Keeping Up with New Legal Titles*

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Algero, Mary Garvey. *Louisiana Legal Research*. Durham, N.C.: Carolina Academic Press, 2009. 223p. $25, paper.

Reviewed by Kevin P. Gray

¶1 Mary Garvey Algero is the Warren E. Mouledoux Distinguished Professor of Law at Loyola University New Orleans College of Law. Her newly published book, *Louisiana Legal Research*, is the latest in a series of legal research titles from Carolina Academic Press, each focused on conducting legal research in a particular state. Unlike most works in its genre, *Louisiana Legal Research* is focused less on providing exhaustive bibliographic information on its topic than on serving as a field guide for those new to legal research generally and to Louisiana legal research in particular. In this context, the book succeeds well.

¶2 Louisiana has an unusually diverse and rich legal history, and is the only U.S. state to have mixed-jurisdiction status. This status combines the civil law tradition Louisiana received from France and Spain with the English common law received by the other forty-nine states. This makes Louisiana's legal system unique and, consequently, makes performing Louisiana legal research unique, to some degree, as well. Thankfully, the principal elements of this uniqueness are outlined in the very first chapter of Algero's book, which covers basic principles of Louisiana and federal legal research.

¶3 Succeeding chapters discuss the legal research process, citation, and researching enacted law, judicial opinions, legislation, and administrative law—all at both the Louisiana and federal levels. The book also discusses secondary sources, and it provides especially useful chapters covering research strategies and online legal research. Refreshingly, it directly addresses the potentially high cost of online legal research, a fact of life not generally appreciated by newer law students. Each chapter in *Louisiana Legal Research* focuses on current legal research. For more historical bibliographic coverage, readers may want to consult Kate Wallach's works[1] as well as Win-Shin S. Chiang's *Louisiana Legal Research*.[2]

¶4 The tone of *Louisiana Legal Research* is right on target for new, harried law students, telling them precisely what they need to know—at least for basic Louisiana and federal legal research—and almost nothing else. The book is written in a matter-of-fact fashion without condescending to readers. Footnotes are kept to a minimum, and charts are provided when useful. Algero outlines the local legal research vernacular, explaining, for example, that the *Louisiana Revised Statutes* are generally referred to as "the green books." She also alerts readers to potential research pitfalls, such as the easy-to-make mistake of pulling the *Louisiana Civil Code* off the shelf instead of the almost identical-looking *Code of Civil Procedure*.

¶5 *Lagniappe* is a term commonly heard in Louisiana. It means "something extra or a bonus or unexpected gift" (p.xxiv). *Louisiana Legal Research* contains occasional text boxes dubbed "Louisiana Lagniappe," each containing some historical point or interesting detail about Louisiana legal research. For instance, one lagniappe box notes that the state's 1921 Constitution, with its 536 amendments, was the longest state constitution on record.

¶6 Some material does seem to be missing from the book. So far as this reviewer can tell, no mention is made of LexisNexis' *Louisiana Annotated Statutes*, a recent—though apparently no longer maintained in print—competitor to *West's Louisiana Statutes Annotated*. Also, though *Louisiana Legal Research* notes that Louisiana attorney general opinions from 1977 to the present are available online, no mention is made of attorney general opinions in any format prior to that year.

¶7 Despite such minor issues, *Louisiana Legal Research* is an easy-to-use guide for those new to Louisiana legal research. The publisher's web site indicates that a teacher's guide is forthcoming, making the book worthy of consideration as a textbook in first-year legal research courses or by those teaching legal research to other Louisiana audiences. *Louisiana Legal Research* is recommended for all law and public libraries in Louisiana. Louisiana colleges and university libraries with prelaw or paralegal programs will also find it a worthy addition to their collections.

1. Kate Wallach, Louisiana Legal Research Manual (La. State Univ. Law Sch., Inst. of Continuing Legal Educ. Series No. 1, 1972); Kate Wallach, Research in Louisiana Law (2d ed. 1960).

2. Win-Shin S. Chiang, Louisiana Legal Research (1985).

Asimow, Michael, ed. *Lawyers in Your Living Room! Law on Television*. Chicago: American Bar Association, 2009. 432p. $24.95, paper.

Reviewed by Ruth J. Hill

¶8 Since the 1960s, programs featuring legal themes and lawyers have been a staple of American television. This genre of programming has garnered millions of fans, including this reviewer, and these popular shows have shaped public expectations of the legal system and of the role of lawyers in our society. In *Lawyers in Your Living Room! Law on Television*, Michael Asimow, Professor of Law Emeritus at UCLA, has assembled a collection of thought-provoking, original essays that examine the portrayal of lawyers and the judicial system on the small screen.

¶9 The book begins with forewords written by actors Sam Waterston (D.A. Jack McCoy, Law & Order) and James Wood (Sebastian Stark, Shark) describing what it is like to play lawyers on television. In his preface, Asimow discusses legal television as popular culture and explores how the genre can provide clues about viewing audiences' perceptions of lawyers and the law. He concludes that legal television as "pop culture serves as a powerful teacher" (p.xxi). But, is this a good thing? In a later chapter discussing reality legal television (Judge Judy and its clones), Taunya Lovell Banks of the University of Maryland School of Law argues that these shows lack educational benefit and distort the public's understanding of the legal system.

¶10 The book's introduction examines the importance of television as the "primary form of socialization and education" (p.xxix) in post-World-War-II America. It provides a history of law on television, covering everything from the earliest shows in the 1960s to the most recent series, and reflects on how trends in legal programs mirror political events and the country's changing moods. Other preliminary essays discuss television writing, legal advisers and consultants, media effects, and professional ethics, considering each topic in relation to the special issues and problems presented by television shows about the law.

¶11 The legal shows themselves are discussed in thirty-four chapters covering, among other things: the foundations of law on television (Perry Mason, The Defenders); the criminal justice system (Matlock, The Practice, JAG); the civil justice system (Boston Legal); daytime television judges (Judge Judy); lawyers on non-law shows (Seinfeld, The Simpsons, Picket Fences); forgotten, short-lived series (girls club, Murder One); and British legal shows (Rumpole of the Bailey; Kavanagh, QC). There are also chapters on the popularity and influence of American legal shows on television programming in France, Germany, Spain, and Brazil.

¶12 Just select the show you are interested in and read its chapter. You do not need to read the chapters in sequential order, as each can stand on its own. Each essay is thoroughly researched and provides citations to a wealth of resources for additional reading. Special features provided in the book include cast lists, photographs of key characters, awards won by the shows and the actors, and bios of the chapter authors. The index is detailed and comprehensive, with entries both for actors' professional names and for character names.

¶13 *Lawyers in Your Living Room! Law on Television* achieves the goal set by Asimow in the preface, namely to "convey a sense of the richness and vigor of legal television, past and present, foreign and domestic" (p.xix). This book is highly rec-

ommended, especially for academic libraries with law and popular culture collections.

