

Book Reviews: Review of Probate Practice in Wisconsin. By Eugene M. Heartle.

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One suspects that perhaps the strongest temptation that might occur to the reviser of a treatise would be the temptation to rewrite the entire document and thereby to recreate it in one's own image. To succumb to the temptation usually is to seal the fate of the treatise, because it takes a discerning purchaser very little time to detect that what he has bought is a new treatise which will surely not be judged by its cover by anyone. Jaeger has exercised the greatest restraint in this regard, and it is possibly in this single phenomenon that his genius as a reviser may be judged because, while he has modernized the entire treatise, he has yet preserved the full sense and spirit of Samuel Williston. In preserving this authenticity, Jaeger has done homage to Williston and has given him great honor; and in this act of homage perhaps lies Jaeger's own greatest honor.

The fame of great conductors, like that of great teachers, is very ephemeral; and yet the fame of Stokowski will live for many years because of the creative work he has done in the symphonic synthesis of the work of Wagner. In like manner, one may confidently expect the fame of Professor Jaeger to outlive its normal expectancy because of the creative work he has done in the revision of *Williston on Contracts*.

ROBERT J. O'CONNELL**

Probate Practice in Wisconsin. By Eugene M. Heartle. Chicago: Callaghan & Co. 1964. Pp. 228. \$15.00

As the years pass, it seems that the practice of law is becoming more and more of a technical science. To the lay public, the lawyer's life may be a continuous series of dramatic courtroom battles, but in fact the mainstream of legal practitioners more likely spend their time preparing and reviewing the countless forms and similar documents required to get their client a tax clearance, workmen's compensation payment, or other such service.

Nowhere in the panorama of law is this more true than in the specific area of probate practice. In order to probate a "routine" estate in Wisconsin requires the preparation and filing of approximately thirty-eight separate forms with the probate court. A failure on the part of the attorney either to file or to properly complete any one of the many and varied forms means that the estate will not be closed, the personal representative will not be discharged, and the attorney will not receive his fee.

One wonders if it was the commanding tone of some of the statements in §140 which lead Arthur Linton Corbin to breathe the fire of the statement in his own §110: "Its problem is not merely to determine mechanically, or logically, whether the agreement falls within Professor Wiseacre's statement of the doctrine of consideration. . . ." 1 CORBIN, CONTRACTS §110, at 494 (1950). Jaeger's sensible comment appears in 1 WILLISTON, *op. cit. supra* note 2, at 618 n. 6.

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Mr. Heartle, in his capacity as Register of Probate for Milwaukee County over the past six years has encountered and competently solved the technical problems facing the attorney when he embarks into the field of probate practice. He has served in various capacities with the probate court as a legal assistant and probate counselor for nineteen years before becoming Register. As a result of this experience, he has been able to cull out and elucidate the main difficulties facing the attorney in probate practice and has pointed out and treated these nuances of the probate court in his book.

This book presents a workable guideline which the attorney will be able to utilize from the beginning to the end of the probate procedure and thus insure himself of at least procedural exactitude. Every form required in the normal probate is illustrated and discussed, and the leading cases and rules which affect the contents are cited and briefly analyzed. The table of contents is keyed to these forms, and each section heading contains the name of the form discussed and its number. Thus, by referring to the discussion of a particular form either by name or number, the attorney is able to see at a glance when and how it is utilized; *i.e.*, the amount of the filing fee. At the conclusion of each chapter, the forms themselves are reproduced, and the typed portions are clearly distinguishable from the printed portions so the attorney (or his secretary) is immediately able to see what is required in the various blanks.

There is a separate chapter on survivorship procedure in which certain forms which are not available in printed form are fully set forth. But this work is more than a formbook. It also contains interesting and enlightening chapters on the history of the probate court and the court's jurisdiction and organization. For those attorney's who are more "practically" inclined, there is a wealth of information on such subjects as the Milwaukee County Bar Association's minimum fee schedule in probate matters, brief discussions of the income tax requirements of estates, the 1964 calendar of the Milwaukee County Court, Probate Division, and similar practical information. There has been no attempt by the author to give a law review type of analysis of the finer points involved in will contests and other extraordinary situations. Resort must be made to the traditional treatises for that type of analysis. Rather, this book presents a concise, precise, and extremely valuable outline and summary of every problem and form which will be encountered in the typical probate matter from the opening to the closing of the estate. In brief, the author has given the attorney everything he needs to probate an estate—except the client.

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