time a client approaches his solicitor until a conclusion is reached, either by a negotiated settlement or by the decision of a court. All aspects of the lawyer's work are outlined and the emphasis is on thorough preparation of a case and settlement on just terms where this is possible.

The author draws on a wealth of personal experience which enables him to identify potential pitfalls for the young lawyer and to illustrate his propositions with appropriate examples. He also deals with two ancillary matters which are frequently of concern to practitioners: professional negligence and disclosure of financial information on clients.

Although the primary orientation of the book is the furnishing of essential information to the trainee lawyer, it will also be of value to the newly admitted practitioner. Moreover, since it can readily be understood by the layman, it provides yet another vehicle whereby the veil may be lifted on the work of lawyers. Any client who wants to know what his solicitor is, or should be, doing for him will find most of his questions answered in this useful work.

R. R. S. TRACEY\*

\* LL.M. (Melb.); Barrister and Solicitor, Lecturer in Law and Sub-Dean of the Faculty of Law in the University of Melbourne.

*Black Workers in White Unions. Job Discrimination in the United States*, by William B. Gould, (Cornell University Press, Ithaca and London, 1977), pp. 1-506.

'In a sense the book is more than a professional assessment, for I have seen racial discrimination ever since I was a small child. . .

I know what it means to be black in America, and I am quite familiar with the thinking of many whites in this country as it relates to the race issue.

I became a lawyer because of the Supreme Court's desegregation decisions, and by the time I entered law school I had decided to specialise in labor law — a choice partially motivated by my belief that the law might be used to eliminate racial inequities in employment. . .<sup>1</sup>

Professor Gould has brought a wealth of experience to bear in writing this most welcome and excellent book. He is a distinguished member of the Stanford Law School. He has served as a consultant to the Equal Employment Opportunity Commission, has worked for the National Labor Relations Board and also for the United Automobile Workers. He has served as an arbitrator of labour disputes. He has acted as plaintiff's counsel in employment discrimination matters in the Federal Courts including the Supreme Court. He has researched his subject very widely. Twice recently he has visited Australia, gaining an understanding of our Conciliation and Arbitration system, and in addition to working on a project concerning transnational corporations and labour relations he was engaged in research in employment discrimination particularly as regards the Aborigines. On both visits he made his headquarters with us in the University of Melbourne Law School.

The book deals with the law concerning employment discrimination in the United States on grounds of race and evaluates the effect of the law particularly as regards the unions. Gould poses as the major retardants by unions to equality of opportunity for black workers:

- (1) restrictions in admissions to apprenticeship programmes jointly administered with employers by both industrial and craft unions,
- (2) the denial of journeymen cards to qualified black unionists,
- (3) refusal of admission to membership,
- (4) the establishment of segregated or auxiliary local unions for blacks,
- (5) the maintenance of separate lines of progression and seniority districts which prohibit or discourage transfers by blacks into relatively better paying and more desirable jobs held by whites,
- (6) the adherence to the principle of "last on, first off" which, given equal opportunity, disadvantages blacks in times of retrenchment,
- (7) the absence of blacks from policy making elective and appointed positions inside the unions.

He works through this theme.

The book is divided into three sections.

*Part I: The Development of Law and Racial Discrimination* traces the development of the law from the historic decision of *Brown v. The Board of Education*<sup>2</sup> through to the enactment of *Title VII* of the Civil Rights Act 1964 which proscribed discrimination in employment on grounds of race colour, religion, sex or national origin, and its amendment in 1972. The section is a store of information.

In a masterly analysis Gould examines the decisions of the Supreme Court and the principal decisions of the various Federal Courts in the period after the enactment of *Title VII*. It is here that the innovatory genius of the American system of legislation coupled with judicial activism is seen at its best, illustrating the frontiers to which the law can be pushed to promote social change.

<sup>1</sup> Gould W. B., *Black Workers in White Unions* (1977) 11.

<sup>2</sup> (1954) 347 U.S. 483.