Friedman, Lawrence M. *Dead Hands: A Social History of Wills, Trusts, and Inheritance Law*. Stanford, Calif.: Stanford University Press, 2009. 230p. $60.

Reviewed by Dragomir Cosanici

¶14 *Dead Hands: A Social History of Wills, Trusts, and Inheritance Law* examines the policies shaping property arrangements made in contemplation of death and the complex processes governing such arrangements as encompassed in the law of succession. The principal goals of this eight-chapter book are twofold: first, to stress for all readers, laypersons and experts alike, the importance of changes that have occurred over time to this area of law, and second, to reflect on the shifting values and priorities of everyday Americans that have driven these changes. Each chapter provides a gloss on a particular, important area in the law of succession, supporting the author's underlying thesis that, despite improvement, the laws governing succession remain too formal and rigid for modern American needs.

¶15 Lawrence M. Friedman is the Marion Kirkwood Professor of Law at Stanford Law School and a well-known legal historian.[3] His *Dead Hands* is a quick read that provides a comprehensible review of the basic history behind the law governing decedents' estates. Practitioners specializing in this area will find the book a brief overview of a vastly complex world. Other law school graduates will see it as a familiar review of the intricate rules governing succession, reminding them of their first days in a bar review course. Lay readers will discover in *Dead Hands* an intriguing introduction to an otherwise dry and difficult topic.

¶16 Friedman devotes substantial space to the basics of the will, a device presented as the exemplary mechanism in the law of succession, but one that has evolved and continues to evolve with time. Approximately half of the chapters in *Dead Hands* deal directly with wills, will contests, and will substitutes. Friedman maintains that the law of wills remains rigid and demands unnecessary formalities. He argues that: "The whole process of 'probating an estate' [via a will] is still too bureaucratic and complex" (p.179). Yet Freidman is hopeful—he identifies the spreading acceptance of holographic wills as a sign that the law is heading toward the greater simplicity and variety needed by twentieth-first century Americans.

¶17 The changing nature of the American family, its structure and its values, Friedman asserts, has greatly influenced the law of succession. People are living longer than ever, turning the accepted understanding of inheritance on its head. The modern family structure is smaller and far more diverse than that of two or three hundred years ago when inheritance laws were originally imported from England. These developments and the changes in American values that accompany them create a popular demand for greater flexibility that slowly results in modifications to the law of succession. Friedman frequently illustrates this process. For instance, he describes how modern statutes, responding to demands for flexibility

3. *See, e.g.*, LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW (3d ed. 2005).

and influenced by the Uniform Trust Code,[4] have relaxed the *Claflin*[5] doctrine restricting beneficiaries' power to force an end to a trust. The doctrine is now well into the later stages of decay. Thus, the power of the *dead hand* is not absolute—it continues to loosen its grip in favor of more expedient and flexible measures that help ensure property passes to another generation after death.

¶18 Stylistically, *Dead Hands* displays Friedman's academic side, frequently jumping from one point to another while promising to fill in more details in later chapters. At such moments, I felt transported back in time to law school where this technique was frequently used as a teaching method by law faculty. The examples that Friedman uses in his argument are vivid. He often draws his reader into a brief story about the people involved in a dispute over a decedent's estate before unveiling the rule governing the particular case.

¶19 The issues presented by Friedman in *Dead Heads* are both challenging and thought-provoking, and they are certain to stimulate further discussion. Friedman does not attempt to solve all problems related to succession, but he succeeds in demonstrating that continuing changes to the law are necessary to keep up with the shifting nature of modern America. He has written a book that is an engaging read as well as an excellent reference tool for anyone interested in the history and metamorphosis of the law of succession in the United States. The footnotes are thorough and the index is effective—together they can quickly yield a set of important cases and select statutes that may further pique readers' interests. The book is recommended for academic libraries as well as those public libraries that aim to diversify their scholarly collections.

Kneale, Ruth. *You Don't Look Like a Librarian: Shattering Stereotypes and Creating Positive New Images in the Internet Age*. Medford, N.J.: Information Today, 2009. 198p. $29.50, paper.

Reviewed by Andrew Pulau Evans[6]

¶20 I first heard of Ruth Kneale and her web site, You Don't Look Like a Librarian!,[7] while in library school. Kneale, who works as a system librarian at Tucson, Arizona's Advanced Technology Solar Telescope, is a prolific author on computer and library topics and a regular columnist who writes about librarians in pop culture for the journal *Marketing Library Services*. Her web site served as the inspiration that led me to create one of my own, Butt Kicking Librarians.[8] Kneale later ran across my site and got in touch to interview me for her new book, *You*

4. Unif. Trust Code , 7C U.L.A. 362 (2006).

5. Claflin v. Claflin, 20 N.E. 454 (Mass. 1889).

6. The book under review includes a profile of the reviewer, Andrew Evans, and of a web site that he created. He is not otherwise associated with the author and received no compensation in connection with the book or as a result of this review, other than a complimentary review copy of the book.

7. You Don't Look Like a Librarian!, http://www.librarian-image.net (last visited Oct. 8, 2009).

8. Butt Kicking Librarians, http://www.hokkien.uuft.org/librarian.html (last visited Oct. 8, 2009).

Don't Look Like a Librarian: Shattering Stereotypes and Creating Positive New Images in the Internet Age.

¶21 You may already have the impression that a book with this title would be a fun and entertaining ride, with interesting examples of librarians portrayed throughout pop culture, but it is also a lot more than that. The foreword, written by youth services librarian Elizabeth Burns, explains that what people think about librarians is not a laughing matter: "Connect the dots from the assumptions people make about librarians to how the public perceives us, and you'll quickly realize the impact stereotypes have on everything from customer expectations to salaries" (p.xii).

¶22 In chapter one, Kneale shows how the image of the old-fashioned, shushing librarian who only understands books hurts us in terms of pay equity and funding. She provides an example involving librarians who were reclassified into a lower pay grade because "their board thinks librarians today 'do less complex work'" (p.2). She also discusses patrons who assume that librarians cannot provide help with sophisticated technology issues because of this outdated stereotype. "This makes me wonder . . . how many patrons are being shortchanged just because they *don't* know all the things we can do" (p.4). The chapter ends with several illuminating vignettes and quotes submitted by librarians from all walks of professional life, each describing the librarian stereotypes relied on by library patrons. Some of these made me laugh; others made me cringe.

