

## Legal Reference Books Review\*

Compiled by Diana C. Jaque\*\* and Lee Neugebauer\*\*\*

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Brand, Ronald A. *Fundamentals of International Business Transactions*. The Hague; Boston: Kluwer Law International, 2000. 1360p. \$85.

*Reviewed by Lynn E. Murray*

¶1 The law governing international business transactions has its roots in ancient history. Tradition holds that beginning in about 300 B.C., the sea law of Rhodes influenced the creation of similar laws by the Greeks and Romans, and was then passed on to Western Europe. Since that time, individual nations and towns, merchant groups, and intergovernmental organizations have acted together to develop a substantial body of law applicable to transnational business transactions.

¶2 As international trade has ballooned in the last decade,<sup>1</sup> so has the amount, complexity, and importance of international business law. International business transactions are now governed by a complex scheme of international agreements, United Nations documents, tariff laws, uniform laws, and foreign laws and regulations on subjects ranging from antitrust to personal jurisdiction. The sources of law include intergovernmental organizations as well as U.S. and foreign courts, legislatures, and agencies. Furthermore, international business transactions carry with them unique risks and problems such as foreign sovereign immunity and collecting U.S. monetary judgments abroad.

¶3 Even though more than one hundred books on international business transactions have been published since 1990, the rapid growth and far-reaching nature of the law governing international business transactions makes locating a single textbook that effectively covers its gamut of legal issues problematic. Ronald Brand has tried to fill the need for such a textbook with *Fundamentals of International Business Transactions*.

¶4 While *Fundamentals of International Business Transactions* is intended primarily as a textbook for law school courses on transnational business transactions, it also undertakes the task of introducing practicing lawyers to fundamental material on issues of global transactional practice. Although such an approach frequently means failure on both counts, Brand manages to be successful at addressing each audience. He stresses two themes throughout the book: risk and the prevention of legal disputes. Like most law school textbooks, the book relies heavily on cases and other primary sources of law to illustrate information. However, each chapter includes at least thirty pages of textual analysis of the law; a few chapters are primarily analysis with only one or two cases. The book also contains numerous tables, charts, diagrams, and examples. The chapter on U.S. taxation of export and overseas operations in particular contains numerous examples and charts that should be very useful to mathematics-leery law students and lawyers.

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1. U.S. international trade grew by 5% to 10% every year between 1990 and 2000. BUREAU OF ECON. AFFAIRS, U.S. DEP'T OF COMMERCE, COMMERCE NEWS: U.S. INTERNATIONAL TRADE IN GOODS AND SERVICES, 1991–2000, available at <http://www.census.gov/foreigntrade/www/statistics.html> (last visited Aug. 24, 2001).

¶5 Due to the breadth of law governing international trade, any book that attempts to provide an overall introduction to the law of international business transactions will inevitably do a better job with certain subjects than others and will have to present some issues in a succinct way. This book is no exception, and some topics are covered with much less detail than others. For example, the chapter on regulation of international trade provides only a cursory overview of the operation of the World Trade Organization and the application of the General Agreement on Tariffs and Trade.<sup>2</sup> However, the author specifically states the “focus of the book to be the private transaction that involves property, services, or capital crossing national borders” (p.xl) and reserves the regulation of international trade to other books already published that discuss international trade in detail.<sup>3</sup> The author also deliberately excludes “‘cutting edge,’ not-fully-solidified, legal rules” (p.xliii), so a few relatively new and evolving issues, such as the transfer of technology, are excluded.

¶6 On the other hand, the book includes material not covered in most other books on this topic, most notably taxation and professional responsibility issues in a global transaction practice. To compensate for the brevity of coverage on some topics, Brand makes extensive references to literature on those topics. Furthermore, his discussion of dispute resolution and the collection of foreign judgments and U.S. judgments abroad is extensive. This is hardly surprising since he is an established author on these subjects.<sup>4</sup>

¶7 The volume is accompanied by a compilation of documents that includes excerpts from ten international agreements, U.S. federal laws and regulations, uniform laws and model rules, and the English Sale of Goods Act.<sup>5</sup> Whenever possible, the editor includes relevant URLs and describes what may be found on the Web sites.

¶8 Overall, *Fundamentals of International Business Transactions* does what the author intended to accomplish: it provides an overview of the risks involved in

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2. This omission is clearly not due to a lack of knowledge of government regulation of international business transactions as Brand is the author of several journal articles on the topic. *See, e.g.*, Ronald A. Brand, *Direct Effect of International Economic Law in the United States and European Union*, 17 NW. J. INT'L BUS. 556 (1996-97); Ronald A. Brand, *GATT and the Evolution of United States Trade Law*, 18 BROOK. J. INT'L L. 101 (1992); Ronald A. Brand, *The Status of the General Agreement on Tariffs and Trade in United States Domestic Law*, 26 STAN. J. INT'L L. 479 (1990).

3. *See, e.g.*, RALPH R. FOLSOM & MICHAEL W. GORDON, INTERNATIONAL BUSINESS TRANSACTIONS, (1995); RALPH R. FOLSOM ET AL., INTERNATIONAL TRADE AND INVESTMENT IN A NUTSHELL (2000); LAW AND PRACTICE OF UNITED STATES REGULATION OF INTERNATIONAL TRADE (Charles R. Johnson ed., 1987); WILLIAM H. LASH, U.S. INTERNATIONAL TRADE REGULATION (1998).

