Keeping Up with New Legal Titles*

Compiled by Susan Azyndar** and Susan David deMaine***

Contents

The Modern Law Library by ABA Journal reviewed by 592
Kathryn Crandall

American Prison: A Reporter’s Undercover Journey into the Business of Punishment by Shane Bauer reviewed by 594
Alison P. Sherwin

Untangling Fear in Lawyering: A Four-Step Journey toward Powerful Advocacy by Heidi K. Brown reviewed by 595
Sherry L. Leysen

Foundations of Information Ethics by John T.F. Burgess and Emily J.M. Knox, eds. reviewed by 597
Charles Perkins

Field Guide to Legal Research by Paul D. Callister reviewed by 598
Nathan A. Preuss

Furious Hours: Murder, Fraud, and the Last Trial of Harper Lee by Casey Cep reviewed by 599
Christine Anne George

Copyright’s Highway: From the Printing Press to the Cloud, Second Edition by Paul Goldstein reviewed by 601
Elizabeth Manriquez

Feminist Dialogues on International Law: Successes, Tensions, Futures by Gina Heathcote reviewed by 603
Loren Turner

* The works reviewed in this issue were published in 2018 and 2019. If you would like to write a review for “Keeping Up with New Legal Titles,” please send an email to sdemaine@iu.edu and/or azyndar.l@osu.edu.

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KEEPING UP WITH NEW LEGAL TITLES—TYPICALLY, THAT IS WHY LIBRARIANS CARE ABOUT PUBLICATION REVIEWS. IT IS ALSO THE PRIMARY GOAL OF THIS SECTION OF LAW LIBRARY JOURNAL. IT IS WITH THIS KNOWLEDGE OF A COMMON AIM THAT I RECOMMEND READERS OF LAW LIBRARY JOURNAL LISTEN TO THE MODERN LAW LIBRARY PODCAST FROM THE AMERICAN BAR ASSOCIATION AND LEGAL TALK NETWORK. THIS PODCAST WILL HELP LAW LIBRARIANS MAKE MORE INFORMED COLLECTION DEVELOPMENT DECISIONS AND PROVIDE AWARENESS OF UPCOMING PUBLICATIONS THAT MAY NOT BE ON A COLLECTION COMMITTEE’S RADAR.

THOUGH NOT REGULARLY PRODUCED (TYPICALLY AVERAGING TWO PODCASTS A MONTH), THE MODERN LAW LIBRARY PRESENTS POLISHED AND PROFESSIONAL AUTHOR INTERVIEWS THAT PROVIDE A DEEP DIVE INTO RECENT PUBLICATIONS IN LESS THAN AN HOUR. THE FOCUS IS GENERALLY ON MORE POPULAR TITLES ADDRESSING LEGAL THEORIES AND HISTORICAL EVENTS. THE PRIMARY HOST, LEE RAWLES, BEGINS EACH INTERVIEW WITH AN INTRODUCTION TO THE AUTHOR AND A BRIEF PUBLICATION SUMMARY. WITH A CONVERSATIONAL INTERVIEW STYLE REMINISCENT OF FRESH AIR’S TERRY GROSS, RAWLES THEN PROMPTS A BROAD LOOK INTO THE AUTHOR’S PERSPECTIVE ON HIS OR HER STORY AND HOW THE AUTHOR CHOSE TO TELL IT IN THE WORK BEING DISCUSSED. THE INTERVIEW IS ALWAYS SET AT AN EASY PACE AND FOLLOWS A NARRATIVE ARC. RAWLES TENDS TO ASK QUESTIONS THAT REVEAL THE AUTHOR’S VIEWS ON HOW HIS OR HER PUBLICATION WILL BE RECEIVED BY CRITICS, ANY PARTICULAR MOTIVATIONS BEHIND THE AUTHOR’S WRITING OR IN HIS OR HER LIFE, AND OTHER PUBLICATION RECOMMENDATIONS.

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These short interviews provide more than just a blurb; they offer a unique view into the author’s mind and an understanding of his or her voice. Often, the Modern Law Library interviews lead to revelations of other sources of information, including award-winning books, articles, and essays. For example, in the episode entitled “How to Become a Federal Criminal: It’s Easier Than You May Think” (http://www.abajournal.com/books/article/podcast-episode-101 [https://perma.cc/VS6V-6SRL]), author Mike Chase discusses an upcoming publication based on his Web 100–nominated Twitter account. This Twitter account highlights a federal crime each day with the end goal of covering every existing federal crime. The interview with Chase provides insight into the motivation behind the Twitter account and the book, as well as suggestions about who would be interested in reading both. Chase hopes that the reader will realize that it is “not a joke book” but rather an opportunity to approach legal issues with a new mindset. The podcast also provides brief excerpts from the publication. With these excerpts, authors highlight the context in which they were written and share anecdotes that shaped their writings. By the end of an interview, the Modern Law Library listener truly has a sense of the author’s work, his or her inspiration, and the choices he or she made during the process of creating a narrative.

Sometimes, an author of a new edition of a book is invited to speak on the podcast. These interviews can offer much-needed information about how the updated edition provides a different take on a topic, which is not always readily apparent. For example, Mark Herrmann, author of the latest edition of A Curmudgeon’s Guide to Surviving and Thriving in BigLaw, explains how the new edition differs from the popular 2006 edition (http://www.abajournal.com/books/article/podcast-episode-100 [https://perma.cc/2F4D-XTVT]). Herrmann shares how certain sections can be of real use to those entering the legal profession now. For instance, he spends a great deal of time on demystifying depositions, aiming to give readers confidence when tackling their first deposition. Tips like Herrmann’s are not often provided to law students or even to newer associates. This kind of in-depth look into an author’s reasoning as to how or why he or she wrote a publication, or even who they view as the intended reader, is extremely valuable when making purchasing decisions.

Overall, this podcast should not be missed. However, I would be negligent if I did not include one small critique. Unlike other podcasts, where the guest joins the interviewer in a professionally equipped sound space, on the Modern Law Library, the author is often calling in from a personal phone. Although the host’s questions are clear, the sound quality of the answers can be somewhat distracting. That said, this podcast is recommended for anyone interested in discussions of history, legal concepts, and the viewpoints of authors who write in these areas. The Modern Law Library podcast provides librarians with a behind-the-scenes peek into newer legal publications in an easy-to-consume format. It is available on Spotify, Apple, Stitcher, Google Play, and at the ABA website.