¶23 Chapter two—the fun chapter—provides lots of examples of librarians who appear in pop culture. Kneale discusses five general types of librarians developed by Maura Seale[9] and attempts to fit each pop culture librarian character into one of the categories. Kneale examines characters from a wide variety of books, comics, movies, music, television shows, and advertisements—even one that appears as an action figure. As just one example, she writes that Rupert Giles, a librarian portrayed on the Buffy the Vampire Slayer television show, is "both guardian and mentor" and, while stereotypically technology-challenged, "with his wit, wiles, skills, and intelligence he showed that a librarian can be, and do, anything!" (p.61).

¶24 I found chapter three, focused on what real librarians are doing on and off the job, to be a real eye-opener. As someone who works with lots of talented and technologically savvy law librarians, I took for granted that other kinds of librarians are less sophisticated. Kneale's profiles of several librarians, two of whom are law librarians, helped to correct this mistaken impression. The profiles are followed by the fun part of the chapter, which details some of the groups formed by librarians with special interests—everything from belly dancing to lipstick to body modification (tattoos and piercings) to radical politics. The underlying message I found in this chapter is that we librarians need to let the world know that we are cool, active, innovative, friendly people with a multitude of interesting hobbies.

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9. Maura Seale, *Old Maids, Policeman, and Social Rejects: Mass Media Representations and Public Perceptions of Librarians,* Electronic J. Acad. & Spec. Librarianship, Spring 2008, http://southernlibrarianship.icaap.org/content/v09n01/seale_m01.html.

¶25 Chapter four begins by explaining how librarian job duties have evolved. As Kneale points out, "Our power has always been in our ability to guide others in how to find the information they seek; that power still exists and is still needed" (p.121). The chapter is also a call to arms for librarians to embrace change and learn new technologies. Librarians need to stay relevant and remain friendly while continuing to market their services aggressively: "In our day-to-day activities, we need to show our patrons (and anyone else we meet) what we're capable of. When someone expresses surprise, or says 'I didn't know librarians did that!' explain that yes, indeed, we do, and a lot more besides" (p.132). Kneale also suggests librarians take classes on technology and get more involved in teaching.

¶26 The last third of the book consists mostly of two appendices, a bibliography, and a list of web sites relevant to the book's subject. I found particularly useful the nineteen pages listing references and web sites. Readers are also directed to the book's companion web site, where Kneale regularly adds to her research. She promises to provide appropriate redirection as web site addresses change or become unavailable.

¶27 I recommend *You Don't Look Like a Librarian* for all types of librarians. However, the book is especially relevant for law librarians, because we often work with attorneys and law professors who do not always view us as equals. Sometimes we unintentionally encourage or reinforce such attitudes ourselves. I have heard of law librarians who claim to be research attorneys when asked what they do for a living by someone outside of the legal or library fields—after all, everyone knows what research is. Thanks to this book, I am going to advise law librarians to "be 'loud and proud' about being a librarian" (p.134) and to "Speak up! Step Out! Stay out there, or get out there, to educate, inform, and assist!" (p.134).

Minan, John H. and Kevin Cole. *The Little White Book of Baseball Law.* Chicago: American Bar Association, 2009. 239p. $19.95, paper.

Reviewed by Jason R. Sowards

¶28 Continuing the American Bar Association's (ABA) Little Book series, Professor Minan and Dean Cole look at the courtroom battles that have arisen in response to battles occurring on, around, or about the baseball diamond. John Minan, the principal author, is a professor of law at the University of San Diego, an obvious baseball fan, and the author of the previous ABA title, *The Little Green Book of Golf Law*. Coauthor Kevin Cole is dean and professor of law at the University of San Diego School of Law. Their book is not a traditional casebook, nor does it provide treatise-level coverage of the field. Rather, it is a concise, reader-friendly foray into court cases that have impacted the game and business of baseball. The book drops the legalese in favor of a presentation more akin to the style of O. Henry, and it is a must read for any true baseball aficionado.

¶29 Those who think they know a little something about baseball will be impressed to learn the many different corners of the law that have a presence not only in the game but also in the business of baseball. Topics covered in the book include, among many others, antitrust, intellectual property, publicity rights, malicious prosecution, and the law behind scalping tickets. Specific stories or cases are

included either as landmark events or because they occur regularly as "part of the game"—one example of which is player safety during the game. To drive home that the book is about baseball, these stories are organized not into traditional chapters but rather into *innings*, eighteen of them to be exact—technically, a double-header. Each inning begins with a case name and a citation, complete with footnotes that let readers who wish to venture into the court's opinion know where they can find the case on the Internet (with a preference toward PreCYdent[10]).

¶30 One of the landmark cases discussed in an inning is *Federal Baseball Club of Baltimore v. National League*.[11] This was the first case to consider whether professional baseball fell under the federal antitrust laws. The Supreme Court's decision, penned by Justice Oliver Wendell Holmes, answered that the antitrust laws did not apply because "[t]he business is giving exhibitions of base ball, which are purely state affairs."[12] The exemption is still alive and well today, underlying Major League Baseball's control over the relocation of teams.

¶31 Written in entertaining prose, the book is not just page after page of text—it includes lots of photographs, diagrams, and, where appropriate, reproductions of documents. One example of the latter is a copy of the indictment against Barry Bonds for steroid use, included to stress that the market value of baseball memorabilia is tied to the reputation of the player to whom the memorabilia is connected. These illustrations (and other cultural references, including several to baseball history, songs, and movies) add to the value of the book as both a novel introduction to legal disputes in major league baseball and an entertaining read. There is also a relatively detailed index, a nice bonus in a book that is not intended to be a traditional reference source on the subject.

¶32 The most unique feature of the book, and one that will speak to the diehard baseball fan, is the final part of each inning, called the "Umpire's Ruling," in which the authors analogize the legal rule discussed in the featured case to a related rule in baseball (with appropriate footnotes to the rules). For example, following the case of a patent dispute over the design of the first catcher's mask, readers are informed of the rule that when a pitch lodges in the catcher's mask or paraphernalia and remains out of play, the ball is considered dead and all runners advance one base without risk of being put out. The ability to intertwine detailed (and sometimes obscure) rules of the game that complement the legal rules set forth in the cases demonstrates true mastery not only of the law discussed but of the game itself.

¶33 The legal battles fought in the eighteen innings played in this book provide discrete snapshots of the litigious past and present of baseball. The book would make a great addition to an academic law library, where it can help fill a niche collection of sports law resources. It would also make a great gift for that attorney in the family who is likely listening to the game in the background while performing other, more lawyerly, tasks.

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10. PreCYdent Opinions Search Engine, http://www.precydent.com (last visited Oct. 20, 2009).
11. 259 U.S. 200 (1922).
12. *Id.* at 208.

Newman, Roger K., ed. *The Yale Biographical Dictionary of American Law.* New Haven, Conn.: Yale University Press, 2009. 622p. $65.

