

# Keeping Up with New Legal Titles\*

Compiled by Catherine F. Halvorsen\*\* and Diana C. Jaque\*\*\*

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\* © Catherine F. Halvorsen and Diana C. Jaque, 2004. The books reviewed in this issue were published in 2002 and 2003. If you wish to review books for "Keeping Up with New Legal Titles," please send an e-mail message expressing your interest to either halvorsengroup@aol.com or djaque@law.usc.edu.  
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Barrett, Marilyn. *Just Sign Here, Honey: Women's 10 Biggest Legal Mistakes & How to Avoid Them*. Rev. ed. Sterling, Va.: Capital Books, 2003. 251p. Paper, \$14.95.

*Reviewed by Marlene Bubrick*

¶1 Any reservations I had about *Just Sign Here, Honey: Women's 10 Biggest Legal Mistakes & How to Avoid Them* vanished upon reading the preface. I was not expecting the colorful scenarios and valuable advice provided throughout the book. The second edition repackages information from the first,<sup>1</sup> and adds easy-to-read endnotes and a more helpful and compact index.

¶2 *Just Sign Here, Honey* provides a one-stop reference guide for women facing many types of legal dilemmas, from signing a prenuptial agreement to starting a business. Marilyn Barrett, a partner in a Los Angeles law firm specializing in business and tax law, presents a number of cases, some infamous, where women failed to properly protect their finances. One notorious example involves Doris Day and her husband Marty Melcher. Day relied on Melcher to manage her finances and upon his death discovered that she was flat broke, despite a twenty-year film-making career and an estimated \$20 million in earnings (p.37). Another example is Marla Maples, former wife of Donald Trump, who received only a fraction of his fortune upon divorce because she had not read her prenuptial agreement carefully. Barrett also offers stories of ordinary people, such as the woman who was charged with the unexpected responsibility of paying the income taxes her ex-husband had neglected to pay years before. She uses these examples to promote awareness in potential victims and to motivate women to protect themselves, both legally and financially.

¶3 Although there are several popular works available to help women deal successfully with legal matters,<sup>2</sup> and an entire library of legal self-help books published by Nolo Press of Berkeley, California, Barrett's book is highly specialized. *Just Sign Here, Honey* is unique in that each chapter focuses on one of the ten most compelling legal difficulties women face. The chapters combine worst-case scenarios, understandable explanations of pertinent law, and suggestions to avoid problems before they happen. On the practical side, sample forms such as articles of incorporation and a revocable living trust are included in the appendix.

¶4 *Just Sign Here, Honey* is most appropriate for public law libraries and pub-

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1. MARILYN BARRETT, *THE 10 BIGGEST LEGAL MISTAKES WOMEN CAN AVOID: HOW TO PROTECT YOURSELF, YOUR CHILDREN, AND YOUR ASSETS* (2000).

2. *See, e.g.*, MARGARET BASCH, *EVERY WOMAN SHOULD GO TO LAW SCHOOL, OR, READ THIS BOOK* (2000).

lic libraries in general, but also may be useful in academic or private law firm library collections.

Bernholz, Charles D. *Kappler Revisited: An Index and Bibliographic Guide to American Indian Treaties*. Kenmore, N.Y.: Epoch Books, Inc., 2003. 121p. \$45.95.

*Reviewed by Nancy Carol Carter*

¶5 Treaty-making with Indian tribes was ended by Congress in 1871.<sup>3</sup> With no Indian treaties being negotiated or ratified for more than 130 years, does a new index to Indian treaties have utility? The answer is yes. But first, who is Kappler and why would anyone want to revisit him?

¶6 Charles J. Kappler spent his entire life in Washington, D.C. He earned a law degree, was admitted to the bar, and went to work for Congress. The young attorney eventually served as clerk to the Senate Committee on Indian Affairs. In this capacity, Kappler gained Senate support to comprehensively collect and organize in one source widely scattered documents relating to federal Indian law. His original two volumes were published before he entered private practice in 1905. They included treaties, statutes, executive actions, and other relevant Indian affairs information. Kappler's compilations proved to be so authoritative and useful that Congress commissioned three updating volumes. Over a span of four decades, Kappler meticulously compiled five volumes of *Indian Affairs: Laws and Treaties*.<sup>4</sup>

¶7 Kappler's work has been heavily relied upon by federal officials, courts, and several generations of scholars and legal advocates. Its popular proliferation creates a sea of bibliographic confusion. The original five volumes were published as Senate documents by the United States Government Printing Office (GPO) between 1903 and 1941. Before completion of the full five volumes, the set was variously—and for substantial periods of time—known as a two-volume, three-volume, and finally a four-volume work. Each volume of Kappler also has a bibliographic life as a part of the United States Congressional Serial Set. GPO reprinted the entire five-volume set in 1975.<sup>5</sup>

¶8 Long after Charles Kappler's death, the Department of the Interior published a new compilation of Indian law documents, calling it "Volumes 6 and 7" of *Indian Affairs: Laws and Treaties*. This occasions misleading references to the "seven volumes" compiled by Kappler. Private publishers have reissued Kappler over the years, in both print and microform editions,<sup>6</sup> and sometimes with variant titles.<sup>7</sup> Volume 2 has been particularly popular because it is regarded as the best

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3. 25 U.S.C. § 71 (2000).

