

## Keeping Up with New Legal Titles\*

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

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\* The works reviewed in this issue were published in 2013 and 2014. If you would like to review books for "Keeping Up with New Legal Titles," please send an e-mail to [bkeele@indiana.edu](mailto:bkeele@indiana.edu) and [nsexton@email.unc.edu](mailto:nsexton@email.unc.edu).

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Hasday, Jill Elaine. *Family Law Reimagined*. Cambridge, Mass.: Harvard University Press, 2014. 307p. \$45.

*Reviewed by Shannon Roddy\**

¶1 *Family Law Reimagined* seeks to redefine what its author, Jill Elaine Hasday, calls the family law canon, “the dominant narratives, stories, examples, and ideas that judges, lawmakers, and . . . commentators repeatedly invoke to describe and explain family law and its governing principles” (p.2). Hasday argues that the family law canon does not accurately portray the realities of family law. For instance, the family law canon describes family law as separate from the rest of the legal sphere and an area of law that has consistently improved over time. The author posits, however, that such descriptions of family law are inaccurate and that perpetuating the current canon is harmful to adults and children affected by family law.

¶2 As a preliminary matter, the author argues that many commentators, while insisting on family law’s exceptionalism, fail to actually define family law. The author’s definition is that “family law regulates the creation and dissolution of legally recognized family relationships and determines legal rights and responsibilities that turn on family status” (p.18). Rather than attempting to create an exhaustive list of areas of family law (for example, marriage, divorce, custody, and adoption), Hasday’s definition encompasses the aforementioned areas and is also broad enough to encompass new familial relationships as they become legally recognized, such as same-sex marriages and domestic partnerships.

¶3 After settling on a definition of family law, Hasday discusses what she believes to be two of the biggest misconceptions perpetuated by the family law

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canon: first, that it is inherently local, and second, that it is rightfully set apart from the larger legal system. Hasday argues that federal law affects all aspects of family law, and despite what the family law canon proclaims, federal family law does, in fact, exist. She then provides numerous examples of family law localism in Supreme Court jurisprudence and federal statutes before debunking these declarations of localism with extensive examples of federal family law that exist in the form of statutes, regulations, and case law. The author does not argue in favor of or against federal family law, but rather points out that the family law canon mischaracterizes family law as exclusively local.

¶4 The author then turns to a discussion of what she terms the family law canon's faulty progress narratives for both adults and children. With regard to adults, the canon insists that family law no longer favors men over women and that contract rules, rather than status rules, now govern family law relationships. Regarding children, the canon contends that children's best interests are paramount. Hasday argues that while all these narratives have some basis in fact, the canon tends to overstate the progress that family law has made and implies that all needed reforms have already been achieved.

¶5 In the third section, the author argues that family law authorities often overlook certain family relationships and family law affecting the poor. Specifically, the family law canon devotes little attention to sibling, grandparent, and other familial relationships. Likewise, the family law canon excludes welfare law, making little attempt to solve the problems of poverty that are intertwined with family law.

¶6 In her conclusion, Hasday advocates altering the family law canon but recognizes the difficulty in changing entrenched narratives. She suggests that scholars should begin reshaping the canon by changing how they impart information about family law to students and legal decision makers.

¶7 One weakness of the book is the author's failure to focus on the role that family law practitioners play in shaping the family law canon. While Hasday is a respected law professor who has written extensively on family law issues, it does not appear that she has practiced family law. In my experience as a former family law litigator, the family law bar can be quite influential. Judges often look to family law attorneys to educate them on new and changing family law issues, both through formal CLE programs and more informally through bench and bar events. Attorneys also often participate in drafting, editing, and advocating for family law legislation. Family law attorneys are active participants in shaping the family law canon and should be considered as influential as judges, lawmakers, and academics.

¶8 This book is better suited to an academic law library than for family law judges or practitioners. Law professors and students will likely find Hasday's arguments thought provoking, and scholars may be inspired to change the way they teach and write about the family law canon. Family law judges and attorneys may also find this book interesting, but its major themes are more academic than practical.

Katzmann, Robert A. *Judging Statutes*. New York: Oxford University Press, 2014. 171p. \$24.95.

*Reviewed by Lei Zhang\**

¶9 Researching legislative history tends to be one of the more difficult skills for law students to develop. Judge Robert Katzmann's *Judging Statutes* will not necessarily make law students or researchers better at researching legislative history, but it will give them a greater appreciation for why legislative history is important and why one should look to it in the first place. Katzmann describes how judges interpret seemingly ambiguous statutes and argues that judges should be more mindful of congressional intent when interpreting statutes, an approach that often requires consulting legislative history.

¶10 The book begins with a very brief overview of the federal legislative process, focusing on its historical roots and how the legislative sausage is made. Instead of broadly outlining how a bill becomes a law—we have *Schoolhouse Rock* for that—Katzmann highlights the pressures facing legislators and their staffers, while also explaining the importance and utility of committee and conference committee reports. The book also emphasizes that administrative agencies closely consult the legislative history of statutes they are called on to interpret, which underscores the deference they give to congressional intent.

¶11 All of this is background to set up the central argument of the book, which is that judges should consider the intent of Congress when interpreting statutes. The competing schools of statutory interpretation, purposivism (that judges should consider Congress's purposes and goals when interpreting statutes) and textualism (that the ordinary meaning of a statute's language, not unenacted intent, should control), are explained. Katzmann argues that an understanding of the complex legislative processes will help judges better interpret statutes and that using extra-textual sources to ascertain congressional intent promotes better government, better relations between the legislative and judicial branches, and better rulings. While an unapologetic purposivist, his treatment of the textualist position is evenhanded and fair.

¶12 The most interesting section of the book is chapter 5, when Katzmann walks through three cases he decided dealing with statutory interpretation, and how he used legislative history and other methods to try to determine Congress's purpose when enacting the statute. This chapter is a good exercise in identifying statutory ambiguities for someone less experienced with reading statutes who may have trouble recognizing those ambiguities in the first place. For example, *United States v. Gayle*, 342 F.3d 89 (2d Cir. 2003), deals with whether the ambiguous term "any court" in the phrase "convicted in any court" refers to only domestic courts or also includes foreign courts. At first blush, the ambiguity might be hard to find because "any" seems clear: it would include all courts, anywhere; that is what "any" means. But the ambiguity reveals itself when the statute is analyzed more closely, and Katzmann presents both sides of the interpretation (as he does for all three of the

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cases discussed in this chapter). This chapter can help law students think about ways to scrutinize statutory language and to carefully consider the meaning, both explicit and implicit, of the words Congress chooses. Second, this chapter makes more concrete the differences between a purposivist approach and a textualist approach, and it is rather fun to see whether you agree with Katzmann's decisions.