Reviewed by Judy Davis

¶34 Part of the Yale Law Library Series in Legal History and Reference, *The Yale Biographical Dictionary of American Law* provides succinct biographies of the most notable individuals in American law from colonial times to the present. The first of its kind, this volume, edited by Roger K. Newman, will be a valuable addition to all types of law libraries.

¶35 The *Dictionary* contains over seven hundred succinct, well-written entries about key figures who have had a significant impact on American law. Each entry is roughly one page long, lists the contributor who wrote it, and provides a brief bibliography. A two-column layout makes the material very easy to read.

¶36 Subjects in the volume include not only the usual suspects—judges, prominent attorneys, and law professors—but a wide range of less obvious individuals as well. Noteworthy fiction authors such as Scott Turow and Harper Lee make the cut, as do figures known for their brushes with the law—Lenny Bruce and O. J. Simpson, for example. Those profiled in this work are a truly diverse group, unfiltered by ideology, popularity, or background.

¶37 Although the term *dictionary* may conjure images of a dry, soporific tome, this little gem manages to be scholarly yet surprisingly entertaining at the same time. In addition to important biographical details, each profile conveys its subject's achievements and relevance to American law through brief narratives and anecdotes that are often unexpected and always interesting. Who knew, for example, that John Thomas Scopes actually attended a local Methodist church in Tennessee? The entry for Learned Hand reveals that the federal judge sometimes "drove go-carts around his chambers . . . to recreate the circumstances of a collision" underlying a lawsuit (p.248). Such additions to the standard biographical facts not only make the *Dictionary* a pleasure to read, but they also bring an essential human element to figures often perceived in a limited or one-sided fashion.

¶38 Composed to a large extent of law professors and academic historians, the list of contributors to this volume is nearly as long as the list of subjects. Newman has chosen the foremost authorities and expertly pairs the contributors with the figures they profile. Mark Tushnet writes on Thurgood Marshall, Philippa Strum on Louis Brandeis, and Athan Theoharis on J. Edgar Hoover. Some experts, such as Ruth Bader Ginsburg, Kenneth Starr, and Robert Bork, are both subjects and writers. Other notable contributors include Lawrence Friedman, Erwin Chemerinsky, and the late Roy Mersky, to name just a few. The contributors could well constitute a volume of influential legal figures themselves.

¶39 Despite its thorough coverage and its who's who list of writers, this volume would be even more useful if it included an index or other cross-reference device. In addition, although a list of the contributors is provided, it would be a nice touch if the list identified the profiles that each author wrote. Overall, though, the faults with the *Dictionary* are few.

¶40 From Shirley Abrahamson to Ronald Zumbrun, this essential text assembles the key figures in American legal history; provides an authoritative, scholarly pre-

sentation of biographical information; and achieves this feat in a readable and lively format. *The Yale Biographical Dictionary of American Law* will likely make its way into most law libraries, as well as many other libraries, and for good reason. It doubles as a useful reference resource for attorneys, scholars, and students and as an engaging read for anyone interested in the history of American law. This book is highly recommended as an addition to any law library collection.

O'Connor, Edward F. *Intellectual Property Law and Litigation: Practical and Irreverent Insights.* Chicago: American Bar Association, 2009. 311p. $119.95, paper.

Reviewed by Kevin Miles

¶41 Edward F. O'Connor is a successful and experienced intellectual property litigation attorney who has represented major corporations such as Kawasaki Heavy Industries, Nike, Thermos, Independent Ink, Systems Division, and Scholle. O'Connor has written two earlier books on intellectual property,[13] and although the titles vary, his newest offering, *Intellectual Property Law and Litigation: Practical and Irreverent Insights*, is technically a third edition. There are significant differences, however, between the three editions, and the third highlights the *Irreverent* part of its subtitle. The American Bar Association, publisher of all three books, classifies this latest work "Law/Reference." Instead, it should be categorized as light humor, because there is very little serious reference to it.

¶42 O'Connor's introduction sets the tone for the entire book. Though labeled an "Important Introduction"—"because if I didn't call it an Important Introduction, you would ignore it the same way you ignored the introductions to the previous two editions" (p.xv)—O'Connor insists that there is "nothing the least bit important about this introduction" (p.xv). The introduction, though, does answer some basic questions readers may have about the book, such as why you should read it ("Because you paid for it"), why he wrote it ("Because in a moment of weakness, I told the American Bar Association that I would do so"), and what you can expect to get from it ("Nothing") (p.xv). The book is not designed as a research aid because, according to the introduction, the material "changes at the speed of light" and the book "will probably be obsolete tomorrow" (p.xvi). O'Connor concludes, "Now that you have read this Important Introduction, you can put the book away, because you know all there is to know about this subject matter. If you are, nonetheless, a glutton for punishment, please read on" (p.xviii).

¶43 Gluttons for punishment will find a 311-page paperback divided into seven sections with headings that reflect the topics covered by the book—Antitrust and Other Anticompetitive Litigation, Patents, Trademarks, Copyrights, International Trade Commission, Miscellaneous "Things" You May or May Not Find Interesting, and the Final Chapter. The various sections are further subdivided into sixty-two lighthearted chapters, yielding an average of five pages per chapter, not enough to fully develop many of the ideas in the book.

13. Edward F. O'Connor, intellectual property law and litigation (2d ed. 2003); Edward F. O'Connor, A Primer on Intellectual Property Law and Patent Litigation (1997).

¶44 Chapter forty-one, "Copyrights," is four pages long. The first two and a quarter pages are a poem written by O'Connor in the style of Dr. Seuss. Calling his poem "rather pathetic" (p.209), O'Connor claims that it is intended to explain the purpose of copyright and the concept of fair use. Good start, but why not expand on the principles touched on in the poem by citing and discussing the defining case law? Further, O'Connor undercuts the relevance of the whole discussion by advising readers "to avoid [copyright law] like the plague" (p.209).

¶45 The shortest chapter is probably chapter fifty-seven, a single indented line of text that wraps to the next line. Does that count as two lines? The entire text of the chapter is a case citation intended to explain Rule 11 sanctions. If you cited the case, would you effectively be quoting this entire chapter? A synopsis of the case or some explanation of its significance should really have been included here. O'Connor did not do this, which is funny but not very practical.

¶46 The chapter concerning patents, weighing in at a comparatively heavy nine pages, also lacks any detailed analysis. For example, the chapter directs readers to consult a sample patent provided in the book's appendix to see that patents consist of multiple parts. The book provides no further elaboration of this concept or discussion of the sample patent. The chapter does provide further evidence of O'Connor's sense of humor, claiming that "Many people (according to recent polls, 72.3 percent of the American public) believe that a patent consists of a description of the invention" (p.45). A footnote attached to this statement reads, "I made this up."