Reviewed by Alison P. Sherwin*

¶6 From the rare bipartisan support for the First Step Act of 2018 to Joe Biden’s authorship of the controversial Violent Crime Control and Law Enforcement Act of 1994 to Kamala Harris’s divisive record as a prosecutor, criminal justice reform has been in recent headlines almost daily. Shane Bauer’s *American Prison: A Reporter’s Undercover Journey into the Business of Punishment* is an excellent addition to the reform debate. This book can be read for many different reasons: as a shocking memoir of life inside a private prison, as a critical history of the U.S. penal system, and as an exposé of the horrifying manner in which private companies profit from the incarceration and labor of prisoners. Bauer is an extremely talented writer. I did not want to stop reading as he recounted his experiences as a guard at Corrections Corporation of America’s (CCA) Winn Correctional Center in Winnfield, Louisiana (the “oldest privately operated medium-security prison” (p.9) in the United States), and those of the prisoners and his fellow employees, interspersed with the history of the penal system in the United States. His prose is easy to read, with extensive notes and a select bibliography for further information and background.

¶7 While I was busy being horrified at what I was reading, I was also continuously struck by the glimpses Bauer offers into his journalistic methods and ethical decision making. I very much appreciated Bauer’s explaining his approach to this undercover investigation, especially since controversies regarding journalists’ use of classified materials and anonymous sources are a current concern. Bauer was hired using his real name, employment history, and background check, and he did not hide that he was planning to report on his experiences at the prison. He gives a short primer on undercover reporting and the rules he and his editors established regarding his “cover.” Omissions were acceptable; lying was not. Clandestine recording devices were also okay—a wristwatch with camera, a pen that records audio, and a coffee mug with a camera. We learn how Bauer eventually obtained access to CCA executives and board members in an attempt to obtain more answers—he bought a single share of stock and attended the annual shareholders’ meeting. Bauer’s openness regarding his methods lends credibility to his reporting and heightens the reader’s appreciation for the life-and-death risks he took each day working in the prison.

¶8 I was also struck by Bauer’s reflections on the way his past affected his participation in the prison system. Bauer spent more than two years as a prisoner in Iran after coming close to the Iranian border during a hike in Iraq. Because of this experience, he was gentler than other guards when searching prisoners’ belongings, even putting them back in place until being told not to. He felt conflicted about a prisoner pulling away from him while being escorted, remembering doing the same to his prison guards in search of some personal autonomy. And he ultimately decided to quit the job after placing an inmate in solitary confinement for possessing drugs.

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Bauer’s reporting did frustrate me in one instance—his description of an inmate’s attempted suicide and eventual death while hospitalized. Only in the notes did I discover that Bauer did not witness the incident; it occurred after he left the prison. He discloses this fact and explains how he obtained knowledge of the event, but it was frustrating to learn this detail only in the notes at the end of the book. After he was so open about his methods throughout the rest of the book, it felt misleading, even upon rereading the section at issue.

Bauer set out to expose the appalling practices of a private prison. He succeeds. He also very eloquently describes the history of penal institutions in the United States, complete with the racial injustices and failings of our criminal justice system. Finally, he is able to explain how he went about reporting, and what standards and ethics he followed in doing so. In addition to the important contributions he makes to the debate over the criminal justice system, this book should appeal to anyone interested in the ethics of undercover investigative reporting. *American Prison* is recommended for all law libraries and would also be a good choice for academic and public libraries.


Reviewed by Sherry L. Leysen*

There is so much to appreciate about this insightful, candid, and personal treatment of fear in the legal profession. For those of us who do experience the types of fear that Professor Heidi K. Brown describes, *Untangling Fear in Lawyering* provides a refreshing and encouraging perspective that illuminates a way forward. While the fear-weigh among us will benefit greatly from this work (and experience sincere gratitude and relief that it exists), Brown’s holistic approach to the subject makes this an exceptional resource and guidebook for a wide range of audiences, whether law student, legal practitioner, legal educator, law firm manager, or mentor.

In this thoughtfully organized work, Brown does not ask us to smash, bury, or conquer fear. To the contrary, she wants to “untangle” the fear by pulling it apart, identifying it, and preparing for it, while teaching the reader a means of differentiating it from other emotions. Using an engaging blend of substantive commentary, stories, quotes, guided exercises, checklists, and ideas, Brown explores the concept of fear and what it means for three audiences in particular: law students, lawyers, and clients. By breaking down how fear manifests both physically and mentally, her discussion of how unproductive “pro-fear” messages can be—whether as self-talk or directed at us by others, and even when the messenger is well meaning (“just do it,” “fake it until you make it,” “fear is good!”)—is especially beneficial.

Brown emphasizes the deep fears and worries surrounding “mistake-making” by practicing lawyers with suggested strategies to address it. Offering a multidisciplinary perspective, Brown synthesizes how fear manifests among other professionals, too, including physicians, nurses, journalists, engineers, entrepreneurs, and athletes. The goal with these chapters is to highlight successful training and education strate-
gies that “address failure and mistake-making head on” (p.115) and to consider their application to the legal profession.

¶14 Having always relied on running as a way to manage my own doubts and worries, I enjoyed learning about Brown's personal experiences as an athlete (particularly her experience with boxing) to build confidence and to embrace physical distress. Summarizing the approaches of performance experts and sports psychologists and sharing their techniques, she wields the power of thinking like both a scholar/lawyer and an athlete as a way to untangle fear, both mentally and physically. To great effect, Brown revisits the “inner athlete” theme in various passages throughout the work.

¶15 Following the foundational chapters, Brown dives deeply into the methods that we can use to untangle our fears, offering a four-step process. A detailed checklist accompanying each narrative provides an opportunity for guided self-reflection. In Step 1, Brown invites us to differentiate between, and to think hard about, specific experiences in which we are not afraid (but should be) and specific experiences where we really have no reason to be afraid (but are). In Step 2, “Mentally Rebooting,” we are tasked with reframing useless personal messages that prevent us from being our most authentic and powerful selves. Step 3 continues with exploring our “Inner Athlete” and asks that we develop our own preparatory physical performance routines and rituals. Step 4 offers excellent strategies for the fearful to develop both fortitude and resilience. It also provides additional suggestions for law schools (especially useful for educators discussing ethics and professional responsibility scenarios) and law firms, themes further explored in several appendices rich with valuable content.

