

Keeping Up with New Legal Titles*

Compiled by Amy Atchison** and Laura Cadra***

Contents

<i>Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857.</i>	427
<i>Transgender Rights.</i>	428
<i>Steal This Music: How Intellectual Property Law Affects Musical Creativity</i>	430
<i>Law 101: Everything You Need to Know About the American Legal System.</i> 2nd ed.	432
<i>Lowering the Bar: Lawyer Jokes and Legal Culture</i>	433
<i>Framed: Women in Law and Film</i>	435
<i>Overthrow: America’s Century of Regime Change from Hawaii to Iraq.</i>	437
<i>Feminist Legal Theory: A Primer.</i>	439
<i>Law and Ethics in Global Business: How to Integrate Law and Ethics into Corporate Governance Around the World.</i>	440
<i>Indian Gaming Law and Policy</i>	442
<i>Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions.</i>	443
<i>English Law and Terminology: A Guide for Practitioners and Students.</i>	445

List of Contributors

Amy Atchison Senior Reference & Williams Institute Librarian Hugh & Hazel Darling Law Library UCLA School of Law Los Angeles, California <i>Transgender Rights</i>	428
John Azzolini Reference Librarian	

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** Senior Reference and Williams Institute Librarian, Hugh & Hazel Darling Law Library, UCLA School of Law, Los Angeles, California.

*** Reference/Foreign & International Law Librarian, William M. Rains Law Library, Loyola Law School, Los Angeles, California.

- Clifford Chance U.S. LLP
New York, New York
Law and Ethics in Global Business: How to Integrate Law and Ethics into Corporate Governance Around the World 440
- Jennifer L. Behrens
Reference Librarian and Lecturing Fellow
Duke University School of Law Library
Durham, North Carolina
Steal This Music: How Intellectual Property Law Affects Musical Creativity 430
- Stacy Etheredge
Reference Librarian
Coleman Karesh Law Library
University of South Carolina
Columbia, South Carolina
English Law and Terminology: A Guide for Practitioners and Students 445
- David Fetrow
Reference Librarian
Jay P. Taggart Law Library
Ohio Northern University Pettit College of Law
Ada, Ohio
Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions 443
- Janis Fusaris
Reference Librarian
University of Connecticut School of Law Library
Hartford, Connecticut
Indian Gaming Law and Policy 442
- Ruth J. Hill
Director of Library Services and Associate Professor of Law
Southern University Law Center Library
Baton Rouge, Louisiana
Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857 427
- June Kim
Reference Librarian
Hugh & Hazel Darling Law Library
UCLA School of Law
Los Angeles, California
Overthrow: America's Century of Regime Change from Hawaii to Iraq 437
- Alan Pannell
Reference Librarian
William A. Wise Law Library

University of Colorado Law School
Boulder, Colorado

Framed: Women in Law and Film 435

Laurence Seidenberg
Reference Librarian
Syracuse University College of Law
H. Douglas Barclay Law Library
Syracuse, New York

Lowering the Bar: Lawyer Jokes and Legal Culture. 433

Kasia Solon
Reference Librarian
Jacob Burns Law Library
The George Washington University Law School
Washington, District of Columbia

Feminist Legal Theory: A Primer 439

Jessica Wimer
Senior Law Librarian - Head of Research Services
University of Southern California
Gabriel and Matilda Barnett Information Technology Center
and The Asa V. Call Law Library
Los Angeles, California

Law 101: Everything You Need to Know About the American Legal System. 2d ed. . . 432

Allen, Austin, *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857*. Athens, Ga.; London: University of Georgia Press. 2006. 274p. \$22.95, paper.

Reviewed by Ruth J. Hill

¶1 Most students of American legal history and constitutional law are acquainted with the *Dred Scott* decision.¹ In the 1840s, Dred Scott and his wife, Harriet, filed suit in the Missouri courts to gain freedom for themselves and their children without success. They then brought their case before the U.S. Supreme Court in the late 1850s. By this time, many other issues besides slavery had been attached to the case. What began as one family's quest for freedom had morphed into a case involving much greater constitutional concerns, including states' rights, judicial review, and corporate regulation. On the eve of the sesquicentennial of the *Dred Scott* decision, Austin Allen, an assistant professor of history at the University of Houston, takes another look at this infamous decision in his new book, *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857*.

¶2 Allen's analysis of this controversial case takes a behind-the-scenes look at the machinations of the various competing sectional and political interests

1. *Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857).

involved in deciding the case. Based on his extensive research, Allen provides insight into the internal dynamics of the Supreme Court during its deliberation of *Dred Scott*. He reveals that the origins of the case are more complex than most historians and legal scholars generally recognize. While the *Dred Scott* decision has been soundly criticized and widely condemned by scholars, Allen concludes that the Court's holding was inescapable given its makeup and the prevailing political climate of the time. The majority of the Court's members had been appointed by President Andrew Jackson, and they tended to follow his vision of judicial authority, identified by Allen as "Jacksonian jurisprudence" (p.8). As led by Chief Justice Roger B. Taney, the Court's members followed "a jurisprudential framework that they believed promoted popular sovereignty through a combination of deference to legislatures and coercion of individuals" (p.6). Thus, Allen posits: "*Dred Scott* developed as an unintended consequence of the Taney Court's balancing of its members' desires to protect slavery, to preserve federal and state power, and to promote economic development while containing factionalism and maintaining . . . a particular vision of judicial authority. . ." (p.6).

¶3 *Origins of the Dred Scott Case* is divided into three parts. Part 1 is an in-depth discussion of Jacksonian jurisprudence and the body of law developed by the Court in its effort to balance partisan goals with its institutional and professional obligations. Part 2 focuses on the Court's application of its Jacksonian jurisprudence in the areas of corporate and slave law. Part 3 offers a thorough analysis of the *Dred Scott* case. For history buffs, it is the final part that really puts a human touch on the major players in the saga.

¶4 Allen's clear prose and engaging writing style will keep the reader interested. He has synthesized a plethora of rich research materials from the National Archives, much of which are new sources not found in previous analyses of *Dred Scott*. Scholars will appreciate the thoroughness of his research. Along with copious endnotes, a detailed index, and an extensive bibliography, Allen includes a very useful discussion of his research methodology and study of the *Dred Scott* era.

¶5 *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857* is highly recommended as an essential addition to academic law library collections and to other libraries with American history and constitutional law collections.

Currah, Paisley, Richard M. Juang, and Shannon Minter, eds. *Transgender Rights*. Minneapolis: University of Minnesota Press, 2006. 368p. \$19.95, paper.