¶47 The topics in these chapters and many others really need to be analyzed at greater length and in more depth. The book could also be improved in several other ways. The second edition included a table of authorities, and the third deserves one as well, perhaps one that summarizes each important case and its significance. The book's index is very slim, not at all indicative of a serious work. Finally, some of the most interesting content in the book is not analyzed or explained at all. The sample patent in the appendix should be discussed in detail, and chapter sixty-two, a nineteen-line checklist of various causes of action, needs explication.

¶48 That said, O'Connor never intended *Intellectual Property Law and Litigation: Practical and Irreverent Insights* to be a research book. It is a book of "short personal views on cases and the law," (pxviii) humorously written. Those seeking a one- or two-volume intellectual property treatise for reference or in-depth research should try consulting *Patent Trademark, and Copyright Laws*,[14] or the *Trademark Law Handbook*.[15] Those seeking somewhat practical but mostly irreverent insight into intellectual property law and litigation, however, may find it in O'Connor's latest work.

14. Patent, Trademark, and Copyright Laws (Jeffrey Samuels ed., 2009).
15. Trademark Law Handbook 2008 (Matthew Harris et al. eds., 2008).

Osanloo, Arzoo. *The Politics of Women's Rights in Iran*. Princeton, N.J.: Princeton University Press, 2009. 258p. $22.95, paper.

Reviewed by Kama Siegel

¶49 Arzoo Osanloo was born in Iran but raised in the United States. She is now a professor of anthropology who also teaches in the Law, Societies, and Justice Program at the University of Washington. Osanloo spent a year (1999–2000) immersed in Iran's capital city, Tehran, studying women's rights in Iran and seeking to learn, in particular, how Tehrani women understand their rights. Her year-long research was anthropological in approach: she adopted, simultaneously, the roles of researcher and guest, journalist and friend. The culmination of this research, *The Politics of Women's Rights in Iran,* is a meticulous and enlightening examination of the historical, cultural, and legal aspects of women's rights within the framework of an Islamic republic.

¶50 Osanloo's voice in this book alternates between a professorial tone and a more personal one used to convey accounts of the women with whom she spent leisure time, attended court proceedings, and conducted interviews. I am not particularly fond of "Professor" Osanloo. I found her more scholastic writing needlessly polysyllabic and dense, particularly in contrast to that used for the personal vignettes. These vignettes are fascinating and delightful profiles of a diverse group of women representing all of the socioeconomic backgrounds, age ranges, marital situations, political views, and levels of religious observance commonly found within the urban setting of Tehran.

¶51 In her introduction and first chapter, Osanloo describes the historical and political developments that led to the current state of women's rights in Iran. In particular, Osanloo focuses on the period following the Iranian revolution in 1979. She explains that Iran's post-revolutionary leaders wished to develop a political structure—a republic—within the context of Islam; specifically, a structure that avoided "the previous government's excesses and its perceived capitulation to the United States and Europe" (pp.31–33). One of the easiest ways for the new government to visibly demonstrate the values of the new republic was to define and enforce a dress code for women. The dress code, rooted in Shari'a, quickly became a polarizing element all over Iran and a symbol of women's oppression in the eyes of Westerners.

¶52 The next four chapters examine the nuances of women's rights in the contexts of daily life and the pursuit of legal recourses. Osanloo spent a great deal of time talking to women about Iranian politics, Islamic law, and the impact of both on the rights of the women. These interviews, which often took place in the course of the women's daily routines—preparing food, meeting a betrothed's family, attending a play—put an everyday face on lives that are clearly affected by the pervasive touch of Islamic law. A large portion of chapter three is devoted to biweekly, women-only meetings called *jaleseh-ye Qur'an* or *dowreh.* Although the ostensible purpose of these meetings is to discuss the Qur'an, they often develop into political discussions. Later chapters focus on Tehran's family law court. Osanloo interviewed a well-known female family law attorney, as well as a male family law court judge. She relays the courtroom arguments between couples and the discussions between

attorney and client. By portraying the legal processes that women undergo to secure their rights, Osanloo is able to draw a fairly complete, if woman-centric, picture of the tension between Islamic law, civil laws, and real life.

¶53 Throughout the book, Osanloo demonstrates the uneasy relationship between Islamic law, as dictated by the Qu'ran, and attempts made by various political factions to pass laws that equalize the status of women and men. She notes that changes in Iran's leadership, especially over the past ten years, have resulted in great fluctuations between laws enacted by reformists and those enacted by hardliners. Osanloo also explains that one of the steps necessary for the enactment of legislation in Iran is that the Council of Guardians examine a prospective law and determine if it conforms to Islamic law. This procedure has caused great confusion and frustration among Iranian women trying to secure or enforce their rights.

¶54 Each individual in Iran—indeed, across the world—has a unique understanding of what the term "women's rights" encompasses. Among the Tehrani women profiled in the book, opinions on women's rights in Iran run from "'[w]omen in Iran have no rights'" (p.162) to "'Iranian women have more rights than women anywhere'" (p.163) to "'women in Iran have lots of rights, they [just] don't realize it'" (p.158). For those Westerners who hold the exceedingly common view that Iranian women or, perhaps, all Muslim women lead lives of unmitigated oppression and unhappiness, Osanloo's book is remarkably evenhanded. It depicts women exerting their rights in many situations, good and bad, but always within the structure of existing Iranian law. Osanloo concludes that women's rights are a political rather than a cultural construct and that—for the foreseeable future, at least—women's rights in Iran are going to be filtered through the screen of Islamic law.

¶55 *The Politics of Women's Rights in Iran* is most appropriate for academic law libraries. It could, perhaps, prove a useful addition to a law firm library as well, particularly for a firm that serves a substantial clientele from an Iranian or Islamic background. The text is written at quite a high level, which prevents me from recommending it for all but the most scholarly types who also have a specific interest in the subject matter.

Palfrey, John and Urs Gasser. *Born Digital: Understanding the First Generation of Digital Natives*. New York: Basic Books, 2008. 375p. $25.95.

Reviewed by Ellen Seibert

¶56 The spring 2009 issue of *Law Library Journal* included the edited transcript of a panel discussion on the future role of law libraries held at Duke University's J. Michael Goodson Law Library.[16] One of the panelists was John Palfrey, professor of law and vice dean of library and information resources at Harvard and coauthor of the book *Born Digital: Understanding the First Generation of Digital Natives*. During the discussion, Palfrey contended not only that law students and attorneys born

16. Richard A. Danner, S. Blair Kauffman & John G. Palfrey, *The Twenty-First Century Law Library: A Conversation*, 101 Law Libr. J. 143, 2009 Law Libr. J. 9.

after 1980 rely on digital technology to a far greater extent than books,[17] but also that in ten to fifteen years' time all core legal materials will be born or available in digital format.[18] Reading these comments, as well as those of co-panelists Richard A. Danner and S. Blair Kauffman, prompted me to check out *Born Digital* from my local public library.