¶13 This book is not a primer on how to actually do legislative history research. There is no discussion on where to find committee reports, hearings, or other legislative history documents. You can consult any number of legal research textbooks for that information. And despite being about statutory interpretation, this book does not really delve into statutory canons of construction. For that, I highly recommend Antonin Scalia and Bryan Garner's *Reading Law: The Interpretation of Legal Texts*.

¶14 The text is quite short, a little more than one hundred pages long, with the balance consisting of appendixes, notes, acknowledgments, and an index. Its length is both a benefit and a drawback. Its brevity means that you can finish it during a long afternoon, but it also feels like the book only scratches the surface of some of Katzmann's points. For a book with the primary goal of championing the purposivist approach, the roughly twenty-five pages devoted to explaining purposivism and textualism seem insufficient.

¶15 Ultimately, this book would fit nicely in academic law libraries (or other academic libraries and public libraries). It presents a compelling argument in favor of purposivism, and readers interested in statutory interpretation or jurisprudence generally will find it worthwhile. Although the book stresses that judges should consult legislative history and extra-textual sources to find congressional intent when interpreting statutes, there is an implicit argument that attorneys likewise should do the same. Excerpts from the book could be used to help law students understand the nuances of reading statutes and why they should contemplate what Congress intended.

Kitzerow, Phyllis. *Women Attorneys and the Changing Workplace: High Hopes, Mixed Outcomes*. Boulder, Colo.: First Forum Press, 2014. 237p. \$65.

*Reviewed by Loren Turner\**

¶16 When I selected Phyllis Kitzerow's book, *Women Attorneys and the Changing Workplace: High Hopes, Mixed Outcomes*, I expected the book would, as its publicity abstract claimed, "explore[ ] the experiences of women in the legal profession over the past fifty years." I hoped it would extend the national dialogue about professional women's obstacles toward workplace advancement (a topic recently addressed by Sandberg,<sup>1</sup> Slaughter,<sup>2</sup> and Spar<sup>3</sup>) to the particular plight of today's women attor-

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1. SHERYL SANDBERG, *LEAN IN: WOMEN, WORK, AND THE WILL TO LEAD* (2013).

2. Anne-Marie Slaughter, *Why Women Still Can't Have It All*, *ATL. MONTHLY*, July/Aug. 2012, at 84.

3. Debora Spar, *American Women Have It Wrong*, *NEWSWEEK*, Oct. 1, 2012, at 38.

neys. Although it certainly attempts to do so, the book creates a tenuous connection at best, and my disappointment informs this review.

¶17 Despite the first chapter's efforts to market this book as important to a critique of current workplace conditions for women professionals on par with the works of Sandberg, Slaughter, and Spar, the book ultimately exists to synthesize the results of two studies the author conducted with women attorneys who graduated from law school by 1975. In the first study, conducted in 1975, the author recruited and interviewed seventy-seven women identified on bar membership lists in one city. In the second study, conducted in 2010 (the book does not provide an explanation of why or how this date was chosen), the author attempted a follow-up to the first study. According to the author, this second study fills a gap in social science research because it is the first to provide qualitative data about a large group of professional women found in the same setting thirty-five years later. However, since so much time had elapsed between studies, only thirty-two of the original seventy-seven participants were available for the follow-up study, and it is unclear which of these participants, if any, were still practicing law in 2010. Rather than limit the second study to those thirty-two women, the author reviewed bar membership lists again and discovered an additional thirty-three women who graduated from law school by 1975, but had moved to the unnamed city after 1975 or had been missed the first time around. Even if readers accept the second study as a follow-up to the first, they must further grapple with the author's decision to craft a focus group from ten current female law students. Why is a group of ten law students (who have not yet entered the workplace) an appropriate focus group for a study of the workplace experiences of women attorneys who graduated from law school by 1975?

¶18 The author organizes the book's middle chapters according to the topics and themes extracted from participant responses to a series of open-ended questions: pathways into the law, finding the first position, building a career over the long run, assessing whether law was a good choice, balancing work and family, and evaluating the impact of gender. As one expects, the latter two themes are pervasive throughout all chapters, and the responses are as varied as the participants' experiences and choices. In these middle chapters, the author uses a heavy hand to synthesize participant responses. Oftentimes, the text follows the stale formula of "woman A said this in response; woman B said that in response." The author successfully avoids this formula in chapter 4, when she dedicates more space to a handful of women most representative of that chapter's topic. I wish the other middle chapters permitted a deeper, case study analysis as well because this is where the individual personalities and identities of those women finally appear alongside their names.

¶19 The final chapter is an excellent literature review of studies conducted on college, graduate, and professional women and their workplace challenges. Unfortunately, it is also the author's final attempt to repeat the mission of the first chapter and argue the importance of her studies to the plight of today's modern female attorney. It feels forced. Yes, generally speaking, women attorneys then and now probably confront similar obstacles to workplace advancement (billable hour requirements, childcare concerns, spousal and parental expectations), but the

author does not strengthen that connection with reliable data (for example, with a large focus group of women attorneys currently practicing law rather than a small sample of law students). Additionally, the author does not help today's women attorneys determine how to leverage the experiences of yesterday's women attorneys to their advantage. Without addressing these components, the author's studies do not contribute to the current debate about the particular plight of women attorneys in the workplace today—even though the 1975 and 2010 studies are still interesting and valuable in their own contexts.

¶20 If knowledge of the past is crucial to future progress, then *Women Attorneys and the Changing Workplace* deserves a place in academic law libraries. Feminist legal scholars will appreciate the data gathered in this book to enhance their interdisciplinary research and scholarship, but I do not recommend the book as important reading for a general audience.

Kossof, Paul. *Chinese Legal Research*. Durham, N.C.: Carolina Academic Press, 2014. 199p. \$32.

*Reviewed by Ning Han\**

¶21 Researching Chinese law has never been an easy job. Although the process and resources have been hugely demystified over the past several years by law librarians and legal scholars, performing Chinese legal research still poses unique challenges, especially for researchers who have no background in this seemingly exotic legal system and who are not proficient in reading Mandarin. Recognizing these difficulties, Paul Kossof wrote *Chinese Legal Research* to provide a text on the Chinese legal system that “tailors itself to foreign researchers with little to no experience in China by minimizing their reliance on Mandarin text” (p.4).