4. INDIAN AFFAIRS: LAWS AND TREATIES (Charles J. Kappler ed., 1903–41).

5. INDIAN AFFAIRS: LAWS AND TREATIES (Charles J. Kappler ed., photo. reprint 1975) (1904).

6. INDIAN AFFAIRS: LAWS AND TREATIES (Charles J. Kappler ed., 1904), *microformed on* Native American Legal Materials Collection title 4130 (Law Library Microform Consortium).

available compilation of Indian treaties. Most recently, Kappler has been digitized for Internet access and now exists in yet another bibliographic guise.<sup>8</sup>

¶9 In all its bibliographic manifestations, Charles Kappler's work is solidly positioned in the small pantheon of American Indian law classics. Besides chronologically arranged laws and treaties, the original five volumes include important cases, a citator to treaties construed by the courts, treaties not ratified, tribal financial reports, and copious indexing. With a chronological cap of 1938, some Kappler volumes are useful only for historical research. The volume-2 compilation of treaties has been enduring, however, because these primary sources of the law can be the very keystones of contemporary tribal legal character. Treaties retain enormous legal significance and may be more important for some tribes today than when they were negotiated.

¶10 Both for historical information and contemporary applications, Kappler's work has been regarded as an outstanding research tool since its inception. Therefore, revisiting Kappler's iconic work takes some nerve. Charles D. Bernholz is motivated to do so for two reasons every librarian can appreciate. First, he has identified and wants to repair some small chinks in Kappler's formidable armor. Second, he hopes to bridge an access-to-information gap impeding some Indian treaty researchers.

¶11 Bernholz's "repair" is a matter of more fully and accurately listing treaty participants. He points out that Kappler's truncation of some treaty names does not reveal the full list of tribes who were involved. Bernholz admits that Kappler's index addresses the problem of shorthand in the text, but the index less successfully overcomes the misleading aspects of tribal collective listings. For example, Kappler lists and indexes three treaties under "The Six Nations of New York State," but this collective included the Mohawk for only one of the three treaty signings. Earlier bibliographic efforts to fill these small gaps in Kappler are either out of print or incomplete.

¶12 The second justification for Bernholz's publication highlights a very real problem of information access. Authoritative sources of Indian treaty information are expensive, out of print, and unavailable in many libraries. Electronic access may overcome this problem for some levels of research, but digitized sources are not necessarily authoritative.

¶13 Acknowledging that information access is a catalyst for Bernholz might lead one to conclude that patrons of smaller law libraries need his work while those working in a research-level law library are not a target audience. After all, patrons of larger libraries are likely to have access to the authoritative sources of

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7. INDIAN AFFAIRS: LAWS AND TREATIES (Charles J. Kappler ed., William S. Hein & Co. 1990-1995) (1904); INDIAN AFFAIRS: LAWS AND TREATIES (Charles J. Kappler ed., AMS Press 1972) (1904); INDIAN TREATIES 1778-1883 (Charles J. Kappler ed., Interland Pub. 1973) (1904).

8. INDIAN AFFAIRS: LAWS AND TREATIES, at <http://digital.library.okstate.edu/kappler> (last visited Sept. 18, 2003).

treaty texts, notably *United States Statutes at Large*, an edition of Kappler, or a microform source. However, the core of Bernholz's work—reference tables filling more than one-third of the book—offers much more than improved access to basic information.

¶14 This remarkable piece of bibliographic cross-referencing provides a researcher with “one-stop shopping” for treaty research sources. The reference tables are useful to anyone working on the history of Indian treaties or their current legal application. Bernholz's aim is to get researchers to alternative sources of a treaty text and then to secondary information about the treaty and the tribes that signed it. Treaties are listed by ratification number, the tribe, and a date, followed by sources of the text: the *Statutes at Large* citation, a page in Kappler, and the microfilm reel number for the National Archives microfilm set, *Ratified Indian Treaties, 1722–1869*.<sup>9</sup> The table then lists specific pages where related information on the treaties and the tribes can be found in seven other recognized reference works.

¶15 Finally, it must be noted that this work is a bibliographic tour de force on the subject of Indian treaties in the United States and Canada. At a minimum, library collections can be benchmarked against the sources mentioned by Bernholz. Bibliophiles and collection development specialists, however, will more deeply revel in the careful discussion and documentation of sources infrequently described in the literature.