4. *See, e.g.*, RONALD A. BRAND, ENFORCING FOREIGN JUDGMENTS IN THE UNITED STATES AND UNITED STATES JUDGMENTS ABROAD (1992); Ronald A. Brand, *Due Process, Jurisdiction and a Hague Judgments Convention*, 60 U. PITT. L. REV. 661 (1999); Ronald A. Brand, *Tort Jurisdiction in a Multilateral Convention: The Lessons of the Due Process Clause and the Brussels Convention*, 24 BROOK. J. INT'L L. 125 (1998); Ronald A. Brand, *Enforcement of Foreign Money-Judgments in the United States: In Search of Uniformity and International Acceptance*, 67 NOTRE DAME L. REV. 253 (1991).

5. Sale of Goods Act, 1979, c. 54 (Eng.).

international transactions and provides much information on how to minimize those risks. The book also succeeds in making a complex subject accessible yet still intellectually challenging. Students and practitioners who are interested in learning the basics of the legal implications of international business transactions would benefit from reading this book.

Cartwright, Rita Cantos and H. Victor Condé, eds. *Human Rights in the United States: A Dictionary and Documents*. Santa Barbara, Calif.: ABC-CLIO, 2000. 2v. 931p. \$175.

*Reviewed by Carla Guerriero*<sup>6</sup>

¶9 The phrase “human rights” conjures up many disturbing images: the torture of political dissidents in Chinese prisons, brutal executions in Afghanistan, or the forceful squelching of pro-democracy rallies in Kenya. To U.S. citizens, these images suggest that human rights issues are primarily foreign issues. Due to this perception, human rights in the context of American law and society have not been explored to the same degree as in the international context.

¶10 In 1998, Amnesty International began its “Rights for All” campaign, focusing on the status of human rights in the United States. Some of the U.S. practices that Amnesty International cites as violating international standards are police brutality, capital punishment, and the treatment afforded to asylum seekers. In this emerging consciousness, *Human Rights in the United States* is right on time. In his foreword, William F. Schulz, Amnesty International USA’s executive director, describes this two-volume set as a valuable tool in overcoming ignorance and indifference. I agree. It succeeds in pulling together a broad range of information on human rights in the United States and equips the reader with sufficient background information to use the set effectively. The publication is divided into three principal sections: Dictionary, Documents, and Appendixes. It is well indexed and includes an extensive bibliography.

¶11 A thorough introduction presents the international history of human rights. The introduction is followed by approximately 240 dictionary entries, consisting of words and phrases used in the context of human rights in the United States, such as slavery, Bill of Rights, social justice, political correctness, and asylum. Each of the extensively cross-referenced entries includes a straightforward definition and a commentary placing the term within the framework of U.S. human rights law, history, and discourse. The commentary also refers the reader to various documents—treaties, case law, and legislation—that are often found in the documents section or appendixes.

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6. *Compilers’ Note*: This review originally appeared in Diana Jaque & Lee Neugebauer, *Legal Reference Books Review*, 93 LAW LIBR. J. 495, 501–02, 2001 LAW LIBR. J. 24, ¶¶ 16–20, with an incorrect author attribution. The review is reprinted here in its entirety with the correct attribution to Carla Guerriero.

¶12 The fifty-nine documents reproduced in the set were selected to provide an historical sampling of the types of documents that are encountered in human rights law. The documents include the Declaration of Independence, international treaties, declarations, and reports of various human rights bodies. The editors have provided contact addresses and Web sites that can be used to update each document. Finally, the nine appendixes provide the reader with additional useful information, charts, and statistics, including a comprehensive list of treaties ratified by the United States and an overview of the structure of the United Nations. Selected U.S. legislation and excerpted court decisions are also provided.

¶13 This work should be regarded as a reference staple for information on human rights in the United States. Obviously well-suited for an academic law library's human rights collection, this set is also a wonderful choice for other law libraries or public libraries seeking to purchase one reference source in this area.

Garner, Bryan A. *Legal Writing in Plain English: A Text with Exercises*. Chicago: University of Chicago Press, 2001. 227p. Cloth, \$40. Paper, \$15.

*Reviewed by Creighton J. Miller Jr.*

¶14 As a reviewer, I can't imagine anything more daunting than the prospect of writing a review of a writing text, particularly a text from an expert like Bryan A. Garner. Garner is a legal writing guru who has taught effective writing techniques to a host of lawyers and law students. He is also an accomplished author with over a dozen books to his name, including reference shelf icons like *A Dictionary of Modern Legal Usage*<sup>7</sup> and *The Elements of Legal Style*.<sup>8</sup> Law librarians, however, may know Garner best as the editor-in-chief of the latest edition of *Black's Law Dictionary*.<sup>9</sup> All of this experience leaves Garner intimately familiar with the garbled prose, impenetrable jargon, and slipshod analysis that characterize the work of too many lawyers. *Legal Writing in Plain English: A Text with Exercises*, Garner's latest book, attempts to transform this morass of bad writing into clear, concise, and effective English.

¶15 *Legal Writing in Plain English* is not the first book that seeks to replace dense legalese with "plain English." When I was in law school I learned a great deal about writing from Richard C. Wydick's *Plain English for Lawyers*,<sup>10</sup> a classic that lawyers and law students have used for decades. Indeed, I originally chose to review Garner's book because I mistook it for a new edition of Wydick's. My confusion over the titles of these books was prophetic—the two have a lot in common. They share similar purposes, organization, and techniques, and they often provide the same advice.