¶22 Unlike books I have reviewed in the past, this is authored by a graduate student. Kossof received his J.D. from John Marshall Law School in May 2014 and received his LL.M. in international business and trade law in 2015. His unique internship experiences at different law firms in China, his proficiency in Mandarin, and his interactions with the Chinese legal system put him in a good position to provide insights from a foreign researcher's perspective on how to better understand the Chinese legal system and how to conduct Chinese legal research. Unfortunately, this book is far from perfect, both in terms of the content it delivers and the writing itself.

¶23 The book is divided into eleven chapters, supplemented by six appendixes, one table of abbreviations, and a glossary. An initial glance at the book made me realize that the main text of the book, the eleven chapters, accounts only for 79 of its 199 pages. Appendixes take up more than 100 pages; however, appendixes 1 through 3 are translated versions of enacted Chinese laws, which are readily available online. The enacted laws provided in the appendixes are supposed to be informative and helpful for researchers, but the author fails to provide the sources of the translated versions, and readers have no way to know whether the laws are current

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and reliable copies. As a result, the value and reliability of the appendixes are significantly undermined.

¶24 Chapters 1 through 7 introduce the Chinese legal system. Kossof briefly walks readers through Chinese legal history, China's constitution, its governmental structure, and its legislative and judicial practices. No doubt, a solid understanding of China's legal system and the relationships among its governmental institutions is a necessary foundation for any successful Chinese legal research. Kossof does a good job providing readers with the necessary basic knowledge of the Chinese legal system without diving too much into details. But even with a concise writing style, the content still needs to be accurate, well researched, and well organized. The author fails at this at multiple points in the book.

¶25 First, in chapter 4, in the subsection on the National People's Congress (NPC), Kossof states that "[t]he NPC has two meetings a year that are conducted during the same two weeks" (p.22). This is an incorrect and confusing statement. The NPC does not meet two times a year. In fact, the NPC meets in session once a year.<sup>4</sup> The National Committee of the People's Political Consultative Conference (CPPCC) usually meets at the same time that the NPC does, so the abbreviated term "two meetings" is used to refer to both annual meetings of the NPC and the CPPCC.

¶26 Kossof also states that "[i]n 1987, the Portuguese government transferred Macao to China" (p.27). The *Joint Declaration on the Question of Macau* was signed in March 1987.<sup>5</sup> But the Portuguese government did not formally transfer Macau to China until December 20, 1999.<sup>6</sup>

¶27 Finally, Kossof's writing includes vague statements where readers might appreciate more specific, detailed, and accurate statements. For example, in the subsection on the Standing Committee, Kossof writes: "members of the [NPC] Standing Committee meet often . . ." (p.23). Readers may want to know how often. A quick search reveals that the meeting frequency for the NPC Standing Committee is once every two months.<sup>7</sup>

¶28 In chapters 8 and 9, Kossof introduces readers to Chinese legal resources. But the introduction is limited to treaties and other international agreements, and secondary and Internet sources. Rather than introducing primary sources in a separate chapter, Kossof chooses to bury "Official Sources" under chapter 9, "Secondary and Internet Sources."

¶29 The last two chapters are devoted to research strategies and citations, and include tips in overcoming the language barrier. Kossof presents two approaches to research: a law-based approach for a known issue or known law, and an issue-based

4. *National People's Congress*, NAT'L PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA, [http://www.npc.gov.cn/englishnpc/Organization/node\\_2846.htm](http://www.npc.gov.cn/englishnpc/Organization/node_2846.htm) (last visited Dec. 8, 2014).

5. Macao Special Administrative Region Government Printing Bureau, *Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao*, <http://bo.io.gov.mo/bo/i/88/23/dc/en/> (last visited Dec. 8, 2014).

6. Yash Ghai, *The Basic Law of the Special Administrative Region of Macau: Some Reflections*, 49 INT'L & COMP. L.Q. 183, 183 (2000).

7. *Standing Committee*, NAT'L PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA, [http://www.npc.gov.cn/englishnpc/Organization/node\\_2847.htm](http://www.npc.gov.cn/englishnpc/Organization/node_2847.htm) (last visited May 29, 2015).

approach for situations with no predefined issues or law. Kossof states that one should always start one's legal research with primary sources. However, as another reviewer of this book pointed out, "complete legal research usually requires starting with secondary resources and cannot be finished without making sure primary sources of law are still valid."<sup>8</sup> It is probably wise for researchers not to solely rely on Kossof's work when it comes to research strategies. By the same token, simply relying on a translated version of Chinese law is not always feasible. Researchers may still want to seek help from professional legal translators for cases or local regulations where no translated versions are available.

¶30 One good feature of this book is additional readings. Kossof provides a list of such material at the end of each chapter. Even though some of the readings are cross-listed under different chapters, those titles are carefully selected, valuable resources. Readers may want to refer to these additional resources since Kossof's book does not have footnotes.

¶31 Other less noticeable flaws of this book are typos and the inaccurate use of agency names and book titles. For example, the first paragraph of chapter 4 states that "Chapter Six will provide all of the information that a foreign legal research will need to understand the basics of administrative regulations" (p.21). This should be "researcher" rather than "research." Kossof provides abbreviated and translated names for many Chinese legal sources, but he fails to do this for one of them: the translated name for *Remin Fayuan Anli Xuan* (人民法院案例选) is *People's Court Case Selection*. The index of this book is not very useful. No subheadings (words or phrases) are provided under any main headings. Page numbers for specific headings are provided, but not all of them point readers to sections where useful material relating to those specific headings can be found. Many of the page locators send readers to sections where headings are merely mentioned.

¶32 Overall, *Chinese Legal Research* is a quick and fun read. The biggest advantage of this book is that the author keeps the targeted readers' needs in mind throughout the book. Some of the insights and tips that Kossof provides might resonate with some researchers, but this book should never be used as the reference tool or a definitive guide for conducting Chinese legal research for reasons discussed in this review. Selectors at individual institutions will want to critically evaluate this book before purchasing.

Levitt, Carole A. & Judy K. Davis, *Internet Legal Research on a Budget: Free and Low-Cost Resources for Lawyers*, Chicago: American Bar Association, 2014. 321p. \$89.95.

*Reviewed by Jennifer S. Prilliman\**

¶33 In the opening pages of *Internet Legal Research on a Budget: Free and Low-Cost Resources for Lawyers*, Carole A. Levitt and Judy K. Davis express their hope that their book "empowers you [i.e., a lawyer] to become a more efficient and effec-

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8. Xiaomeng Zhang, Book Review, *On Describing Chinese Legal Research*, 2014 CHINESE J. COMP. L. 1.