Carey, Christen Civileto, and Kristen David Adams. *The Practice of Law School: Getting In and Making the Most of Your Legal Education*. New York: ALM Publishing, 2003. 637p. Paper, \$24.95.

*Reviewed by SaraJean Petite*

¶16 The authors of *The Practice of Law School: Getting In and Making the Most of Your Legal Education* intend “to provide present and future law students with the practical knowledge to choose the right law school and to excel while there” and to “demonstrate some of the ways in which students can begin to think like practicing lawyers and attain experience that is useful, even essential, and very, very practical” (p.xiii). Christen Civileto Carey, a former special counsel, author, and lecturer, and Kristen David Adams, an assistant law professor at Stetson University College of Law, do an admirable job of showing law students how to make law school and other life experiences relevant to their legal careers.

¶17 The first chapter includes an overview of the book. It describes the differences between law school and undergraduate study and provides the reader with a list of factors to consider when deciding whether law school is the right choice. Lengthy descriptions of the many roles lawyers play, including the roles of teacher,

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9. U.S. NAT'L ARCHIVES, RATIFIED INDIAN TREATIES, 1722–1869 (Nat'l Archives Microfilm Publications No. 668, 1966).

historian, businessperson, and librarian are also provided.

¶18 Chapters 2 through 4 review the processes of preparing for, applying to, and financing law school. Carey and Adams emphasize the importance of developing skills such as writing, listening, and thinking logically and methodically. They also offer advice on selecting an undergraduate major. Chapter 3 contains a nice bulleted list of information files to prepare when beginning the law school application process. This list is followed by a handy calendar that outlines the law school application process, highlighting important time frames and deadlines. However, the calendar incorrectly suggests that in June–July the student “should register with LSDAS, keeping in mind that her LSDAS subscription will expire in twelve months” (p.76). The 2002–2003 LSAT/LSDAS registration booklet states that “Your LSDAS period will extend for five years from your registration date.”<sup>10</sup> Inconsistencies such as this are misleading and troublesome and should be reconciled in subsequent editions.

¶19 Chapters 5 through 12 describe the transition to law school and the first-year experience, in addition to telling the reader how to enhance exam performance, make professional contacts, select appropriate extracurricular activities and electives, and manage one’s academic and personal problems. In chapter 5, Carey and Adams discuss professional transitions, financial planning, and issues involved in balancing law school and one’s personal life, and follow up with a detailed overview of what to expect in each year of law school. Chapter 6 explores various methods students might employ to better relate what they are learning in law school to real-life situations. General guidance on legal research and writing is also provided, and the authors describe various types of legal resources and include specific examples of each. The “general, practical suggestions for writing” (p.395) made by Carey and Adams are constructive. The importance of conducting one’s self in a professional manner is stressed in every chapter.

¶20 “Maximizing the Summer Experience,” chapter 13, encourages students to consider what they wish to accomplish during the summer and to seek employment or unpaid internships that will help them further these goals. Some possible objectives students might have are discussed and paired with the types of summer activities that could help them accomplish their objectives. Chapter 14 focuses exclusively on the bar examination, discussing what the bar is, the process of applying to take the exam, the background investigation involved, bar exam success or failure, selecting a bar review preparation course, and exam day itself.

¶21 The final chapter is about judicial clerkships. Carey and Adams detail the qualifications necessary to apply for a judicial clerkship, some of the common job responsibilities of judicial clerks, and the process of applying for a judicial clerkship. The authors differentiate between the application processes of apply-

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10. LAW SCH. ADMISSION COUNCIL, LSAT & LSDAS REGISTRATION AND INFORMATION BOOK 2002–2003 18 (2002).

ing for a federal judicial clerkship and a state judicial clerkship, while also describing the benefits and drawbacks of judicial clerkships.

¶22 *The Practice of Law School*'s index leaves much to be desired. There are no cross-references directing the reader from nonpreferred to preferred terms. The index is also missing some important references. For example, the entry for "Lawyers" contains a subheading for "as librarians," but only refers readers to one page in the first chapter, omitting a reference to page 491, which contains a paragraph describing how attorneys sometimes maintain the law library in small firms.

¶23 Overall, *The Practice of Law School* is a useful resource. Carey and Adams consider law school an important, relevant part of preparing for a legal career. They offer sound advice for prospective and enrolled law students. This book would be a good addition to the collection of an undergraduate library, an academic law library, or a law school placement office.

Clary, Bradley G., and Pamela Lysaght. *Successful Legal Analysis and Writing: The Fundamentals*. St. Paul, Minn.: Thomson West, 2003. 206p. Paper, \$25.

*Reviewed by Peter J. Egler*

¶24 In *Successful Legal Analysis and Writing: The Fundamentals*, authors Bradley G. Clary and Pamela Lysaght offer a compact guide to legal analysis, writing, and citation. The book is not a comprehensive treatise on these subjects. The authors attempt only to provide practical guidance in the art of legal analysis and writing.