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7. BRYAN A. GARNER, *A DICTIONARY OF MODERN LEGAL USAGE* (2d ed. 1995).

8. BRYAN A. GARNER, *THE ELEMENTS OF LEGAL STYLE* (1991).

9. *BLACK'S LAW DICTIONARY* (Bryan A. Garner ed., 7th ed. 1999).

10. RICHARD C. WYDICK, *PLAIN ENGLISH FOR LAWYERS* (4th ed. 1998).

¶16 Despite these similarities, and despite my sentimental attachment to Wydick's book, Garner's work is a significant improvement. Garner's book is slightly longer than Wydick's and includes more examples, exercises, and advice. More importantly, Garner covers subjects that Wydick left out, such as planning, outlining, and editing, that get beyond the details of word choice and sentence structure to focus on the writing process. Garner also distinguishes between different forms of legal writing—analytical and persuasive writing versus legal drafting—in a way that Wydick did not.

¶17 Though longer than Wydick's, Garner's book is still relatively short at 246 pages. The book comes in both paper and cloth-bound formats. While the paperback version should be sufficient for most individual users, libraries may want to consider the more expensive cloth-bound format. The cover on my paper review copy is already a bit battered. The book consists of a preface, introduction, the text, two appendixes, a key to basic exercises, and a reasonably complete index. A separate spiral-bound instructor's manual apparently supplements the book, but my review copy did not include this manual. The primary text is separated into five parts: Principles for All Legal Writing, Principles Mainly for Analytical and Persuasive Writing, Principles Mainly for Legal Drafting, Principles for Document Design, and Methods for Continued Improvement. The appendixes provide a basic primer on punctuation and a set of model documents.

¶18 The heart of the book consists of fifty sections dedicated to discrete pieces of writing advice. Each section includes examples illustrating its instructions, and each is followed by basic, intermediate, and advanced exercises. Garner relies heavily on the "learning by doing" approach, so these exercises form the conceptual meat of the book. The exercises take many forms. Some are simple and direct, though not necessarily easy: "[e]dit the following sentences to eliminate the passive voice" (p.27). Others are open-ended and time-consuming: "[i]nterview a lawyer. . . . Take specific notes on the interview" (p.119). Many require the use of published legal materials: "[f]ind a judicial opinion that takes several paragraphs before getting to the point. Rewrite the opening paragraph. . . ." (p.61). Some even require in-depth research, a fact that will surely please librarians: "[i]n the literature on legal drafting, find additional authority for the idea that good drafters minimize definitions" (p.99). The book provides answers for all basic exercises. But, since the more open-ended questions are not susceptible to definitive solutions, some answers simply serve as additional examples.

¶19 Like Wydick's book, *Legal Writing in Plain English* is more a course book than a pure reference work. Garner specifically designed the book for legal writing groups, both for formal law school classes and informal groups of experienced lawyers. *Legal Writing in Plain English* is not a basic legal writing textbook. The book presumes that students already know how to write basic legal documents; it does not teach them the mechanics of legal writing. Instead, Garner presents intensely practical advice for improving legal writing. Some of the advice is basic and predictable, like "order your material in logical sequence" (p.10), and much of

it is dedicated to eliminating legalese: “learn to detest simplifiable jargon” (p.34); “shun newfangled acronyms” (p.47); and “draft for an ordinary reader, not for a mythical judge who might someday review the document” (p.91). All of it is designed to yield readable, persuasive, and transparent documents.

¶20 But you may find some of Garner’s advice disconcerting. I counted at least four ideas that directly contradict what I learned in law school: contractions are okay (p.49); you can start sentences with conjunctions (p.50); there’s nothing wrong with one-sentence paragraphs (p.72); and use real names instead of legal labels for both your client and your opponent (p.44). The point of each of these suggestions is to create coherent prose—prose that sounds right, that’s “speakable.” In that context, the advice makes good sense. But Garner doesn’t always support or qualify these suggestions. For instance, he tells us that one-sentence paragraphs are okay in moderation, but he doesn’t tell us when they are appropriate. All the same, a lot of Garner’s advice is quite convincing, which is why this review is filled with contractions and with sentences introduced by conjunctions.

¶21 Controversial or not, the advice Garner provides is extremely valuable. Since the book presumes a lot of preexisting knowledge, it will probably serve best as a text for advanced law school writing classes or for less formal groups of experienced writers. It should also prove useful as a supplemental text for first-year legal writing classes, though instructors may need to do some creative juggling to coordinate the book and its exercises with the rest of their syllabus. Individual users outside of a structured group will get as much out of the book as they are willing to put into it. Those who are willing to approach the book systematically and to complete the exercises will see drastic improvement in their writing. Even casual users who skim through the book will probably discover some useful ideas. With a list of potential users this long, *Legal Writing in Plain English* should prove a useful addition to almost any legal collection. So, I confidently recommend the book for all law libraries.

Goren, William D. *Understanding the Americans with Disabilities Act: An Overview for Lawyers*. Chicago: American Bar Association, General Practice, Solo and Small Firm Section, 2000. 179p. \$64.95.

*Reviewed by Shaun Esposito*

¶22 In this book’s preface, author William Goren lays out his purpose: “This book is not a treatise and is not meant to address every contingency that could arise under the ADA. Rather, the book highlights various aspects of the ADA so that by the end, the reader will have an excellent overview of the law, as well as a framework for dealing with the ADA in a preventive manner” (p.vi). Although promises in prefaces often go unmet, Goren delivers on his in this short yet informative book.