¶16 This book will appeal to many different constituencies. For the law student or new associate, it offers an accessible means to understand fear and suggests productive methods to process it. For legal educators, whether in the fearful or fearless category, it provides insight into strategies to help facilitate a learning environment that remains rigorous but is more inclusive—from considering language in a syllabus directed at the quiet among us, to exploring courses and course exercises that allow mistakes to be made and processed in a nonjudgmental and lower-stakes environment. Especially helpful for experiential learning in the clinical context are the sections on understanding client fears; these chapters could be required reading for clinic students. For the law practice environment, this book offers practical guidance on shepherding new attorneys through the process of developing professional judgment and identity.

¶17 At times, I have approached books dealing with fear and anxiety with fear and anxiety. This is because thinking about fear or engaging with it can sometimes make it worse. That is certainly not the case with Brown's book. This book does not dwell on fear in the negative sense. It opens it up and makes it accessible in a nonthreatening way so that it can be processed and prepared for. For these reasons and more, this book would be a very welcome addition to academic law libraries and firm law libraries and is highly recommended.

Reviewed by Charles Perkins*

¶18 *Foundations of Information Ethics* will leave the reader with more questions than answers, but that is not necessarily a bad thing. If the preceding sentence warmed your heart, then this book just might be for you. On the other hand, if you are looking for a straightforward professional code of ethics for the information worker, you will need to look elsewhere.

¶19 According to its preface, the goal of *Foundations of Information Ethics* is to “articulat[e] the intellectual underpinnings of the information ethics discipline” (p.ix). Information ethics is a relatively young discipline. In the book’s foreword, Robert Hauptman takes credit for first using the term only 30 years ago. John T.F. Burgess, one of the volume’s editors as well as a contributing author, observes that one of the challenges facing this young discipline is that “the boundaries of information ethics are still being drawn” (p.25). This book serves as both an introduction to the field and a marker intended to help set out the contours of information ethics for a larger academic audience. One hope, expressed in chapter 3, is that by studying the similarities and differences in the ethical codes used by various information professions, a set of information ethics standards might be found that is not tethered to the practice requirements of any specific profession.

¶20 Each of the book’s 12 chapters is self-contained and does not require the reader to be familiar with what has come before. However, the editors have arranged the chapters with an eye toward creating a flow from the familiar to the more specialized, with the final chapter reserved for a survey of emerging issues. The topics covered include basic principles and concepts, history of the field, privacy, cybersecurity, and data usage, as well as more esoteric subjects such as human rights, information access, and global citizenship.

¶21 While authors were free to write their chapters as they saw fit, the editors suggested a basic template, and this template repeats throughout the book. It includes a brief introduction of the chapter’s specific topic, a short history, a list of key terms and/or leading thinkers for the topic, a section on current issues, a case study or discussion question (if appropriate), and an extensive list of references to aid the reader in locating additional works on the topic.

¶22 A few inquiries struck me as particularly interesting. In the chapter “Cybersecurity Ethics,” the author raises provocative questions associated with computer security. For example, what does it mean to have “ethical hackers”? I was also intrigued by the question of patches: is it better to monitor a known vulnerability and hope it goes unnoticed, or release a patch, thereby alerting potential bad actors to the vulnerability? The release of a patch can set off a race where you hope your users update their systems before hackers exploit the vulnerability. The chapter also provides a compelling discussion on the ethics of ransomware.

¶23 In the chapter entitled “Cognitive Justice and Intercultural Information Ethics,” the contributing authors tackle cultural clashes regarding the nature and meaning of information. Discussions of how information from different traditions

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can be in dialogue and suggestions that truth may be universal or, conversely, relativistic, can create strong knee-jerk reactions in some readers. Regardless, I join with the chapter's authors in encouraging readers to spend time with the key concepts and major thinkers that are highlighted. It is a useful experience to consider how intercultural information is evaluated, and it can be done without “enter[ing] the debate on whether cognitive justice is representative and supportive of relativism [or] whether it argues that all forms of information have valid and instrumental value” (p.103).

¶24 The book closes with a chapter on emerging issues. The topics include ownership of health data, 3-D printing, fake news, social media, and algorithmic bias, just to name a few. Each emerging issue is given a short introduction and then a brief list of titles for further reading. Many of the topics appear in earlier chapters, but that does not diminish their value here. This chapter is especially helpful for an instructor looking for discussion starters in class.

¶25 *Foundations of Information Ethics* is a short, well-organized work. It is an appropriate resource for library or IT staff who are interested in taking on leadership or management roles. This book will expose them to new ways of thinking about the ethical dimensions of managing information, but it does not replace the applied ethics found in the various applicable professional codes of ethics. This book can also support an ethics component of an advanced legal research course. Additionally, many of the topics, including cybersecurity, data ethics, intellectual property, and privacy, could serve as launching points for students looking for inspiration for an advanced writing requirement paper or law review note. It is highly recommended for academic law libraries and other college and university libraries.


Reviewed by Nathan A. Preuss*

¶26 Targeting soon-to-graduate students, recent graduates, and experienced practitioners who need to refresh their legal research skills, Paul D. Callister’s *Field Guide to Legal Research* is a refreshing and novel approach to textual legal research instruction. While it includes bibliographic information (see chapter 4, “Understanding the Terrain of Legal Authority”), Callister focuses strongly on processes and constructs. Instead of the commonly utilized charts or lists of the steps in the legal research process with the caveat that real-world research is iterative and non-linear, Callister describes varied processes including “Working the Problem,” which involves asking who, what, when, where, why, and how to pinpoint researchable questions (see chapter 2), and “Problem Typing,” which prompts students to think at the outset about what kind of information they are seeking: for example, known items, news, general information on a subject, or information about an institution, among others (see chapter 3).

¶27 Instead of the bibliographic-centric focus on research that seems to predominate legal research instruction, even in flipped classrooms, each of Callister’s

* © Nathan A. Preuss 2019. Associate Professor and Reference/Student Services Librarian, Joel A. Katz Law Library, University of Tennessee College of Law, Knoxville, Tennessee.
chapters layers additional constructs of thinking about types of legal research issues and the sources and systems that might resolve them. Given Callister’s prior research on metacognition (thinking about how one thinks about a particular subject or skill set), this structure seems appropriate to his constructivist approach to instruction. The structure seems ideal for his target audience but is likely to be too advanced for the law student being introduced to legal research. However, the concepts and approach make this a great resource for instructors of basic legal research who can add modeling (e.g., demonstrating the proper use of West’s Key Number System) and scaffolding (the gradual removal of prompts or hand-holding as students develop greater knowledge and skills) to help students crawl, then walk, and finally run.