¶57 Palfrey and coauthor Urs Gasser, associate professor of law at the University of St. Gallen in Switzerland, label the demographic providing the focal point for their book *digital natives*—those "born into the digital age (after 1980) who . . . share . . . certain attributes and experiences related to how they interact with information technologies, information itself, one another, and other people and institutions" (p.346). The book analyzes this demographic through thirteen chapters bearing such succinct headings as "Creators," "Quality," "Innovators," and "Learners" that get to the heart of what it means to be *born digital*. In the introduction, the authors define as their purpose distinguishing "what we ought to resist from what we ought to embrace" (p.9), as well as urging parents, teachers, and policy-makers to think about how to shape the "digital space in ways that advance the public interest" (p.12).

¶58 The chapters on copyright, privacy, and quality are among those most relevant for lawyers and law librarians. In their discussion of copyright, Palfrey and Gasser echo copyright scholar and open software advocate Lawrence Lessig, asking what it means when so many otherwise law-abiding citizens regularly break the law by illegally downloading music and videos. They recount the genesis and ultimate demise of undergraduate Shawn Fanning's remarkable Napster, which nearly toppled the Recording Industry Association of America (RIAA). Like Lessig, the authors puzzle over the RIAA's decision to resort to lawsuits (over 15,000 to date, with most settled out of court) rather than exploring the potential of file-sharing as a delivery platform.

¶59 In the chapters "Dossiers" and "Privacy," the authors discuss the shift to digital processing that has made file copying cheap and easy and created a situation in which managing digital files is "wildly difficult" (p.44). They note the ability of web crawlers to unearth from deep within the Internet ever more personal data, copying it and dumping it without permission into a massive, global index. They discuss how current U.S. laws lag woefully behind this digital onslaught, constituting, at best, a loose patchwork with plentiful loopholes that afford ordinary citizens few if any remedies for willful—let alone negligent—incursions on their privacy. For obvious reasons, children have even less recourse than adults for the invasions of their privacy that occur on the Internet. Not surprisingly, the authors found that even the most web-savvy kids almost never read or compare the privacy policies of service providers. (Neither do their parents!) Although Facebook and other social networks may assert that they will not sell the data posted on their sites, they still claim ownership of all such data and reserve the right to do whatever they wish with it. With startlingly few legal limits on the use of personal data, the authors suggest there is little incentive for governments, businesses, corporations, ubiqui-

17. *See id.* at 145, ¶ 13.
18. *Id.* at 154–55, ¶¶ 68–69.

tous marketers, or petty criminals lurking around the actual or virtual corner *not* to steal and use personal information.

¶60 Despite these threats, who among us has not been seduced by the power of the Internet or can honestly say we are not awed by innovations such as Google and even Wikipedia? Although Palfrey and Gasser provide a nod to the hazards of piracy and privacy and to the difficulties that young people experience in attempting to evaluate the quality of information discovered online, the authors ultimately reveal themselves as unreserved supporters of Web 2.0 culture, its varied capabilities, and the applications developed to date. They devote considerable ink to Jimmy Wales and Wikipedia, cite statistics on the popularity of blogging and social networking, and discuss the appeal of the user-defined worlds enabled by MMOGs (Massively Multiplayer Online Games) such as World of Warcraft and Second Life. They note positively a recent study finding that nearly sixty-five percent of online teens in the U.S. have created some sort of content online.

¶61 I was drawn to this book as an older law librarian, the parent of a teen, and someone inclined to ponder such matters. Although it provides a solid guided tour to the current electronic landscape and offers a valuable portrait of those *born digital*, I was somewhat disappointed by the book. In fairness, it was written more for a general than a legal audience. There's no doubt the Internet—and online legal research—are not only here to stay but set to thrive. Starting long ago with Westlaw and LexisNexis, online technology has proven invaluable to law librarians. Still, to fulfill its stated purpose, *Born Digital* needed to raise more questions about the online world. For example, does the Internet lead us to more quality information or more wasteful distractions? Is its influence democratizing or commercializing and alienating? Does it encourage creativity or, again, commercialism—along with a large dose of conformity and appeal to popularity?[19] Are news and information custom-tailored to fit one's own small worldview really good for us and our kids?

¶62 Perhaps most importantly, how is the Internet affecting the way kids—including future lawyers—learn to read, write, and even think? The chapter "Overload" in *Born Digital* begins by quoting a college student who says, "I think the reason why print magazines are still very popular is because you kind of have the feeling, okay, this is like one issue, and this is what happened this week. And on the Internet . . . there's no beginning and no end" (p.185). Indeed. All the instant gratification, endless choice, and questionable opinion offered by non-experts may not be so great. There are cognitive limits to how much information people can process, as recent studies on multitasking suggest.[20] Though much pilloried for his stance on the Internet, Lee Siegel made similar, valuable points in his book, *Against the Machine: Being Human in the Age of the Electronic Mob*.[21] Yet people seem to be softening, or waking up, a bit. Nicholas Carr's *Is Google Making Us Stupid?*,[22] published last year in *The Atlantic*, created quite a stir, and in just the last month or so

19. *See, e.g.,* LEE SIEGEL, AGAINST THE MACHINE: BEING HUMAN IN THE AGE OF THE ELECTRONIC MOB (2008).

20. *See* Walter Kirn, *The Autumn of the Multitaskers*, ATLANTIC, Nov. 2007, at 66, 72.

21. SIEGEL, *supra* note 19.

22. Nicholas Carr, *Is Google Making Us Stupid?*, ATLANTIC, July/Aug. 2008, at 56.

I have run across articles—on the Internet, of course—on topics ranging from the many metadata errors turned up in Google's book search,[23] to the growing "Facebook exodus,"[24] to the reasons "why Gen-Y Johnny can't read nonverbal cues."[25] A bit more such skepticism is exactly what I found missing from Palfrey's and Gasser's book.

¶63 This book should be considered for purchase by librarians in academic law libraries. Among the library users to whom it will appeal most are law students and patrons born before the digital age.

Schauer, Frederick. *Thinking Like a Lawyer: A New Introduction to Legal Reasoning*. Cambridge, Mass.: Harvard University Press, 2009. 239p. $39.95.

Reviewed by John Azzolini

¶64 Confronted by the formalistic, often mystifying rulings produced by the courts entrusted with resolving our nation's most pressing issues, both laypeople and practitioners might be compelled to ask: Is there something unique about the law's way of reasoning? Even if the legal system's applied logical tools are not completely distinct from the methods used in other intellectual endeavors, are these tools brought to bear in such a quantitatively or qualitatively different manner that they can claim a special status, mastery of which requires the specialized training and experience that can only be gained through law school and subsequent lawyering or judgeships? In *Thinking Like a Lawyer: A New Introduction to Legal Reasoning*, Frederick Schauer, the David and Mary Harrison Distinguished Professor of Law at the University of Virginia, critically examines these questions and makes a cogent case that the law does indeed employ a characteristic decision-making approach, different in degree, if not in kind, from other forms of reasoning.

