## Keeping Up with New Legal Titles

Compiled by Benjamin J. Keele** and Nick Sexton***

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* The works reviewed in this issue were published in 2015 and 2016. If you would like to review books for “Keeping Up with New Legal Titles,” please send an e-mail to bkeele@indiana.edu and nsexton@email.unc.edu.

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Reviewed by Joel Fishman*

¶1 *Madison’s Hand: Revising the Constitutional Convention* is a remarkable book. For more than 150 years, James Madison’s *Notes on the Constitution* provided historians with the most complete contemporary account of the Constitutional Convention of 1787. Mary Sarah Bilder contends that Madison did not take the notes for the public, but instead as “a genre of legislative diaries, kept by political figures in the era before official reporters and recorders kept accounts of the speeches and strategies of legislative proceedings” (p.3). Madison, however, took the diary and revised his notes several times after 1787, thereby changing the nature of the document from a contemporary one to a source for debates that were transformed over five decades. Refuting various modern interpretations of Madison, Bilder tries “to persuade that Madison was not the intellectual father of the Constitution; instead, his constitutional ideas were nurtured through participation in Convention discussions and the endeavor of taking and revising the Notes” (p.7).

¶2 Following an introduction that provides background information on Madison’s Notes, Bilder opens with two chapters on the late eighteenth century “genre of legislative diaries” for legislative bodies whose proceedings were closed, except to the extent that individuals may have kept diaries to provide political information to friends. Madison began to keep records in the Confederation Congress and continued to do so later in the Annapolis Convention of 1786.

¶3 The first weeks of the Convention during June show Madison keeping a legislative diary. On May 28, the members decided that no confidential communications could be sent by members until the Convention was over; most abided by this, though there was no agreement that it would not occur after the Convention was over. Bilder surmises that Madison wrote rough notes during the Convention that if written out in full after a couple of days “revised his understanding of which discussions were significant and which could be omitted” (p.62).

¶4 A review of Madison’s work in the first week of June shows Madison recasting the speeches; he moved from working from memory to taking rough notes during the proceedings. Notes were written once a week, and with the knowledge of the succeeding days’ debates, the rough notes were revised. Madison’s omissions were also important. His speeches in the notes differ from their oral delivery.

¶5 Madison’s notes for mid-June to July 17 discuss the Convention’s review of the Virginia Plan, concepts of what states would be, and the size of the second house. Madison wanted to limit the states’ role in national politics. Notes from June 29 to July 10 moved “from moderated emotion to outright anger” (p.104). He criticized Oliver Ellsworth’s view of proportional representation in one house and equal state suffrage in another.

* © Joel Fishman, 2016. Associate Director for Lawyer Services, Retired, Duquesne University Center for Legal Information/Allegheny County Law Library, Pittsburgh, Pennsylvania.
Madison’s notes from mid-June to mid-August reflect changing positions. By July 9, Madison still supported proportional representation in both houses, but now he wanted to support slavery to stop equal state suffrage. By early August, Bilder finds that Madison’s Notes “recorded successes and failures measured against Madison’s initial political commitments” (p.116). His notes after August 6 “portrayed the proceedings . . . as a discussion over a draft rather than a freewheeling debate on legal theory” (p.122), and after August 6 his “notetaking became increasingly disjointed and uneven” (id.). By mid-August “the Notes became an unwanted distraction” (p.130). Madison’s notes end on August 21.

From mid-August onward there is an “unconformity” in the notes, that is, a delay in time in which he wrote them. Madison began to participate more in the various committee meetings, which took time from his note taking. It appears that rough notes were taken during this time, but they were not found. Knowledge of Madison’s ideas in early September come from his various letters.

Following the Convention, Madison began to revise his views on the Constitution in various letters to Thomas Jefferson, in the Federalist Papers, and at the Virginia ratification convention. Madison’s introduction of amendments in the First Congress was not completely successful; they were adopted as a supplement to the Constitution rather than incorporated into it.

Madison’s correcting of the notes, beginning in fall 1789, led to the change of the document from diary to debates. He obtained a copy of the official Convention journals (he made his own copy for future use) as well as the journal of the Committee of the Whole House. Madison used the official journal to complete his own notes for the post-August 21 period. Bilder compares notes to journal to show how Madison updated the notes in various ways: for example, adding names, changing terms, adding motions, deleting or altering characterizations, revising sentences, adding footnotes, and the like. Madison also added three replacement sheets, and Bilder is unsure why he did this.

Following Jefferson’s return from France in 1789 after a five-year hiatus, he and Madison quickly began to correspond; later they met in person. Jefferson had John Wayles Eppes’s copy of Madison’s notes from the summer of 1791 to 1793. Eppes did not make a perfect copy nor did he proofread. Jefferson, and then Madison, began to oppose Hamilton’s monarchical views in their writings. But later in the decade, Jefferson’s support of states’ compacts conflicted with Madison’s view of the Convention.

In her concluding chapter, Bilder discusses Madison’s continued revision of the notes in the early nineteenth century (as various publications were issued) and their reception into the early twentieth century. An edited version appeared in 1900 but was not received well. Max Farrand’s Records of the Federal Convention (1911) continues to serve as a primary source for the Convention.

Bilder presents an important revision of Madison’s notes that will change how future scholars study the Constitutional Convention. Bilder’s book won a 2016 Bancroft Prize in History, an impressive award that highlights how well her work has been received.

Reviewed by Alexander B. Burnett*

¶13 *Notorious RBG: The Life and Times of Ruth Bader Ginsburg* does not try to be anything that it is not. It is not a comprehensive biography or an unbiased look at the legal philosophies of the second woman ever nominated to the U.S. Supreme Court. It is, however, a humorous and nuanced look at Ruth Bader Ginsburg’s (RBG) life and RBG as a social media phenomenon.

¶14 Shana Knizhnik’s law student blog equating an octogenarian Supreme Court Justice to the famous New York rapper The Notorious B.I.G. is undoubtedly an unlikely source for a viral social media phenomenon. Yet the success of the Notorious R.B.G. blog on the Tumblr platform is undeniable. This book builds on that successful blog, which helped turn a Supreme Court Justice into an improbable social media and pop culture icon. *Notorious RBG* serves as both an entertaining introduction to Ginsburg’s life and career as well as an examination of a cultural phenomenon that is only possible in a world of memes and social media where “[h]er every utterance is clickbait” (p.7).

¶15 *Notorious RBG* is delineated into several chronological professional phases of RBG’s life. It covers her formative years to 2015. Knizhnik and Irin Carmon use anecdotes and annotations of RBG’s court opinions to paint a picture of her evolution from an intellectual who was hesitant to challenge the structure of the male-dominated legal profession to one of the most successful and unabashedly feminist women in the history of the American legal system.

¶16 The culmination of RBG’s evolution into an outspoken defender of her beliefs—the scathing dissents highlighted in *Notorious RBG*—helped vault her into the cultural and political spheres during the 2012–2013 Supreme Court Term. Carmon and Knizhnik call on several legal experts, including David S. Cohen, Janai S. Nelson, Reva Siegel, and Neil Siegel, to contribute commentary to a selection of RBG’s briefs and dissents. The commentaries provide a layman’s interpretation of the legal arguments as well as a deeper explanation of subtle references that might otherwise be overlooked. Mirroring the dissents and temperament of RBG, the tone of *Notorious RBG* is partly light and sarcastic and partly trenchant.

¶17 Touching on many aspects of RBG’s life from her personal and professional resilience to her role in contentious Supreme Court Terms, this book gives a peek into the life and times of the second female Justice. Using interviews and research, *Notorious RBG* weaves her personal relationships, work ethic, humor, and philosophies together, providing rich context for many of the landmark moments in her life. The book emphasizes the relationship between RBG and her husband, Marty Ginsburg, a prominent attorney in his own right. Discussion of their relationship touches on themes of sharing domestic responsibilities in demanding careers, choosing sacrifices, and challenging traditional family roles. *Notorious RBG* uses their relationship as context for events in RBG’s career, for many of the highlighted cases, and for some of the discussions of her “careful, incremental plans for revolutionary goals” (p.12).

The weaknesses of this book are not surprising given its premise. It is not an in-depth biography. The book is written from an unabashedly biased fan perspective and is full of humorous pictures, illustrations, and graphics. Yet there are no pretenses in those respects. It is very accessible and well written and would be at home next to more serious and comprehensive biographies of Justices. It is likely not appropriate for law school research and therefore not an essential part of most law library collections, yet its unique perspective and popular culture references warrant consideration at least to provide a diversion for law school students who are familiar with the Notorious R.B.G. blog. It could also be a source of inspiration for a professor trying to add a dash of humor and pop culture to a traditional law school classroom experience.

Just as RBG refuses to sacrifice her career for her family or her family for her career, Notorious RBG does not sacrifice quality biographical research and analysis for the spirit and humor of the Tumblr blog. At a time when the Supreme Court and its Justices seem to be firmly in the public spotlight, this book would be a welcome addition to many law school libraries.


Reviewed by Marie Summerlin Hamm*

The Complete Legal Writer is not your average first-year textbook. The work is a fully developed expansion of the legal writing pedagogy that Katie Rose Guest Pryal proposed in a 2013 article, The Genre Discovery Approach: Preparing Law Students to Write Any Legal Document.¹ The underlying argument is that since students will necessarily encounter unfamiliar legal documents, perhaps in an upper-level course and most certainly in practice, the current trend toward merely introducing more and more “templates” in the first-year writing course is ultimately ineffective. Instead, Pyral and coauthor Alexa Z. Chew adopt the cutting-edge “genre discovery approach.” In essence, their book seeks to teach “students to guide themselves through the process of writing unfamiliar legal documents” (p.xvii).

The authors define a genre as “a recurring document type that has certain predictable conventions” (p.27). Legal genres thus include all documents that lawyers produce (such as client letters or motions to suppress). Each genre includes specific parts or “conventions” called for by certain rhetorical situations. Because conventions are predictable, students can be taught to discover and ultimately to write any genre they encounter.