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tive researcher” (p.xix). The book proceeds to carefully walk readers through extensive lists and descriptions of websites and databases that provide free or very low-cost legal research materials. It certainly does empower readers to think outside the box and explore more cost-effective research tools.

¶34 The authors are clear that this book focuses on sources of law rather than fact finding or investigative research. It is not a legal research textbook. It does not provide in-depth background or history of the sources of law, and it contains little substantive basic research instruction. The authors expect readers to have a fair amount of knowledge about the structure and types of primary and secondary sources law. For example, blawgs are referenced throughout the book, but the role they play in legal research is not thoroughly explained. However, the authors do stop throughout the book and briefly explain technical terms that an attorney may not be familiar with, such as “apps” and “crowdsourcing.” There is also a nice short chapter covering how to use major social media networks, such as Twitter and Facebook, for research with or without having your own account.

¶35 The book is divided into concise and palatable chapters organized by subject and then by resource. Rather than read chapter by chapter, the book is best browsed or searched using the index. Each chapter begins with a brief introduction about the landscape of available resources in a given category. For example, part 3 on case law databases is divided into two chapters. One covers free commercial or proprietary databases, including FindLaw and Google Scholar, and the other provides information about government-sponsored online case databases. Unlike many other practical research books, the screenshots and accompanying captions are very crisp and well executed. The writing is clear and avoids librarian jargon. As with any book covering online and electronic search tools, some of the specific content may be outdated by the time the book hits the shelf. Levitt and Davis address this when possible by noting best practices and providing guidance for finding your way around and assessing an online legal research tool.

¶36 Practitioners looking for alternatives to expensive commercial databases are the intended readers. Therefore, librarians who serve public and attorney patrons will find this to be a valuable and accessible reference tool. Firm librarians may also want to add this title to their collections if they are trying to train associates to keep legal research costs down. For legal research instructors looking for a textbook, this is not the resource for you, but it would serve as an excellent recommended text and may provide you with some new ideas to share with your class.

Linder, Douglas O., and Nancy Levitt. *The Good Lawyer: Seeking Quality in the Practice of Law*. New York: Oxford University Press, 2014. 330p. \$24.95.

*Reviewed by Grace Feldman\**

¶37 It is no secret that admitting at a cocktail party that you are a lawyer usually leads to jokes about the unsavory reputation of the legal profession. Quality in the practice of law can be difficult to identify, with countless reports of attorneys faced

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with disciplinary proceedings, attorneys filing frivolous claims on behalf of their clients, and generally bad behavior by attorneys highlighted in media. In *The Good Lawyer: Seeking Quality in the Practice of Law*, Douglas O. Linder and Nancy Levit explore what it means to be a good lawyer and seek to guide others on their path to becoming good lawyers. Rather than focusing on bad lawyering to instruct lawyers, Linder and Levit use inspiring examples of lawyers throughout history to explain the qualities of good lawyering in practice.

¶38 Observing that both authors are professors at the University of Missouri–Kansas City School of Law, one might expect a dry, pedantic handbook that regurgitates the typical law school legal skills and professional skills curriculum. However, Linder and Levit far exceed expectations with their excellent blending of research, storytelling, and commentary. I found myself so engaged while reading *The Good Lawyer* that I was asked by a stranger whether the book was “a new Grisham” novel. While just as gripping as a Grisham novel, I found that, unlike Grisham’s sensational fiction, Linder and Levit offer practical advice to lawyers and aspiring lawyers on how to become better lawyers and gain personal satisfaction in the legal profession.

¶39 *The Good Lawyer* is divided into ten chapters. The first nine chapters focus on specific qualities that good lawyers tend to have, and the final chapter reflects on what it means to strive to be a good lawyer in a rapidly changing profession. Linder and Levit encourage readers to develop virtues such as empathy, courage, willpower, and valuing others to enhance their lawyering. Though these qualities may seem obvious, the authors blend each one with practically applied psychological research and accounts of real lawyers who displayed a command of the stated quality, giving new meaning to it in the practice of law.

¶40 My favorite chapter was on courage. In it, Linder and Levit explain courage in the context of the law by profiling lawyers exhibiting courage, including John Adams’s representation of eight British soldiers and their captain; John Doar’s intervention between riot police and demonstrators mourning the assassination of civil rights activist Medgar Evers; Dr. Lothar Kreyssig’s resolute pursuit of justice as a judge in Germany during the Third Reich; and Noah Parden’s representation of a wrongfully convicted Ed Johnson before an all-white southern jury in 1906. Linder and Levit skillfully braid each profile with explanations of physical, moral, and psychological courage, and strategies on how to develop greater courage.

¶41 *The Good Lawyer* reads like a field guide that is practical but also surprisingly moving. The authors punctuate their pursuit of quality with real-world examples, anecdotes of good and bad lawyering, and relevant strategies to adopt in practice. Each chapter inspires readers to diligently pursue the quality discussed. Unlike so many other legal ethics titles, *The Good Lawyer* leaves readers with a sense of pride for the legal profession and an aspiration to elevate it. *The Good Lawyer* is a compelling and inspiring book, and it is highly recommended for all law libraries that serve law students, lawyers, or aspiring legal professionals.

Manz, William H. *Gibson's New York Legal Research Guide, Fourth Edition*. Buffalo: William S. Hein, 2014. 728p. \$85.

*Reviewed by Sarah Jaramillo\**

¶42 What is in a bill jacket? Does it contain all the relevant pieces of a New York legislative history? What is the nature of mandatory authority in New York courts? How do I find a lien filed in Dutchess County? Can I find a conviction record from Rockland County from 1991? How can I find a New York City court opinion?

¶43 These are just a few of the seemingly countless questions the fourth edition of *Gibson's New York Legal Research Guide* by William H. Manz answers. For readers familiar with the title, the fourth edition continues the strong tradition of excellence established by earlier editions. This most recent edition offers exhaustive treatment of New York and New York City legal sources with updates on how to find the material electronically, including references to Bloomberg Law.

¶44 This title is broken up into two parts: one on New York State research and the other on New York City research. Even though New York City is just a municipality within this state, this substantial devotion of space is warranted because the New York City legal authority landscape can be labyrinthine. The chapter I consult most often is chapter 6 on legislative history in New York State. Even though I have been a librarian researching New York law for six years, I continually need to be reminded of what documents are most valuable and where to find them.

¶45 Manz also deftly summarizes the nature of mandatory authority in New York in a few paragraphs. I have to explain this concept to confused first-year students repeatedly, so having this section as a resource I can pass on to them is invaluable. Manz's assiduous treatment of New York City law is impressive. In this realm, the sources are obscure and often overlooked in more succinct guides on New York City law. In general, I am confident that if this book does not contain a source for a type of authority, it is not out there.

