

## BOOK REVIEW

IOWA PLEADING. Second Edition. By Dwight G. McCarty. Chicago: Callaghan & Company, 1953. 4 volumes: Pp. lxxvii, 479; xx, 547; xx, 517; xvi, 502. \$49.50.

The primary purpose, and the content of all but the first 226 pages of these four volumes, is a collection of forms with annotations. The sets of forms are arranged in alphabetical order, setting out different forms of petitions for different types of action followed by forms of possible responsive pleadings. The forms do not purport to be original with the compiler, but appear to be taken from pleadings used in cases on appeal but not necessarily approved by any court upon any issue of pleading. No doubt the author considers that, in his opinion as an experienced lawyer, each form complies with the requirements of the present rules of pleading. It is additional work and improvement upon similar forms books by the same author.

Preceding the collection of forms is a summary of the Historical Development of Pleading, Rights and Remedies, Common Law Pleading, Code Pleading, Cardinal Principles of Pleading, and Actions and Issues, all in brief form with footnotes citing authorities. A casual review occasionally of these essentials and objectives would not hurt any practicing lawyer, and the above are set forth in 73 short pages.

Beginning with Chapter VII, the author takes up the parts of a pleading beginning with the caption, and calls attention to the present Iowa rules, giving the rule number applicable to each situation, in the order in which the problems arise in preparing pleadings rather than in the numerical order of the Iowa rules. He covers the rules for stating a cause of action, defenses, counter-claims, and the present rules for attacking pleadings, substituted for demurrers. Footnotes are plentiful, but caution should be used in evaluating the citation as an authority under the present rules in noticing whether it was decided before or after a change in the rule involved.

The present Rules are such that an ingenious lawyer could follow the rules and compose his own forms without a form book,—if he had time; but a form at hand is a time-saver to any lawyer, as well as consolation and assurance against the possibility that he might overlook something essential. Every lawyer needs some form book on his own local practice, at least for consolation. A form is a working aid. It need not be followed blindly, or as a model, but can be rewritten, or used to furnish suggestions or for purposes of comparison. Since the last edition of Deemer's *Iowa Pleading and Practice*, in 1927, there has been no book of

Iowa Forms other than those by McCarty. This second edition is the latest Iowa form book. It purports to embody forms suitable to the present rules. There is no choice.

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