The text is divided into four major sections. Part 1 covers “Legal Foundations.” Although much of the material covered is familiar ground for any legal writing professor, the authors’ grounding in principles of rhetorical genre theory permeate the approach. Students are first introduced to the broad concept of “legal discourse,” which is defined as “written and spoken communication by legal pro-

* © Marie Summerlin Hamm, 2016. Assistant Director for Collection Development and Adjunct Professor of Law, Regent University School of Law, Virginia Beach, Virginia.

fessionals,” and then given the disconcerting news that “legal discourse is strange” and learning it is a bit like learning Middle English (p.3). This is followed by the equally unsettling news that while learning to read legal discourse can be hard, writing legal discourse, particularly writing well, is harder still. To aid in their quest to master this unfamiliar skill set, students are given a tool undoubtedly new to some—the rhetorical triangle.

¶23 Chapter 3, which delves deeply into the genre discovery approach, is in many ways the heart of the text. The complex concept is cogently explained, and students are given a practical pattern for analyzing any genre: identify the genre, identify the audience, locate strong samples, create a document map, and write. The chapter is brilliantly crafted, and the approach seems workable, though undoubtedly mastering the technique would require practice. The opportunity to implement genre discovery principles is offered in part 4, but the text first turns to a thorough discussion of the familiar concepts of legal logic, legal analysis, legal reading, and analysis structure.

¶24 Although part 2 is entitled “Writing Legal Genres,” perhaps “reading legal genres” would be a more apt description of what this portion of the text prescribes. Each chapter in this section focuses on a single document genre, following the litigation life cycle. The first documents relate to case assessment: office memo, e-mail memo, client letter, and demand letter. Trial-level documents include complaint, trial motion and brief, and motion hearing. Appellate genres include appellate oral argument and appellate opinion. Perhaps underscoring the fact that new genres develop over time, part 2 also considers an employer blog post. Each chapter follows the same pattern, beginning with a brief description of genre purpose and a few sage words about practical nuances. Three exacting examples of the genre/document type are presented, and students are exhorted to read closely. After the first example, the authors walk students through a detailed study of the genre using the rhetorical triangle: audience, purpose, and persona. The authors then concisely lay out the distinguishing features of the genre and offer questions to guide students as they contemplate conventions in two additional samples. The final step is to extract conventions and create a document map that takes into account both genre structure and genre execution.

¶25 Innocuously titled “Composing Legal Documents,” part 3 covers a tremendous amount of material. Research strategy and citation literacy are presented as integrated components of the writing process, effectively underscoring the importance of the topics and setting the stage for further instruction. The authors provide a thorough treatment of all aspects of the writing process, beginning with brainstorming and ending with considerations such as style and document design. The chapters covering organizing and writing analysis, as well as illustrating rules, are exceptionally clear and effective.

¶26 Part 4 is dedicated entirely to preparing the writer to give and to receive constructive feedback both in the classroom and in the workplace. Peer feedback, professor or supervisor feedback, and self-feedback are covered. This frank discussion of the crucial role of evaluation is both timely and most welcome, particularly as the ABA standards invite increased deliberate integration of formative assessment paired with meaningful feedback.
The Complete Legal Writer promises much and delivers more. The text covers fundamental concepts including legal logic and analysis, research methodology, the writing process, and citation literacy. The overall tone is refreshingly readable and will undoubtedly resonate with students. What sets the text apart is not the wide variety of sample legal documents offered, but its potential to equip students with a method of evaluating all documents/genres using an approach that will prepare them to write and ultimately to practice more effectively. The rhetorical legal genre approach is quite a discovery, and no law library collection would be complete without this book.


Reviewed by Kyle K. Courtney*

As a lawyer, librarian, or civilian, it is particularly frustrating to read about cases from our nation’s past where the victims are citizens of the United States seeking justice in the courts, and they end up being railroaded by the very system designed to protect them. Many of us have read Dred Scott v. Sandford, the Civil Rights Cases, Plessy v. Ferguson, and Korematsu v. United States, and think of the horrible consequences resulting from the rationalization of such legal decisions. Many of the cases mentioned above have been thankfully overturned by new precedent, reflecting the mistake of the prior decision. However, in Adam Cohen’s Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck, we are led to another dark moment in U.S. legal history, but one that technically has not, to this date, been officially overturned. The Supreme Court’s decision in Buck v. Bell upheld, for the greater good of the country, the forced sterilization of those with perceived intellectual disabilities. This book is the tale of Carrie Buck, a young woman abused by the legal system from childhood, misidentified as an “imbecile” under the questionable mental testing methods of the era, and forced to live in a makeshift prison, where women and men were required to undergo mandatory sterilization.

Cohen’s book, although offering an excellent profile of the case, the Virginia sterilization law in question, and Carrie Buck’s tragic story, methodically organizes itself around four specific individuals who truly represent the forces that were driving this forced sterilization (also called “eugenics”) issue to its ultimate acceptance as a verified legal doctrine in Buck v. Bell. Many of the chapters are named for these individuals: Albert Priddy, superintendent of the Virginia Colony for Epileptics and Feeble-Minded; Harry Laughlin, leader of the Eugenics Record Office and one of the nation’s most influential eugenicists; Aubrey Strode, famous trial lawyer who helped solidify model sterilization legislation, and attorney for the defendant in the Supreme Court case; and Oliver Wendell Holmes, Jr., considered


2. 60 U.S. 393 (1857).
3. 109 U.S. 3 (1883).
4. 163 U.S. 537 (1896).
5. 323 U.S. 214 (1944).
by many to be the greatest Supreme Court Justice in history, and majority author of the eight-to-one opinion in *Buck v. Bell*. Each of these chapters delves into the background of the individual, their influences, and notable colleagues, and offers up various anecdotes about their unique involvement in the eugenics movement, the creation and enforcement of sterilization laws, and the case itself.

¶30 Carrie Buck and her mother, Emma, had been committed to Dr. Priddy’s Virginia Colony for Epileptics and Feeble-Minded in Lynchburg, Virginia. In that era, there was little understanding about epilepsy, mental infirmities, or the particular methodologies adopted for education, intelligence, and science. “Feeble-minded” was, as Cohen describes, clearly a catchall term that had no real medical definition. What we would laugh off today as ridiculous testing procedures and doubtful evidence was enthusiastically embraced by the fields of science, education, and law, especially in Priddy’s institution. Under these reckless standards and tests, Carrie and Emma were both judged to be “feeble-minded” and promiscuous, primarily because they had both had children out of wedlock. (Carrie’s child, Vivian, was judged to be “feeble-minded” at seven months of age.) These generations of “imbeciles” became the model family for Virginia officials to use as a test case to sanction the Virginia eugenic sterilization law enacted in 1924.

¶31 *Imbeciles* outlines the shocking truth that in 1924 eugenics was a concept that had been accepted by the elite of the world for decades. As Cohen describes in various chapters, the initial fascination with eugenics was based on homegrown xenophobia. The United States was seeing an increase of immigrants from southern and eastern Europe. These immigrants would, according to intellectual elite supporters such as Alexander Graham Bell, Margaret Sanger, and Theodore Roosevelt, water down the hearty American-born stock mostly derived from the United Kingdom and western Europe. And this watering down was sure to lead to an uncontrollable problem of promiscuity, pauperism, and criminality.

¶32 Also riding the wave of the eugenics craze was U.S. law. Cohen notes that the United States actually passed strict immigration laws initially to fight the “feeble-minded” immigrants arriving on U.S. shores. With continued helpful testimony from Laughlin, leader of the Eugenics Record Office, both Congress and the U.S. elitists were convinced that immigration and eugenics were related concepts, and laws should be passed to save America’s best and brightest. Cohen shockingly notes that the U.S. Immigration Act of 1924, dutifully supported by Laughlin, earned both citation and praise from Adolf Hitler in his infamous *Mein Kampf*. According to Cohen, the first eugenic sterilization statute was passed in Indiana in 1907. Other states followed suit, but many of these statutes were legally flawed and often successfully challenged in state courts. As a result, social do-gooders of the day decided to create model legislation that could withstand legal scrutiny. Laughlin, again viewed as the nation’s most influential eugenicist, designed a model eugenic law that was reviewed by legal experts. The Virginia statute of 1924 was closely based on this new model law.

¶33 For the law librarian community, I would guess the most troubling chapters will be the ones about the eight Supreme Court Justices who were in the majority, including William Howard Taft, the former U.S. President; Louis Brandeis, the renowned Court progressive; and Oliver Wendell Holmes, Jr., who wrote the majority decision upholding the program of eugenic sterilization nationwide, stating
coldly, “three generations of imbeciles are enough.” The book’s later chapters focus, as they should, on Holmes’s opinion, which at least one critic referred to as “one of the most ‘totalitarian’ statements in the history of the Court” (p.274).

¶34 Holmes, as it turns out, was a verified supporter of eugenics. In a 1923 introduction to Henry Wigmore’s treatise on evidence, Holmes stated he “favored laws ‘to improve the quality rather than increase the quantity of the population’ and ‘keep certain strains out of our blood’” (p.264). So it was no surprise when, four years later, he wrote in *Buck v. Bell* that the Virginia statute was necessary “to prevent our being swamped with incompetence.” Cohen refutes much of Holmes’s opinion, which ignores the facts, the growing doubts surrounding the testing for “feeble-mindedness,” and any other scientific inquiry that was highly skeptical of the eugenicists’ conventions. Holmes readily dismissed both the due process challenge and equal protection argument in mere paragraphs and stated, “It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.” The Court upheld the Virginia law and said plainly that “if the state had the power to draft people into the army and send them to their deaths,” then it most certainly had “the right to take the lesser step of sterilizing them” (p.274). As Cohen deftly points out, the entire opinion is flawed, lacks support in legal precedents, and utilizes cruel and distasteful language about some of our most vulnerable citizens.

¶35 Although in 1942 the Supreme Court struck down a law allowing the involuntary sterilization of criminals, it never reversed the general concept of eugenic sterilization. The law remained: Cohen estimates that the number of Americans who were involuntarily sterilized between 1907 and 1983 is between sixty and seventy thousand. And, chillingly, Cohen points to where it was used as a precedent elsewhere: at the Nuremberg trials following World War II, Otto Hoffman, head of the SS Race and Settlement Office, defended himself at trial by citing *Buck v. Bell*. In 2001, the Virginia General Assembly acknowledged that the sterilization law was based on faulty science and expressed its “profound regret over the Common-wealth’s role in the eugenics movement in this country and the incalculable human damage done in the name of eugenics.”