¶23 As might be expected from a work emanating from the ABA’s General Practice, Solo and Small Firm Section, this work takes a decidedly practical, as opposed to theoretical or scholarly, tone. An examination of chapter titles, which range from “Concepts Underlying the ADA and Key Definitions” to “Are You

Ready to Rock and Roll with Your ADA Case?” demonstrates the author’s wide coverage of ADA issues from employment to public accommodations. Throughout the book, Goren provides concrete examples, including citations to relevant cases, statutes, and administrative regulations, to illustrate the points he makes. Interestingly, many of the examples come from the author’s own experience, as someone who “writes from the perspective of a lawyer with a disability (. . . born with a severe to profound hearing loss and wearing hearing aids)” (p.v). In addition to the helpful examples, he provides preventive lawyering tips to assist in avoiding claims under the ADA.

¶24 The first six chapters of the book concentrate on employment-related issues under Title I of the ADA. In chapter 1, “Concepts Underlying the ADA and Key Definitions,” Goren covers important definitions of terms set out in the statute, providing an extensive discussion of U.S. Supreme Court decisions interpreting the statute. In the shorter chapters that follow he provides similar background on “Essential Functions of the Job,” “Concept of Undue Hardship and Reasonable Accommodation in the Employment Context,” and “Treatment of Alcoholics and Drug Addicts.” Final employment-related chapters review “Preemployment Disability Inquiries and Medical Exams” and “The ADA and Health Insurance.”

¶25 Goren then shifts attention to the “ADA and the Public Sector (Title II of the ADA).” In this chapter he discusses the confusing interaction between Title I, dealing with employment, and Title II, which applies when the employer is a public entity. He then examines issues related to program accessibility for activities offered by public entities. Turning to Title III, he discusses the types of non-governmental facilities covered by the ADA and issues related to access to these facilities.

¶26 Goren also includes chapters on two specialized issues, “The ADA and Health Care” and “The ADA and Sports.” In both he discusses special situations such as ADA implications for medical school admissions and for professional and student athletes. The chapter titled “Hot Areas” covers ADA issues related to mental illness.

¶27 Keeping with the work’s practical focus, Goren provides an informative chapter on “The Interrelationship Between the ADA and Other Laws.” He discusses the interaction between the ADA and collective bargaining statutes, workers’ compensation statutes, the Employee Retirement Income Security Act,<sup>11</sup> the Individuals with Disabilities in Education Act,<sup>12</sup> the Family and Medical Leave Act,<sup>13</sup> and the Social Security Act.<sup>14</sup> In a chapter on “Remedies and Procedural Issues,” Goren outlines the various remedies available under different titles of the ADA and discusses how the ADA might apply to attorneys conducting voir dire.

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11. Employee Retirement Income Security Act, Pub. L. No. 93-406, 88 Stat. 829 (1974).

12. Individuals with Disabilities in Education Act, Pub. L. No. 91-230, 84 Stat. 175 (1970).

13. Family and Medical Leave Act, Pub. L. No. 103-3, 107 Stat. 6 (1993).

14. Social Security Act, ch. 531, 49 Stat. 620 (1935).

The book's concluding chapter is perhaps the most practical of all. In "Are You Ready to Rock and Roll with Your ADA Case?" he presents a checklist for attorneys to use in investigating and preparing an ADA case. Finally, he includes an appendix with several sample pleadings, ranging from complaints and answers to requests for admissions and interrogatories.

¶28 This reasonably priced book provides a good overview of ADA-related issues. It will be very helpful to any attorney, law student, or interested layperson wishing to gain quick insight into the issues involved in ADA practice. As such, academic law libraries, firm libraries, and any other library open to persons interested in ADA issues should find this a useful acquisition.

Green, Lawrence G. and Robert Michael Greene. *Managing Partner 101: A Guide to Successful Law Firm Leadership*, 2d ed. Chicago: American Bar Association, Law Practice Management Section, 2001. 118p. Paper, \$39.95.

*Reviewed by Susannah Crego*

¶29 *Managing Partner 101: A Guide to Successful Law Firm Leadership* is a disappointment. Despite its title and the publisher's advertising, it is not a primer for law firm managing partners. Rather it contains musings by the former managing partner of a now eighty-member regional law firm that are interesting but not overly helpful. Some good advice is offered, but those faced with the challenges of managing a law firm in the twenty-first century need detailed guidance, not generalities.

¶30 Lawrence G. Green was the managing partner of a law firm for ten years during its growth from fifteen lawyers to eighty lawyers in three offices. The book's preamble sets forth Green's four cornerstones of a successful law firm: provide quality legal product and services, provide lawyers and staff with a healthy working environment, adhere to high standards of legal and business ethics, and be financially sound.

¶31 The book could use some organizational assistance. Although Green insists that a successful law firm must excel in all four cornerstones, the book is divided into four parts that do not appear to coincide with these areas. He seems to assume that the reader will connect the rest of the book to the cornerstones.

¶32 Part 1 is termed a "leadership guide for the managing partner" and provides some good general advice for a managing partner. The chapters in this part discuss such matters as the importance of a job description for the managing partner and the need to create or review the firm's strategic plan. Other tasks the managing partner must tackle include: defining and setting goals for staff and lawyers, personally setting an example for the firm, keeping the door open, and communicating with all in the firm. The managing partner must be honest, confident, and organized, and be possessed of good leadership and decision-making skills and a sense of humor.