¶25 The book is comprised of four parts. The first six chapters discuss the concept of legal analysis and the interplay of facts and rules that are its foundation. The next two chapters cover the basic components of legal writing and include a detailed analysis of the "Introduction, Rule, Application, and Conclusion" (IRAC) writing process. Citation and quotation basics are reviewed in chapter 9. The final two chapters discuss writing for both predictive and persuasive analysis.

¶26 *Successful Legal Analysis and Writing* does not pretend to be an all-inclusive work on legal writing—the information it contains is basic and is intended to be useful to a specific audience. As a consequence, it is more of a "how to" resource than a scholarly treatise. Clary and Lysaght presume that the reader has little or no experience with legal analysis. The preface states that the book is intended for first-year law students, and more experienced readers may find the book too rudimentary. At the same time, the book contains sufficient intelligent analysis and examples to provide an adequate refresher course for more experienced writers. Many legal writers could benefit from a review of the chapter on citation and quotation basics which provides a comprehensive analysis of the applicable rules, shedding light on what is often a dark and confusing area of legal writing, even for experienced attorneys.

¶27 This title is not detailed enough to serve as a textbook for a legal research and writing class, but would be a worthwhile supplement. Again, the more experienced writer may or may not find the book to be useful, depending on the depth of

information they are seeking. *Successful Legal Analysis and Writing* would be appropriate for any academic law library. The basic level of information it provides makes it a more appropriate choice for a public law library than many other legal writing texts.

Feinberg, Joel. *Problems at the Roots of Law: Essays in Legal and Political Theory*. Oxford; New York: Oxford University Press, 2003. 220p. \$45.

*Reviewed by Brendan Durrett*

¶28 I must confess to not having heard of Joel Feinberg, emeritus professor of philosophy at the University of Arizona, until I prepared to write this review. His reputation as a “world renowned scholar in moral, social, and legal philosophy”<sup>11</sup> was intimidating, and when I learned that even a partial bibliography of his works fills some seventeen pages,<sup>12</sup> I did not feel qualified to review *Problems at the Roots of Law*. I warmed to the task, however, after reading Feinberg’s prescient 1960 article in the *Nation* analyzing in moral terms the means by which Richard Nixon was advancing in American politics.<sup>13</sup>

¶29 *Problems* gathers published and unpublished essays by Feinberg regarding basic questions about the nature of law and the nature of individual responsibility. The selected topics lay a foundation for thinking about the relationship between law and morality, and include the dilemmas of interpreting immoral laws, the defense of moral rights, and the distinction between moral and psychiatric judgments.

¶30 While writing authoritatively on these difficult issues, Feinberg avoids the trap of writing dry, technical philosophy by arguing from a position of “liberal toleration, from a position of profound respect for others’ right to disagree, from a position of respect for others, period.”<sup>14</sup> Further, Feinberg’s analyses of these questions are grounded in his lifelong understanding of liberalism as “the view that the harm and offense principles provide the only good reasons for criminal prohibitions.”<sup>15</sup> That is, that prohibitions should aim to stop persons from violating each other’s rights<sup>16</sup> and prevent experiences “harmless in themselves yet so unpleasant that we can rightly demand legal protection from them even at the cost of other persons’ liberties.”<sup>17</sup>

¶31 Ample explanatory notes and a helpful index are provided. A separate bib-

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11. *Tribute—Joel Feinberg: Introduction*, 37 ARIZ. L. REV. 1, 1 (1995).
  12. KEITH BURGESS-JACKSON, AN ALMOST-COMPLETE JOEL FEINBERG BIBLIOGRAPHY (June 12, 2003), at <http://www.uta.edu/philosophy/faculty/burgess-jackson/Feinberg.htm>.
  13. Joel Feinberg, *Does Nixon Play the Game*, NATION, May 21, 1960, at 5.
  14. Toni M. Massaro, *Joel Feinberg Retirement Reception Remarks—May 10, 1994*, 37 ARIZ. L. REV. 5, 5 (1995).
  15. Robert Amdur, *Harm, Offense, and the Limits of Liberty*, 98 HARV. L. REV. 1946 (1984) (book review).
  16. *Id.* at 1947.
  17. *Id.* at 1950.

liography, however, is not included. *Problems* would be of most use to law school libraries, where faculty and law review staff engage in researching legal philosophy. Libraries collecting Feinberg's other works such as his highly regarded series concerning liberal political philosophy, *The Moral Limits of the Criminal Law*, would do well to include this one.

¶32 In spite of my initial reservations, Feinberg did an admirable job of rendering difficult legal philosophy issues accessible, relevant, and interesting. I also found Feinberg's analytical framework helpful for thinking about news accounts of today's public debates about the role of public law in our private lives, conflicts between the needs for public security and individual liberties, and the role of morality in international law.