Reviewed by Amy Atchison

¶6 *Transgender Rights* packs a surprising amount of information into a small space. Offering spare, tightly executed essays, this slim volume nonetheless succeeds in creating a spectacular, well-researched compendium of the transgender movement. By giving voice to the needs and a blueprint for survival of transgender people, it opens a window affording mainstream America a view of the extreme

difficulties and injustices this community suffers on a daily basis. It also documents the inroads made into changing laws and cultural perceptions with respect to transgender people and the fearlessness required of these individuals to rightfully live as their authentic selves.

¶7 In an introduction, fourteen essays, and an afterword, the book examines the scope of issues faced by the transgender community. Essays are divided into three parts: law, history, and politics. However, recurring concepts appear throughout the collection, such as the practices or identities included in the term transgender; the limitations imposed by the current political, legal, and social system's adherence to binary sex categories of male and female in regulations and medical and social practices; and the impact this has on the rights of trans people in employment, family life, medical care, and interpersonal interactions. Each essay addresses these issues directly or indirectly, resulting in a cohesive, powerful collection.

¶8 The book's introduction defines transgender as "individuals whose gender identity or expression does not conform to the social expectations for their assigned sex at birth" (p. xiv). Various essays emphasize the fluidity of this term, including editor Paisley Currah's essay, "Gender Pluralisms under the Transgender Umbrella," which examines how framing transgenderism as an identity rather than a practice affects litigation and legislation that impacts trans people. In this essay, Currah refers to transgender as an "umbrella" term intended to include a wide array of identities and practices. This concept is echoed in the later essay, "Pursuing Protection for Transgender People through Disability Laws."

¶9 In that piece, authors Jennifer L. Levi and Bennett H. Klein present a lucid argument for including transgender persons who experience discrimination in housing, employment, and public accommodations under the rubric of state disability laws. The essay notes, however, that looking to disability law is not to suggest that individuals claiming protection are in any way defective but rather—and this is particularly important for transgender individuals—to offer a way to protect those individuals "whose lives are impacted by the consequences of having their condition (including just the perception of their having a condition)" (p. 83). The authors further note that "[t]ransgender people are often substantially limited not as an inherent result of the condition but as a result of the negative attitudes of others" (p.89).

¶10 Because society so profoundly excludes transgender persons because of the "rigid regulation of binary gender" (p. 232), they cannot—as the essay "Compliance is Gendered: Struggling for Gender Self-Determination in a Hostile Economy" so eloquently explains—access education or economic opportunities, resulting in extreme poverty for many transgender people. Benefits to the poor are often characterized by gender segregation (e.g., homeless shelters, foster care, domestic violence shelters, etc.), which in turn heightens trans persons' vulnerability to discrimination, physical abuse, and general hostility. In a particularly poignant passage, this essay's author, Dean Spade, explains that "[e]mployed people

with stable housing are subject to far fewer gender segregated facilities on a daily basis than poor or homeless people,” and that while all transgender people “must contend with bathrooms or locker rooms that are gender segregated, those of us with homes and jobs may even be able to avoid those a good deal of the time. . .” (p.227). Thus, for the transgender poor, every trip to the bathroom renders them potential targets for abuse.

¶11 The aforementioned passages merely scratch the surface of the depth of analysis included in *Transgender Rights*. Other essays discuss employment discrimination; the inclusion of the transgender movement within the broader lesbian, gay, and bisexual movement; outdated medical models that pathologize gender self-determination; transgender marriage; and the connection of the intersex movement to the transgender movement.

¶12 The editors of this collection are scholars and advocates for trans people; Paisley Currah is a political science professor at Brooklyn College and the executive director of the Center for Lesbian and Gay Studies at the CUNY Graduate Center, Richard M. Juang serves as cochair of the advisory board of the National Center for Transgender Equality, and Shannon Minter Price is legal director of the National Center for Lesbian Rights. The contributors have similarly impressive resumes as scholars and advocates.

¶13 As each essay cites to a wealth of valuable resources, librarians whose institutions collect lesbian, gay, bisexual, and transgender (LGBT) and/or human rights materials will find in the footnotes a wonderful collection development aid. Sure to be considered a classic, *Transgender Rights* should be included in the collections of general academic and public libraries, academic and county law libraries, court libraries, and law firm libraries whose firms work with the LGBT community or specialize in family law, employment litigation, or disability law.

Demers, Joanna. *Steal This Music: How Intellectual Property Law Affects Musical Creativity*. Athens, Ga.: University of Georgia Press, 2006. 178p. \$19.95, paper.

Reviewed by Jennifer L. Behrens

¶14 During the last decade’s legal furor over Napster and other file-sharing services, reams of published debate focused frequently on economic concerns. Would rampant music piracy siphon enough profits to put the major labels out of business? And just how many downloads of “Enter Sandman”² would it take to send Metallica to the poorhouse? But the more intriguing discussions of music and intellectual property (IP) law have taken a different approach, namely, predicting the eventual effects of aggressive IP policing upon the creative output of artists. Legal action has been taken over three notes of a flute (p.94), copyrighted silence (p.6), and the performance of folk songs at Girl Scout camps (p.116). The hip-hop

2. METALLICA, *Enter Sandman*, on METALLICA (Elektra 1991).

genre, formerly a free-for-all of sampling prior artists' works, now must contend with obscenely disproportionate licensing fees. The pervasive fear of pricey lawsuits has inhibited even the most mainstream popular artists—Madonna's label cut a song from a recent disc due to insufficient documentation of a supposedly "pre-cleared" sample (p.126). Many influential scholars in the field have lamented such litigious absurdities, arguing that they stifle the stylistic appropriation and risk taking that has always been essential to the evolution of music.

¶15 Joanna Demers, a professor of music history and literature at the University of Southern California's Thornton School of Music, now enters the debate with *Steal This Music*, her first monograph. While acknowledging that "the same laws that restrict a pirate's ability to bootleg DVDs and CDs are also inhibiting artists and musicians from creating new material" (p.13), Demers argues that the current IP regime likewise *encourages* artists, by forcing them to develop creative ways to circumvent the restrictions. For example, artists increasingly turn to the music of Third World countries as an affordable alternative to sampling domestic songs. This particular workaround has enhanced the diversity of American music (while also, naturally, spawning its own legal questions of attribution and exploitation).