¶46 I think any law library or large public library in New York State, as well as surrounding states, should own this title. Any domestic law library that strives to have a comprehensive national collection should also consider acquiring it. A wide array of readers will find this title useful. Most researchers will not want to read this book cover to cover. Adelman, Belniak, and Rowe's *New York Legal Research*, published by Carolina Academic Press, would be better suited for that type of quick read. However, I think novice New York law librarians and legal researchers should consider a careful read of chapters 2 (state legislation), 6 (legislative history), 7 (the judicial system), and 9 (court reports). It would not hurt more seasoned librarians to review those chapters to keep their knowledge comprehensive and current.

¶47 If you teach or offer training in New York legal research, this title is essential. In terms of preparing for your lectures, the chapter introductions are very helpful. The text of the various chapters is helpful, as one would expect, for providing the nuts and bolts of researching specific sources and types of authority. There are several chapters that would make good preparatory reading for your students

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or trainees. I have a colleague who offers a semester-long New York legal research class for law students, and this book is required reading for the course. I also assign the chapter on New York legislative history research when I teach classes on legislative history in my semester-long advanced legal research course.

¶48 Legal researchers with more experience will appreciate the book's comprehensiveness and ability to answer complex, varied, and obscure questions. For a quick review question, it might be more expedient to consult an online research guide. However, experienced librarians encounter questions on a regular basis for which there is no answer in free online legal research guides. *Gibson's New York Legal Research Guide* is where they go to find their answers. Even though you cannot perform a full keyword search, the table of contents and detailed index provide nimble access points to all this expert information. In short, *Gibson's New York Legal Research Guide* is the definitive treatise on New York legal research. It offers value to many types of researchers and information professionals and therefore would strengthen any New York law collection.

Martin, James P., and Harry Cendrowski. *Cloud Computing and Electronic Discovery*. Hoboken, N.J.: Wiley & Sons, 2014. 208p. \$45.

*Reviewed by Valerie R. Aggerbeck\**

¶49 When someone refers to “the cloud,” what pops into your head? Do the words collaboration, mobile, or backup spring to mind? If not, don't worry—you are not alone. According to a survey by Wakefield Research, while “the cloud” was the 2012 tech buzzword of the year, “most Americans are also unsure about how the cloud works.”<sup>9</sup>

¶50 So what is the “cloud”? It is “technologies that allow applications and data to be hosted on a computer external to [one's] own computing resources and fire-wall” (p.xi). For example, if you save personal documents to Dropbox or watch a movie on Netflix, you are accessing the cloud. This enables a user with an Internet connection to access materials at little or no cost from any place.

¶51 What does the emergence of cloud technology mean for companies? If you own or manage a business, you should be thinking about how cloud computing relates to electronic discovery, data encryption and security, and data retention. As a recent *Forbes* report notes, “[C]loud computing initiatives are the most important project for the majority of IT departments (16%) today and are expected to cause the most disruption in the future.”<sup>10</sup> Companies need to understand the implications of storing data with one provider versus another and how different types of storage mechanisms may affect discovery practices.

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9. WAKEFIELD RESEARCH, CITRIX CLOUD SURVEY GUIDE (Aug. 2012), available at [http://www.citrix.com/content/dam/citrix/en\\_us/documents/go/wakefield-citrix-cloud-survey-guide.pdf](http://www.citrix.com/content/dam/citrix/en_us/documents/go/wakefield-citrix-cloud-survey-guide.pdf).

10. Louis Columbus, *Computerworld's 2015 Forecast Predicts Security, Cloud Computing, and Analytics Will Lead IT Spending*, FORBES (Nov. 26, 2014, 7:48 PM), <http://www.forbes.com/sites/louis-columbus/2014/11/26/computerworlds-2015-forecast-predicts-security-cloud-computing-and-analytics-will-lead-it-spending/>.

¶52 James P. Martin and Harry Cendrowski's *Cloud Computing and Electronic Discovery* takes on this timely issue. The authors both hold accounting degrees and work for Cendrowski Corporate Advisors, a company specializing in litigation support, risk management, and accounting services. Although they lack legal credentials, their experience working with firms on risk assessment, fraud examination, and information technology has given them practical insights on the subject.

¶53 *Cloud Computing* has three parts. The first part provides an overview of the cloud computing solutions available for hosting data. The three main options are infrastructure as a service (IaaS), platform as a service (PaaS), and software as a service (SaaS). These options are implemented in one of three ways: a public cloud, a private cloud, or a hybrid cloud. Most authors take one of two opposing approaches to these options, either emphasizing the need for data security and physical control over the data, which a private cloud provides, or touting the cost savings, convenience, and flexibility associated with the public cloud. Martin and Cendrowski's perspective is more nuanced. Rather than advocating for a specific type of provider, they emphasize the need to understand service level agreements and the types of data to which organizations typically have access, and adopt whatever technology is most suitable to the company's needs. This part includes helpful advice on creating a methodical approach to e-discovery in a cloud-based world.

¶54 The second part of *Cloud Computing* discusses the history of U.S. communications law and its impact on discovery. Over the last century, Congress has struggled to balance individuals' "right of privacy from government intrusion and the legitimate needs of law enforcement in the conduct of their duties" (p.40). The result of this struggle was passage of the Communications Act of 1934, the Omnibus Crime Control and Safe Streets Act of 1968, and the Electronic Communications Privacy Act of 1986 (ECPA), which provide greater protection for communications via radio and telephone, and later electronic communications. According to the authors, these laws should be amended to cover the tremendous technological advances of the last three decades, including smartphones, social media, and surveillance devices like the StingRay.<sup>11</sup>

¶55 The last part of *Cloud Computing* analyzes the major cases shaping cloud computing litigation. The authors review the foundational Supreme Court cases relating to privacy; cases applying the Fourth Amendment to protect individuals' privacy in their papers, phone conversations, and private property; and cases applying the Fifth Amendment to prevent individuals from producing documents, bank records, and passwords for encrypted computer drives that would lead to testimonial self-incrimination. They note that "courts have struggled with the application of the Fourth Amendment and federal statutes such as the [ECPA]"

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11. A StingRay, "the most well-known brand name of a family of surveillance devices known more generically as 'IMSI [International Mobile Subscriber Identity] catchers,' is used by law enforcement agencies to obtain, directly and in real time, . . . detailed location information of cellular phones—data that it would otherwise be unable to obtain without assistance of a wireless carrier." Stephanie K. Pell & Christopher Soghoian, *A Lot More Than a Pen Register and Less Than a Wiretap: What the StingRay Teaches Us About How Congress Should Approach the Reform of Law Enforcement Surveillance Authorities*, 16 YALE J.L. & TECH. 134, 142–43 (2013).