¶36 *Imbeciles* has a bit of everything: eugenics societies, dubious science, horrifying legal precedent, corrupt politicians, anti-Semitism, Nazi sympathizers, racism, and the Marxian notion of the rich continuing to exploit the poor. Lawyers and law librarians alike will enjoy the quick and accessible style of writing, without the slowdown of heavy footnotes or scholarly semantics. And while we know the ending from the beginning of the first page, the research into the lives of the parties involved in this legal travesty makes it a thoroughly interesting read, although, like reading *Plessy* and *Korematsu*, you too will shudder at the tragic ability of the law to fail Americans who need the greatest protection. It is important we stare into the void to make sure we do not repeat these same mistakes. Cohen’s excellent writing

Reviewed by Jocelyn Stilwell-Tong*

§37 This evergreen legal research guide has been newly updated, and the text is just as reliable and well documented as you have come to expect from Kent Olson and the late Morris Cohen. If you are unfamiliar with past editions of the book, what should you expect? It contains a thorough review of most online and print legal research resources, organized by type. The focus of the book is on federal and national law, but it also includes some references to state and local materials, as well as chapters on “International Law” and “The Law of Other Countries.” Though it does not list the body of resources for each individual state, one of the appendixes consists of a bibliography of state-level reference resources. It even addresses the often overlooked topic of tribal law. If you cannot find information on a resource or subject within this book itself, it will tell you where to look.

§38 One welcome update, new to the twelfth edition, is the auxiliary website “Legal Research in a Nutshell” maintained by the University of Virginia Law Library, which hosts the illustrations and web links for the book. This website happily replaces the clumsy and quickly outdated in-book screenshots, and allows for updates to the text between editions. This website is noted in Olson’s introduction and at the start of each chapter, but it is not always mentioned throughout the text. These references to the website give the reader notice that it exists, but they may be overlooked by the reader using the book as a quick reference, turning straight from the index to a subsection.

§39 My first exposure to an earlier version of this title was in my Advanced Legal Research (ALR) class as a law student, where it was presented as one of the treatises. The twelfth edition serves this function well; the first chapter is on the legal research process, and the book as a whole presents both digital resources and print resources in a harmonious way and in logical order. It gives a lot of helpful research tips throughout, breaks large and in-depth research tasks into step-by-step processes, and uses engaging examples where possible. Also appropriate to the law student market: the book has a slight slant in favor of online materials rather than print sources. One possible drawback, as you would expect from a title in the Nutshell series, is that it gives a quick overview of many different kinds of materials rather than an in-depth treatment. Some professors may prefer a longer reference for their ALR classes, one that treats each resource in more depth.

§40 The book seems to be designed for law students who (presumably) have access to all of the different resources through their school libraries. Few firms, government libraries, or independent practitioners would subscribe to every paid source listed within this treatise (and if they did, they might not subscribe to every

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segment of the product listed). This is not necessarily a detriment to the book; it may point out products or resource sections these institutions should subscribe to. It may save them time reviewing products that would not be useful.

¶41 A quick note on format choice: this item is available as a print book and also as an e-book. I received a review copy of the print book and purchased the Kindle edition for my own reference. They are nearly identical, but I find the print book’s small size and excellent index especially pleasant to use. This is one case where the spatial recognition of a good table of contents, index, and appendix outweighs the constant availability of the e-book. I know many librarians dislike the small size of the Nutshell series because it tends to get lost on a library shelf; that may be a problem with the print edition, which is the size of a small trade paperback. Because this text is not available on Westlaw or LexisNexis, it is possible that some institutions will want both formats.

¶42 As Michelle Botek noted when reviewing the tenth edition of this resource: it is “a solid foundational text and a great book, equally suitable for inclusion in a law firm, municipal, or academic library setting.” The newly updated edition remains excellent.


Reviewed by Sarah K. Starnes*

¶43 In *MOOCs and Libraries*, Kyle Courtney defines what a MOOC is (a massive open online course), describes how to create a course from start to finish, and presents some best practices for librarians who are pioneering the introduction and use of these courses in universities across the country. Courtney does a nice job of separating the book into chapters that build on one another, from simply defining and introducing MOOCs to discussing the tools necessary to create and carry out a MOOC, presenting a step-by-step guide to creating a course, and providing examples of current and past successful MOOCs. Courtney defines a MOOC as “a course of study made available over the Internet without charge to a very large number of people” (p.1). Although online, these courses do have traditional start and end dates, deadlines for assignments, recorded lectures by the professor, and a certificate of completion when finished. The book focuses on libraries in general with no specific focus on the legal community.

¶44 MOOCs were first introduced in 2008, making them a very recent development in the academic world. One of the most important aspects of ensuring success is complying with copyright law. Law librarians will have an advantage over other librarians because of their access to and knowledge of this area of law. Because the course is presented online to potentially thousands of participants, there is a high likelihood that infringement may occur through the reproduction.

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distribution, or performance of a work. The author suggests using material that is created either by the library, instructor, or institution.

¶45 Courtney then moves into a discussion of the different tools available for use based on the size of the MOOC. Depending on the investment, ranging from modest (free to $500) to moderate ($501 to $3000) to super ($3000 and up), the creator of the MOOC has several options as to the equipment used to design the course. Courtney spends more than twenty pages discussing specific and suggested tools depending on the size of the MOOC and the type of equipment already available. There are options for those who use both Windows and Apple, and this discussion is invaluable for those who are interested in starting a course from scratch.

¶46 Before providing a step-by-step guide to creating several sample MOOCs, Courtney highlights how libraries and librarians can support these courses. In addition to copyright assessment, librarians are also stepping in front of the camera to actually teach. More prevalent than teaching is the support that librarians can provide others. This is done through production and participant support. Librarians are also vital to providing access to the MOOC as well as the preservation and archiving of completed courses. Courtney takes the time to highlight how legal research can be taught at a law school through the use of a MOOC. The online course was developed to assist international students, and although it generally worked well, some participants in other counties were unable to access the necessary information to complete the assignments.

¶47 The tips and tricks section is particularly helpful, as the best practices offered stem from experience and will help ensure success. Courtney encourages creators and participants to meet, and to do so often. He also recommends recorded video lectures and other uses of social media and interaction to keep participants involved in the course. Another tip is to take advantage of open access sources, which provide participants access to a wider range of materials. Last, Courtney discusses future trends. He indicates that the future of MOOCs is bright and steadily growing every year.

¶48 Overall, Courtney does a very nice job of breaking down a complicated and new idea and putting it in realistic and achievable terms for those interested in creating, teaching, or supporting a MOOC. Not only does he take the time to fully introduce and provide examples of the different types of courses available, he also gives specific suggestions on what equipment to use. The course examples and discussions are put in realistic and relatable terms so the individual creating the MOOC has a solid basis on which to build his or her own course. With all of the changes happening in legal education, this book is a great tool for librarians to use to come up with different ways to support and educate both the faculty and students in a new type of learning.


Reviewed by Wanita Scroggs*

¶49 This is a book full of highly useful ideas for creating digital collections and exhibits in your library—yes, even your law library. It is suitable both for beginners

and those who may have more advanced technology knowledge and skills. This title can be easily read front to back by a novice like myself, or it can be used as a reference by picking and choosing the chapters that pertain to your individual project.

Juan Denzer’s *Digital Collections and Exhibits* begins with an introduction to digital collections and exhibits and a chapter on how to get started on your own project. There are discussions throughout the book, not just about the technology, but about other concerns that are related to digital exhibits, such as copyright issues, location, budgets, and project selection, as well as how to give new life to some outdated computer hardware that may exist in your library’s storage closet. The ideas go well beyond simple digital displays of material—they help you incorporate sound and touch to get your patrons fully engaged with the collection. There are chapters on tools and applications, from free open source to the fancy expensive ones. The book even points out how you may have helpful functions already included in technology that you use every day. I was pleasantly surprised to find the “kiosk function” discussed in the book, which is already available on my iPad mini and the iPhone that lives in my pocket.

Denzer follows this tools-and-apps discussion with specific library examples and case studies to help readers visualize possibilities for their own libraries. Once readers are inspired to wade into creating their own digital collections or exhibits, there are step-by-step instructions for actual projects, even including how to tweak the code if necessary. There is an extremely helpful section on practical, learned-from-experience tips and tricks.

Denzer wraps up the book with a chapter on future trends for digital exhibits. References include a robust selection of books, articles, and websites for further reading. My one critique, and this is unavoidable for any work on technology, is that the book has specific instructions for using Microsoft Windows 7 and 8, but now many of us have upgraded to Windows 10. Even so, the book has been inspiring.

Our library archives cover not only the life of our law library as an academic institution but our physical facility as well. The location of our law school campus began life as a resort hotel. At one point it was a military academy, and for the last fifty-plus years it has been home to our college of law. We are particularly intrigued by the idea of creating a time line exhibit, as detailed in the book, to allow our library users to explore all of the history of our school’s location while preserving the integrity of our physical archival collection. *Digital Collections and Exhibits* is one volume in a series about library technology. After reading this volume, I am interested now in reading the others.

Reviewed by Nick Sexton*

¶54 Peter Graham Fish’s large, double-columned *Federal Justice in the Mid-Atlantic South: United States Courts from Maryland to the Carolinas, 1836–1861*, is part of Carolina Academic Press’s Legal History Series. It is also the second volume in Fish’s personal series on this subject. The first was *Federal Justice in the Mid-Atlantic South: United States Courts from Maryland to the Carolinas, 1789–1835* (2002), which is accessible to most readers of this book review column through HathiTrust.14 The volume under review here, covering the period from 1836 to 1861, is adorned with 40 tables; 14 graphs; 18 maps; 137 illustrations; 17 appendixes; separate indexes for cases, persons, and subjects; and literally thousands of footnotes. Its eight parts and thirty-two chapters cover many political, judicial, and historical aspects of the five states that in 1866 would become the United States Court of Appeals for the Fourth Circuit. Fish’s book has to be among the most thorough examinations of federal courts in the antebellum South. For that reason alone, it belongs in all of the academic and law libraries of what Fish calls the mid-Atlantic South, and in libraries outside the region that want an example of how such an immensely challenging historical project can be done.