¶16 Demers begins with a whirlwind tour of the evolution of IP rights in Europe and the United States, remarkably distilling four centuries of legal theory into just thirty pages. Unfortunately, the remaining chapters lack this conciseness and often meander through lengthy dissections of particular songs. These tangents can be entertaining to read, as in the case of a Bollywood singer with a particular knack for manipulating American IP laws to his advantage (p.101–03), but they are oddly organized and often distract from the author's central point. While each of the slim book's four chapters would have made a fine free-standing article in a source like the *Journal of Popular Music Studies*, pieced together as a book, the text never quite seems to gel.

¶17 But this reader's reaction may simply be the result of bad timing: Demers largely shares her thesis with Kembrew McLeod in his far superior *Freedom of Expression: Overzealous Copyright Bozos and Other Enemies of Creativity*,³ which was published less than one year earlier. McLeod, a professor of communication studies at the University of Iowa, is considered a seminal voice in these debates, and his works take an irreverent but more sharply focused look at similar issues. Unsurprisingly, then, Demers's book has largely been overlooked by reviewers as well as by libraries (OCLC holdings of McLeod's recent title outnumber hers by nearly two to one). Perhaps the comparison is not entirely fair, since Demers is actually *reinterpreting* McLeod's dire perception of a general chilling effect on musical creativity. In addition, Demers frequently acknowledges her debt of influence to McLeod, as well as to other IP heavy hitters like Lawrence Lessig,

3. KEMBREW MCLEOD, *FREEDOM OF EXPRESSION: OVERZEALOUS COPYRIGHT BOZOS AND OTHER ENEMIES OF CREATIVITY* (2005).

Siva Vaidhyanathan, and Rosemary Coombe (who provides the book's foreword). Certainly to readers already familiar with the works of these authors, *Steal This Music* will not say very much that is new. But those who are just beginning to delve into these issues will find Demers's work to be an engaging (if haphazard) introduction to the central arguments, and a likely "gateway drug" to her more established contemporaries. *Steal This Music: How Intellectual Property Law Affects Musical Creativity* is recommended for academic libraries that place a collection priority on copyright and entertainment law materials.

Feinman, Jay M. *Law 101: Everything You Need to Know About the American Legal System*. 2nd ed. New York: Oxford University Press, 2006. 363p. \$28.

Reviewed by Jessica Wimer

¶18 In writing *Law 101: Everything You Need to Know About the American Legal System*, author Jay Feinman, a professor at Rutgers Law School, endeavors to provide an understandable overview of the American legal system for those with no legal background. By explaining the "basics of the law"—the rules, principles, and arguments made by lawyers and judges—Feinman hopes to enable the average person to better understand and develop informed opinions about legal issues discussed in the newspaper or on the evening news. Thus, *Law 101* focuses on the principles of law applied by *judges* and understood by *lawyers* when facing a legal matter. It does not purport nor attempt to provide an overall explanation of legal process or structure, such as the structure of the federal court system, the role administrative agencies play in creating rules and regulations, or the legislative process.

¶19 *Law 101*'s organization is based on the typical first-year law school curriculum. Sections cover the following topics: constitutional law, civil procedure, tort law, contract law, property law, criminal law, and criminal procedure. With the exception of constitutional law, which is covered in two chapters, the basics of each topic are condensed into one chapter. Information presented in each chapter is skillfully pulled together in the final concluding chapter, which challenges readers to apply the concepts presented in *Law 101* to current legal situations and test whether their understanding of the law has changed.

¶20 The frequent use of the question and answer format allows *Law 101* to logically and easily navigate through otherwise dense material. Most chapters begin with a general description of the topic followed by a question such as, "What is constitutional law?" or "What is civil procedure?" Following each answer is the next logical question, "Why do we need constitutional law?" or "Why do we need civil litigation and civil procedure?" The answers introduce additional key points related to each topic, often using highlights from current cases that illustrate how courts may deal with particular issues.

¶21 While *Law 101* will definitely appeal to some readers, three areas cause me concern. First, despite its concise writing style and interesting examples, *Law*

101 is dense and might be difficult at times for the average reader to comprehend. This is especially true in the chapters discussing constitutional law, which, unfortunately, are the opening chapters of the book.

¶22 Second, *Law 101* lacks either a glossary or a list of definitions of legal terms and concepts discussed in the book. Instead, author Feinman recommends that readers consult his book, *1001 Legal Words You Need To Know*,⁴ as a companion to *Law 101*. This is fine, but I noted several instances where providing additional information in *Law 101* would really help readers without legal backgrounds. For example, the discussion of the executive branch's powers mentions President Lincoln's suspension of habeas corpus during the Civil War. While the rationale for this suspension is discussed, nowhere is habeas corpus explicitly defined.

¶23 Also, *Law 101* would benefit from including the full text of relevant documents in appendixes, such as the text of the U.S. Constitution, including the Bill of Rights. For example, the Fifth and Fourteenth Amendments are briefly quoted in the discussion of due process, but readers should also be provided with easy access to the entire text of these amendments to better understand this challenging topic.

¶24 This leads to my final and greatest concern, finding the right audience for *Law 101*. While Feinman's purpose in writing this book is clearly defined, it is overly ambitious, and the result is that he simply misses the mark. Although Feinman promotes *Law 101* as a basic introduction to the law, the presentation of material may not be understandable to its intended readers. Furthermore, it is not really a primer to the law, as it does not explain the overall structure and framework of the law or the legislative process. Even if taken only as an introduction to judicial reasoning, the material is inherently challenging and complex, and only so much can be done to distill an entire year's worth of law school material into a one-volume book. At the same time, the level of detail is not great enough to recommend it to those who have legal training and need additional explanation of legal reasoning. As a result, *Law 101* falls in an unclear area between two audiences.

¶25 Given these reservations, *Law 101: Everything You Need to Know About the American Legal System* is still a worthwhile addition to most academic and public libraries. It also may have some appeal to certain patrons of academic law libraries and therefore may be of value to their collections. That said, I do not recommend it to court or law firm libraries.

Galanter, Marc. *Lowering the Bar: Lawyer Jokes and Legal Culture*. Madison, Wis.: University of Wisconsin Press, 2005. 430p. \$26.95, paper.

Reviewed by Laurence Seidenberg

¶26 As dreams were to Freud, lawyer jokes are to author Marc Galanter. Jokes, he notes, are, ironically, about what we often take most seriously—ethics, trust, family, religion, even life itself. Galanter, a professor of law at the University of

4. JAY M. FEINMAN, *1001 LEGAL WORDS YOU NEED TO KNOW* (2003).

Wisconsin, examines both a historical and contemporary “corpus” of jokes about lawyers from an interdisciplinary view involving sociology, anthropology, and legal history. Lawyers have been ridiculed since the beginning of our republic as “bloodsuckers, pickpockets, windbags, smooth tongued rogues” (p.4). *Lowering the Bar* examines the disaffection for lawyers through the centuries in an exhaustive review and referencing of lawyer jokes.