¶28 I particularly like that each chapter, to varying degrees, integrates multiple resources or approaches instead of treating resource types like disconnected silos of information. As described in the Field Guide’s introduction, this book is not comprehensive but a resource that can be quickly read and digested by a busy professional who needs to become more efficient and successful in legal research. As such, this book does not provide detailed descriptions of (nearly) all available resources, as other legal research texts do, but is ideal for sharpening the skills of a practitioner.

¶29 The Field Guide to Legal Research fills a niche need in legal research instruction—a refresher for those familiar with legal research but not expert in it. If used by an instructor for an advanced legal research course or a prepare-to-practice course, this book and its teacher’s manual will make it easier to incorporate proven pedagogical methods in the classroom. The Field Guide is ideal not only for the academic law library but also for law firm and court libraries and even the practitioner’s shelf. I highly recommend it.


Reviewed by Christine Anne George*

¶30 Casey Cep wrote an absolutely fantastic book that I could not help but devour, and I am so furious with her I can barely stand it. I should not be. After all, Cep laid out the entire book in the final lines of the prologue:

One of the state’s best trial lawyers was arguing one of the state’s strangest cases, and the state’s most famous author was there to write about it. . . . The mystery in the courtroom that day was what would become of the man who shot the Reverend Willie Maxwell. But for decades after the verdict, the mystery was what became of Harper Lee’s book. (p.4)

I should have known what I was getting into, but Cep so deftly unraveled the tale, strand by strand, that I forgot what I had known before I cracked the spine of Cep’s book—Harper Lee had never published her own true crime book. It is entirely Cep’s fault that I felt that loss so acutely.

¶31 Furious Hours is structured in three parts: “The Reverend,” “The Lawyer,” and “The Writer.” It begins in a straightforward manner with an introduction to
Willie Maxwell, a sometime preacher who, as it turns out, had a proclivity for purchasing life insurance on relatives—who then wound up dead. Beginning with the death of his first wife, there was a whiff of suspicion around Maxwell. Something did not seem quite right. The deaths continued, as did the insurance payouts. With law enforcement and insurance agencies scrambling to find something that would stick to Reverend Maxwell, those around him began to feel concerned. With life insurance far less regulated than it is now, it was entirely possible for someone like Maxwell to take out a policy on someone without their knowing. Maxwell’s narrative comes to an abrupt end when the relative of one of his alleged victims kills him at said victim’s funeral.

¶ 32 “The Lawyer” shifts the narrative from Maxwell to Tom Radney, Mr. Alabama Democrat, who had the distinction of being Maxwell’s attorney and then, upon Maxwell’s death, becoming the attorney for the man who shot Maxwell, Robert Burns. “The Lawyer” shifts back in time, giving Radney’s backstory before diving into Burns’s murder trial. It becomes apparent from the start that Radney is a larger-than-life character. One would have to be to employ the trial strategy of demonizing a former client to acquit a current client. While “The Reverend” lays out the facts about Willie Maxwell and his alleged victims, “The Lawyer” is about the spin. This part does not shy away from the uncomfortable question of Radney’s own culpability in benefiting from Maxwell’s insurance policy schemes. This case had everything—family drama, revenge, murder, and voodoo. As the verdict is handed down at the end of “The Lawyer,” a lingering feeling develops that this couldn’t possibly be the end of the story. Enter “The Writer.”

¶ 33 Harper Lee was beyond qualified to tell the story of Maxwell, Burns, and Radney. This is made abundantly clear when Cep once again circles back in time to give Lee’s backstory before her decision to recount the Maxwell case. I had not realized how little I knew about Nelle Harper Lee, but if there is one thing “The Writer” makes clear, this anonymity was wholly by Lee’s design. Those closest to her were not ever to mention To Kill a Mockingbird, but were more than likely to hear the author complain about her tax bracket. Much like Scout, Lee had lawyers in the family—her father and sister—so she had heard about court cases from a young age. She had even attended law school, but dropped out just shy of graduation to write instead. After the struggle to create Mockingbird—along with the never-to-be-mentioned-in-this-review-again Go Set a Watchman, which had come first—Lee went on a trip with her lifelong friend Truman Capote to Kansas to act as his “researchist.” The things Lee learned while working on what would become In Cold Blood would pave the way for how she approached the Maxwell case. It was a long time coming after Mockingbird, but Lee’s new work, which she called The Reverend, was set to be a blockbuster.

¶ 34 When immersed in the pages of a book, sometimes reality slips away. You get so caught up in the story that you forget things you know are true. Within Furious Hours, many of the people involved are caught up in stories. Willie Maxwell killed before, and I could be next. All of my clients are innocent. Nelle’s new book will be finished any day now. Harper Lee is going to tell my story, and Gregory Peck will play me in the movie. Are they true? Maybe Willie Maxwell really did kill five relatives for insurance money. Maybe it was a strange series of coincidences. There is no way to know. What we do know is that Lee did not publish her book. We do not know whether she even wrote it because her archives are sealed. What we do know
is that there was a very unusual case, one alleged murderer, one confessed murderer, lots of insurance money, an over-the-top defense attorney, and one woman who could spin the tale. Cep's brilliance is that she makes you realize what could have been, which is entirely enraging because with that realization comes the knowledge that it will never be.¹

¶35 Furious Hours is highly recommended for academic and university libraries.


Reviewed by Elizabeth Manriquez ²

¶36 Professor Paul Goldstein returns with a new edition of his well-known book, Copyright's Highway,² and takes the reader on an enjoyable journey through the history of intellectual property, with pit stops at all the important landmarks.

¶37 Goldstein, the Lillick Professor of Law at Stanford University, is a world-renowned expert on intellectual property and the author of several treatises and books on the subject. In this latest monograph, he deftly weaves the history of copyright with digestible explanations of basic concepts in intellectual property law. He manages to simultaneously entertain and educate as he leads us through the conception of intellectual property rights to current challenges facing the copyright industry, such as the advent of digitization and the open source movement. Well researched, with ample citations and documentation, Copyright's Highway draws the reader into the judicial and legislative dramas that shaped our modern-day intellectual property laws, both domestic and international.