¶55 In a book of this size and scope, even a general overview will take quite a bit of space; it presents too much information to be easily summed up in a few sentences. Those eight parts, for example. The first, “Politics, Courts and Judges,” introduces readers to the region the book will be dealing with, namely North Carolina, South Carolina, Virginia (before West Virginia broke off in the early 1860s; Fish writes of an Eastern Virginia and a Western Virginia, referring to the court circuits Virginia was broken into), and Maryland, the total of which Fish calls the mid-Atlantic South. For each state he provides biographies of two or three pages each of several of the judges who were, as described in the title of the book’s second chapter, “appointed and (mostly) confirmed.” Detailed information about how these judges moved through their respective political parties and the circumstances of the times to reach their positions as judges is engagingly laid out. These life stories are a reminder that there was never a time in our history when the judiciary was untainted by some political bias.

¶56 Part 2, “Supporting and Accommodating the Judiciary,” looks at such everyday issues as staffing the court with marshals, clerks of court, and other personnel, and the administration of the courts. The first chapter in that part even spends several pages discussing how these officers of the court were compensated. The next chapter covers the very practical question of where the courts in the mid-Atlantic South would be located, how federal buildings moved from tenancy to ownership, and how, in every state, the federal courthouses came to be.

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* © Nick Sexton, 2016. Clinical Assistant Professor of Law and Reference/Collection Development Librarian, Katherine R. Everett Law Library, University of North Carolina School of Law, Chapel Hill, North Carolina.

How these federal courts actually worked is the subject of the book’s third part, with separate chapters for each state (Virginia gets two chapters for Eastern Virginia and Western Virginia). Some of the topics covered are the federal court’s caseload, the number of days a court was in session, and the complications of Western Virginia’s six court seats being so geographically spread out. The final chapter in that part takes a close look at how a case in South Carolina passed through various legal operatives in the federal system there, including a district judge, a rising legal figure in the Charleston area who was then U.S. attorney, a Supreme Court Justice who was riding that circuit, and even the attorney general of the United States.

Parts 4 and 5 cover judicial powers and federalism, the former having to do with determining the authority of a judiciary under a relatively new Constitution, and the roles of congressional and executive powers. The federalism of Fish’s book is, as he characterizes it, a “states-centric federalism,” wherein the federal system takes ideas for how to function from state practices.

In part 6 Fish writes about the mid-Atlantic South’s technologically developing economy, the changes the region underwent during the antebellum period under review, and the role the federal courts played in, for example, determining disputes involving copyrights and patents. Some notable cases involved Isaac M. Singer (sewing machine), Charles Goodyear (vulcanization process for rubber), and William Woodworth (planing and matching machine).

In the penultimate part of Fish’s book, attention turns to the criminal law, what Fish calls “crimes, procedures and punishments.” In this section, federal crimes having to do with murder and assaults, the robbery and obstruction of mail, counterfeiting, forgery, and the Atlantic slave trade are discussed. Fish also touches on a problem at the time that remains a problem today: sufficient places to incarcerate prisoners.

In the book’s final part, “Twilight of the Old Republic,” Fish once again breaks down chapters in terms of states (Virginia gets separate chapters for its Eastern and Western districts here too) and writes about the crucial years of 1860 and 1861, the period of the nation’s greatest constitutional crisis. Fish describes what was happening in each state, the presidential nominating conventions that were going on, the final cases related to the Atlantic slave trade, and how district judges in both districts of Virginia eventually showed their loyalty to the Confederate South.

Fish’s aim is to provide researchers and anyone else who has an interest in the federal judiciary in the mid-Atlantic South during the twenty-five years before the Civil War with a single volume that provides an abundance of relevant and fascinating information. He has done a splendid job of achieving that goal.


Reviewed by Lauren Michelle Collins*  

Wil Haygood’s decision to write Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America may have been prescient given

* © Lauren Michelle Collins, 2016. Director of the Law Library and Associate Professor of Law, Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio.
President Obama’s current battle to replace the late Justice Antonin Scalia. Though this generation expects what Haygood describes as “partisan battles, televised and constantly looped around the clock on news outlets for the world to see” (p.352), Justice Thurgood Marshall, in his quest for confirmation, “was the first nominee to undergo such an extensive grilling face-to-face, and his hearings created a new level of senatorial inquiry” (p.349). With questions about the confirmation process currently at the forefront, the book provides information about the history and evolution of the means by which Supreme Court Justices are seated, set against the backdrop of the confirmation hearings of the first African American Supreme Court Justice.

¶64 As with his prior biographies, Haygood’s intent is, “through their subjects’ respective lives, to sharply illuminate epochal periods in the shaping of the American story” (p.357). To this end, the book is framed by the five days of confirmation hearings experienced by Marshall. Each section of the book opens with an overview of that day’s hearings and proceeds with historical stories related to the events of that day. Many of these stories read like novellas, and all are informative and enlightening. However, the book sometimes falters in drawing these interesting short stories back to the main topic of Marshall’s confirmation.

¶65 One place where the connection between the confirmation process and a timely and relevant aside is successful is the chapter entitled “Flames,” about the 1967 riots in Detroit. On July 23, between the fourth and fifth days of confirmation hearings, allegations of police brutality sparked a four-day riot across the city. Because much of the questioning at Marshall’s hearings had focused on painting him as “sympathetic to criminals” (p.27) and characterizing his representation of those making claims of discrimination as harmful to national security, there was fear that the nation’s focus moving from the hearings to the riots in Detroit would quash any chances of confirmation. The decision of the Judiciary Committee chair, Senator James Eastland, to conclude the confirmation hearings after the one held the Monday after the riots began, was troubling and left a sense that the nomination was in limbo. Where the connections between a short story and the confirmation hearings in time and relevance are clear, the book shines.

¶66 The link between the hearings and some other sections, and at least one entire chapter, are less obvious. Though still historically noteworthy, discussions of the movies In the Heat of the Night and Guess Who’s Coming to Dinner, the Houston riot of 1917, and an entire chapter on the confirmation of Justice Louis D. Brandeis seem misplaced. While the comparison of the complex confirmations of two men of ethnic backgrounds new to service on the Supreme Court might be deserving of a book of its own, the chapter entitled “The Jew” seems to float in the narrative with no clear connection between it and the rest of the book.

¶67 There is a great deal to learn from Showdown. It is full of fascinating historical facts, some of which are generally known but many of which are revelatory. One was particularly exciting to me: Marshall worked in the law library at Howard University while a student there. Unfortunately, many of those facts do not add to the examination of the confirmation of Marshall. Where the confirmation is the focus of the book, there is substantial background information, but questions are also left open. The most glaring involves a witness, George Williams, who was poised to speak at the hearings with no explanation of what he would add to the discussion.
Williams was never presented, and the hearings abruptly concluded. With access to the private papers of many of the characters in this drama, it is surprising this mystery is not solved in the book.

Showdown is packed with factual information, which shows the depth of Haygood’s research, and includes many lyrical stories of race relations in the United States. It is worth overlooking a few flaws to learn interesting American history and to look into the minds of the players involved in the developments surrounding the controversial nomination and confirmation process of the nation’s first African American Supreme Court Justice, especially now, during a time of particularly troubling race relations in this country. Now, almost fifty years later, with the occurrence of an unpredicted, problematic vacancy on the Supreme Court, it is a perfect time to read Showdown.


Reviewed by Jennifer Morgan

The newly revised, third edition of Locating U.S. Government Information Handbook comes nearly two decades after the second edition was published, and much has changed in the world of government information.

The Handbook is organized into eleven chapters, followed by four appendices. Each chapter is prefaced with a recommended list of considerations to ponder while reading. For example, chapter 1 (“Introduction to Government and Government Documents”), which offers an introductory lesson on the structure of the United States government, the nature of government information, the Government Publishing Office (GPO), and the Federal Depository Library Program, advises the reader to consider the types of information published by each branch, to become familiar with how the GPO and depository libraries distribute that information, and to think critically about government information.

Chapter 2 (“Introduction to Online Research”) discusses online research skills and gives valuable lessons on the distinction between search engines and search directories, examines advanced search techniques such as using “site:” and “inurl:" commands, and makes comparisons between the three largest search engines (Bing, Google, and Yahoo). The chapter includes useful tables that illustrate different types of domains (e.g., .com, .edu, .org, .net, .gov, .mil), appropriate and inappropriate search examples, and a comparison of search commands and their effects in Bing, Google, and Yahoo. Chapter 3 (“Internet Directories and Portals”) continues the discussion of Internet research strategies by covering government directories and information portals, such as USA.gov, FedFlix, and C-SPAN. The chapter concludes with a comprehensive table summarizing the type of information available in government Internet directories and portals.

Indexes and catalogs are discussed in chapter 4 (“Government Publishing Office Indexes”). The authors describe the Catalog of U.S. Government Publications, MetaLib (GPO’s federated search tool), the U.S. Government Bookstore website,


15. EDWARD HERMAN, LOCATING UNITED STATES GOVERNMENT INFORMATION: A GUIDE TO SOURCES (2d ed. 1997). An Internet supplement was published in 2001.
and FDsys (GPO’s soon-to-be-retired online repository and content management system). The chapter includes resource tutorials that contain descriptions of search techniques, and it is amply illustrated with multiple screen captures of sample searches and comparative tables. The authors do not mention Govinfo, which will replace FDsys in 2017.

Chapters 5 through 9 focus on specific types of publications and data, with each chapter reporting on characteristics of and access to government publications such as technical report literature, maps and geographic information systems (GIS), statistics, and historical government documents. Chapter 9 (“Historical Government Documents”) discusses how the “information revolution of the late 20th and early 21st centuries transformed the accessibility of historical documents” (p.155). The chapter is particularly valuable for its detailed discussion of the United States Congressional Serial Set (what it includes and excludes), resources providing additional information on the Serial Set, and a lengthy annotated list of indexes and guides to historical documents. One notable omission to this bibliography is the annual reference work Guide to U.S. Government Publications (popularly known as Andriot).  

Throughout the Handbook, the authors focus their discussion on free government resources, giving background information and detailed descriptions of the resources, illustrated with screenshots. Quite a few of the online resources covered in the book were last consulted by the authors as far back as 2012 and 2013. Some of these resources have been significantly redesigned (and no longer resemble the screenshot or description in form, function, or content) or have ceased to exist.