¶27 The jokes are divided into several categories, including lawyers as economic predators, playmates of the devil, fomenters of strife, betrayers of trust, objects of scorn, and enemies of justice. About three hundred jokes are included in these categories, culled from the many thousands of jokes Galanter researched. *Lowering the Bar* is a wonder of joke research, offering more than twelve hundred footnotes and fifty-plus pages of references that span centuries.

¶28 Galanter, a scholar of the American civil justice system, the image of lawyers, and of patterns of litigation, examines the proliferation of jokes to decipher causes for the low public regard for lawyers. He hopes that the study of joke telling will reveal underlying taboos, inhibitions, biases, and cultural differences both among ourselves and society at large. He notes several reasons for the surge in lawyer jokes over the past several decades. While the 1960s marked a high point in the opinion of lawyers, epitomized by examples in film and television,⁵ the 1970s saw a rise in cynicism toward establishmentarian values and lawyers as adjuncts to business interests.

¶29 Interestingly, the 1977 case of *Bates v. State Bar of Arizona*,⁶ which found that restrictions on lawyer advertising violated the First Amendment, resulted in a proliferation of advertising by attorneys. Also, the intrusion of law into previously unregulated spheres, such as entitlements, employment, amusements, etc., and law’s increasing complexity has created a dependence on lawyers. Coupled with rising attorney fees, this amounts to a “justice tariff” (p.94) that, according to Galanter, debases legal representation to a commercial service available almost exclusively to the wealthy and powerful.

¶30 Many of the jokes in *Lowering the Bar* were adapted from older jokes originally about ethnic or demographic groups. As targeting of these groups gradually became politically incorrect, occupational jokes became more prevalent. Galanter shows us that many lawyer jokes have anti-Semitic origins extending back centuries, and he scatters these jokes across the several categories he uses to organize the material. For example:

What’s a Jewish nativity scene?
Seven lawyers surrounding a car crash (p.152).

5. E.g., WITNESS FOR THE PROSECUTION (United Artists 1957); ANATOMY OF A MURDER (Columbia 1959); TO KILL A MOCKINGBIRD (Universal 1962); *Perry Mason* (CBS Television broadcasts 1966–72). This positive trend would continue in the 1980s and 1990s, albeit with flawed lawyers as heroes: THE VERDICT (Twentieth Century Fox 1982), CLASS ACTION (Twentieth Century Fox 1991), THE FIRM (Paramount 1993), and THE RAINMAKER (Constellation Films 1997).

6. 433 U.S. 350 (1977).

And also:

Did you hear about the new Japanese Jewish restaurant?
It's called So-sumi (p.126).

¶31 Jokes about women lawyers also have become popular in highlighting the double standard women are frequently held to, reflecting their theoretical sacrifice of traditional femininity in pursuit of a field where aggressiveness is prized.

Would you marry a woman lawyer?
No indeed, the ordinary woman can cross examine quite well enough (p.145).

¶32 A common contradiction among the jokes is the combination of both insult and admiration for lawyerly traits, such as skill with language, persuasion, and deft manipulation of circumstances.

Two muggers met in an alley, one of them breathless. "I just tried to mug a lawyer," the man panted. "Cripes," said the other. "He get anything?" (p.73)

¶33 The lawyers' comparative advantage in readily abandoning ethics as a survival skill is another theme in the "betrayal of trust" category:

A lawyer named Sam and his accountant are backpacking in the woods. Suddenly, they spot a cougar twenty yards away. They stand there for a moment, then Sam starts removing his pack. His accountant whispers, "What are you doing?" "I'm going to run for it." "But you can't outrun a cougar!" "I don't have to," Sam says. "I just have to outrun you" (p.160).

¶34 The extraordinary and extensive references of *Lowering the Bar* include jokes, jokographies, and related sociological scholarship that can be easily used as a reference tool for an academic, private, or public law library. In addition, *Lowering the Bar* is easy, fun reading and offers insights into law practice, the image of lawyers, human behavior, and culture.

Are you badly injured?
Can't tell 'til I see my lawyer! (p.119)

Kamir, Orit. *Framed: Women in Law and Film*. Durham, N.C.: Duke University Press, 2006. 324p. \$23.95, paper.

Reviewed by Alan Pannell

¶35 In *Framed: Women in Law and Film*, Orit Kamir exposes the ways in which women are not only cinematically judged, but unfairly punished by courts' continued adherence to a traditional honor-based code. Kamir finds that female characters in courtroom movies involving crimes of passion are judged more on their moral character than on legal evidence or actual truth. In Kamir's view, it is always women's morality on trial in such films.

¶36 A professor of law at Hebrew University in Jerusalem, Kamir is published widely in the fields of feminism and law and film. Drawing partly on her previous essays, she has created in *Framed* a cohesive work containing provocative arguments and detailed textual analysis of ten films chosen to illustrate specific points about the treatment of women in male-dominated legal systems. *Framed* is not intended as a comprehensive exploration of the entire genre of women and law films, but serves instead as a focused introduction to both feminist legal theory and the emerging academic discipline of law and film.

¶37 By no means a neutral book, Kamir offers a strong viewpoint and clearly intends to foster debate. While the men in these films are generally spared the cinematic judgment endured by the female characters, they do not escape Kamir's own brand of literary judgment. The well-meaning hero lawyer, for instance, is among the most criticized, often for merely participating in what she sees as an oppressively patriarchal legal system. Not even Katherine Hepburn's strong female attorney in *Adam's Rib*⁷ escapes such judgment. For Kamir, Hepburn's character must still submit to the paternalistic legal rules created by men for their own benefit. Despite the inevitable problems of judging an older film based on contemporary values, *Framed* is at its most thought-provoking in critiquing such highly regarded classics, and these chapters will likely inspire the most profound change in readers' thinking.

¶38 Throughout *Framed*, Kamir calls for a rejection of the adversarial American legal system in favor of a dignity-based system, though she never quite manages to illustrate how such a system might work in reality. Since the contemporary feminist films she looks at offer the message that women have no hope of finding justice within the legal system, they may work better as vehicles for social change than as models for legal reform. Only in Pedro Almodóvar's Spanish melodrama *High Heels*⁸ does Kamir find a film that comes close to presenting a workable alternative, in the form of a more caring (and European) style of law, with the judge taking on a more active, mothering role. Although *Framed* is unlikely to affect such a fundamental shift in the real world, Kamir has at least made a strong case for changing the discourse in the realm of film.