¶33 Part 2 on building the infrastructure in a law firm contains some good advice, such as suggestions on the selection of committee chairs and a checklist to be used when reviewing the firm's rules and procedures. Some of the more difficult infrastructure problems, however, such as how to organize practice groups or departments, are not discussed in depth. While managing partners are counseled to coordinate the relationship between the groups, to negotiate and adjudicate inter-departmental disputes, and to help the lawyers in the firm understand the bigger picture, no tools for accomplishing these tasks are provided.

¶34 Managing any type of organization means dealing with the people who work there. Part 3 of the book contains a number of short chapters with the implicit theme of "respect." Staff, associates, partners, and those with special situations (i.e., individuals who are underproductive or who have substance abuse problems or long-term illnesses) should all be treated with respect. In addition to this general theme, each chapter does contain a kernel of advice. Some of these include: establish a mentoring system for associates, recognize that associates have a life outside of the firm, establish a policy for taking on contingent fee cases, place responsibility for collection of accounts receivable older than sixty days in the hands of the accounting department, and adopt a semiretirement policy for those lawyers who want to slow down.

¶35 Suggestions by the author based on programs that his firm established make up the stuff of part 4. Of the various programs, the section on the sabbatical program for lawyers is the most detailed. Law firm leaders will be better able to structure their own sabbatical programs after reading this chapter's description of who in the firm is eligible for sabbatical and how the firm arranges its funds so that the lawyer is paid during the sabbatical.

¶36 A sample "Client's Bill of Rights" is included as an appendix with the author suggesting that firms adapt and adopt it, formally, or informally. A great idea, but no mention is made of the fact that in some states a particular client's bill of rights is mandated by statute or is promulgated by the state bar association.

¶37 Managing partners seeking to learn more will not be aided by this book. There is no bibliography and the only reference to other resources is a list (alphabetical by title) of other books by the same publisher.

¶38 Many books have been written on the various aspects of law firm management, such as financial management and management of human resources. No other book, however, attempts to tackle the subject from the perspective of the managing partner. For that reason, *Managing Partner 101*, a short, quick read of about one hundred pages, is a book that managing partners of law firms of all sizes may want. At less than \$40, many managing partners might acquire the book for their personal use. *Managing Partner 101* is not, however, a reference book and is not recommended for purchase by a law firm library.

Kramer, Henry S. *Game, Set, Match: Winning the Negotiations Game*. New York: ALM Publishing, 2001. 360p. Paper, \$19.95.

*Reviewed by Janet Reinke*

¶39 *Game, Set, Match: Winning the Negotiations Game* would be especially useful to lawyers but also to nonlawyers. The book's cover touts it as "a step-by-step approach to getting what you want from any negotiation." From this standpoint, the book would be valuable to anyone because, as the author points out, all people negotiate in the course of their daily lives. Most people are probably not aware how much negotiating they do for personal as well as professional purposes. *Game, Set, Match* gives a number of examples of the types of negotiations people conduct in their personal lives (such as the purchase of a house or car), and this book is intended to apply to all of them.

¶40 The format of the book logically follows the chronology of a negotiation, from "Understanding the Negotiations Game" and "Planning a Strategy" to "The End Game" and "Following Up on Your Results." The chapters are clearly organized and punctuated by relevant examples. Interspersed throughout the book are "Tips," "Tricks," and "Traps" that give specific suggestions. The book does not have an index, but it is not particularly difficult to locate a specific subject because the book has a complete table of contents. There are no footnotes and no bibliography.

¶41 The book is very detailed (for example, it discusses different shapes of tables at which the parties can sit during negotiation), yet it is easy to read. Interesting quotes and stories throughout the book (many seem to deal with wars in which the United States was involved) add depth to the analysis and illustrate problems that can arise in the course of negotiations.

¶42 Some of the things the book covers include: planning a strategy, anticipating the other side's goals and needs, due diligence, determining costs for various agreements, and winning internal approval within the organization. Much of the information in the book seems to be of the "common sense" variety, yet a negotiator might not think of the suggestions the book gives. For example, the book recommends that a negotiator find out as much as possible about the opponent, even consulting other negotiators who have dealt with the same opponent. This makes good sense, but how many people would think to do this?

¶43 *Game, Set, Match* appears to be a thorough discussion of all aspects of the negotiation process. Author Henry S. Kramer is a professor at the New York State School of Industrial and Labor Relations, Cornell University, where he teaches a negotiations simulation program. He states in the preface: "My students asked for a written practical guide containing those 'tips, tricks, and traps' used by professional negotiators that we discussed during the course. We found no pre-existing work that took that form and covered all aspects of bargaining" (p.iii). Kramer is also the former corporate manager of Labor Relations and Legal Services for BASF Corporation, serving as the company's chief spokesperson in negotiations. He is the author of two other desk reference texts, *Alternative Dispute Resolution*

in the Work Place,<sup>15</sup> and *Sex Discrimination and Sexual Harassment in the Work Place*,<sup>16</sup> both published by Law Journal Press. The sources of information for the book appear to be the author's own experiences with negotiations; no other sources are listed.

¶44 This past year, many law librarians have lamented low salaries and discussed ways to improve wages in the profession.<sup>17</sup> Skillful negotiation, assisted by a book like this one, is a way law librarians can work to improve our compensation. *Game, Set, Match* is well worth its \$19.95 price.