¶65 If you want an overview of such key American common-law concepts as stare decisis and the appeal to authority, textbook treatments and Wikipedia-like entries on the web abound, but will likely prove very basic and very perfunctory. As *Thinking Like a Lawyer* makes evident, the intellectual ideas underpinning the U.S. legal system carry too many implications to be only lightly touched upon. Appreciating them demands a thoroughgoing inquiry into the logic and the ramifications of core values. Professor Schauer's baseline is law's fundamental generality and the gravity that law gives to rules, rule making, and rule following.

¶66 After convincing the reader of law's vital embrace of rules, the author focuses on the nuts and bolts of the system that manifest this central premise—precedent, authority and authorities, analogies, and the common law—in four chapters that underscore the tested rationality behind these major values. Schauer illustrates especially well the reasons why judicial decisions are made in strict accordance with these values even though such adherence may lead to less-than-optimal or even unfair outcomes in particular cases. Exploring the problems and

23. Google Books: A Metadata Train Wreck, posting of Geoff Nunberg to Language Log, Aug. 29, 2009, http://languagelog.ldc.upenn.edu/nll/?p=1701.

24. Virginia Heffernan, *Facebook Exodus*, N.Y. Times, Aug. 30, 2009, § 6 (Magazine), at 16.

25. Mark Bauerlein, *Why Gen-Y Johnny Can't Read Nonverbal Cues*, Wall Street J., Aug. 28, 2009, at W11.

advantages that flow from the idea of precedent and the related principle of stare decisis, which mandates attention to precedent, Schauer discusses holdings versus dicta, distinguishing cases, and the situations that compel the overruling of precedent. The section on authority and authorities probes the question of what constitutes a legitimate source of authority for legal actors and points out that legal rules are "content independent" (p.62), obtaining their power from their status rather than their soundness. Two final chapters in this section conclude Schauer's consideration of the values that underlie the legal system: one distinguishes analogy from precedent, stressing the significance of relevance-determining rules in constraining the application of analogical thinking; the second contains insights into the history, nature, and development of common law and contrasts the rule-based character of the common law with the more flexible approach of equity.

¶67 Subsequent chapters cover legal realism, the interpretation of statutes, the judicial opinion, law and fact, and the burden of proof. These discussions give form to the law's enduring struggles. Among other topics, Schauer addresses the influence of extralegal factors on judicial decision-making, the validity of legislative history as a tool for interpreting ambiguous statutory text, and the respect for deference and jurisdiction that generally prevails even when one authority believes that another has made a conspicuous error.

¶68 As a whole, the book successfully argues that the common law actually incorporates its own distinctive methods of reasoning. The techniques and justifications employed may seem a bit odd to those accustomed to conducting their affairs according to substantive rather than source-based reasoning, but these methods yield a well-grounded and versatile approach that has performed well and adapted creditably for several centuries. Informing the law's reasoning is an elementary regard for such primary institutional values as predictability, certainty, and settlement. The law operates under the assumption that "in the long run we may be better off with the right institutions than we are when everyone simply tries to make the best decision" (p.233).

¶69 *Thinking Like a Lawyer* is a citation-rich work. Professor Schauer knows full well that those who do law for a living can be swayed by other sources of behavioral justification. Although his central sources of authority are law review articles and case law, he engages in a wide-ranging survey of material from diverse perspectives, both legal and nonlegal. For instance, he reviews accepted findings from experimental psychology to spotlight the pitfalls presented by so-called cognitive biases that can trap judges as easily as everyday decision-makers. He touches on issues in jurisprudence and the philosophy of language, and makes fine use of mundane examples to illustrate broader principles. He also offers engaging narratives that depict famous cases or intellectual disputes, such as the nature-of-law debate between the philosophers H.L.A. Hart and Lon Fuller, which can be interpreted as an inquiry into the nature and meaning of legal rules.

¶70 This is not an easy read—a positive statement that reflects the book's status as the product of a learned author with a sophisticated and assured grasp of his topic. The work often presents a challenge to foundational assumptions, which are explored, criticized, and counter-argued throughout the text. In his efforts to edify us on a subject he obviously holds dearly consequential, Schauer presents both—or

even several—sides to some of the common law's thorniest issues. The reader is forced to contemplate multiple adversarial yet eminently reasonable legal viewpoints. The book's discerning prose made me want to read further on these fascinating topics, and I was tempted to consult many of the cited sources, among them the author's own previous studies.

¶71 The index, while slim and with entries limited primarily to proper names, does an adequate task of covering the main conceptual points for a work that is essentially 233 pages of meaty concepts. The one drawback to the book's design is the lack of a separate bibliography. This is perhaps understandable from a law professor whose natural professional setting is the law review article, but the reader may find it somewhat frustrating not to have all those estimable references in one section, nicely alphabetized.

¶72 The book's preface states that the work is meant "partly to make a serious academic contribution" but primarily as an introduction for "beginning and prospective law students to the nature of legal thinking" (p.xi). The book stands out as a terrific choice for law school library shelves and for consultation by undergraduates with eyes on a J.D. But *Thinking Like a Lawyer* is also excellent reading material for anyone wishing a deeper and more nuanced—even a more magnanimous—understanding of the motivations behind law's often convoluted pronouncements.

Slauter, Eric Thomas. *The State as a Work of Art: The Cultural Origins of the Constitution.* Chicago: University of Chicago Press, 2009. 373p. $40.

Reviewed by Jocelyn Stilwell-Tong

¶73 When I was an undergraduate, I took a class in comparative literature. For our final essays, the professor told the class we should "take our place as creative readers and show our audience how the book affected us and our view of the world." *The State as a Work of Art* does this and does it well. It is an excellent subjective analysis of the U.S. Constitution, as read through the lens provided by the major political and literary works of the time. This approach provides some great insights into how people of the time may have thought about the Constitution itself, and it makes the book an interesting read, though perhaps one ill-suited to the needs of many law libraries.

¶74 *The State as a Work of Art* is very well researched. The author, Eric Thomas Slauter, read the papers of John Adams and James Madison in full, as well as *The Federalist*, other background documents, and newspaper articles in circulation at the time of the Constitution's ratification. He puts these documents in perspective by analyzing them in combination with other literature and philosophy from the period. This analysis allows him to explore many of the concepts and tropes used when discussing the Constitution. Among the most interesting of these are the treatment of God and religion during the drafting process and the contrast between the concept of political slavery and the institution of actual slavery as practiced in the colonies. The wealth of endnotes supporting his analysis will be a goldmine for scholars researching the history and ephemera of the time period.