(p.133) and discuss the lack of uniformity in the legal precedents of various jurisdictions.

¶56 *Cloud Computing* is an informative, well-organized, and readable text, and a welcome addition to an emerging and rapidly evolving field of law. The extensive footnotes to relevant primary and secondary authorities will help readers who wish to pursue the topic further. Several tables summarize the cases discussed in the book and the discovery mechanisms used to request information. A companion website (<http://www.wiley.com/go/cloudcomputing>) provides links to new authorities.

¶57 This title is recommended for solo practitioners, IT executives and managers, and law firm and academic libraries. As data sources continue to proliferate at an exponential rate and people continue to rely on digital technology, e-discovery will remain a moving target for businesses and their compliance staff and for legal providers.

Neff, Stephen C. *Justice Among Nations: A History of International Law*. Cambridge, Mass.: Harvard University Press, 2014. 628p. \$45.

*Reviewed by Jennifer A. González\**

¶58 A friend in the field of history and international relations sent me a review of a new book on international law. The final sentence of the review captivated me and immediately sent the book to the top of my reading list: “Rich in insights, thoughtful in argument, sometimes elegant in presentations, well structured, masterful in its command of the material, sweeping in its coverage of the multiple past and present international legal systems that have formed on the planet, [Stephen C.] Neff’s newest publication will take its due place as the leading English-language work on the history of international law.”<sup>12</sup> *Justice Among Nations: A History of International Law* certainly lives up to that review.

¶59 In this review of the material, I must begin at the book’s end, with its more than forty-page bibliographic essay. Perhaps one of the strongest and most useful sections for law librarians is the bibliographic essay; it is indispensable for researchers of historical international law. Neff evaluates not only those works with a legal focus, but all works that bring light to the subject. Additionally, there is an extensive notes section that complements the bibliographic essay and the work as a whole, bringing authority to Neff’s statements about international law.

¶60 The book’s subtitle calls it a history of international law, but the reach of *Justice Among Nations* far exceeds the traditional definition of “international law,” as Neff himself states in the introduction. Neff has an expansive view, calling the book “an exploration of the various ways in which conceptions of justice have played a part on the world stage” (p.2). He intends to show international law not as it is defined today, but as a journey that has been reimagined and reconsidered throughout history and includes defining disputes, peacekeeping, and negotiations.

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12. William E. Butler, Review of Stephen C. Neff, *Justice Among Nations A History of International Law*, H-DIPLO H-NET REVIEWS (July 2014), <http://www.h-net.org/reviews/showrev.php?id=40871>, archived at <http://perma.cc/LH9V-XAVT>.

¶61 The introduction immediately caught my attention with an anecdote about the “scandal” of George Washington’s failure to return two books to the New York Society Library in October 1789. One of the books was *The Law of Nations* by Emmerich de Vattel, “the first book on international law to be written for a general audience,” “a literary gem” intended for “men of affairs” and “not merely [for] moral philosophers” (p.1). Neff takes the same approach with his book.

¶62 *Justice Among Nations* is divided into four chronological and thematic sections. Section 1 begins by tracing the first concepts of international law in the earliest of civilizations, in areas where there was “a relatively high degree of cultural homogeneity, coupled with political fragmentation” as Neff sees in Mesopotamia, ancient India, and pre-unified China (p.13). He continues by surveying ancient Greece and pre-imperial Rome, comparing and contrasting the international relations, religion, cultural values, and philosophy that led to international law becoming a product of Europe rather than China.

¶63 The second section of *Justice Among Nations* covers the years 1550 to 1815 and the creation of international law in its modern context of detailed rules and laws. Neff states that this was the era of natural law, but where *ius gentium* (the law of nations) also gained footing. This section describes philosophies and the impact certain people had on the development of international law, including Francisco Suarez, Hugo Grotius, Thomas Hobbes, Benedict de Spinoza, Samuel Pufendorf, Francis Bacon, Christian Wolff, Immanuel Kant, and Emmerich de Vattel.

¶64 Section 3 covers 1815 to 1914, a time period bookended by two peace conferences, to show how international law began to take the shape we know today. The first peace conference, in Vienna, was a fashionable social event with few lawyers; the second, in the Hague, was “a drab affair” with many international lawyers present who were given the official title “scientific delegates” (p.217). The end of this section also sees the reintroduction of the East to the dialogue.

¶65 The fourth section of Neff’s book is appropriately entitled “Between Yesterday and Tomorrow,” a period built on previous ideas that was able to achieve more results, creating a standing International Court of Justice, international criminal tribunals, and the League of Nations and United Nations. International law grew in strength but “intruded” into areas that were traditionally the exclusive realm of states, thus “increasing misgivings and opposition” (p.344).

¶66 In his conclusion, Neff states that his goal is to take this “all-too-rapid journey through the centuries” to make readers “more curious about and aware of international law” (p.483). The survey style of his book cannot be comprehensive, but he provides ample treatment and research for *Justice Among Nations* to be a trustworthy review of the subject.

¶67 Neff’s book can be understood by lawyers and nonlawyers alike because he provides enough explanations for readers who have no prior legal knowledge. So much historical information is given that a person with significant legal knowledge can make connections and find deeper dimensions in the writing. The book is, however, not for the novice historian. A fair amount of historical knowledge would be helpful in reading this book.

¶68 Neff writes in a narrative style that is easy to read, free of complicated language, and approaches every idea with a refreshing clarity of exactly the point he

wants to make. Each chapter has a clear purpose and many subheadings that keep the point clear and focused and readers interested. *Justice Among Nations* begins to fill a void since there are very few books on the subject; it should inspire more research and more books on the topic, particularly in the areas that Neff purposefully neglects or minimizes, namely diplomatic law, the law of the sea, and international organizations. *Justice Among Nations* would make an excellent addition to any academic law collection and is a must for any law library with an international focus.

Nevelow Mart, Susan, ed. *The Boulder Statements on Legal Research Education: The Intersection of Intellectual and Practical Skills*. Buffalo: William S. Hein, 2014. 280p. \$99.