¶38 The book begins with “[t]he metaphysics of copyright” (p.1), an explanation of the competing interests involved in copyright law. Goldstein posits a “battle” between “natural rights’ for the optimists, [and] ‘individual freedoms’ for the pessimists” (p.10). He then details the history of intellectual property rights, beginning with the Statute of Anne in eighteenth century England, and how these rights have been apportioned between the author, the printer/publisher, and the consumer throughout the centuries. He explains both the American conception of copyright and the European conception, which vary greatly as reflected in their respective legislation on the issues.

¶39 Perhaps the greatest distinction Goldstein draws between the domestic understanding of copyright and the international approach are the competing concepts of ownership and authorship. While domestic legislation often involves the parceling of rights in a similar manner to real property, international laws instead focus on the moral right of authorship. Goldstein argues that if copyright is to survive, Americans need to refocus attention on this right of authorship, the face of

¹ Cep notes in her epilogue, “Nelle Harper Lee's estate is sealed. The entirety of her literary assets, including whatever else exists of The Reverend, remains unpublished and unknown” (p.276). So perhaps my "never" is tempting fate.


creation. In a world where pirated work is available at the click of a mouse, one is unlikely to feel compunction about the loss of income to a publisher or distributor but may feel remorse over a loss incurred by the individual creator.

¶40 Copyright’s Highway offers much more than a primer on copyright laws and concepts. It also weaves a narrative guaranteed to snag the interest of any librarian involved in the web of fair use, digital initiatives, and creative commons. While Goldstein includes all major cases and legislation in this book, he devotes particular attention to the battle between William Passano, a well-established publisher of medical journals, and the National Library of Medicine and National Institutes of Health over the defendants’ photocopying and distribution of articles from journals published by Passano’s company. Goldstein describes the case’s path through the courts while also explaining the legislature’s concurrent attempts to revise copyright law to account for new technologies. It makes for an enjoyable story as Williams & Wilkins Co. v. United States3 involves a cast of political actors, Supreme Court Justices, notable litigators, and Passano himself.

¶41 While the history and courtroom dramas provide the reader with knowledge and understanding, the true gifts of Goldstein’s book come from his insights and intuition for the future of copyright. He concluded the first edition with a discussion of what he termed the “celestial jukebox,” a prescient view of an information landscape where transaction costs are substantially reduced, and subscribers can order any media they desire from technology-packed satellites. Such technologies were in their infancy in 1994, so these predictions are particularly impressive. When Goldstein released a revised edition in 2003, these predictions were already becoming reality, and he amended the final chapters to include discussions of Napster, the Digital Millennium Copyright Act, and the WIPO Copyright Treaty. A great deal has changed since the publication of the 2003 revised edition, and Goldstein now returns with greater analysis of fair use, digitization, orphan works, and Creative Commons. Scrapping the analogy of the celestial jukebox for the actuality of the cloud, Goldstein examines the newest developments in technology, how they have changed the way the user thinks of copyright, and the implications of these changed attitudes for everyday practice and future litigation.

¶42 Copyright’s Highway is an excellent addition to the collection of any law library, even those that already hold the two earlier editions. Copyright is a technology-laden area of law, with advancements and changes occurring all the time. In this latest edition, Goldstein recounts these advancements, examines their implications, and encourages the reader to think critically about the future of copyright law. Even without a background in intellectual property, the reader will enjoy the well-paced prose offered by Goldstein and will likely come away with a new appreciation for copyright.

3. 487 F.2d 1345 (Ct. Cl. 1973), aff’d per curiam, 420 U.S. 376 (1975).

Reviewed by Loren Turner*

¶43 It takes a certain amount of recklessness to admit in the book review column of a professional law library journal that I barely managed to finish this book and, worse, that I struggled, really struggled, to follow the academic, jargon-filled phrases enough to cobble together this review. In my defense, this book was not written for me. Or, most likely, for you. This book was written for the dozen or so feminist scholars and activists with whom academic law librarians work. Presumably, given the prestige of both the author and the publisher (and the flashy title), it is a book that many academic law libraries will own soon if they do not already.

¶44 The author, Gina Heathcote, is an Australian feminist scholar of gender studies and international law at SOAS University of London. *Feminist Dialogues on International Law* is her second book, and its central purpose is to encourage cross-disciplinary dialogue among feminist scholars and activists, particularly those who specialize in international law, in order to “unlock future feminist approaches to international law where questions contribute to further questions, further projects, new mappings, new understandings of power, discourse, and law, mechanisms for listening with responsibility, while re-representing sex/gender as temporally and geographically fluid” (p.25).

¶45 Heathcote argues that feminist projects within international law have focused primarily on advocating for women through gender law reform. These efforts have successfully led to the appointment of gender law experts within the United Nations System, as well as changes to international law, particularly in the areas of international criminal law, human rights law, and collective security. According to Heathcote, though, gender law reform efforts are underinclusive because they focus only on women and not those outside the gender binary. Also, gender law reform efforts pursue a “Unitedstatesean” (p.8) feminist agenda, which can conflict with local feminist priorities. Moreover, gender law reform has a limited impact in its current, fragmented state. Heathcote claims that use of transnational feminist methodologies outside of gender law reform would create a more inclusive, less Western feminist platform to pursue progress within international law and legal institutions.

¶46 In particular, Heathcote advocates for a “structural bias feminism approach” defined as “the use of diverse feminist methodologies to interrogate and expose the role gendered assumptions play in the construction of the foundations of law” (p.6). To this end, Heathcote applies a structural bias feminism approach to foundational concepts of international law, including the role of international legal experts (chapter 2), fragmentation (chapter 3), sovereignty (chapter 4), the role of international institutions (chapter 5), and the ultimate authority of law (chapter 6).

¶47 Throughout the book, Heathcote constantly insists that she, a white Australian colonist, is not the appropriate person to answer the questions she poses or to propose pathways for future progress. She identifies her goal as asking “a series of awkward questions as a prelude to future feminist dialogues on international law,

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acknowledging that the answers are not mine to give or to formulate, and may require my silence, and my cultivating of space for others to speak over me” (p.176). While I admire her self-awareness, I found the barrage of disclaimers before she poses a particular idea exhausting (e.g., “[t]hroughout the chapter and especially in the final section, I draw upon the voices of Black British feminists and indigenous Australian authors to question my own complicity in the production of privilege and to explore the preceding steps that are necessary to genuinely open feminist dialogues on international law. . . . ” (p.174)).