One of the most valuable features of the Handbook is the chapter conclusions, which include research guidelines and detailed tables. For example, chapter 7 (“Maps, GIS, and Cartographic Resources”) has a lengthy table describing “Sources of Published U.S. Government Maps and Data” (pp.137–44) and chapter 8 (“Statistics or ‘Lies, Damned Lies, and Statistics’”) has a table defining selected statistical concepts. I wish that these tables were published online in digital format, available to download for educational or instructional purposes.

Chapter 10 provides a topical guide to U.S. government information resources. Valuable features include a glossary of key terms in the section on “Budget, Spending, Deficit, and Debt” (p.197), and the section on Congress includes tables to help the reader understand Congress, the legislative process, and the various types of congressional publications. Chapter 11 provides an inventory of congressional directories, published online and in print, and other similar resources that would assist the researcher in learning more about congressional members’ activities.

The book has four “quick reference” appendixes. Appendix 1 (“Decoding Numbers and Citations”) provides an explanation of the Superintendent of Documents (SuDoc) numbering system and offers a table with examples of citation

17. For example, USA.gov was relaunched in June 2015 with a new responsive web design and some altered content and functionality.
18. For example, the USA.gov index of Cross Agency Portals (described on p.37 of the Handbook) and the Louisiana State University Libraries Federal Agency Directory (described on p.236) no longer exist. “Open CRS,” referred to on p.22 and p.205, has been nonfunctional since October 2014.
format for documents from all three branches of the government. The table also includes information on what resources to use to find the documents. Appendix 2 discusses how to use the Freedom of Information Act (FOIA) to obtain documents. Appendix 3 has an annotated bibliography of resources that provides further information on government publications, including online resources such as GPO’s FDLP academy and annotations for classic reference works on government information.

¶78 Until appendix 4 (“Selected Commercial Resources for U.S. Government Information”), the authors focus almost entirely on free resources, paying scant attention to commercial databases, especially ProQuest Congressional and HeinOnline (the two most comprehensive resources of government documents), while entirely neglecting others, such as LexisNexis Academic, CQ.com, and Bloomberg Law. The authors explain that commercial resources “are not emphasized because their availability is limited to large research libraries” (p.155). This omission seems counterproductive because I think that this book would make a valuable addition to any academic research library’s reference collection. I also recommend this book to public libraries and law libraries.

¶79 As an adjunct instructor for two library and information science programs, I eagerly read this book to evaluate its utility as a textbook or supplement for my courses in U.S. Government Information. Given the mutable nature of U.S. government information and online resources, Hein should consider publishing Locating U.S. Government Information Handbook as a frequently updated e-book. With more careful editing and publication as an e-book, I would be happy to recommend this book as an authoritative textbook to my students.


Reviewed by Sandra B. Placzek*

“They chose to become lawyers when there was not even a whisper of a women’s legal movement, but their choice of career placed them perfectly to make a social revolution through the law when the opportunity arose” (p.xvi).

¶80 There are two overriding themes in Linda Hirshman’s Sisters in Law: How Sandra Day O’Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World: the modern struggle for equality and the growth of the women’s legal movement. Hirshman uses the lives of the first two women appointed to the U.S. Supreme Court and selected cases to track that fight and illustrate this


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movement. Providing personal vignettes to illustrate how their characters and views developed, discussing their professional history, and exploring the jurisprudence of Justice Sandra Day O’Connor and Justice Ruth Bader Ginsburg, Hirshman offers a thought-provoking view of equality in the United States.

¶81 Using Reed v. Reed,20 “the first constitutional sex-discrimination case to go to the Supreme Court since 1961” (p.34), as a starting point, the book discusses legal equality from 1971 to the present. And as much as this work is a history of the development of equal rights from the mid-twentieth century, it is also an exploration of Justice O’Connor’s and Justice Ginsburg’s individual jurisprudential philosophies on equality. In addition, this examination of their careers and jurisprudence provides a unique view of the women’s legal movement and the attendant social change.

¶82 Hirshman does an excellent job of identifying relevant equality cases covering a range of issues from sex discrimination to admitting women to the Virginia Military Institute, from affirmative action to Title IX. She clearly outlines the facts and legal issues of these cases in a few succinct pages and then examines how those cases shaped modern equal rights jurisprudence, often including insights into the communications and discussions between the Justices as applicable law is being discussed, decisions are being hammered out, and opinions are written.

¶83 While the equal rights discussion dominates this work, Hirshman consistently interweaves the women’s legal movement and social changes throughout, not only by the selection of cases she discusses but also by her exploration of the politics, actions, and events influencing both women. She juxtaposes O’Connor’s staunch Republicanism with Ginsburg’s liberal Democratic views, the politics of both important in shaping their views and jurisprudence. She chronicles O’Connor’s time in private practice and in the Arizona legislature and judiciary, as well as Ginsburg’s work in academia and later as a litigator for the American Civil Liberties Union. She reminds readers of the personal battles that both women fought during their terms on the Court: with cancer, John O’Connor’s diagnosis of Alzheimer’s disease, and the death of Martin Ginsburg. And through this exploration of influences and events, Hirshman provides an in-depth study of two figures at the forefront of the women’s legal movement who were involved in shaping laws and implementing social change.

¶84 Hirshman’s discussion navigates back and forth between O’Connor and Ginsburg, starting with their early years, and briefly chronicles their youths and academic years before getting into the heart of the book: their legal work and jurisprudence. With a less deft hand, this shifting could be distracting, but Hirshman handles these shifts in such a way that the reader finds them natural. After a thoughtful introduction called “Ruffled Collars,” she organizes the work into parts, then chapters within the parts. This organizational structure works well, introducing the reader to larger topics (e.g., “Part II: Chief Litigator for the Women’s Rights Project”) and then subtopics within (e.g., “Act One: Building Women’s Equality”). The chapters are further broken down into individual topics (e.g., “Ginsburg the Sneaky Litigator”), permitting the reader to digest smaller bits of the larger issues being addressed before moving on to the next larger topical area.

This exploration and brief history of modern equal rights law provides an interesting contribution to this area of the law. Hirshman’s examination of the development of equal rights law through the prism of Justice O’Connor’s and Justice Ginsburg’s experiences and contributions adds a unique perspective to both the equal rights discussion and the history of the women’s legal movement. With more than forty pages of footnotes, and a bibliography and sources section of twenty pages, filled with references to a variety of sources to support her work, Hirshman also provides a trove of resources for those interested in exploring further. Its eminent readability, unique perspective, and thought-provoking discussion make *Sisters in Law* an excellent pick for acquisitions.


Reviewed by Whitney A. Curtis*

This review of the *National Survey of State Laws* (NSSL) is somewhat different from a typical review since it is a review of both the print edition and the digital version. The purpose of NSSL is to provide a series of fifty-state surveys of laws in several broad subject areas: business and consumer, criminal, education, employment, family, general civil, real estate, and tax. NSSL is divided by legal category into eight sections. In each of the sections the topics are arranged alphabetically and presented in their own subsections. They begin with a general overview followed by a table describing each state’s and the District of Columbia’s statutes on particular aspects of law.

The seventh edition covers changes in the law since 2008, when the sixth edition was published, and includes updates on abortion, the right to die, gun control, prayer in public schools, marijuana, marriage, personal income tax, drunk driving, capital punishment, right to work, lemon laws, leases and other agreements, child custody, and other legal areas. The salient changes between the sixth and seventh print editions are new charts on interest rates and defense of marriage acts. Additionally, marijuana has been removed from the illegal drugs section and placed in its own category.

In the digital version, users are able to make basic state-by-state comparisons of current state laws. The new seventh edition, along with the sixth and fifth editions, are included in database format, which also allows users to compare the same laws as they existed at the time those editions were published in 2005, 2008, and 2015. All print editions are included in HeinOnline’s image-based, searchable platform.

The charts are exceptionally detailed. For example, the annulment and prohibited marriage section includes notations of each state code section that contains specific same-sex marriage prohibitions, in direct contravention of *Obergefell*

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* © Whitney A. Curtis, 2016, Associate Director and Head of Public Services, Euliano Law Library, Barry University School of Law, Orlando, Florida.
The author of this section opines that many states will not revise their statutes to reflect the ruling out of spite, protest, or legislative inertia. Topics are easy to locate within the volume, and the categories covered within each are appropriate and useful. The time a product like this saves is huge; having to do something like this on your own would quickly prove both exhausting and expensive. At typical billing rates, saving several hours of research time would quickly pay for the title. It is hard to imagine a resource that provides more value for the cost.

¶90 It is important to remember that, however useful the print edition is, maintaining currency is a concern. At this time, the laws in the print volume are up to date as of June 30, 2015. As if anticipating the staleness issue, Hein bundled the print edition with the digital product. In fact, since the print edition was published, the online version has added civil shoplifting as a new topic and updated interest rates, marijuana laws, and medical records this year alone. Hein has indicated it foresees occasional major updates to the digital NSSL as needed, with new print editions appearing roughly every three years.

¶91 As previously mentioned, the digital product is offered in two parts: a database and a searchable image archive. The database provides instant access to the fifth, sixth, and seventh editions, allowing easy comparison among them. The image archive, meanwhile, provides PDFs of all seven editions. Both greatly increase the utility of the NSSL, and, if major updates continue to occur throughout the life of the product, there is no reason you should not find this package indispensable to your collection.


Reviewed by Benjamin J. Keele*

¶92 Sahar Maranlou, a postdoctoral researcher at Oxford University, specializes in Iranian studies and Islamic law and gender. Her book, Access to Justice in Iran: Women, Perceptions, and Reality, appears to be based on her 2012 doctoral thesis at the University of Warwick.22 In my experience, books based on theses and dissertations tend to follow a fairly regimented structure: they have a very thorough literature review, discuss a discrete research project, and include more academic jargon than I would like. Access to Justice in Iran confirms all these expectations; it is a valuable piece of research in a neglected field, but it would be most useful to specialists in Iranian law.

¶93 Maranlou spends about half of the text providing conceptual background on different theories of justice. She particularly distinguishes between procedural justice, which is concerned with fair processes regardless of the ultimate outcome, and substantive justice, which is concerned with just results in each individual case. While Western legal systems mostly worry about procedural justice, Maranlou suggests Islamic legal traditions place greater emphasis on substantive justice. How-

ever, when Maranlou examines the Iranian legal system and the extent to which it provides justice to women, she finds it lacking in how it provides procedural or substantive justice.