Flamm, Richard E. *Lawyer Disqualification: Conflicts of Interest and Other Bases*. Berkeley, Calif.: Banks & Jordan Law Publishing Company, 2003. 802p. \$145.

*Reviewed by Catherine F. Halvorsen*

¶33 *Lawyer Disqualification: Conflicts of Interest and Other Bases* offers readers a portal into the law of attorney and law firm disqualification. It is not, by self-admission, the intention of the author to provide a definitive legal treatise on the subject. Instead, Richard E. Flamm, a nationally recognized expert on judicial and attorney disqualification,<sup>18</sup> prolific author,<sup>19</sup> and active member of the California bar, hopes merely to point practitioners and judges who are considering the appropriateness of disqualification as a remedy in the right direction (p.xxix). Flamm has successfully condensed an enormous body of substantive and procedural material into a well-written, informative, and easy-to-use single-volume treatise.

¶34 Flamm presupposes that most attorney disqualification motions are founded upon ethical considerations and has organized *Lawyer Disqualification* accordingly. A complete review of the law of attorney and law firm disqualification must include discussion of the following: introduction, historical development, and overview; traditional conflicts of interest; nontraditional conflicts of interest; defenses to disqualification motions; and procedural issues. Flamm first divides the general topic of lawyer disqualification into ten parts, thereafter imposing a chapter and section hierarchy on the subtopic of each part. This format is particularly comfortable for legally trained professionals.

¶35 The most generous portion of *Lawyer Disqualification*, at least four of ten

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18. CTR. FOR CONTINUING EDUC., RICHARD E. FLAMM ATTORNEY AT LAW, at <http://www.cce-mcle.com/bios/flamm.htm> (last visited Nov. 5, 2003); LAW.COM, PANELIST BIOGRAPHIES: RICHARD E. FLAMM, at <http://store.law.com/seminars/bios.asp?prgid=91> (last visited Nov. 5, 2003).

19. E.g., Richard E. Flamm, *Looking Ahead to Ethics 2015: Or Why I Still Do Not Get the ABA Model Conflict of Interest Rules*, 19 N. ILL. U. L. REV. 273 (1999); Richard E. Flamm, *Conflicts of Interest and Disqualification in Intellectual Property*, 32 CAL. W. L. REV. 257 (1996); RICHARD E. FLAMM, *JUDICIAL DISQUALIFICATION: RECUSAL AND DISQUALIFICATION OF JUDGES* (1996).

parts, is devoted to a discussion of various rules of professional responsibility that govern attorney conduct and define misconduct. Part 1 contains prefatory material and includes an excellent summary of the history and development of ethics codes in general, as well as the American Bar Association (ABA) Model Rules of Professional Conduct in particular. Detailed treatment of traditional attorney conflicts of interest continues in parts 2 through 4. Flamm reviews for legal scholars, practitioners, and jurists a number of routine conflict issues such as dual or multiple representation, adverse interests, the relationship between former and present representation, and the attorney-client relationship. The discussion in chapter 5, “Multiple Representation in Special Types of Proceedings,” related to estate planning, family law proceedings, and real estate transactions, may also be of interest to lay persons, although its tone is highly analytical and its scope is very broad.

¶36 The examination of the attorney-client relationship between attorneys and entities, such as closely held corporations and partnerships, is noteworthy for what it does and does not include. In chapter 12, Flamm’s identification and description of the two primary theories of client identification—aggregate and entity—is very good, as is his discussion of the exceptions to and application of the entity rule. Although he does refer to the entity rule as the more widely adopted approach, incorporated in part into the ABA Model Code, the California Rules of Professional Conduct, and the New York State Bar Rules (p.237), he neglects to identify other states that subscribe to the entity theory. A second curious omission in this chapter is any reference whatsoever to limited liability companies, certainly an entity type worthy of discussion.

¶37 Nontraditional bases for attorney disqualification, such as the unauthorized contacts with parties, advocate witness, prosecutor witness, and expert witness rules are adequately covered in parts 5, 8, and 9. Much of the discussion is quite broad and provides little more than an encyclopedic summary of various doctrines, sanctions, and exceptions. Flamm’s most valuable contribution to the study of the law of attorney disqualification is the inclusion of hundreds of citations to primary legal authority in the footnotes. Issues such as standing to seek disqualification, waiver requirements, and motion procedure are satisfactorily reviewed in part 7, and part 10 is entirely committed to appellate remedies in the disqualification arena. Although Flamm places special emphasis here, as he does throughout *Lawyer Disqualification*, on California law, this portion of the title provides an excellent jurisdictional survey of the appealability of attorney disqualification orders. Most jurisdictions and their respective appellate procedures are fairly well represented in the final two chapters.