Patel, Surendra J., Pedro Roffe, and Abdulqawi A. Yusuf, eds. *International Technology Transfer: The Origins and Aftermath of the United Nations Negotiations on a Draft Code of Conduct*. The Hague; Boston: Kluwer Law International, 2001. 468p. \$171.50.

*Reviewed by Nancy McMurrer*

¶45 During the 1960s and early 1970s, developing countries became increasingly interested in the promulgation of basic standards of conduct that would govern international technology transfers. Legislating binding terms and conditions for such transfers was an important part of the developing countries' call in the 1970s for the establishment of a New International Economic Order (NIEO).

¶46 In 1964, the United Nations Conference on Trade and Development (UNCTAD) held its first session and called for exploration of possible legislation on technology transfer. UNCTAD began negotiations in 1975 and worked for the next ten years with groups representing the developed countries (primarily members of the Organization of Economic Cooperation and Development), the less-developed nations, and socialist countries. By April 1985, when the efforts ceased, UNCTAD had developed a Draft Code of Conduct.

¶47 This book, consisting of twenty-seven chapters, is divided into three parts. Part 1 covers the decade-long negotiations on the Draft Code of Conduct; included are papers and articles written during the talks. The purpose of this part is to help the reader understand both the issues under consideration and the economic and political circumstances surrounding the negotiations.

¶48 Part 2 builds on the first part by placing the negotiations in their historical context. Its chapters also discuss subsequent developments related to the UNCTAD sessions. Included are reflections on the negotiation process itself and the lessons to be learned from this particular one.

¶49 Part 3, titled "Emerging Trends and Negotiating Agendas," analyzes the present activities relating to international technology transfer. It covers whether the

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15. HENRY S. KRAMER, *ALTERNATIVE DISPUTE RESOLUTION IN THE WORK PLACE* (1998).

16. LAWRENCE SOLOTOFF & HENRY S. KRAMER, *SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORK PLACE* (1994).

17. After a very active discussion on the law-lib electronic discussion list, AALL has established a Special Committee on Law Librarian Compensation chaired by former president Robert Berring.

Draft Code of Conduct and the negotiations that led to it have impacted recent discussions. Current issues and those expected to arise in the future are explored as well as what sort of framework for international cooperation on technology transfer might be possible or desirable.

¶50 There are twenty-six contributors to this book. Many of the authors were involved in the UNCTAD negotiations; some are officials of national and international organizations interested in technology, intellectual property, and trade. Others are academics from law or business schools. They represent countries from around the world; more than one-third of the authors are from developing countries.

¶51 The book includes both a preface and an introduction. The preface was written by the current and former secretaries-general of UNCTAD; the introduction was written by the editors. At the beginning of the book is a detailed table of contents and a handy, two-page chronology of the "Main Events Related to the Origins and Aftermath of the Code Negotiations." Labeled "Part IV Annexes," the appendixes include the Pugwash Code (a draft code for technology transfers proposed in 1974 by the Pugwash Conference on Science and World Affairs), the Draft Code of Conduct itself, and a bibliography. The sixteen-page bibliography includes books and articles primarily from the 1970s and 1980s; almost five pages are UNCTAD-related documents. The index that follows is very detailed. It provides access not only to the contents of the twenty-seven chapters, but also to the two codes in the annex.

¶52 Because so many of the authors of *International Technology Transfer* were involved in the negotiations on the Draft Code of Conduct, this book contains a fascinating mixture of eyewitness and scholarly accounts. Those who participated in the talks discuss how the personal interactions among the delegates affected the negotiations. The chapters also show evidence of careful research and a consistent attention to detail. For example, the footnotes provide full citations to documents mentioned in the text and references to other sources for further exploration of the issues.

¶53 A check of OCLC's WorldCat reveals several books about the Draft Code of Conduct. In addition to books from the Max Planck Institute<sup>18</sup> and the American Bar Association<sup>19</sup> published in 1980, a 1998 book, *Powers and Ideas: North-South Politics of Intellectual Property and Antitrust*,<sup>20</sup> contains a chapter on the development of the Draft Code. That chapter is reprinted in this book. *International Technology Transfer* has collected some previously published papers into this vol-

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18. WOLFGANG FIKENTSCHER & HANS PETER KUNZ-HALLSTEIN, *THE DRAFT INTERNATIONAL CODE OF CONDUCT ON THE TRANSFER OF TECHNOLOGY* (1980).

19. WALTER R. BOOKHART ET AL., *CURRENT INTERNATIONAL LEGAL ASPECTS OF LICENSING AND INTELLECTUAL PROPERTY* (1980).

20. SUSAN SELL, *POWERS AND IDEAS: NORTH-SOUTH POLITICS OF INTELLECTUAL PROPERTY AND ANTITRUST* (1998).

ume (part 1 contains historical documents; most materials in parts two and three, however, are new).

¶54 The issues surrounding the transfer of technology, especially between technology-rich countries and less-developed nations, are still unresolved. This book provides an excellent review of the first attempts to address these issues, a fine overview of the impact of the Draft Code of Conduct, and a penetrating view of the current situation and what the future may hold. It would be a good addition to any academic library whose collection includes international trade, technology, and intellectual property resources.

Patrick, John J., Richard M. Pious, and Donald A. Ritchie. *The Oxford Guide to the U.S. Government*. New York: Oxford University Press, 2001. 802p. \$35.