*Reviewed by Leslie A. Street\**

¶69 In recent years, law libraries have devoted increased attention to the need for a more uniform and robust legal research curriculum with learning outcomes that could be shared across the academic law librarian profession. Law librarians have also recognized the need to connect legal research instruction to wider curricular goals and place research skills on higher footing with other skills taught in the law school classroom. The Boulder Conference, its statements, and now its first published compilation of essays, *The Boulder Statements and Legal Research Education: The Intersection of Intellectual and Practical Skills*, edited by Susan Nevelow Mart, reflect a significant step toward these goals. The book is comprised of individual essays devoted to different aspects of teaching and understanding legal research. The introduction, by Barbara Bintliff, discusses a brief history of the development of legal research instruction and the general lack of attention to it from the rest of the legal profession. Against this background, she describes the development of the Boulder Statements on Legal Research Education, which were designed “to identify the theoretical foundation for a pedagogy of legal research instruction, and to describe in concrete terms the elements of the pedagogy” (p.xii).

¶70 Legal research instructors and other readers may find some chapters more directly useful and easily applicable than others. For example, Shawn Nevers’s chapter, “Assessment in Legal Research Instruction,” offers useful, practical considerations for successful formative and summative assessment in the legal research classroom. Sarah Valentine’s essay on integrating legal research into the law school curriculum also offers many useful considerations in how law librarians can advocate at their institutions for wider legal research instruction across the legal curriculum. She importantly points out the need for such wider inclusion of legal research across the law school curriculum because “[o]ne’s understanding of the research process directly affects problem-solving success” (p.9).

¶71 Other chapters, more theoretical in nature, give the legal research instructor the opportunity to reflect at a higher level regarding teaching goals and learning

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outcomes for students. For example, Julie Krishnaswami's chapter, "Critical Information Theory: A New Foundation for Teaching Regulatory Research," discusses applying a more theoretical approach to teaching regulations to students. Other chapters devote discussion to Bloom's Taxonomy and its application to legal research instruction, as well as broader questions about the classification of legal information. These chapters may seem less accessible and immediately applicable in a legal research classroom, but they offer instructors the ability to see how legal research task management and problems can relate to broader ways of thinking about information organization, categorization, and problem solving.

¶72 Although this collection of essays does not represent a holistic and complete discussion of all of the curricular issues surrounding legal research education, it can be helpful in considering many of the important aspects of legal research education, particularly given the current technological context. This book should not be viewed as a how-to guide for setting up a legal research curriculum, and in fact, scant attention is paid to different considerations an instructor might have in a first-year legal research course as opposed to an upper-level advanced research course. However, readers will find many of the essays useful in considering how they teach and evaluate legal research in their own classrooms. Many of the suggestions offered can be easily adapted to a variety of classroom situations. The book offers important considerations for an instructor deciding on what to include in a legal research class and how to relate legal research tasks to higher concepts. More important than the usefulness or practicality of the individual essays, this book represents an important addition to the body of scholarship, both practical and theoretical, discussing legal research instruction for new lawyers and the need to make it a more central part of any law school curriculum.

Post, Robert C. *Citizens Divided: Campaign Finance Reform and the Constitution*. Cambridge, Mass.: Harvard University Press, 2014. 254 p. \$29.95.

*Reviewed by Genevieve B. Tung\**

¶73 In *Citizens United v. Federal Election Commission*, the Supreme Court struck down certain restrictions on corporate campaign spending on the grounds that they silenced speech and conflicted with the First Amendment.<sup>13</sup> In this concise and thoughtful book, Yale Law School Dean Robert Post carefully considers the arguments in the Court's opinion and the dissent, and finds flaws in both. He effectively bridges the divide between their positions by exploring how the constitutional value of electoral integrity is implicit within our modern conception of First Amendment rights and concludes that First Amendment doctrines alone are insufficient to determine the constitutionality of campaign finance reforms. Although he refrains from offering specific policy prescriptions, he calls for the Court to focus on the constituent elements of electoral integrity—namely public confidence and trust in represen-

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\* © Genevieve B. Tung, 2015. Reference and Circulation Librarian and Assistant Professor, Rutgers School of Law, Camden, New Jersey.

13. *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).

tational government—that are necessary for First Amendment freedoms to have meaning.

¶74 At the book's core are two lectures that Post delivered in 2013 as part of the Tanner Lectures on Human Values. The first lecture begins with a vexing question: how do we achieve meaningful self-government under conditions that make direct democracy impracticable? The founders' solution was a calibrated system of representation, the key to which is the "chain of communication" between the people and their representatives (p.13). This chain is protected by both the First Amendment and frequent elections. For representative democracy to work effectively, Post argues, there must be "representative integrity": the relationship of trust between the people and their leaders that allows the former to feel truly represented by the latter (p.16).

¶75 Post then traces the pendulous history of how representative democracy has evolved to reach the present, a time when public opinion plays a critical role in securing representative integrity and allowing citizens to enjoy democratic legitimacy. The crux of Post's reconciliation of free speech and campaign finance reform lies in his analysis of how First Amendment rights are designed to uphold "discursive democracy": the capacity of citizens to participate in "the ongoing and never-ending formation of public opinion, and by establishing institutions designed to make government continuously responsive to public opinion, the people might come to develop a 'sense of ownership' of 'their' government and so enjoy the benefit of self-government" (p.36).

¶76 In the second lecture, Post dismantles and critiques previous arguments in favor of campaign finance restrictions and then methodically demonstrates how the government's interest in preserving electoral integrity should reframe the questions posed by *Citizens United*. The Court's mistake, Post argues, is its failure to recognize both the integrity of elections as a justification for limitations on campaign donations as speech and the fact that electoral integrity is a precondition for First Amendment rights to have real meaning. He further argues that the restrictions at issue in *Citizens United* were not constraints on public discourse but merely limitations on a type of commercial speech that, at best, provides potentially valuable information to the public. Because the Court has conflated this ordinary commercial speech with public discourse, it is blind to the fact that the former may be subject to regulation in service to the government's managerial domain of running fair and orderly elections.

¶77 The lectures are followed by commentary from professors Lawrence Lessig, Frank Michelman, Nadia Urbinati, and Pamela S. Karlan, each of whom also participated in the Tanner Lecture event. Lessig, whose work Post cites in his critique of previous approaches to regulating corporate electoral expenditures, offers something of a rebuttal and advocates for a more expansive view of corruption as a justification for campaign finance reform. Michelman uses Post's work to demonstrate a "potentially deeper subversion": retiring the model of strict scrutiny in constitutional analysis (p.108). Political theorist Urbinati explains how Post's explication of discursive democracy can also be understood as a diarchy, in which power flows both from voting and in forming political opinions. Karlan, writing last, reminds us that the subjective nature of electoral integrity may also invite justification for exclusionary regulations, such as voter identification laws.

