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Book Review: Handbook of the Law Under the Uniform Commercial Code (1972)

I. Boyce Covington

University of Georgia School of Law



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Handbook of the Law Under the Uniform Commercial Code. By James J. White¹ and Robert S. Summers,² St. Paul: West Publishing Co., 1972. Pp. xxix, 1054.

*Reviewed by I. Boyce Covington, III*³

Although one might wish or hope otherwise the *Uniform Commercial Code* cannot be ignored. Only those who confine their commercial activity to the State of Louisiana remain untouched by its provisions.⁴ Yet in spite of virtually unanimous legislative acceptance the *Code*, because of its newness, its bulk and its complexity, has baffled many, if not most, law students and attorneys.

Legal scholars have admirably and voluminously responded to this state of affairs. Innumerable law review articles have dissected it, and multi-volume treatises have been devoted to its operations.⁵ The authors in this handbook attempt in one volume to present the *Code* and its interpretations in a meaningful, understandable form. They do not purport to deal with all the problems and questions raised by the *Code*; indeed, they acknowledge that it would be impossible to do so in one volume. Rather, they focus on those situations which are most likely to confront the law student and the practitioner.

The authors explore and explain articles 2 through 7 and article 9. They have omitted any treatment of article 8, Investment Securities, probably on the legitimate assumption that the provisions of that article are already quite familiar to those who are most affected by it. The enormity of their undertaking can readily be appreciated since the text and comments of the articles examined by this book consume 624 pages in the 1962 edition of the *Code*.

The final product justifies the authors' enormous expenditures of time and energy. The material deals lucidly with both the mundane and the complex. Teachers of the *Code* know that its provisions become meaningful to their students only after they understand the transactional setting in which the statute is designed to operate. White and Summers explore the nature of the transaction and the points at which breakdowns most frequently occur before detailing the statute's operation and effect. This approach breathes life into the *Code* rendering it far less forbidding to even the most skeptical student. The authors also include numerous citations

¹ Professor of Law, University of Michigan School of Law.

² Professor of Law, Cornell University School of Law.

³ Assistant Professor of Law, University of Georgia School of Law.

⁴ Louisiana, true to its civil law tradition, is the only jurisdiction which has not adopted the *Uniform Commercial Code*.

⁵ E.g., G. GILMORE, SECURITY INTERESTS IN PERSONAL PROPERTY (1965).

of case law. In the preface,⁶ they indicate that these citations are intended to benefit practitioners and so they do. Attorneys who consult this book may be assured that White and Summers have provided them with virtually all significant law existing immediately prior to the book's publication.

As indicated above no attempt is made to deal with every situation which might arise under those articles of the *Code* explored in this book. The authors have exercised sound judgment in deciding which areas and provisions to cover in depth. This reviewer might prefer more extensive treatment of some areas as, for example, the problems of agricultural and particularly crop financing under article 9, but considerations of space and relative importance support the authors' decision to concentrate on other matters.

White and Summers disagree as to the proper reading of some *Code* provisions. Instead of camouflaging their differences each argues his own position leaving it to the reader's judgment which, if either, is correct. This technique along with the bemused irreverence with which the authors approach their subject makes for a highly readable book, one which lacks the homogenized blandness characteristic of so many treatises.

As with any undertaking of this scope this book is not perfect. Its shortcomings, however, involve matters of form not substance. In a few places one can observe the effect of hasty editing. One of the more glaring examples appears on pages 54 and 55 where the authors set out in the text the language of section 2-201(2) of the *Code*. Immediately following is a footnote which does nothing but again state the language of 2-201(2). There are other minor flaws which could have been eliminated by more vigorous editing. More troublesome is the authors' failure to include a table of citations to the *Code*. One suspects that the prime beneficiaries of this work, law students and practitioners, would greatly benefit by citations to those sections of the book which examine the provisions at the root of their problem. These are, of course, merely annoyances which in no way mar the substantive quality of the book.

This is a valuable work. There has long been a need for a scholarly, readable and current treatment of the *Code* housed in one volume. One can only hope that this book will be widely used for certainly its use will make better *Code* students and lawyers of us all.

⁶ J. WHITE & R. SUMMERS, HANDBOOK OF THE LAW UNDER THE UNIFORM COMMERCIAL CODE xiii (1972).