¶48 Overall, this book has a limited potential audience; it may appeal to and perhaps inspire feminist legal scholars of international law. It is recommended, with some reservations, for academic law libraries.


Reviewed by Nicole P. Dyszlewski

¶49 In 1997, Beverly Daniel Tatum authored the book, Why Are All the Black Kids Sitting Together in the Cafeteria? And Other Conversations About Race. This seminal text was updated by the author and rereleased several times, most recently on its 20th anniversary in 2017. In the updated text, the author asserts, “We need to continually break the silence about racism whenever we can. . . . But talk does not mean idle chatter. It means meaningful, productive dialogue to raise consciousness and lead to effective action and social change. But how do we start?”

Ijeoma Oluo’s 2018 book So You Want to Talk About Race is how.

¶50 The chapters of Oluo’s book are structured as responses to common questions she gets asked as a black, female, queer writer. The author understands that conversations about race, racism, and racial oppression can be difficult, and she has created a toolkit of sorts for those willing to engage in this challenging work. Although primarily about race, the book also discusses sexuality, gender, and intersectionality, generally. Each chapter asks and answers one discrete question. For example, chapter 10 asks and answers the question: what is cultural appropriation? Without exception, the chapters are thought-provoking, passionate, and informative.

¶51 Oluo does not write for just one type of reader. Her work is written for and useful to all readers. The book can be read as a whole work or as freestanding chapters on important issues of race, racism, and racial oppression. The author’s writing is sometimes strident, sometimes pained, sometimes frustrated, sometimes sad, and sometimes personal, but it is always thoughtful. Each chapter gives concrete examples and, when necessary, presents readable, data-driven information to support the author’s positions, such as in the chapters on hate crimes, police brutality, and the school-to-prison pipeline.

¶52 So You Want to Talk About Race is not forgiving of racism, but it is generous toward people who have grown up in a racially biased social and economic system and are genuinely trying to come to terms with what that means for a person of privilege. As such, Oluo gives advice on how to confront systems of racism, how to

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see microaggressions, how to act if you have been accused of a racist microaggression, and how to act if you have been confronted with the possibility of your own racism. Oluo particularly shines during chapter 10’s discussion of tone policing. The chapter contains concrete suggestions for white people who want to avoid tone policing and for people of color being criticized for their tone during a conversation on race and/or racial oppression.

¶53 Additionally, the 2019 paperback edition of the book contains an outstanding discussion guide. This guide includes suggested guidelines or ground rules for group discussions to reduce harm and increase productivity in these conversations. The only thing lacking is an index.

¶54 *So You Want to Talk About Race* is recommended for all law libraries, plus college and public libraries. It is appropriate for faculty, legislators, judges, staff, students, attorneys, and the general public. In fact, it is beyond appropriate; it is needed. It not only introduces difficult topics of race and privilege, but it also acts as an accessible primer on how to get into, get out of, and get proximate with conversations on race and racism. This book is not about idle chatter; it is about difficult but productive dialogue.


Reviewed by Pat Newcombe*

¶55 This lively and engrossing biography of the fourth Chief Justice of the United States examines Marshall’s path to the Court, providing insight into his personality, his career, and the personal experiences that forged his judicial philosophy. Professor Joel Richard Paul’s historical narrative humanizes Marshall, one of the preeminent founders of the United States, and emphasizes Marshall’s focus on moderation, compromise, and pragmatism during the country’s turbulent early years.

¶56 Paul starts with Marshall’s inauspicious beginnings as the oldest of 15 children growing up on the remote Virginia frontier with little formal education. The self-taught Marshall went on to serve in the American Revolution, where he made a favorable impression on George Washington, and later gained prominence as a successful attorney. He was elected to the Virginia legislature and, at the request of President Adams, served on a diplomatic mission in France to forge a peaceful solution to French attacks on American shipping. Not long after, he began his tenure as Adams’s secretary of state. A year later, Adams appointed him to the Supreme Court where Marshall served for 34 years—the longest term as chief justice in the history of the Court.

¶57 After this exploration of Marshall’s pre-Court years, Paul shifts the focus to Marshall’s years on the Court and analysis of Marshall’s landmark cases—*Marbury v. Madison* and *McCulloch v. Maryland*, among many others. When Marshall began serving as Chief Justice in 1801, the Court had little authority, very few cases before it, and no home of its own (the Court met in the basement of the U.S. Capitol). Yet Marshall completely reconstructed the Court during his time. To begin with, he

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implemented the concept of a single majority decision instead of individual opinions by each justice. Marshall's reasoning was that a sole opinion would heighten legal clarity. He also wrote about half of the more than 1000 opinions issued by the Marshall Court, most of which were unanimous decisions forged by his compelling persuasive skills and ability to unite. This ability to build consensus and accord was quite extraordinary, especially considering that Marshall was a committed Federalist among justices appointed during Republican administrations with conflicting beliefs.

¶58 Marshall established fundamental constitutional cornerstones of our legal system such as judicial review, which was fiercely debated at that time. Marshall consistently favored a broad reading of the Constitution and the Court’s power, maintaining that the document must be flexible in response to the country’s needs. Marshall’s tenure established an independent judiciary as a legitimately equal branch in the tripartite federal government, and secured both the supremacy of the Constitution and the Court’s role as the absolute arbiter of its meaning. His opinions shape a clear denial of the states’ rights ideology. Marshall fervently believed that it was important to maintain a strong central government to act in the national interest, and his decisions were crafted with this thesis in mind.

¶59 Paul ably conveys Marshall’s judicial reasoning without resorting to dense legal language. Although legal readers will find this book of great interest, the layperson will be able to appreciate the legal opinions as Paul presents the issues, facts, details, and background with a wide-lens view that captures personal stories and political context fundamental to the sophisticated cases. By providing many detailed particulars, Paul brings Marshall’s decisions to life, as if the reader is right there; one can almost see a film unwinding as the story truly comes alive.

¶60 Several threads are woven throughout this book. Paul traces the conflict between Marshall and Thomas Jefferson, his cousin and his adversary in matters of ideology; the competing ideologies and political discord of the era; Marshall’s friendship with James Madison, who happened to be Jefferson’s ally; and Marshall’s dutiful relationship with his chronically ill wife. It is clear that Paul holds Marshall in high esteem, yet Paul also manages to convey Marshall’s imperfections and those times when Marshall was unpredictable in his judgments, compromised his ethics, or shaped his arguments to reach the desired result expediently.

