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BOOK REVIEWS

FIGHTING COMPUTER CRIME. By Donn B. Parker. Charles Scribner & Sons: New York, New York. 1983. Pp. 352. \$17.95.

*Reviewed by Patricia A. Meyer**

Since the beginning of time, the creation and recognition of new rights have resulted in a struggle for control and protection of those rights. The most recent unveiling of a new right, and the resulting conflicts, is that of high technology's growing child: the computer industry. As illustrated in Donn B. Parker's *Fighting Computer Crime*, the increasing dependence on computers by all aspects of business, industry and society has created a new realm for interference with, and crimes against, currently recognized rights.

Parker's *Fighting* first sets out to define the crimes and methods of computer abuse. This background provides a necessary foundation for the rest of the book, namely, the remedies which have been created and those which the author believes are still needed.

Parker illustrates the roles the computer plays in a "computer crime" scenario. Its function ranges from the subject/victim of the crime to the necessary instrumentality for the crimes perpetration.

Similarly, Parker offers a fascinating description of the computer criminals. Much like other white collar criminals, these malefactors are generally sophisticated and well-trained in the industry. Their profiles and apparent demeanor would not lend itself to the societal image of a criminal. Nonetheless, the dangers posed by these professionals are paramount to those presented by the traditional criminal element. As noted by the author, you have to know your enemies before you can defend against them. Mr. Parker has done a magnificent job of identifying these individuals.

The author then examines the presence of legal and ethical consequences in computer crime. Thus, the computer criminal's conduct may be adverse to proprietary rights, as in a fraud case, or an improper invasion of privacy. In sum, the prospective wrongs to be committed by the computer criminal are as broad as the reach of the computer into society.

This examination also includes a look at current legislation which is aimed at computer crimes as well as the role and posture of those responsible for enforcement of the criminal laws. Parker concludes,

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convincingly, that the recognition and prosecution of computer crimes, as well as tailored legislation, are necessary to provide a secure place for computer technology. The potential for abuse ranges from a neighbor destroying your credit rating to terrorists threatening national security. Considering the omnipresence of computers in society, it seems well advised to provide protection against abuse.

The only aspect of *Fighting* which this reviewer found detracted from the book was the compilation of data without analysis. To another expert in the field, the book abounds with information. To the unsophisticated, however, the result is a host of unanswered questions. Regardless, many pertinent issues are raised in *Fighting*, especially the need to recognize and treat offenders as criminals. Considering the importance of computers in society, their security from abuse will remain a valid concern requiring appropriate attention.

ARCHITECTS AND ENGINEERS. By James Acret. Shepard's/McGraw-Hill: Colorado Springs, Colorado. 1983. Pp. 508. No price given.

*Reviewed by Michael R. McCabe**

The roles of the architect and engineer in modern society cannot be understated. They are behind the designs which appear in one's home, school or workplace. Their prolific role is matched commensurably by increasing liability as they become a favored defendant when problems associated with a construction project surface. Acret's *Architects* is about those areas in which their liability can arise and the present status of legal theories in support or defense of a claim against an architect or engineer.

This book describes the development of common law principles of liability which have been tailored to fit claims against the architect or engineer. Thus, one learns of the notions of malpractice and negligence which have evolved, including the standards of care applicable and the existence and scope of duties imposed, especially to third parties.

Architects further provides an analysis of potential liability arising out of contract, that is, the professional's agreement will set forth his responsibilities and duties owed to his clients. This may extend to the ultimate beneficiary under the contract or to the workers for the contractor executing the plan. Similarly, a cogent examination of liability arising by statute is provided. This may be under the licensing statute granting the professional the power to exercise his livelihood, or those mandates under state building codes and worker safety regulations.

The liability facing these professionals is also discussed in the context of their initial estimates for a project. One learns of duties arising before a project is underway and the continuing potential liability after construction starts. Also, liability under principles of warranty law is examined including the applicability of the theory of strict liability. Finally, the architect and engineer's liability under agency law is discussed.

Thus far, one would consider *Architects* to be a book for the plaintiff's attorney, a handy reference tool to ascertain possible causes of action against these professionals. Perhaps it is. But its professed and real value appears to be as a tool for preventative

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consultation or defense of these professionals. It contains equally exhaustive discussions of defenses and limitations on actions brought against these specialists. *Architects* also confronts issues of indemnity and apportionment of fault which can be presented when a claim is made.

There is also a good discussion of the role and import of insurance for members of the field. Similarly, the presence and features of arbitration's relationship to these disputes are presented. Finally, there is a chapter devoted to available practice techniques involved in the litigation of various claims which may be made against these professionals.

It was said above that this book may be more valuable to the attorney defending or counseling an architect or engineer against whom a claim is asserted. This is so because the spirit of this book is to ascertain the present scope of an architect or engineer's liability and those defenses against it. *Architects* seeks to define the same, often critical of developments thus far, and then sets out precautions and considerations to be taken as a guide for future conduct by members of the respective professions. In sum, it informs these professionals and their counsel of just what they are up against in a particular engagement.

A very attractive aspect of this book is its readability. While the subject matter and state of the law may not be crystal clear, Acret does a fine job in presenting what does exist in a cogent and interesting manner. Acret mainly does this through a survey of noteworthy cases which have developed, modified or interpreted a given architect or engineer liability situation. Rather than making crystalline generalizations, Acret chooses to let the reader draw his own conclusions from the survey of the law presented, although some editorializing is inescapable.

Architects readability also makes it a worthy book for the architect and engineer. A juris doctor degree is not required to cull from this book the information offered. For that reason, it offers these professionals a valuable tool by which they can educate themselves of the legal aspects of their chosen field. It further provides the counselor with a client informed as to the general workings of the law, which saves the attorney time and the client money. That, in and of itself, justifies the acquisition of this book by the attorney and, perhaps more importantly, the architect or engineer.