¶39 *Framed* is highly recommended for all law school libraries and should prove valuable not only for its scholarly content but as a reference tool as well. Each chapter, devoted primarily to a single film, contains background information, a comprehensive film synopsis, alternate readings of the cinematic text, and references to similar films. A separate filmography would have been helpful, especially for those compiling a DVD collection or looking for ways to use film as a teaching tool, but all the films mentioned in *Framed* are included in the index. For those doing further research in this area, an extensive bibliography and notes section is included.

7. ADAM'S RIB (MGM 1949).

8. HIGH HEELS (Miramax Films 1991).

¶40 As a growing number of libraries add popular DVDs to their collections, *Framed* may find its most appreciative audience among other film buff librarians. With an excellent preface serving as a call to arms for more law and film scholarship, readers will find plenty of inspiration and guidance for applying the type of analysis presented in *Framed: Women in Law and Film* to any number of other film genres and areas of law.

Kinzer, Stephen. *Overthrow: America's Century of Regime Change from Hawaii to Iraq*. New York: Times Books/Henry Holt, 2006. 384p. \$27.50.

Reviewed by June Kim

¶41 In *Overthrow: America's Century of Regime Change from Hawaii to Iraq*, Stephen Kinzer argues that the invasion of Iraq in 2003 is best understood as part of a pattern in U.S. history. Over a 110-year period, starting with the overthrow of the Hawaiian monarchy in 1893, the United States either directly overthrew or played a decisive role in deposing foreign leaders in fourteen governments (p.1–2).⁹ Kinzer examines these “regime change” operations together in one work to highlight common themes, explore why the United States carries out these operations, and examine the long-term consequences to U.S. security (p.2).

¶42 The book is divided into three sections. Part 1 covers the “Imperial Era.” From 1893 to 1911, the United States overthrew the Hawaiian monarchy and intervened in Cuba, Puerto Rico, the Philippines, Nicaragua, and Honduras. Part 2 is called “Covert Action” and covers the Cold War period. From 1953 to 1973, the United States overthrew Mohammed Mossedegh of Iran, Jacobo Arbenz Guzmán of Guatemala, Ngo Dinh Diem of South Vietnam, and Salvador Allende Gossens of Chile (except for Diem, all were democratically elected). And lastly, part 3, titled “Invasions,” covers the period from 1983 to present. This section discusses the invasions of Grenada in 1983, Panama in 1989, and the current conflicts in Afghanistan and Iraq. At the end of the book, there is a twenty-one-page notes section, an eighteen-page bibliography, and a seventeen-page index.

¶43 At the risk of stating the obvious, *Overthrow* is an ambitious work. In slightly more than three hundred pages, Kinzer describes each regime change operation (which amounts to roughly twenty pages per deposed foreign leader), establishes the common threads that link the operations, and discusses the consequences of the U.S. interventions. Not an easy task—or a completely successful one.

¶44 Certainly, Stephen Kinzer knows this material well. He has lived and worked in many of the countries detailed in this book. He was a foreign correspondent for the *New York Times* for more than twenty years and, before joining the *New York Times*, was the Latin America correspondent for the *Boston Globe*.

9. The fourteen countries are Hawaii, Cuba, Puerto Rico, the Philippines, Nicaragua, Honduras, Iran, Guatemala, South Vietnam, Chile, Grenada, Panama, Afghanistan, and Iraq.

Moreover, Kinzer has published books on three of the countries discussed in *Overthrow*: Iran,¹⁰ Nicaragua,¹¹ and Guatemala.¹²

¶45 The attributes that served Kinzer so well as a journalist contribute to his success as a writer of nonfiction. His writing style is clear, simple, and unambiguous. Likewise, the tone of the book is straightforward. Kinzer's recounting of the regime change operations is fast-paced, engaging, and immensely readable, often including provocative quotes and amusing (or disturbing) details. For example, in response to criticism of U.S. expansionism, Theodore Roosevelt is quoted as lashing out at the anti-imperialists, describing them as "'futile sentimentalists of the international arbitration type' who exhibit 'a flabby type of character which eats away at the great fighting features of our race.' On another occasion he described them as 'simply unhung traitors'" (p.82). Moreover, each chapter begins with a vivid description of a scene, as in chapter 3, where the author begins by stating that "[a] postage stamp led the United States to overthrow the most formidable leader Nicaragua ever had" (p.56).

¶46 However, in many ways this book's strengths are related to its weaknesses. *Overthrow* offers a dramatic retelling of small slices of U.S. history. Kinzer's fast-paced storytelling is not for those who appreciate more academic fare. Instead of footnotes, there is a notes section at the end of the book. In addition, the book is repetitive. The last chapter of each of the three sections of the book summarizes the previous chapters, describes the patterns evident in the regime change operations, and draws conclusions from these patterns. By the last chapter of the book, the author's arguments are all too familiar to the reader.

¶47 Furthermore, many of Kinzer's assertions appear overly sweeping and, at times, facile. For example, in his discussion of Spain and the consequences of losing its empire, Kinzer links the collapse of Spain's empire to a "cultural and spiritual rebirth" which "helped lay the foundation for the Spanish Republic that came to life in the 1930s and, more successfully, for the vibrant Spain that emerged at the end of the twentieth century" (p.108). Because Kinzer glosses over the Spanish Civil War and the repressive regime of Francisco Franco that followed, I was momentarily pulled out of the narrative of the book. Another weakness is the casual language the author uses to make his points. For instance, Kinzer asserts that "[t]he fundamental reason why countries invade other countries, or seek forcibly to depose their governments, has not changed over the course of history. It is the same reason children fight in schoolyards" (p.321).

¶48 Despite these weaknesses, *Overthrow* is a provocative book—one that gives the reader much to think about by offering a different perspective on recent

10. STEPHEN KINZER, *ALL THE SHAH'S MEN: AN AMERICAN COUP AND THE ROOTS OF MIDDLE EAST TERROR* (2003).

11. STEPHEN KINZER, *BLOOD OF BROTHERS: LIFE AND WAR IN NICARAGUA* (1991).

12. STEPHEN KINZER & STEPHEN C. SCHLESINGER, *BITTER FRUIT: THE UNTOLD STORY OF THE AMERICAN COUP IN GUATEMALA* (1982).

U.S. history, albeit one that is very narrow in scope. Hence, *Overthrow: America's Century of Regime Change from Hawaii to Iraq* is recommended for academic law libraries with a recreational reading collection as well as for libraries that serve college and general audiences. Due to its engaging storytelling, this book will also appeal to patrons of public libraries.