¶38 A comprehensive table of contents, exhaustive table of cases, and a well-inventoried index complete the treatise. The index is, however, replete with entries “lifted” directly from chapter and section titles, making it difficult to locate discrete concepts without first perusing the titles or text. The incorporation of cross-references into the index would greatly enhance its efficacy. *Lawyer Disqualification* is densely populated with footnotes, but currentness may be a

deficiency. If we have in fact recently experienced, as the author suggests in the preface, “an exponential growth in the number of reported disqualification motions” (p.18), readers might expect to see a greater number of current cases cited in the footnotes. However, recent cases—decisions rendered in the 2000s—do not appear to be cited with any regularity. Fortunately, Flamm does intend, according to the publisher,<sup>20</sup> to update *Lawyer Disqualification* annually with a stand-alone paperback supplement, beginning in fall 2004.

¶39 Flamm provides his audience of legal scholars, counselors, and jurists with a concise and solid overview of the law of attorney and law firm disqualification. *Lawyer Disqualification* is a wise purchase and sound investment for academic, firm, judicial, and even county law libraries.

Gunning, Jennifer, and Helen Szoke, eds. *The Regulation of Assisted Reproductive Technology*. Aldershot; Burlington, Vt.: Ashgate, 2003. 271p. \$89.95.

*Reviewed by Jennifer Bryan*

¶40 The publication of *The Regulation of Assisted Reproductive Technology* is the result of an international symposium held in 2001 in Melbourne, Australia. Editors Gunning and Szoke have consolidated a collection of nineteen essays delivered at the symposium by experts in the areas of reproductive technology, health law, and bioethics. These authors—scientists, medical professionals, and scholars—discuss a range of legal, social, and ethical considerations associated with assisted reproductive technology (ART). The editors, who also contribute essays themselves, have worked extensively in the field of reproductive technology, in both the public and private sectors. Jennifer Gunning is an independent consultant and a senior research fellow in medical law and ethics at Cardiff Law School. Helen Szoke is the chief executive officer of the Infertility Treatment Authority in Melbourne, Australia.

¶41 The book is laid out well. Chapter 1 sets forth the purpose of the collection of essays, presents the issues discussed by the contributors, and explains how the collection is organized. Though covering legislation around the world—albeit with a focus on Europe, North America, Australia, New Zealand, and some Asian countries—the editors maintain that this collection does not attempt “to provide a comprehensive account or overview of all the issues associated with the regulation of reproductive technology” (p.4). Rather, this publication “draws together the views of those associated with assisted reproduction or interested in its regulation which contribute to the body of scholarly debate and review in this contentious area” (p.4). In addition to surveying the regulation of ART in the United States, Europe, Asia, Canada, Australia, and New Zealand, other essay topics include access to ART by lesbian couples or by people with high genetic risks and transmittable dis-

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20. E-mail from Linda Hamilton, Fulfillment Coordinator, Banks & Jordan Law Publishing Company, to Catherine F. Halvorsen (Sept. 9, 2003) (on file with author).

eases, fertility rights, the law and ethics of pre-implantation of genetic diagnosis, issues surrounding surplus and unwanted embryos, and therapeutic cloning.

¶42 The book is divided into three sections: part 1 covers ART legislation around the world; the essays in part 2 discuss matters regarding access to reproductive technology; and part 3, “Issues in the Regulation of ART,” encompasses a range of topics, such as genetic screening, cloning, and the use of human embryos for research. The table of contents outlines the title and author of each essay. Also included are a list of figures and a list of tables enumerating the illustrations. The list of contributors provides a biographical note for each author. Every essay has both an introduction and conclusion where the author sets forth his or her intention by introducing a topic or posing theoretical questions, discusses the issues in the body of the essay, and concludes by synthesizing the subject matter discussed or offering solutions to the issues raised. The essays are not lengthy—six to twenty pages each—and include bibliographic lists of references and extensive footnotes citing primary sources of law (and their English translations), relevant academic and government Web sites, government reports, legal cases, and secondary sources such as books and articles. Some of the essays are illustrated with maps, charts, and tables (including a table listing current key legislation for fifteen countries and a table comparing the regulatory positions adopted by those fifteen countries). The index includes both broad and specific subject terms (with cross-references) and proper names of persons, countries, and legislative acts. Many subject headings are further subdivided topically and by country, and most of the countries listed in the index are further subdivided topically.

¶43 While reading this work, I found myself reaching often for a dictionary. The essays were obviously written for the symposium attendees, an audience already familiar with the language of ART. Though the editors provide a list of abbreviations that are used by the authors, a glossary would have been helpful to define particular scientific and technical terms and procedures, such as gamete, oocyte, spermatid, and intra-cytoplasmic sperm injection.