¶75 The book is an expanded reworking of the author's doctoral dissertation, which makes future editions unlikely. From a purely physical standpoint, it is a nicely bound hardcopy printed on alkaline paper, and it represents a good value. It is organized by subject matter, with chapters grouped by theme rather than by time period or by specific source being analyzed. This arrangement makes perfect sense for a literary and artistic analysis of the Constitution, but may cause difficulties for legal researchers looking for specific references to legal documents or historical figures. The index is a mixed bag, with helpful entries for named individuals but confusing or entirely absent entries for subjects, historical events, constitutional provisions, and specific laws.

¶76 In the introduction, the author states:

> [T]his book is a work of intellectual, cultural, and literary history, and not of political theory or constitutional law. . . . If I have turned to topics that seem distant from the concerns of legal or political historians, it is out of a conviction I share with many of the eighteenth-century thinkers I treat that cultural and constitutional history can and should be mutually illuminating (p.18).

Overall, although the book is interesting and unique, and although the author is a rising scholar in his field, *The State as a Work of Art* will not prove especially useful to lawyers or law professors, because it does not offer any new legal analysis or revealing information on the background of the Constitution that might aid in legal interpretation. This makes it unsuitable for a purely legal library. It would, however, make a good fit for those academic law libraries that support a political science or history department in addition to a law school. It would also be useful as part of a special collection dedicated to the Constitution or touching on the social or political environment of revolutionary America.

Tigar, Michael. *Nine Principles of Litigation and Life*. Chicago: American Bar Association, 2009. 290p. $39.95, paper.

Reviewed by Regina Watson

¶77 Michael Tigar is a living legend of a litigator, a lawyer's lawyer who has argued seven cases in the U.S. Supreme Court, appeared approximately a hundred times before federal appellate courts, and tried complex cases in state and federal trial courts across the country. Running the gamut from privileged corporations to impoverished criminal defendants, his clients have included Terry Nichols, Angela Davis, Leonard Peltier, the Charleston Five, *The Washington Post*, Kay Bailey Hutchison, and Mobil Oil. Sometimes described as "a modern-day Clarence Darrow,"[26] Tigar is best known for championing seemingly lost causes and, often, for winning unpopular cases. He has contributed his talents to international human rights litigation, other public-interest endeavors, and, presently, the Duke University School of Law faculty.

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26. Tigar is so labeled by Ron Woods, former U.S. Attorney, in a publicity blurb available on the book's product page. ABA Web Store, Nine Principles of Litigation and Life, http://www.abanet.org/abastore/productpage/5310382 (last visited Oct. 10, 2009).

¶78 In the latest of his dozen books, Tigar seeks to distill lessons learned over the course of his career into nine principles of litigation and life intended to benefit trial lawyers and other attorneys needing a "fresh and creative approach to . . . practice" (p.4). He posits that lawyers need such principles to avoid becoming lost while pursuing intricate, sometimes controversial, matters to a just outcome:

> I . . . believe that if you seek out principles about how, why and for whom to seek justice, that voyage will lead you to discover how to live your life. . . . This book may convince you that this is so, but, if not, you at least may gain a few ideas about trying cases (pp.3–4).

In fact, Tigar's pithy, engaging, but necessarily superficial treatment of a very broad subject often fulfills the latter purpose, but his work largely leaves the voyage of self-discovery as an exercise for the reader.

¶79 Tigar accords one chapter to each of his nine principles, arranged in descending order of priority:

- *Courage*—Litigators often need the courage to go to trial rather than settle, to withstand obstructionist judges, to challenge juror prejudices, and to stand firm against pressures exerted by the public and by colleagues in controversial cases. Above all, lawyers should exercise the social duty of courage they carry as public citizens and members of a politically pivotal profession. This chapter, the book's longest and strongest, outlines tactics that courageous lawyers have used to fight uphill battles.
- *Rapport*—Litigators confront the critical challenge of building constructive connections with economically and culturally diverse clients, litigation team members, witnesses, judges, and jurors. "You cannot feign . . . interest. You have to practice listening to people" (p.107).
- *Skepticism*—Litigators must exercise healthy skepticism toward the claims of their clients and adversaries and must elicit judges' and juries' skepticism toward assertions by opponents and adverse witnesses.
- *Observation*—Litigators rely on human observation in several significant aspects of their work. The astute litigator carefully observes and considers circumstances not only from his or her own perspective but also from other parties' vantage points.
- *Preparation*—Litigators must be adequately prepared to try cases and argue appeals effectively. This short chapter offers nuts-and-bolts advice.
- *Structure*—Litigators must work within and skillfully manipulate the structures of legal rules, litigation teams, case plans, courtroom space, opening statements, direct examination, cross-examination, and closing arguments.
- *Candor*—Litigators must be honest with the court while dealing deftly with any lack of candor by opponents, clients, and witnesses.
- *Empowerment*—Litigators can counterbalance an opponent's initial advantage through tactics that help the jury exercise its historic independence.
- *Presentation*—Litigators must make effective use of verbal and nonverbal communication in the courtroom. This final chapter offers advice for improving an attorney's presentation during trial.

With no concluding chapter, the book ends rather abruptly.

¶80 *Nine Principles* is about values and behaviors that help win cases. The book also is about how some of these values and behaviors lend the lawyer a sense of transcendent worth for contributing to a legal system that is fair and just for everyone. Taken together, Tigar's tenets envision principled lawyers who develop and execute independent ethical precepts grounded in real-world outcomes rather than in abstract philosophies or popular opinion. These attorneys persevere toward justice, competently and confidently, whether threatened with personal harm from a powerful opponent or threatened with exhaustion from endless everyday obstacles. The book is not about having or managing a personal life outside the law, except insofar as the reader may draw his or her own inferences.

¶81 Tigar's compact book quotes liberally from legal and nonlegal scholars and commentators dating from antiquity to the present. However, Tigar's favorite source of authority is the collection of books and essays that he authored himself. *Nine Principles* repackages excerpts and ideas from Tigar's previously published material into a new work that is at least as much advertisement as synthesis. "One limiting principle is avarice: I want you to buy my other books" (p.xi). Readers seeking thorough guidance on specific litigation strategies and techniques should turn to these prior works, which are conveniently listed in a short bibliography in the preface to the current work.

¶82 Experienced litigators will find little sufficiently new material or detailed advice in *Nine Principles* to meet their practical needs, and few practitioners will change their ways based on passages that seem intended primarily to be inspirational. However, aspiring lawyers will discover considerable practical wisdom conveyed in an accessible, matter-of-fact style. Exposure to the philosophy and tactics of one of the best litigators of our day can help such would-be litigators shape realistic and fulfilling career paths. The book is recommended for academic libraries serving law or prelaw students.