¶94 Despite imperatives for a strong justice system in Islamic legal thought, the Iranian legal system Maranlou describes needs substantial reform to achieve those principles. Corruption is a major concern, and persistent cultural norms discourage women from pursuing legal remedies, especially in family disputes. The Iranian judiciary and legal profession is working to establish more robust legal aid programs, but they are not yet enough or sufficiently well known to women to provide adequate access to the courts.

¶95 Maranlou surveyed and interviewed 120 Iranian women in Tehran to learn how they perceived the legal system and what recourse they had to it. She concludes that Iranian women generally understand their legal rights, but do not know how to vindicate those rights in court if need be. She also detects a cultural distrust of the courts and a common view that the courts are one of the last places a woman should go for help in a dispute.

¶96 Maranlou concludes that the Iranian legal community should empower women with more information on how women can protect their rights through the legal system, and that cultural taboos against women invoking legal protections should be challenged.

¶97 This book will be worthwhile for libraries supporting strong research programs in women’s rights and Middle Eastern legal issues. It is probably too specialized for basic collections on Islamic law.


*Reviewed by Hannah Alcasid*

¶98 *Data Visualizations and Infographics* is an accessible book for information professionals with varying levels of, or even no, experience with graphic design or image-generating tools. Though useful for all levels of expertise, it gives attention to the timid user, allowing the reader, chapter by chapter, to take small, comfortable steps up to designing a project of his or her own with many tools and strategies. In a time when libraries are urged to rethink how information is disseminated, Sarah K.C. Mauldin not only instructs but sets out to inspire librarians to think about their stories and how they might share them with their communities in palatable, visual forms. She also states that “[t]here is no right way to use this book” (p.xii). It can be used as a handbook or read as an overview of infographics and data visualizations, and how libraries have used and can use them to further their mission.

¶99 The book consists of seven concise chapters. To dip your feet, Mauldin begins with a brief history of how images have been used for communication and storytelling, from Paleolithic times to the present. In chapter 2, she employs various hypotheticals to help the reader understand the context for her visual project and decide what tools may be appropriate at different times, with an emphasis on the

questions of when, why, and what to use. For readers with a different understanding of a potential project, in chapter 3 Mauldin provides an overview of the free and low-cost creator tools available. These include Piktochart for infographics and Tableau Public for data visualizations, among several others. She also covers a number of resources for pulling data, such as Data.gov, that may assist in creating a compelling story. And for those not yet comfortable with being in waist high, Mauldin provides case studies, in chapter 4, of successful projects spanning academic, public, and special libraries. Those who have made it in but are still unsure about wading further will find chapter 5 most practical. It provides step-by-step technical instructions for eight potential projects using different creator tools, as well as standard software like Microsoft Word. The final chapters discuss tips and the expanding consumption of information in a visual form in the future. Throughout the text, Mauldin references prime examples and other sources for inspiration, but concludes with a list of recommended readings that includes books, presentations, websites, and blog posts to explore further. So by the end, you should be ready to swim.

I found this text to have three purposes: to be persuasive, instructional, and informative. There are a number of books that review available tools, but with this book’s catering to library projects and including successful case studies, it is unique in that it also addresses the reservations library professionals might have about creating visual projects, including why they are useful. Mauldin digs into the process in a very practical way to answer questions, to relieve those reservations, and to help make plans. She provides inspiration to be innovative with examples of how other libraries have used visual tools to tell stories to their audiences.

While useful for the novice, as someone versed in Adobe InDesign, Illustrator, and other such software, I also found Mauldin’s suggestions informative in figuring out what tools may be more suited for different visual projects, especially ones with less time for creation, denser data to display, and perhaps different audiences. The design tools mentioned would certainly save time compared to creating something from scratch. For seasoned designers, there also may be times when one has less creative flow, and the strategies and tools outlined in this book can be employed to still make that sleek product or even an inspiring mock-up that leads to a final product using other software.

Visuals not only help library professionals reach a larger audience but also prove the evolution of the library from an institution rooted in access to knowledge through text (the book) to one that promotes access to knowledge and information in as many forms as we can imagine.

Mauldin asks, “Why should you, an information professional, be interested in the content of this book? The short answer is in the word information. . . . This book is about corralling information of all shapes, sizes, and types into manageable and readable presentations that can be easily comprehended . . . .” (p.1). She successfully gives both novices and designers the techniques and tools to corral and create in any context.

Reviewed by Ann Walsh Long*

¶104 In 2016 we are all paying as much attention to issues about debt and credit as law students enrolled in a course on payment systems. In fact, that is exactly how Rowena Olegario’s book, *The Engine of Enterprise: Credit in America*,23 landed in my lap. Our payment systems professor was interested in the book for his class to cover the history of credit, which this surprisingly readable book covers in incredible detail.

¶105 Olegario provides a fascinating and comprehensive description of the development of credit in America through four chronological phases. The first phase (1790–1850) provides an overview of the new credit culture in the developing world. The second phase (1865–1910s) explores the inequities of credit and the effects of the Civil War. The third phase (1920–1970s) focuses on the expansion of household credit, the Great Depression, and the effects of the Second World War. The fourth phase (1980–early 2000s) wrestles with how the standards for credit-worthiness are changing and what constitutes a good credit risk today. The book ends with a postscript entitled “Creative and Destructive Credit.”

¶106 Our story begins with the founding of America and the need to create a new domestic economy while simultaneously relying on existing overseas merchants. Two very different types of credit developed during this period. The first was between local storekeepers and their customers, and it flourished based on the relationships and necessity each provided. The second type, business credit, was already in use for retail purposes by the “Atlantic world” of overseas merchants. Without an American national bank, a uniform monetary system, or any reliable service to verify who might be a good trading partner, a person’s character largely determined their success in obtaining credit. During the founding of America, you really could buy things based on your good looks (or more correctly, your good reputation).

¶107 Business credit was fairly well established and came primarily from merchants, not banks. Mercantile debt was not uncommon and was a necessary condition of economic growth. Interestingly, debt was the basis for paper money in the colonies. Merchants relied on the bill of exchange over silver or gold, which could be scarce during times of heavy economic trading. Benjamin Franklin, at the age of twenty-three, believed that the basis of paper money should be determined by the value of land as long as it was carefully monitored by the colonial authorities. Thomas Jefferson also believed in government-issued bills of credit and vehemently opposed notes issued by banks, believing that bankers grew rich by trading an insubstantial commodity. Olegario sprinkles quotes and insights from many historical figures throughout the book, and the notes and references section of each chapter are thorough and well researched.

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23 Special thanks to Dean Matthew Lyon of the Duncan School of Law for bringing this title to my attention.
¶108 About the same time Americans began purchasing superfluous items on credit, credit’s kissing cousin, bankruptcy, arrived. Prior to the 1700s, bankruptcy did not exist. Usury laws kept the rate of interest on credit between six and eight percent until around 1825, when the moral, economic, and legal bases of the laws were questioned. Merchants could raise the price of an item purchased on credit by adding between twenty and thirty percent more to the sales price and still be considered legally within the laws of usury. State usury laws were the only form of consumer protection until the latter half of the twentieth century, leaving the potential for default estimated at about fifty percent. Bankruptcy laws protected the interests of the creditors, and defaulting borrowers were imprisoned for their debts. By the beginning of the nineteenth century, bankruptcy affected nearly every socioeconomic circle, and in 1927, the U.S. Supreme Court declared state debtors’ prisons unconstitutional. People gradually came to realize that the relationship between debtors and creditors involved a mutual credit risk. The Bankruptcy Act of 1841 changed everything, allowing debtors to voluntarily declare bankruptcy and be discharged from their debts.

¶109 Around this same time (c. 1850), credit reporting became a profitable enterprise. One company, John Bradstreet & Company, hired lawyers to report on business deals and write credit reports on existing and potential customers (one of the lawyers hired was Abraham Lincoln). Bradstreet pioneered the use of credit ratings and published volumes annually. Later, R.G. Dun & Company published its first volume of ratings in 1859, covering more than 20,000 firms. Eventually Dun and Bradstreet joined forces and the world of credit became more transparent with the three “Cs” of credit—capital, capacity (ability), and character—forming the basis of responsible lending and borrowing.

¶110 Fast-forward past the Civil War, the Great Depression, the Second World War, and into the twenty-first century. Now we have a national bank that guarantees loans, a national currency that was used as the basis for financial stability in more than forty countries until the Bretton Woods system ended in 1971, and credit reporting that is reliable and easily obtained. However, one thing has changed: consumer credit. Credit cards were introduced in the 1960s, and during the 1980s credit card charges more than quadrupled in the average American household. Initially, credit cards were not lucrative for the banks. During a three-year period between 1979 and 1981, Citibank lost more than $500 million on its credit cards, mainly due to high inflation, which made the cost of obtaining funds to loan very expensive. As you may expect, credit card issuers, like many creditors in the past, found a way around usury laws. As you may not have expected, credit card issuers were helped by the Supreme Court, when it allowed banks to impose their home state’s higher interest rates on credit card accounts issued in other states.24 For example, South Dakota waived its usury laws for Citibank, allowing it to charge as high a rate as it saw fit, in return for the relocation of Citibank’s headquarters to the state.

¶111 Whether you are currently enrolled in a payment systems class or just adding interesting titles to your collection, Olegario’s *The Engine of Enterprise* would be a worthwhile investment of your time (and money). Unfortunately, the last phase

of the book ends during the early 2000s, without an exploration of the collapse of the derivative markets of the last decade. To see how this story ends, I would also recommend adding a movie to your collection: The Big Short.25


Reviewed by Madelaine A. Gordon*

¶112 The failure of the drafters of the rules of evidence to take into account how human decision-making derives its impetus from psychology and social influences results in many of the rules being ineffective or even counterproductive in fulfilling their goals. Michael J. Saks and Barbara A. Spellman present the purpose of the rules as twofold: first, to give everyone an equal opportunity to present their claims before a decision maker, and second, to encourage good behavior outside the courtroom. Attorneys during the last century have been given increasing opportunities to advocate for their clients. The role of the attorney has expanded significantly from the early English trials where attorneys spent little or no time advocating on their clients’ behalf. Courtrooms were more formal and the role of the attorney limited. Now the skill levels of attorneys vary widely, and for many people access to skilled counsel is too expensive. The evidence rules attempt to equalize the field and protect individual parties’ rights.