¶44 The presentation of actual case studies and the social, legal, and ethical perspectives offered in this collection serve as an invaluable introduction to the evolving issues surrounding reproductive technology. In addition, the survey of worldwide legislation, with the exception of South American and African countries, provides the academic researcher with an effective tool for comparative research.

¶45 The *Regulation of Assisted Reproductive Technology* is appropriate for law school and other academic libraries with collections emphasizing bioethics and health and reproductive rights law. The book is not intended for the practitioner looking for a “how to” manual for handling cases, although several sections, including the essays on tortious risk management issues and the history of ART regulation in the United States, could be a useful resource for a firm specializing in health, insurance, tort law, or biotechnology.

Long, Judy A. *Computer Aided Legal Research*. Clifton Park, N.Y.: Thomson/Delmar Learning, 2002. 233p. Paper, \$39.95.

*Reviewed by Brian Myers*

¶46 The research role of paralegals in the practice setting varies from firm to firm. While some firms rely upon paralegal staff to conduct free or fee-based online research, many restrict these responsibilities to attorneys and information professionals whose special training assures that they will bring efficient and authoritative research competencies to the task. Arguably, the hesitance on the part of some law firms to utilize paralegals in a research capacity may be rooted in a distrust of the skills they have been taught. Approaches to legal research instruction in paralegal education programs are as diverse as the programs themselves. The ABA's Guidelines for the Approval of Paralegal Education Programs<sup>21</sup> requires only that some instruction in computerized legal research be provided. These guidelines do not impose standards and do not require that such instruction take the form of a discrete course of study. The materials used to provide research instruction are accordingly quite varied, often consisting of ad hoc compilations of vendor-supplied materials, excerpts from law school texts or journals, and other resources not specifically intended for students in paraprofessional programs.

¶47 *Computer Aided Legal Research*, the most recent title in the West Legal Studies series, attempts to address this situation by offering a comprehensive learning resource written specifically for students in postsecondary legal assistant programs. Judy A. Long, an attorney and paralegal studies instructor, has written several titles for paralegal students,<sup>22</sup> including *Legal Research Using the Internet*,<sup>23</sup> a previous edition of this title.

¶48 The first two chapters provide the student with a basic orientation to legal research and to traditional research strategies using print materials. Primary and secondary sources are briefly defined and discussed, the use of citators is illustrated, and a step-by-step guide to drafting a standard format research memorandum is provided. Two additional chapters introduce the fundamentals of Internet research using search engines and free commercial databases, and provide a discussion of the various forms of online communication.

¶49 The middle section consists of chapters that focus upon state and federal sources (court opinions, statutes and administrative codes, legislative and government agency information), secondary sources and finding tools (law-related portals, professional organizations, law school libraries), and sites related to specific areas

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21. STANDING COMM. ON PARALEGALS, AM. BAR ASS'N, GUIDELINES FOR THE APPROVAL OF PARALEGAL EDUCATION PROGRAMS 19 (2003), available at <http://www.abanet.org/legalservices/downloads/legalassistants/2003guidelines.pdf>.

22. E.g., CHARLES F. HEMPHILL & JUDY A. LONG, BASIC BUSINESS LAW (2d ed. 1994); JUDY A. LONG, LAW OFFICE PROCEDURES: A PRACTICAL GUIDE (1997).

23. JUDY A. LONG, LEGAL RESEARCH USING THE INTERNET (2000).

of practice. The chapters that make up this section form a reference area of topically related links to online resources of varying degrees of familiarity and utility.

¶50 *Computer Aided Legal Research* concludes with three chapters devoted to the use of fee-based resources: chapter 10, “Westlaw”; chapter 11, “Using Lexis”; and chapter 12, “CD ROM and other Research Materials.” Measuring sixty-three pages, the chapter on Westlaw provides a highly detailed introduction to Boolean and natural language search strategies, the key number system, digest field searches, WestClip, KeyCite, and the structure and categories of the West database library. By comparison, the chapter on Lexis measures a mere twelve pages and provides only a broad, relatively nondescriptive overview of the scope of legal, business, and news sources available through LexisNexis. Twelve pages in the final chapter introduce and discuss Loislaw, but five of these consist of full-page screen shots. Each chapter concludes with a brief summary, a set of review questions, and two or three practical exercise sets. The volume includes a useful, although not exhaustive, glossary of terms and a well-prepared, comprehensive index.

¶51 In discussing the scope and purpose of this textbook, Long states that manual research “is a topic that is usually covered in a separate course in most legal programs” (p.xiii). Whether or not this is the case, educators will need to assess the value of *Computer Aided Legal Research* within the context of their existing curriculum. Certainly, this book is not intended for use as a primary text in standard legal research courses, but rather as a supplementary text or as the basis of a separate course in online research. If used in the latter context, instructors will want to compile and distribute materials relating to the many significant online resources that are underrepresented in the current edition.