¶61 Marshall died in July 1835, and the country greatly grieved the loss of the man who would go down in history as one the most influential chief justices. Paul ends his narrative by comparing Marshall to his adversary, Jefferson. Paul reasons that, notwithstanding his failings, Marshall’s intention to safeguard the union by choosing compromise over chaos and having a courageous imagination was laudable, allowing Marshall to play a pivotal role in helping shape the country’s future and our legal principles.

¶62 Without Precedent is a scholarly work, yet very readable, and should be of interest to most readers. Paul relies on ample and deep primary sources, yet manages to present John Marshall in a very human and accessible way. This narrative would be an excellent selection for any academic or public library, especially those that collect in the American history area, and it is highly recommended.

Reviewed by Benjamin J. Keele*

¶ 63 When teaching legal research to first-year students, I often find myself balancing between teaching the concepts of research (is this judicial opinion mandatory or persuasive authority?) and the mechanics of research (what does the jurisdiction filter do?). The concepts are relatively stable and tend to inform discussions of what the law is and should be, while the mechanics fluctuate with every software release and are more about user interface design than law.

¶ 64 While teaching the mechanics of legal research is certainly necessary—a student who understands every nuance of *stare decisis* is still in trouble if unable to formulate a reasonable Boolean search—I was pleased to find that *Legal Research*, a title in Wolters Kluwer’s Examples & Explanations series, focuses its attention on the concepts. One of the ideas underlying the book is that “principles of weight of authority underlie all the choices you make as you research” (p.1). The authors consistently weigh the authority of each source in different research contexts.

¶ 65 Given the authors’ focus on authority, it is not surprising that the book spends relatively little time on secondary sources. All secondary sources are discussed in chapter 10 (of 11 chapters), while judicial opinions, statutes, and regulations receive two chapters each. At first, I thought this approach shortchanged the great variety of secondary sources and research tools available. The legal research course I teach spends the first quarter on secondary sources. *Legal Research* now makes me question this allocation of attention. Primary sources are the actual law, and students are probably less familiar with primary sources than they are with books, academic journals, and specialized journalism. I have also noticed some students are initially overwhelmed by the variety of secondary sources, some of which will not be relevant to their field of practice. On the other hand, most practical research will involve some cases, statutes, or regulations.

¶ 66 My sense is that textbooks often present only an ideal version of methods or analysis, which can be intimidating to novices. *Legal Research*, though, is refreshingly realistic, suggesting students start their research with a simple Google search or checking Wikipedia. Crucially, the book always notes that this is only the beginning of a research process that should end with relevant and applicable primary sources. The examples show a variety of starting points, sometimes beginning with a statute and other times with a case, and then proceeding to find other primary sources. This approach encourages adaptability and empowers students to think creatively if they hit an obstacle in their research.

¶ 67 Like other titles in the E&E series, each chapter ends with a set of practice questions. The answers provide complete and nuanced explanations. Since the mechanics of using legal research tools is mostly bypassed (the last 20 pages are appendices mostly on Boolean searching, filtering, and citation), the questions can work in any legal research database, and I expect the book will age well, even as vendors introduce new interfaces and tools.

* © Benjamin J. Keele, 2019. Research and Instructional Services Librarian and Lecturer in Law, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana. This review is licensed under the Creative Commons Attribution License, Version 4.0.
If pressed for a criticism, I would note that the discussions of headnotes, digest systems, and different types of negative case treatment are not as robust as I would like. That said, the book is clearly a supplemental text, and the authors overwhelmingly hit the right points in limited space. *Legal Research* is worth considering for first-year research, writing, and methods courses, and as a refresher for students participating in clinics. It is also highly recommended for academic law libraries.


Reviewed by Colleen Martinez Skinner*

Librarians the world over have helped students and patrons find answers to specific questions. Sometimes the questions are legal in nature; other times, they seek general information. Karen M. Ross’s *Essential Legal English in Context: Understanding the Vocabulary of US Law and Government* covers both types of information.

This short, easy-to-read book focuses on explaining all those governmental nuances that are assumed but, as we discover when delving further into the reference interview, are actually not known. While *Essential Legal English in Context* is designed especially for foreign students, international lawyers, and others who are unfamiliar with the U.S. legal system, it is a nice refresher and suitable for anyone who finds themselves far removed from high school civics class. At the budget-friendly price of $30 for the paperback, it can be added to any library collection for use when a government refresher is needed. It would also make a good textbook recommendation for a professor teaching a U.S. law class for an LL.M. program.

The book is broken down into five units, with three to four lessons per unit. Each lesson also has two to four exercises (answers are in the back of the book) to drive the information home. The lessons are pretty straightforward and are for the most part quite short. For instance, lesson 3.1 is 3 pages long, but lesson 3.3 is 12 pages. Lesson 4.2, “The Structure of the Federal Judiciary,” is by far the longest in the book at 36 pages. Although lesson 4.2 is long, each page contains a chart, picture, diagram, or other visually friendly way to break up the information into smaller, more easily digestible pieces. You can rest assured that a student is not going to complain about page length, or that they need *Black’s Law Dictionary* handy while reading *Essential Legal English in Context.*

At first glance, some of the visuals may seem a bit juvenile and not of law-school-level rigor. For example, the information presented on the federal court hierarchy in lesson 4.2 is in the form of a triangle diagram with the U.S. Supreme Court at the top, and the courts of appeals and the district courts below. Despite its elementary appearance, however, the court structure diagram is correct, and visual learners may appreciate this approach and find it a welcome departure from the usual wordy casebooks they are accustomed to.

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One part of the lessons that I found helpful was “Word Study.” The sections on word study illustrate how a phrase such as “blanket ban” is used in current contexts. These explanations are particularly helpful for English-as-a-second-language readers, as evidenced in this example: “A blanket ban means a total ban or prohibition. A blanket of snow entirely covers the grass; a blanket for sleeping entirely covers a bed; a blanket ban entirely covers a specified act.” The book further uses the phrase *blanket ban* when discussing the Parkland shooting and gun control, President Trump and immigrating foreign nationals, and former Housing and Urban Development Secretary Julián Castro’s fight against landlord refusals to rent to convicted criminals. Adding current events increases the comprehension and relevance of the word or phrase for many students and helps bring the law to life. Currently, “blanket ban” cannot be found in *Black’s*, but *Essential Legal English in Context* offers a workable definition.