*Reviewed by Jerry E. Stephens*

¶55 The Oxford University Press enjoys an enviable reputation for quality publishing. From the legendary, such as the *Oxford English Dictionary*<sup>21</sup> and Henry Fowler's *A Dictionary of Modern English Usage*,<sup>22</sup> to newer works like *The Oxford Companion to the Supreme Court of the United States*,<sup>23</sup> the name Oxford in the title or publisher's imprint has long been shorthand for the types of reference works that law librarians rely on.

¶56 And now a new Oxford work about the United States government. It's certainly fair to observe that there are readily available sources of information in this area. Any combination of reference tools, such as the Government Printing Office's *United States Government Manual*,<sup>24</sup> CQ Press's various staff directories, and other works such as ABC-CLIO's *Encyclopedia of Modern American Social Issues*,<sup>25</sup> provide the reader with department and agency descriptions, office addresses, telephone numbers, biographies of government officers and staffs, and information about federal policies and policy making.

¶57 So, is this new work really needed? Perhaps a couple of reasons do justify it. First of all, this is not a tool for finding and using government services and resources. This is, instead, an encyclopedic-dictionary treatment of topics including biographies, buildings, events, issues and concepts, laws and decisions, powers, terms, and traditions. The appendixes include the information one would expect, such as the text of the Constitution of the United States; presidential election results; tables of Congress and justices of the U.S. Supreme Court; and hints on visiting the White House, Congress, and the Supreme Court. A well-selected and seemingly up-to-date collection of suggested additional reading material is

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21. OXFORD ENGLISH DICTIONARY (2d ed. 1989).

22. HENRY W. FOWLER, *A DICTIONARY OF MODERN ENGLISH USAGE* (1927).

23. *THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES* (Kermit L. Hall ed., 1992).

24. *UNITED STATES GOVERNMENT MANUAL* (2001).

25. *ENCYCLOPEDIA OF MODERN AMERICAN SOCIAL ISSUES* (Michael Kronenwetter ed., 1997).

provided. The index appears to be comprehensive and well structured, easily leading the reader to both main articles and related topics.

¶58 This *Oxford Guide* is the product of three prominent scholars: Patrick is director of the Social Studies Development Center, professor of education, and director of the ERIC Clearinghouse for Social Studies/Social Science Education at Indiana University; Pious is professor of political science at Barnard College and the Graduate Faculties of Columbia University; and Ritchie is the associate historian of the U.S. Senate Historical Office. Each brings to this work an abundance of experience and a reputation for scholarly thoroughness.

¶59 Thus, *The Oxford Guide* is a truly useful one-volume work. It can be one of those tools to turn to when you need quick information on topics such as “concurring opinions” or “fireside chats” or a biography of Adlai Stevenson. However, it may also be appropriate to question some of the editors’ textual decisions. For example, comparing this work with *The Oxford Companion to the Supreme Court of the United States* leads one to ask about the amount of duplication in the newer work. Three of the first five articles in each volume are the same: both works have brief articles on “*Abington School District v. Schempp*,”<sup>26</sup> “Abortion,” and “*Abrams v. United States*.”<sup>27</sup> One might ask, furthermore, why *Schempp* was included in this work since it is a decision about the role of religion and religious institutions in the public schools. The editors explain that they have included one hundred of the most significant U.S. Supreme Court decisions in this volume.

¶60 The text of some of the articles, even though written as brief introductions to the particular topic, seem nonetheless overly broad. For example, the introductory sentence in the article “Administration of Federal Courts” provides that “[t]he Supreme Court is in charge of the administration of the federal judicial system” (p.10). This sentence seems almost erroneous in its breadth and is only somewhat ameliorated by the one that immediately follows: “The chief justice and associate justices participate in the work of the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Judicial Center.” By way of contrast, *The Oxford Companion to the Supreme Court of the United States* provides a somewhat more satisfying description of the Supreme Court’s role in the administration of the federal courts: “The Supreme Court throughout history has figured prominently in administering the federal judicial system, a role involving the court in legislation, adjudication, and administration.”<sup>28</sup>

¶61 Even with these relatively minor concerns, *The Oxford Guide to the United States Government* remains an excellent reference tool and one that is highly recommended for law libraries, particularly because there are so few tools providing

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26. 374 U.S. 203 (1963).

27. 250 U.S. 616 (1919).

28. THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, *supra* note 23, at 10.

in one volume an encyclopedic-dictionary description of the U.S. government in all of its reach and influence.

Tonry, Michael H. & Richard S. Frase, eds. *Sentencing and Sanctions in Western Countries*. New York: Oxford University Press, 2001. 440p. Cloth. \$65, Paper, \$24.95.

*Reviewed by Ruth Levor*

¶62 Issues of criminal sentencing often explode onto the political arena in emotionally charged debates and negative advertising. Charges that opposing candidates are “soft on crime” are used to persuade citizens to vote for candidates who favor strict sentencing policies. Sometimes the public is urged to directly legislate criminal sentencing. In 1994, for example, California voters took matters into their own hands and passed Proposition 184, the “Three Strikes and You’re Out Law,” which imposed a minimum sentence of twenty-five years to life for defendants convicted of felonies who had two or more prior convictions for violent or serious felonies. Arguments continually rage in popular discourse about the relationship between sentencing and crime deterrence, the need for mandatory sentencing guidelines, the imposition of capital punishment, and many other controversies surrounding criminal sentencing.