Levit, Nancy, and Robert R. M. Verchick. *Feminist Legal Theory: A Primer*. New York: New York University Press, 2006. 235p. \$65, cloth. \$20, paper.

Reviewed by Kasia Solon

¶49 Earlier this year, I began doing research for some law professors whose work involves feminist legal theory, an area with which I was unfamiliar. Fortuitously, just as I decided it was time to read up on the topic, Nancy Levit and Robert Verchick's *Feminist Legal Theory: A Primer* arrived on the scene. So I came at this book in the way most people will approach it, as a beginner looking for the fundamentals. I am happy to report that I came away thoroughly well versed.

¶50 Levit is the Curators' and Edward D. Ellison Professor of Law at the University of Missouri-Kansas City School of Law, and Verchick holds the Gauthier-St. Martin Chair at Loyola University New Orleans School of Law. Levit has written many articles on feminist legal theory and has also published a theoretical book on the topic, *The Gender Line: Men, Women, and the Law*.¹³ Though Verchick's previous work focuses on environmental law, he has also written some articles combining the two topics in ways that I found unexpected and interesting.

¶51 *Feminist Legal Theory* begins by carving out its subject as "feminist legal theories" that "emphasize the role of law in describing society and in prescribing change" (p.8). The opening provides a brief historical overview of feminism, followed by concise chapters on feminist legal theories and methods. The remaining portions are broken out into chapters covering central topics affecting women: employment, education and sports, gender and the body, family law, and sex and violence. The primer closes with a chapter on globalization. Each chapter ends with questions for discussion, lists of suggested readings, and endnotes. A fine index is also included.

¶52 Essentially, the authors have devoted the first half of the text to theory and the second half to theory in practice. In the former, theory chapters are discretely organized with helpful subheadings. This partitioning quickly conveys information about the different movements and methods within legal feminism. Chapters in the second half offer straightforward explications of the major statutes, cases, and law review articles on a subject, fleshed out with relevant facts and statistics.

¶53 On the whole, the content is expository and the authors have adopted a generally neutral tone to lay out a cohesive and largely comprehensive view of the field. I was surprised to see a comment by University of South Carolina law

13. NANCY LEVIT, *THE GENDER LINE: MEN, WOMEN, AND THE LAW* (1998).

professor Ann Bartow on the Feminist Law Professors' blog that this primer has "a bit more authorial viewpoint"¹⁴ than another book, *Introduction to Feminist Legal Theory* by Ohio State law professor Martha Chamallas.¹⁵ Overall, Bartow has nothing but praise for both books and of course having an authorial viewpoint is not necessarily a bad thing. Still, I was struck by the lengths to which Levit and Verchick attempt to remain neutral. Their acknowledgment and handling of critics in the mainstream press like Camille Paglia and Naomi Wolf is particularly impressive. In *Feminist Legal Theory*, they address such commentators' criticisms in an even-handed manner, acknowledging that, while there are real differences, these critics "should not be completely dismissed by other feminists because, in a way, they are both fighting for the same thing: sexual autonomy for women" (p.188).

¶54 Professor Bartow's juxtaposition of *Feminist Legal Theory* with Chamallas's *Introduction* is apt for they both provide a balanced and unified overview. While *Feminist Legal Theory* is part of the New York University Press' Critical America series that includes nonlegal topics for a broad audience, Chamallas's book is part of Aspen's Introduction to Law series intended for law students. Choosing between these two books largely comes down to the intended audience and personal preferences. While I have not studied legal feminism before and perhaps it is because I am a lawyer, I prefer the first half of *Feminist Legal Theory* for the clarity of its explanations of theory and the second half of Chamallas's *Introduction to Feminist Legal Theory* for being more of a treatise. Ultimately, however, these two books complement each other, if only for the variation in their choice of topics. The bottom line is that *Feminist Legal Theory: A Primer* is an excellent introduction that would be a good addition to any law school or academic library.

Nelson, Brian L. *Law and Ethics in Global Business: How to Integrate Law and Ethics into Corporate Governance Around the World*. London and New York: Routledge, 2006. 302p. \$52.95, paper.

Reviewed by John Azzolini

¶55 With the recognition of the modern corporation's powerful role in harnessing human capital and shaping national economies came an ongoing concern about its proper and effective management. Perceived corporate governance crises during the twentieth century led to state intervention in the form of legislative enactments, notably in the federal securities laws of the 1930s,¹⁶ the Foreign Corrupt Practices Act of 1977,¹⁷ and the Sarbanes-Oxley Act of 2002.¹⁸ Policy makers and business

14. Posting of Ann Bartow to Feminist Law Professors, <http://feministlawprofs.law.sc.edu/?p=863> (Aug. 16, 2006, 12:40 p.m.).

15. MARTHA CHAMALLAS, *INTRODUCTION TO FEMINIST LEGAL THEORY* (2d ed. 2003).

16. Securities Act of 1933, ch. 38, 48 Stat. 74 (codified as amended at 15 U.S.C. §§ 77a-77aa (2000)); Securities Exchange Act of 1934, ch. 404, 48 Stat. 881 (codified as amended at 15 U.S.C. §§ 78a-78mm (2000)).

17. P.L. 95-213, 91 Stat. 1494 (1977) (codified as amended in scattered sections of 15 U.S.C.).

18. P.L. 107-204, 116 Stat. 745 (2002) (codified as amended in scattered sections of 11, 15, 18, 28, and 29 U.S.C.).

professionals stress the necessity of maintaining market stability and investor confidence as overriding reasons for such reform. Often the focus of this justification is on systemic integrity and keeping the structures of capital production running smoothly in the face of potential consumer and shareholder revolt.

¶56 In the succinct yet comprehensive *Law and Ethics in Global Business: How to Integrate Law and Ethics into Corporate Governance Around the World*, Brian L. Nelson persuasively defends corporate governance as a rational stance that assimilates legal and ethical principles into decision making in the successful pursuit of business goals. As he shows, not only does such integration emerge logically from our core philosophical and moral values, such as private property rights and freedom of contract, it satisfies the practical needs of corporate leaders in an increasingly regulated global economy. In other words, it makes good business sense.