¶78 The volume concludes with a response from Post, making the entire book a dialogue. This format enables the other contributors to question Post's approach (acting as stand-ins for readers), and it vividly illustrates the importance of discursive approaches to understanding complex ideas. Using the *Citizens United* decision as a critical point of departure for all of the contributors gives readers both deeper insight into this controversial area of law and the benefit of multiple perspectives.

¶79 *Citizens Divided: Campaign Finance Reform and the Constitution* combines bold and original thinking with clear and elegant prose. It includes extensive end-notes and a thorough index. It is likely to be of primary interest to legal scholars and students interested in the First Amendment, election law, and Supreme Court jurisprudence, although it may also appeal to those working in political science or public policy. This work is a superb addition to any academic law library and may also be a good choice for general academic collections.

Sevetson, Andrea, ed. *The Serial Set: Its Make-up and Content*. Bethesda, Md.: ProQuest, 2013. 288p. \$80.

*Reviewed by Stacy Fowler\**

¶80 The Serial Set is a collection of primarily government documents dating from 1789 to the present, a good portion of which are Senate and House documents and reports. Many other types of materials can be found within the Serial Set as well, including congressional journals and publications, annual reports from federal executive agencies, and select reports from some nongovernmental agencies. There are more than 15,000 volumes of the Serial Set, containing more than 13,000,000 pages of documents.

¶81 Just knowing the monumental size of this set, it can be intimidating when first setting out to use it for research purposes, but Andrea Sevetson's edited volume can help with that task. In the opening chapter, she provides a concise overview of what is contained in the Serial Set, the dates of coverage, and various ways in which one can locate a copy. Each subsequent chapter delves into a specific genre contained within the greater set. Whether your subject is the settlement of the American West, art depicting the life and culture of Native Americans, or the history of the Communist Party in America, the Serial Set can provide a plethora of primary and secondary documentation to help in your research. The various chapter authors also offer helpful advice for unearthing particularly sought-after documents that can often be more difficult to locate. In addition, fifty-six pages of illustrations are included, hitting some of the highlights from each subset talked about in the book.

¶82 Rather than divide the book into the groupings of the types of documents that are included in the Serial Set, Sevetson tasked each chapter's author with dis-

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cussing a particular subject, each of which can be found within multiple categories of documents. For example, the art contained within the varied types of documents available in the Serial Set is an often overlooked treasure trove that highlights many aspects of American history. Some major categories represented are the frontier, birds and wildlife, and an especially expansive collection of art centered on Native Americans. Many chapters also include information on the abundance of authors who have most likely used the Serial Set as primary material for their articles, and all chapters emphasize that the research possibilities are endless. No matter your topic, historical data and context can be found in the Serial Set. It is what Charles Seavey calls “an indispensable source of primary documentation on the history of the United States” (p.215).

¶83 If your library already has a firm understanding of what is contained in the Serial Set and the best ways to access that information, this book might seem unnecessary, but that is probably not the case. While other overviews of the Serial Set mainly reference the set’s indexing and numbering, along with a brief list of what documents can be found within its scope, the authors here dig into the Serial Set and bring to light many hidden gems that may have escaped notice, making this a must-read for any law librarian and even the most seasoned government documents professional.

Waldman, Michael. *The Second Amendment: A Biography*. New York: Simon & Schuster, 2014. 255p. \$25.

*Reviewed by Gilda Chiu\**

¶84 In *The Second Amendment: A Biography*, Michael Waldman, president of the Brennan Center for Justice at the New York University School of Law, attempts to clarify the history and intent of the Second Amendment from its origins in the time of the framers to its central place in the current battle by gun rights advocates to declare gun ownership a protected individual right. The book consists of three parts, each focusing on a specific time period in which events, politics, and public sentiment guided the courts’ and public’s views and uses of the Second Amendment. Waldman also includes “A Note on Sources” section that will prove especially fruitful for researchers.

¶85 Part 1 looks at public sentiment toward militias and the creation of a centralized and powerful government within the context of the American Revolution, the Constitutional Convention, the ratification of the Constitution, the passage of the Bill of Rights, and the Civil War. Using contemporaneous writings from framers such as James Madison and observations by reputable historians, Waldman outlines how politics and public sentiment greatly influenced the framers and contributed to the inclusion of the Second Amendment in the Constitution in its current form.<sup>14</sup> He also provides an in-depth analysis of the syntax of the amendment, put-

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14. The final form of the Second Amendment came after the Senate reworded and reordered the version of the amendment sent to it by the House, which was longer and contained more language regarding the militia.

ting forth a number of interpretations of its language based on the definitions of the time and the framers' use of certain words in other documents, such as the Federalist Papers and their personal notes.

¶86 Part 2 seeks to explain how the Supreme Court came to its decision in *District of Columbia v. Heller*<sup>15</sup> by detailing the events and political shifts that created the atmosphere for the decision. These include the transformation of the National Rifle Association from a hunter's club to an influential political force; the increase in legal scholarship supporting the individual rights model instead of the collective rights model of the Second Amendment; and the rise of the judicial right and its insistence on using originalism to interpret the Constitution. In addition, Waldman offers a close reading of the Heller decision, deconstructing both Justice Scalia's majority opinion and the dissents written by Justice Stevens and Justice Breyer.

¶87 Part 3 explores the post-Heller landscape by looking at the different levels of scrutiny courts have used to decide cases contesting new and established gun laws, and the effects of *McDonald v. City of Chicago*,<sup>16</sup> which expanded the application of Heller to the states. Waldman also contemplates the implications of Heller for both gun control and gun rights advocates. While Heller might seem to benefit only gun rights advocates, Waldman argues the decision could perhaps be a boon for gun control advocates if they can take advantage of the limitations included in Heller to engage the courts and politicians.

¶88 Waldman states that his purpose for writing the book was "in part to understand the meaning and history of the Second Amendment and how we read the Constitution" and examining the "question of how our view of the Constitution has changed over time—when and whether we should allow the past to guide our national life today" (p.179). Indeed, these concerns set the overall tone and drive most of the author's observations and arguments.

¶89 *The Second Amendment: A Biography* would make an excellent addition to any academic law library collection, as well as to general academic library collections. It is easy enough to read for someone with little to no legal training or background, but it has sufficient depth and legal insight to serve as a valuable resource for a law student or professor conducting research on the Second Amendment or gun rights and gun control issues.

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15. 554 U.S. 570 (2008) (holding that federal enclaves statutes banning handgun possession in the home violated the Second Amendment).

16. 561 U.S. 742 (2010).