¶63 Emotion is understandably a major component of these public debates. Protection of the personal safety and property of friends and loved ones is putatively at stake, and victims’ rights advocates have a very particularized perspective on the question of punishment. At the same time, however, scholars of criminal and penal law, criminology, penology, and related fields investigate and analyze these issues in the light of historical, social, and statistical research as well as philosophical and ethical tenets and precepts.

¶64 *Sentencing and Sanctions in Western Countries* is the collective product of twelve such scholars, presenters at a May 1998 conference sponsored by the University of Minnesota Law School and the Max Planck Institute for International and Comparative Criminal Law at which researchers shared current information about sentencing and sanctions in different countries and about the effectiveness of these practices. The purpose of the conference was to evaluate whether practices of individual nations should be adopted by other countries and conversely whether steps should or could be taken to prevent the spread of ineffective or harmful practices. Each chapter is individually authored. Four of the authors are from the United States, and the others are from Germany, Great Britain, Australia, Finland, and the Netherlands. Most are law professors, but several direct and work for research institutions.

¶65 This single-volume work is *not* a “how-to” for practitioners but rather a reference tool for researchers and policy makers. As such, it is most appropriate for collection by academic, court, and bar libraries. The chapters, each over thirty pages in length, are analytical and statistical in nature. The first six are devoted to sentencing and punishment in individual nations; the next two discuss compar-

isons among nations and across time; the ninth and tenth cover international standards and controls; and the final chapter covers the current state of sentencing reform. Sentencing guidelines are discussed throughout; other topics include the death penalty, jurisdictional disparities, historical development and trends in sentencing, globalization, and many other specific aspects of postadjudication disposition. Each chapter includes an extensive reference bibliography; these alone render the book useful as a research tool. Charts and graphs illustrate crime rates, sentencing rates, incarceration rates, comparisons of sentencing alternatives, legislative reforms, and other relevant statistics and information. The index could be expanded to include more terms of art but is generally detailed and helpful.

¶66 This highly credible volume definitely has a place in any collection that includes materials on international criminal law.

Urofsky, Melvin I. *The Warren Court: Justices, Rulings, and Legacy*. Santa Barbara, Calif.: ABC-CLIO. 2001. 356p. \$65.

*Reviewed by Lynn K. Hartke*

¶67 *The Warren Court: Justices, Rulings, and Legacy* by Melvin I. Urofsky is the third book in the ABC-CLIO Supreme Court Handbook Series.<sup>29</sup> Urofsky has written many articles and books on constitutional issues and the U.S. Supreme Court. Urofsky's insight and knowledge make *The Warren Court* an outstanding resource. This is an excellent series, providing the reader with background, information on the justices, and the key events shaping each Court. The book follows the same format as the previous two books, each having two parts. One part covers the Court, its makeup, and decisions, and the second part is reference sources.

¶68 Part 1 focuses on the justices and the major decisions of the Warren era. In addition to covering the Court, Urofsky gives a brief history of the two decades before Earl Warren took the bench. This helps the reader understand the time and feeling of the United States as well as the Supreme Court itself. The Warren Court made many decisions that have affected the Constitution and our daily lives. A comprehensive bibliography is located in the "Reference Materials" portion. The format ties the chapter together and allows easy access to the sources.

¶69 Urofsky's treatment of the decisions is fair and insightful. He explains the constitutional and legal issues and their ramifications in a manner that most can understand. At the same time he lets the reader know the significance of the decisions and how they shaped the legal frontier and made the Constitution more of a "living document." I believe Urofsky wants the reader to realize the importance of the "Living Constitution" and the Warren Court. The book does not analyze every decision handed down by the Warren Court, but in my opinion, it does cover those

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29. Other volumes in the series are PETER RENSTROM, *THE STONE COURT: JUSTICES, RULINGS, AND LEGACY* (2001); TINSLEY E. YARBROUGH, *THE BURGER COURT: JUSTICES, RULINGS, AND LEGACY*, reviewed in Diana C. Jaque & Lee Neugebauer, *Legal Reference Books Review*, 93 *LAW LIBR. J.* 609, 623, 2001 *LAW LIBR. J.* 29, ¶ 48 (reviewed by Lynn K. Hartke).

that have had the greatest effect on our country, its legal system, and the lives of each citizen. Each chapter concludes with a list of references that allows easy access to the sources mentioned.

¶70 The “Reference Materials” section is perfectly titled; it is a great resource for anyone needing quick access to accurate information on the era. It contains sections on people, laws, and events, as well as a chronology, table of cases, glossary, and selected bibliography. The section on key players, laws, and events is very useful, giving concise information and explanations of the topic, person, or laws. In addition, legal principles or “terms of art” are defined with a brief history if applicable. In some instances the same term may appear in both the glossary and the section on “Key People, Laws, and Events”; the glossary has a basic definition and no historical perspective. The table of cases shows the progression of the legal precedents established by the Warren Court. The chronology allows the reader to place the decisions with events occurring in the country at the time. In some aspects, this allows the reader another insight as to why and how the Court affected our nation. The selected bibliography expands the references given at the end of each chapter. Internet sources are also provided with brief descriptions of each site. The index is well done.

¶71 *The Warren Court* is not only appropriate for undergraduate, graduate, and law libraries, it would be a wonderful addition to any such libraries. It provides an accurate overview of the major decisions of the Warren Court without using extensive legal jargon or theories of each decision. Choosing selected opinions emphasizes the importance of the rulings and their effect on the nation and subsequent Courts. The series format is an example of how to publish; by combining insightful text and references, it maximizes the value of each book.