¶57 Nelson's extensive experience in advising multinational corporate clients and teaching MBA students worldwide is evident from the book's pragmatic approach to the role of the executive. "Opportunity and risk management" (ORM) is the framework within which directors and officers are to administer corporate governance systems. ORM considers all relevant factors, legal and ethical as well as commercial. When embracing such a perspective, executives will set "corporate goals consistent with their corporations' missions in light of the opportunities and risks presented by possible future events and managing the risks inherent in pursuing those goals" (p.5). This means contemplating the ramifications of, say, offending community ethical norms, with the same level of seriousness as the imposition of state sanctions or the appearance of a new competitor.

¶58 After firmly establishing the ORM framework in part 1, Nelson explains the nature of specific risks and opportunities to be confronted in an ever-shifting business environment. Printed in dual-column format like a textbook, *Law and Ethics in Global Business* is structured into five main parts, each composed of several clearly titled chapters. The substance of each chapter flows naturally from the ORM framework. Taken together, the chapters comprise a wide-ranging examination of the many standpoints and vocabularies of a practice-based approach to corporate governance.

¶59 Part 2, Basic Business Laws, begins with the fundamental significance of business regulation, whether through government intervention, judicial remedy, or self-regulation. Chapters on private property rights, general obligations (tort law), and contract rights and obligations are fleshed out with examples and concise definitions from everyday business practice.

¶60 Part 3, Government Regulation, details the many relationships corporations manage while complying with often complex statutory and regulatory restrictions. Part 4, Corporate Governance, covers topics such as board supervision and internal controls that, in the wake of the Enron and WorldCom scandals, have sometimes been equated with "corporate governance," at least in the world of law firms and

the financial press. Finally, part 5, Other Legal Facilities, deals with dispute resolution, intellectual property, and insurance risks.

¶61 A major shortcoming to an otherwise excellent work is its inadequate and visually sloppy index. A book packed with industry-specific concepts would benefit from a separate glossary, or at least a fuller index. For instance, important terms found in the main pages are either not in the index or are buried under other terms that the reader would not think to look under. In contrast, the generous notes section elaborates on the many ideas and legal documents cited in the preceding chapters. Perhaps reflecting his practical stance on the topic, the author relies heavily on model conventions, legislative directives, industry reports, and his own experience and insights, and refers to scholarly works only sparingly.

¶62 Although an obvious choice for business and law school students, *Law and Ethics in Global Business* is also valuable to anyone desiring a well-informed initiation into the multifaceted nature of effective corporate governance. Despite its textbook format, it would be a great complement to private law libraries whose shelves are already stocked with legal treatises on this subject. Its knowledgeable scope and focus enable it to serve as a primer not only on corporate governance but on basic business law and practice as well.

Rand, Kathryn R.L., and Steven Andrew Light. *Indian Gaming Law and Policy*. Durham, N.C.: Carolina Academic Press, 2006. 306p. \$40.

Reviewed by Janis Fusaris

¶63 Over the last two decades, Indian casinos have sprouted up across the United States with Indian gaming becoming a multi-billion dollar business and, as a result, a burgeoning area of legal and regulatory practice and a growing source of public policy debate. *Indian Gaming Law and Policy* provides comprehensive coverage of the law and policy surrounding Indian gaming, along with synopses of key current issues in the field. Aimed at students, scholars, practitioners, policymakers, and virtually everyone else interested in Indian gaming, it is one of only a small number of scholarly works that have been published on the subject. It would be a good addition to research libraries, academic law libraries supporting programs in Indian law, government libraries, and other libraries with Indian law collections.

¶64 Beginning with a brief history of traditional tribal games and modern Indian gaming, *Indian Gaming Law and Policy* proceeds to examine one of the two foundational cases in Indian gaming law: the U.S. Supreme Court's landmark 1987 decision in *California v. Cabazon Band of Mission Indians*,¹⁹ which first recognized tribes' sovereign right to open and operate gambling establishments. An entire chapter is then devoted to the Indian Gaming Regulatory Act of 1988,²⁰

19. 480 U.S. 202 (1987).

20. P.L. 100-497, 102 Stat. 2467 (codified as amended at 18 U.S.C. §§ 1166-68 and 25 U.S.C. §§ 2701-21 (2000)).

which created a comprehensive regulatory framework for tribal gaming. The following chapter covers subsequent legal developments, with special attention paid to the second foundational case in this area: the U.S. Supreme Court's 1996 decision in *Seminole Tribe v. Florida*.²¹

¶65 The second part of the book emphasizes politics and public policy. These later chapters look at the key political players involved in Indian gaming and review the political strategies they employ to further their policy preferences. The socioeconomic effects of Indian gaming are also examined, as well as some of the more controversial issues in the current public debate, such as tribal treaty rights, the federal recognition process, and off-reservation casinos. The final chapter looks at the future of Indian gaming and includes a discussion of recent state ballot initiatives and proposed amendments to the Indian Gaming Regulatory Act.

¶66 The authors, codirectors of the Institute for the Study of Tribal Gaming Law and Policy at the University of North Dakota School of Law, are recognized experts in the field, and their breadth of knowledge on the subject is evident in the wide range of sources used to support the text. One of their stated goals is to provide guidance to those conducting legal research on Indian gaming, and nowhere is this more evident than in the various useful appendixes they have included, particularly the annotated list of resources, which includes books, journals, and trade publications; statutes and court decisions; government documents and reports; academic institutes and information clearinghouses; and related associations and organizations. Other useful appendixes provide the full text of the Indian Gaming Regulatory Act, a list of federal regulations related to Indian gaming, and contact information for all state gaming commissions and all tribes operating gaming facilities in the United States. The book is also thoroughly footnoted with references to both primary legal materials and secondary sources such as newspapers, magazines, and tribal publications.

¶67 *Indian Gaming Law and Policy* is well organized and easy to follow, with fairly complex legal issues and ideas presented in a readable and interesting way. Readers unfamiliar with such legal concepts as tribal sovereignty will find the language in the book easy to understand. While scholarly in nature, it is, at the same time, a very good read.

Sekulow, Jay Alan. *Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions*. Lanham, Md.: Rowman & Littlefield Publishers, Inc., 2006. 349p. \$27.95.