¶113 The discussion and theories about the rules in The Psychological Foundations of Evidence Law are supported by extensive research and numerous studies of human behavior. The rules are arranged into groups based on the intent behind each rule. One group are the rules designed to provide decision makers, whether judges or juries, with the information relevant to the conflict and in the most emotionally neutral manner. The authority given to judges to tell juries to disregard witness answers or pieces of evidence, and the expectation that judges themselves will also disregard the same items, may actually serve to increase awareness about the evidence and accord it more weight in the decision-making process. The authors cite several studies that demonstrate that individuals are not able to automatically disregard information and may be cognitively unable to do so.

¶114 A second group of rules, concerning the character of the individuals involved in a case, seem in conflict with one another in their application by the courts. The exceptions to almost every rule in this category allow evidence prohibited by one rule to be admitted for a different purpose by another rule. The decision makers will automatically make connections between the evidence. Humans take information and put it into stories so that they will retain and have a greater understanding of the information conveyed to them every day.

¶115 The authors argue hearsay rules lack validity. There are few studies to determine whether an individual’s excited utterance or dying words are more likely to be accurate and truthful. Changing belief systems and advancing technology also need to be examined for their impact. For example, can a tweet be considered an excited utterance? The existing research in this area lacks practicality as the studies do not translate into a format useful in the law.

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¶116 Rules of evidence concerning expert and scientific evidence are thoroughly trounced by the book. Courtroom simulations have demonstrated that very few jury members and judges actually understand this type of evidence, and the tools in place for determining admissibility are flawed. Evidence based on one form of study that once found general acceptance by the scientific community is admitted and given weight until a flaw is discovered. The courts must then review cases involving that type of evidence, and, if possible, new scientific tests must be conducted to determine whether case outcomes were correct. This situation has occurred in the past, resulting in courts expending great resources over a period of years reviewing cases. Further studies have also found that the validity of scientific and expert testimony is usually judged on the appearance and demeanor of its presenter.

¶117 *The Psychological Foundations of Evidence Law* is the latest entry in a field that is drawing greater attention each year as the ties between human psychology and individual and group behavior is demonstrated more concretely through research. People in professions such as law are beginning to utilize this information in their preparations for litigating and negotiating disputes. The role of the rules of evidence is being examined in light of years of psychological research, which indicates that some rules are effective, some are ineffective, and some are counterproductive. The book provides a solid overview of the interaction between these two fields.

¶118 The information is presented in an easy-to-read and understandable format. The specifics of psychological research are not discussed; rather, it is a general overview of the impact of psychology on the rules of evidence’s use and effectiveness. The book is written for educators and scholars, but the information could also be used by other legal professionals. Anyone whose practice interacts with the rules of evidence should review the book to gain more insight into how people rationalize and think.


Reviewed by Sabrina A. Davis*

¶119 Libraries are encouraged to use data to prove their value and make decisions about matters such as collection development, hours of operation, and services. There are many books available on this topic, each with its own focus, and selecting the most useful books for a particular institution can be a challenge. *Library Analytics and Metrics: Using Data to Drive Decisions and Services* is most appropriate for larger academic institutions with funds available for data collection and analysis. However, before acquiring it, a library should consider its cost in relation to the amount of information provided.

¶120 *Library Analytics and Metrics* is a fairly easy read without too much technical jargon, but the authors make many assertions that are not supported by references. This book has an introduction and seven chapters; each chapter begins with introductory material, followed by one to three case studies, and ends with a brief

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conclusion. Reading the introduction is recommended because it defines the terms “analytics” and “metrics” as used in the book: “Analytics is the discovery and communication of meaningful patterns in data,” whereas “metrics means the criteria against which something is measured” (p.xxx).

¶121 The chapters cover the following topics: (1) big versus small data, (2) data-driven collections management, (3) using data to demonstrate library impact and value, (4) qualitative research on user experiences, (5) web and social media metrics, (6) the risks of analytics (i.e., ethical considerations), and (7) a data-driven future. In general, beginning with an overview of big and small data, and then focusing on more narrow topics, makes a good organizational approach. However, the authors provide only a cursory overview of each topic, which acts as an introduction for things to consider, but it is not useful for aiding in the selection of metrics or analytics for a particular institution. Further, the book does not address using data to assist with reference decisions, procedures, or policies, which seems like an important topic for a complete discussion on library analytics and metrics. On the other hand, there is a chapter devoted to the timely issue of web and social media metrics, which many readers may find informative.

¶122 The case studies for each chapter vary significantly in their characteristics and usefulness. For example, some use fairly small sample sizes (e.g., a 2012 survey regarding desire for a shared library analytics service of all U.K. academic library directors yielded only sixty-six responses), while others analyze large amounts of data (e.g., a study measuring the web impact of five significant cultural heritage institutions in the United Kingdom: the British Museum, the National Gallery, the National History Museum, the British Library, and the U.K. National Archives). In addition, the case studies were limited in the amount of information provided, so visiting the websites provided by the studies would be necessary to get a complete understanding of the raw data and results.

¶123 In summary, a large library with funding available for data collection and analysis may be able to use Library Analytics and Metrics as a starting point for information on what analytics and metrics other large institutions have explored, but the book will not provide a roadmap for a library to navigate developing its own data-driven decisions.


Reviewed by Melissa Strickland*

¶124 Using just ten selected U.S. Supreme Court cases, Gillian Thomas manages to give a compelling and varied tour of women’s rights issues under Title VII of the Civil Rights Act of 1964 over the last fifty years. Thomas, a senior staff attorney with the American Civil Liberties Union, begins by describing the laughter that followed the amendment to insert sex into the list of protected classes in the act and ends with some of the issues still facing women in the workplace today, in spite of the progress that has occurred.

* © Melissa Strickland, 2016. Reference and Instructional Services Librarian, Charleston School of Law, Charleston, South Carolina.
¶125 The first half of the book includes the cases that set the precedents and framework for many of the major areas of discrimination due to sex, such as sexual harassment or pension policies that penalize women for their longer life spans. The last half of the book is more about filling in the details in the framework built by the first half. Here are the cases about punishing women who do not appear “feminine” enough, treating all women as “potentially pregnant,” and penalizing women because they are actually pregnant.

¶126 The trip through the cases begins with *Phillips v. Martin Marietta*, which is the very first case where the Supreme Court considered Title VII. The chapter on this case includes references to the standard cases, articles, and books, along with interviews with some of Ida Phillips’s children and her attorney. Thomas made an effort to interview people behind all of these cases where possible, leading to a very personal view of not only the situation leading to the case, but, in most instances, the negative consequences these women had to endure just as a result of pursuing equality.

¶127 Some of the facts behind these cases are downright shocking to those of us young or lucky enough not to have lived through similar treatment. For example, the severity of the harassment described in chapter 4 on *Meritor Savings Bank v. Vinson* would without question be harassment, and possibly even criminal, in today’s society. Similarly, the blanket refusal to hire women with young children in *Phillips* would unquestionably be unacceptable today. Some of the other cases show us how far we have yet to go, such as chapter 9’s *Burlington Northern & Santa Fe Railway Co. v. White*, where Sheila White was retaliated against after speaking up against the harassment she endured in her male-dominated workplace, a scenario that continues to play out in workplaces today. Similarly, chapter 10’s discussion of the recent *Young v. United Parcel Service, Inc.* case shows how a pregnant woman with medical restrictions is still treated differently from a man or nonpregnant woman with the same medical restrictions.

¶128 Thomas’s tone is closer to that of a storyteller than an academic. She begins each chapter with the events behind the case and the sometimes difficult search for an attorney willing to take the case, leading through to the litigation and appeals process, and finishing with a look at the lasting effects of each case, both on the women behind the case and society as a whole. She wraps everything up with an epilogue that discusses how the cases studied continue to affect the law, and the issues that still have not been addressed by the legal system.

¶129 This book is likely to appeal to a broad audience: it makes the cases included accessible to those without legal training, and it provides background that most decisions do not contain to make it worthy of reading by those in the legal field. While lacking the scholarly tone of the traditional legal treatise, the accessibility of the material would make this a good addition to any library’s collection.

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Reviewed by Kelly Leong*

¶130 Marlene Trestman’s goal in authoring the biography of her mentor, Bessie Margolin, is to “rescue [her] from undeserved obscurity” (p.xv), and Trestman’s beautiful account of her mentor as a skilled and singular legal advocate does just that. Personally, I am not one for reading biographies, but Trestman does a wonderful job of interweaving the legal history of the Tennessee Valley Authority, the Fair Labor Standards Act, and the Equal Pay Act into the book. The book feels more like a snapshot of a great shift in the legal world, not just for female attorneys, but also for our views toward social welfare in the United States.

¶131 Bessie Margolin was an extraordinary individual whose life as an attorney was truly remarkable. Her life story started as an orphan of sorts (her mother died when she was two) in 1911. In 1913, Margolin was sent, along with her sister and eventually her brother, to live in the Jewish Orphans’ Home in New Orleans. The Home proved an integral part of her life and instilled in her a love of education and advocacy for social justice issues. Through attendance at a community school and the Jewish community’s willingness to provide volunteer “matrons” (prominent women in the community to mentor young women), Margolin was exposed to the wealthy and well-established Jewish elite of New Orleans, and the skills she learned in New Orleans social circles surely assisted her ability to navigate the world of Washington, D.C.

¶132 Margolin’s legal career began at Tulane University, where she was the only woman in her law school class. She condensed her six-year dual degree program into five years while earning high marks, serving on law review, and graduating second in her class. From Tulane, Margolin moved to Yale Law School, where she was hired as a researcher—though not without concern for her gender and religion. Her performance there exceeded expectations, and when the time came to move on, she found support from the male colleagues and faculty at both Tulane and Yale. Up to this point, the book recounts such an unlikely story that I was deeply engrossed, but the story so far is just a precursor to an amazing career and a legal record that would make anyone envious.