Law students will find this book to be a very easy read, and at a total of 203 pages (including exercise answers in the back of the book), they may actually read it and get out of it what you were hoping they would. Other students—undergraduates, graduate students in other fields, foreign LL.M. and S.J.D. students, even high school students—can learn from *Essential Legal English in Context*. I dare say they might actually enjoy it; I know I did. I highly recommend this title for all law libraries as well as undergraduate, public, and school libraries.


Reviewed by Amelia Landenberger*

Unless you have a close personal friendship with a state appeals court judge who also served for years as a state trial court judge, this book will pull back the curtain on a decision-making process opaque to most of the public. The book is divided into three parts. Part 1 gives a necessary overview of what judges do, describes the path many judges take from the ranks of state prosecutors to election or appointment as judges, and discusses the challenges of defining corruption, fairness, and independence. Like an ensemble film that nevertheless focuses on one or two characters, these chapters make some generalizations about the judicial profession while also following the path of the author’s career from state and federal prosecutor to Wisconsin appellate judge.

Part 2 is the real highlight of the book, and it is truly compelling reading. Judge Schudson describes eight cases over which he presided, four as a trial court judge and four as an appellate judge. The first is a gripping account of Schudson’s decision not to recuse himself from the trial of a woman who was charged with disorderly conduct, unlawful assembly, and obstructing an officer while she had been protesting outside an abortion clinic. Judge Schudson describes his thought processes while deciding to hear this case, but he also lays bare his personal circumstances and beliefs that might have affected his independence—for example, the fact that his wife had taken part in counterprotests as a pro-choice activist. He also acknowledges that he took the case in part because other judges had recused them—

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selves, and he wanted the notoriety such a case would bring. Later in part 2, he describes a case that he did not hear because he had been offered an unethical manipulation of caseloads to ensure that he would receive the most newsworthy cases; he turned down the offer as a matter of principle.

¶77 These stories, and the others presented in *Independence Corrupted*, bring life—with all its fascinating detail and complexity—to the seemingly dull judicial process. While the book should be read in its entirety, the eight chapters in part 2, which range from 5 to 16 pages apiece, could be used as stand-alone readings to spark a class discussion on judicial independence, contempt of court, standards of review, or guilty pleas and sentencing. The author often summarizes the main points in numbered lists near the end of a chapter, a clarity much appreciated when reading about the complicated dance of sentencing, for example.

¶78 The third and final part of the book discusses the impact of four recent U.S. Supreme Court decisions: *Republican Party of Minnesota v. White*; *Caperton v. A.T. Massey Coal Co.*; *Citizens United v. Federal Election Commission*; and *Williams-Yulee v. Florida Bar*. While this section is not as riveting as the stories from the bench, it provides the necessary legal context for the author’s concerns about the future of judicial independence.

¶79 In the acknowledgments to the book, Schudson recognizes the unusual position of this book as both a memoir and a treatise. While I leave the final determination of the book’s proper category to the library catalogers, I think that this unusual combination has largely succeeded. The book is more readable than the average treatise but more academic than the average memoir.

¶80 *Independence Corrupted* is well written, is easy to read, and offers a window into the current and future challenges of the independent judiciary. It should be thought-provoking for students and attorneys while still remaining mostly accessible to the dedicated nonattorney reader. I recommend it to all law school and court libraries.


Reviewed by Justin O. Abbasi* 

¶81 Justice William Brennan, who served on both the Supreme Court of New Jersey and the U.S. Supreme Court, would tell his law clerks that the most important rule of law at the U.S. Supreme Court is the rule of five: a majority of five votes declares what the law is. Scholars have written extensively about decision making at the U.S. Supreme Court, but there is much less discussion about decision making by state supreme courts, even though these courts are responsible for final decisions in the vast majority of cases litigated in the United States. The number of justices on state supreme courts, the diversity of the courts’ membership, the partisanship of the positions or lack thereof, and the methods states use to select their justices and chief justices vary. These factors and more affect how state supreme courts make their decisions. Salmon Shomade’s *Decision Making and Controversies in State Supreme Courts* attempts to measure how public controversies and their

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interplay with judicial collegiality affect decision making in these courts of last resort.

¶82 Three case studies on how public controversies surrounding justices in Alabama, Louisiana, and Wisconsin affected decision making in their respective supreme courts make up the heart of Shomade's work. Before embarking on these case studies, Shomade surveys scholarship on judicial decision making, guiding the reader as to how he will frame his research and extrapolate his findings. In the three case study chapters, he describes the controversies in rich detail, and then describes the justices' voting patterns. He also provides necessary context about how these courts' manners of making decisions are unique. Decisions analyzed in the case studies represent three types: unanimous decisions, majority opinions, and dissenting opinions. Each type reveals something different about how the figures mired in public controversy fared with their colleagues when deciding cases.

¶83 The Alabama case study centers on Chief Justice Roy Moore's installation of a 5280-pound monument of the Ten Commandments in violation of the Establishment Clause, and his decision to defy a federal court order requiring its removal. The Louisiana case study investigates Justice Jeffrey Victory's decision to challenge Justice Bernette Johnson's elevation to chief justice, purportedly because she joined the court pursuant to a consent decree rather than an election. Justice Johnson had many supporters who maintained that race was the real reason Justice Victory challenged her elevation. The Wisconsin case study examines the violent actions of Justice David Prosser toward two of his female colleagues, Chief Justice Shirley Abrahamson and Justice Ann Walsh Bradley.

¶84 Instead of clearly articulating findings, Shomade seems to want readers to draw their own conclusions, which is something of an odd choice. While political scientists and court watchers will find this book thought-provoking, those who read it looking for concrete answers will be left dissatisfied. Nonetheless, Shomade's descriptions of these modern judicial controversies are accessible and enjoyable. Their juxtaposition provides value in a way that studying U.S. Supreme Court decision making in isolation cannot. For example, readers will likely appreciate some of the predominant commonalities between the state courts, such as the greater frequency of writing separately when a justice is at the center of controversy. Shomade's study of state supreme court decision making during controversies involving religion, race, and gender provides a solid foundation for further inquiry. This book is recommended for academic and court law libraries.