Reviewed by David Fetrow

¶68 Given the debates over recent appointments to the U.S. Supreme Court, Jay Sekulow's *Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions* is an extremely timely and relevant book. Sekulow, chief coun-

21. 517 U.S. 44 (1996).

sel for the American Center for Law and Justice, examines the connection between the religious backgrounds and beliefs of Supreme Court justices and their judicial opinions involving the religion clauses of the First Amendment. To show the strength of this connection, Sekulow discusses eight different religious freedom controversies considered by the Supreme Court, four each from the nineteenth and twentieth centuries.

¶69 Each chapter of *Witnessing Their Faith* is organized into three sections. The first looks at the historical and cultural context surrounding the religious freedom controversy discussed in the chapter. The second examines the justice who decided the controversy, looking specifically at upbringing; religious influences, practices, and beliefs; and ascension to the bench. Finally, each chapter analyzes the case that decided each controversy, including a discussion of the facts of the case, the issues addressed, and the implications of the decision itself.

¶70 This organizational pattern makes the analysis presented in *Witnessing Their Faith* easy to follow and bolsters Sekulow's claim that "[i]n every one of the cases discussed in this book, the opinion of the justices coincided with the official positions held by the religious denomination that had influenced them" (p. xii–xiii). For example, the second chapter, "The Church-Slavery Controversy," which explores the 1871 case of *Watson v. Jones*,²² begins with a brief look at the history of slavery in the United States. As a result of this explosive issue, many Protestant denominations in America, including the Methodists, Baptists, and Presbyterians, split along regional lines in the middle of the nineteenth century.

¶71 After looking at this historical context, the political and religious influences of Justice Samuel Freeman Miller, who wrote the opinion in *Watson*, are discussed. Sekulow uses primary and secondary sources to illustrate Miller's longstanding opposition to slavery, which was informed by his strong love of both the Union and the Constitution. He also outlines Miller's membership and participation in the Unitarian Church, which had officially condemned the practice of slavery.

¶72 The chapter ends with an analysis of Miller's decision in *Watson*. The case involved a dispute between the pro-slavery and anti-slavery factions in a Kentucky church over the rightful ownership and use of the church's property. The underlying issue was whether a decision of a church's highest governing body, in this case the General Assembly of the Presbyterian Church, which had ruled in favor of the local church's anti-slavery faction, could be overturned by a civil court. Sekulow argues that, as a Unitarian, Miller favored broad tolerance of religious beliefs and sufficient freedom for churches to determine their own doctrines and govern their own affairs (p.79). As a result of these beliefs, Miller decided that, in the interest of protecting the rights of free association and religious liberty, the types of ecclesiastical decisions being considered in *Watson* were not open to review by civil courts.

22. 80 U.S. 679 (1871).

¶73 Sekulow uses the same process to analyze a variety of other religious freedom issues including the nineteenth-century practice of polygamy by the Mormons, prayer and the Bible in public schools, and government funding of religious organizations. The final chapter, “Coming Full Circle,” discusses recent Supreme Court cases, including those dealing with the Ten Commandments and the Pledge of Allegiance, to show how the Court has increasingly relied on history rather than a rigid set of rules in its interpretation of the First Amendment religion clauses.

¶74 *Witnessing Their Faith* is an important contribution to the discussion of church and state issues in America. The arguments are well organized and supported by a variety of sources, including not only the written opinions of the justices discussed, but also their off-the-bench writings and speeches. This book is recommended for academic libraries, especially those looking to develop their church-state collections.

Sims, Vanessa. *English Law and Terminology: A Guide for Practitioners and Students*. Baden-Baden, Germany: Nomos, 2006. 178p. \$30.

Reviewed by Stacy Etheredge

¶75 Phrases about the escalating impact of globalization on our lives have become somewhat of a cliché in recent years, particularly so in the publishing world where they are often used as easy and convenient marketing ploys. But in truth, we are indeed living in an increasingly interconnected world, especially when it comes to business. And because business issues naturally lead to legal issues, we find ourselves dealing with foreign laws more and more, often to an uncomfortable degree. The trick for foreign law neophytes who need information on an infrequent ad hoc basis is to find those handy books with a “just the facts, ma’am” approach. *English Law and Terminology* fits this bill perfectly.

¶76 *English Law and Terminology* is the result of the author’s personal experience with the rise of globalization in the European Union. Vanessa Sims, who has advanced degrees from universities in England and Germany and teaches in both countries, witnessed German law students and practitioners struggle with the challenges of learning the English common law system, a system so different from the civil law traditions of continental Europe. She wrote the book to provide an “accessible introduction to this alien world of case law and precedent, juries and lawyers in wigs” (Preface). It is this approach that makes *English Law and Terminology* a wonderful resource for researchers in the United States as well. While our legal system may not be so very different from the English system, it is not so very much the same either. We must acknowledge that watching *Rumpole of the Bailey*²³ is no longer enough.

23. *Rumpole of the Bailey* (Thames Television broadcasts 1978–92), rebroadcast on the *Mystery!* series (PBS).

¶77 If you are looking for an in-depth treatment of the English legal system, you will be disappointed. Sims acknowledges in her preface that a “book of this size can never do more than offer an introduction to a topic as large as English law” (Preface). Her goal is to give a basic overview that provides the reader not only with immediate answers but also with the building blocks necessary for later detailed study. At this she succeeds marvelously.

¶78 The first part of the book is geared toward explaining the basics of the English legal system and is arranged into the following topics: the common law, sources of law, the court system, trial system, legal personnel, and pre-trial civil procedure. The second part looks at the key areas of the common law, such as torts, property, contracts, and company law. A lot of this will, of course, be familiar to Americans, but nuances abound and that makes for very interesting reading. Once you start trying to decipher the Privy Council, or the difference between solicitors and barristers, or even, God forbid, the European Union, you begin to realize just how little you know about English law (unless I was the only one in the United States who did not know that England does not have a *written* constitution).

¶79 The chapters of the book are organized logically, and the coverage of material is clear and concise which makes the book an excellence resource for quick reference. In addition, each chapter contains terminology sections and study guides that facilitate further study. Sims, who writes in a refreshingly straightforward style and shows a definite understanding of her audience of English law novices, is always clear but never patronizing. While at times I had difficulty following concepts, this was due to the unfamiliar nature of the information and not to the author’s writing ability. In fact, I actually appreciated the experience of feeling confused and uncertain, such as when I was reading about European Union law, because it reminded me to be patient when I see blank looks on the faces of the students in my legal research classes. Nothing is easy when you are first introduced to it.

¶80 *English Law and Terminology* is an excellent resource for libraries that handle basic questions about English law or the English legal system. It is a slim but pithy volume that presents a fine overview, provides essential information, and leaves one with the tools to proceed further along research roads.