¶133 The book then follows her distinguished career through the Tennessee Valley Authority, the Labor Department with a brief stint working on the Nuremberg Trials, and unrealized hopes of a judicial appointment. Trestman does an exceptional job of interweaving Margolin’s life, including her struggles and love affairs (usually with married men), with the federal laws that she defended and largely shaped through her advocacy. Margolin undoubtedly shaped the Fair Labor Standards Act and put the Equal Pay Act on a legal path that would see it grant thousands of women back pay and increased wages. The book makes very clear that throughout Margolin’s life her abilities, intellect, and demeanor garnered the admiration and vocal support of her male counterparts and mentors, including numerous federal judges and a handful of Supreme Court Justices.

* © Kelly Leong, 2016. Reference Librarian, Hugh & Hazel Darling Law Library, UCLA School of Law, Los Angeles, California.
While I have recited much about Margolin’s beginnings, I do not feel I can do justice to the beautiful story that Trestman paints of a life filled with achievement that Margolin made for herself. As for her achievements, here is just a brief recount as provided by the book: 24 arguments before the Supreme Court; 150 circuit court cases argued with 114 favorable rulings, only one of which was overturned by the Supreme Court. “Of the 36 circuit court arguments she lost, 7 were reversed by the Supreme Court—6 of which Margolin argued” (p.119).

The book provides an insightful look into the life of an accomplished attorney and a woman excelling in a male-dominated profession while making choices that many others struggle with today. I recommend this book for libraries collecting legal biographies, gender-related legal issues, the legal profession, U.S. Supreme Court advocates, and those with leisure collections.


Deep Web is a documentary feature film that tells the story of the rise and fall of Silk Road, a dark website used as an international marketplace for drugs and other illegal goods and services, and the arrest and prosecution of Ross Ulbricht, a/k/a “Dread Pirate Roberts,” as Silk Road’s founder. Its writer and director, Alex Winter, is known for a wide variety of theater, television, and film projects, most notably starring as “Bill S. Preston, Esq.” in Bill and Ted’s Excellent Adventure; writing, directing, and starring in television comedy and animation projects; and writing and directing both the 1991 thriller Fever and, most recently, Downloaded, a documentary for VH1 Rock Docs examining peer-to-peer file-sharing systems and intellectual property rights in the 1990s.

The film is narrated by Keanu Reeves and begins with a brief introduction to the concept of the dark web and how Tor, open source software used for anonymity on the Internet, and Bitcoin made sites like Silk Road (SR) possible. It also discusses the SR administrators, including “Dread Pirate Roberts,” or DPR, and the activity on the site’s forum, including postings on the libertarian philosophy of SR and the rules of the community, including the idea that the site cannot be used for transactions that cause direct harm to others and that the sale of drugs on SR is a step toward minimizing the violence of the drug trade and the war on drugs. Two anonymous sellers talk about their experience on SR and state that the site’s ideals were seen as a way to keep inexperienced drug users from harming themselves. Deep Web also provides a brief look at the rise of the CypherPunks and cryptography as a necessity for privacy and anonymity in the exchange of information online.

From this introduction the film turns to government interest in SR and an investigation requested by Senator Charles Schumer after a constituent discovered that her teenage son had ordered drugs from the site. This is one of many investigations of SR being conducted by federal, state, and local authorities, including the

* © Sarah K.C. Mauldin, 2016. Director of Library Services, Smith, Gambrell & Russell, LLP, Atlanta, Georgia.
FBI, Homeland Security, and the NSA. These investigations led to attaching a name to DPR, Ross William Ulbricht. Ulbricht is a young serial entrepreneur with degrees in physics and materials science, but with little formal knowledge of coding, and a streak of libertarianism that led him to create business ventures intended to promote social justice through commerce. Ulbricht is identified as DPR and is arrested at his local public library branch in San Francisco while logged in to SR on his laptop over the library’s Wi-Fi.

¶139 The film turns at this point to the criminal case against Ulbricht. This includes an overview of Ulbricht’s life from videos and photographs as well as interviews with his astonished friends and family. *Deep Web* also reviews how the multiple investigations coalesced into one, describes what steps law enforcement and other agencies took to build the federal indictment, and questions the legality of the methods used. The remainder of *Deep Web* is a close look, through interviews with activists, at privacy rights online, search and seizure, and the rising movement to protect anonymity in an era of surveillance, all set against the background of Ulbricht’s impending trial.

¶140 *Deep Web* is a film with a definite point of view that is pro-Ulbricht and deeply wary of the government’s conduct in investigating Silk Road and building a criminal indictment. It is also a must-see documentary for anyone who uses the Internet, whether for good or nefarious purposes. The film provides a solid overview of how the dark web works and how simple it is to log in with freely available, open source software. It is also a history of cryptography and the quest for online privacy and anonymity. But more than that, it is a film that highlights the movement questioning the government’s need for open surveillance of Internet users, and whether authorities should be able to use hacking techniques that are crimes in the United States as investigative tools. It is also an excellent discussion of the Fourth Amendment protection against illegal search and seizure and what that means in a digital world. *Deep Web* is also just a good suspenseful story that uses a single case to highlight how little Americans really know about the world beyond the surface web.

¶141 *Deep Web* offers options for purchasing or renting the film for personal use as well as DVD and streaming options for academic institutions. I recommend offering it as a purchase option to faculty teaching courses involving Internet or privacy issues or for advanced courses in constitutional law. If the library has a law-related movie collection, I would recommend the purchase. Anyone else with interest in any of the issues discussed should consider streaming *Deep Web* from VHX or another streaming service.


Reviewed by Sarah Jaramillo*

¶142 Legal scholars and social movement activists often look at *Roe v. Wade* as a textbook example of how not to achieve social change. They say it catalyzed a

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deep distrust in the judiciary, fomented a major cultural backlash, polarized activist camps into uncompromising postures, and halted state regulatory experimentation. Law professor Mary Ziegler thinks that characterization is at best oversimplified and at worst factually incorrect. Her book seeks to correct the historical record. Ziegler agrees that the Roe decision shaped the activism that came after it. However, the abortion debate did not start to take its extremely polarized tone until the rise of the new right and the religious right in the late 1970s and 1980s.

¶143 This book is logically organized and well footnoted. The only stylistic criticism worth noting is that sometimes the author tilts toward the repetitive in her effort to state what exactly she has asserted. Chapter 1 addresses the question of whether Roe precipitated a crisis of constitutional and judicial legitimacy. In the wake of the Roe decision, pro-life activists did not want the issue of fetal rights left to the will of the majority, but rather believed that there already existed a fetal right to life. These activists feared that the majority of people would not support a restoration of traditional norms after the great social changes of the 1960s. Instead of wanting judges to bow out of the fight, they wanted judges to overrule Roe. Judicial activist language did not become part of pro-life rhetoric until the 1970s, with the rise of the incrementalists, whom Ziegler talks about more in subsequent chapters.

¶144 Chapter 2 describes in detail how the pro-life movement shifted from an absolutist agenda that favored a fetal rights amendment to a practical, incrementalist agenda that worked around and within the Roe framework to restrict abortion. Incrementalist strategies gave the pro-life movement the concrete wins and political viability it needed, as well as increased membership and donations. An interesting part of this discussion was Ziegler’s description of the early pro-life and pro-choice movements as nonpartisan. The shift to current party uniformity on abortion did not occur until the incrementalist ascendancy and alignment with the new right and the religious right.

¶145 Chapter 3 challenges the conventional narrative that connects the abortion rights movement to women’s rights. The early abortion rights movement used arguments related to the population control, privacy, and the rights of the physician. Eventually, the mainstream of the abortion rights movement distanced themselves from the population control argument due to its association with forced sterilizations and its racist and classist overtones. Around this time, abortion rights proponents started using women-centered arguments based in either the Equal Protection or Due Process Clauses.

¶146 Chapter 4 addresses the claim by many that Roe narrowed the abortion rights agenda too artificially. Ziegler asserts that while the movement did eventually adopt a single-issue choice-based agenda, there were large factions early on who advocated for broad reproductive rights initiatives and employed various equality-based arguments. However, in the mid-1970s, the Equal Rights Amendment (ERA) failed to pass and was the focal point of intense cultural backlash. This environment made using equality-based arguments with respect to abortion less popular. So movement leaders began to emphasize the language of choice and autonomy to ensure more popular and electoral support.

¶147 Chapter 5 discusses whether Roe halted a vibrant social experimentation in regulating abortion. Ziegler finds that Roe definitely anchored both movements.
However, both sides constantly reinterpreted Roe, and the abortion dialogue changed rapidly throughout the 1970s. The abortion rights movement’s arguments progressed from interpreting Roe as a medical and privacy rights decision to one based on women’s rights (such as equality) to a choice-based rationale.

¶148 Pro-life strategy evolved quite a bit in the 1970s as well. Early pro-life advocates said women should not support Roe because the decision did not promote women’s rights, but rather the rights of physicians. In terms of strategy, the main organizations at first championed an absolute ban on abortion and then moved to the aforementioned incremental strategy. The incremental strategy produced a variety of state abortion regulations and narrowed the judicial application of Roe. In the late 1970s, to woo more supporters from other conservative movements, pro-life leaders began using the language of the new right and religious right, including accusations of judicial activism and anti-feminist arguments.

¶149 Chapter 6 focuses on the conventional view that Roe undermined any compromise on abortion. While both sides used absolutist rhetoric in the first five to ten years following the decision, there were factions who sought common ground with movement opponents. This chapter tells a series of stories of pro-life activists who worked with abortion rights activists to promote the ERA, laws banning pregnancy discrimination, laws to offer financial support to new mothers, and laws guaranteeing the right to child care. However, with the larger cultural shift to the right and the subsequent shift to the right of the pro-life movement in the late 1970s and early 1980s, the little space these women and men occupied in the pro-life movement became nearly nonexistent.

¶150 In her conclusion, Ziegler summarizes why she believes it is incorrect to hold out the Roe decision as the sole cause for this country’s failed attempts to liberalize abortion policy. In addition to Roe, politicians, activists, a larger cultural backlash to the ERA, and the radical movements of the 1960s and 1970s created the charged, uncompromising abortion debate we see now. Whether this thesis is true is for each individual reader to decide. What is clear is that Ziegler does a fine job unearthing the untold stories of pro-life and pro-choice activists from the 1970s and 1980s to weave an interesting story about abortion, women’s rights, and cultural change.