Minow, Mary A., and Tomas A. Lipinski. *The Library's Legal Answer Book*. Chicago: American Library Association, 2003. 361p. Paper, \$48.

*Reviewed by Diana C. Jaque*

¶52 Librarians encounter legal issues in the daily administration and operation of most library organizations. *The Library's Legal Answer Book* by Mary Minow and Tomas A. Lipinski answers a broad range of legal questions in a compact, yet readable volume. No matter the type of library setting, librarians will find answers to questions relevant to their environment. This book covers the full spectrum of legal issues facing today's libraries from a discussion of copyright law to the USA Patriot Act to professional liability. The back cover jests that the work is so comprehensive readers will earn a “librarian's J.D.” after reading the volume.

¶53 Mary Minow works as a consultant with librarylaw.com<sup>24</sup> and is an attorney as well as a former librarian. She specializes in library law and teaches at the San Jose State University School of Library and Information Science. Tomas A. Lipinski is a faculty member in the University of Wisconsin-Milwaukee's School

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24. LIBRARYLAW.COM, at <http://librarylaw.com/> (last visited Sept. 18, 2003).

of Information Studies and codirector of the Center for Information Policy Research. Lipinski also has a law degree and is the author of several library and museum law titles.<sup>25</sup>

¶54 *The Library's Legal Answer Book* is organized into nine chapters which list individual questions under subheadings. Within chapters such as "Libraries and Copyright," "Designing a Library Web Page," and "Professional Liability: Reference, Collection, Book Reviews, Latchkey Children," Minow and Lipinski answer six hundred questions. The chapter on professional liability includes "Understanding Malpractice Concepts," "Book Reviews," and "Latchkey Children." Although the section on "Latchkey Children" is one most law librarians would skip, other subheadings within the chapter treat topics pertinent to law librarians, such as "Understanding Negligence Concepts" and "Legal Information and the Liability for the Unauthorized Practice of Law." Two unique questions within this chapter discuss the book review process: "Can a librarian be liable for writing a bad book review?" and "Can a librarian freely express an opinion when writing a book review, no matter how scathing?" The authors conclude that "the legal standard in a review is whether the 'interpretation' of the reviewer is in any way 'supportable' by reference to the actual item reviewed" (p.267). Minow and Lipinski underscore the legal, as well as practical, reasons librarians should make direct reference to the work they are reviewing.

¶55 While most answers only outline the main concepts in a paragraph or two, the authors provide an extensive reference list for future research. References cover a variety of primary and secondary legal materials and help make *The Library's Legal Answer Book* a useful introduction to nearly all legal questions arising in a library. This work helps librarians steer clear of illegal behavior and the potential consequences. One such example concerns copyright notices within the library. In some situations, such as interlibrary loan, the law is quite specific and gives not only the exact text for the copyright notice, but also the minimum font size. This book not only describes the situations requiring legal notices, but includes citations to the corresponding primary material. All librarians, regardless of their department, appreciate this type of practical information.

¶56 The preface indicates this book is "intended for librarians and their attorneys" (p.vii). Let us hope that librarians use Minow and Lipinski's book as a means of avoiding potential legal pitfalls and reducing the number of lawsuits brought against libraries. For this reason alone, the paperback is worth its steep \$49.95 price. Librarians in all types of law libraries will benefit from the useful information contained within its pages, and every library ought to purchase at least one copy for reference purposes.

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25. TOMAS A. LIPINSKI, *LIBRARIES, MUSEUMS, AND ARCHIVES: LEGAL ISSUES AND ETHICAL CHALLENGES IN THE NEW INFORMATION ERA* (2002); TOMAS A. LIPINSKI, *LIBRARIAN'S GUIDE TO COPYRIGHT FOR SHARED AND NETWORKED RESOURCES* (2002).

Rozovsky, Fay A., and Rodney K. Adams. *Clinical Trials and Human Research: A Practical Guide to Regulatory Compliance*. San Francisco: Jossey-Bass, 2003. 639p. \$130.

*Reviewed by Amy Atchison*

¶57 Human subjects research, as stated in the foreword of *Clinical Trials and Human Research*, is an area “steeped in corporate law, medical organizational requirements, reimbursement complexities, and regulatory schemes” (p.ix). With an eye to protecting the subjects involved in the research and apprising those conducting or supporting the research of the liability issues, authors Fay Rozovsky and Rodney Adams have succeeded in compiling all of the relevant statutory, regulatory, practical, and ethical requirements of human subjects research and clinical trials into one cohesive and easy-to-use publication. While an excellent ready-reference source for attorneys, this will be particularly useful for those users with science or health backgrounds who lack experience in locating and interpreting the statutory and regulatory requirements with which they must comply.

¶58 Both authors have legal and health backgrounds, work in academia, and have experience with human research committees and medical ethics. Rozovsky and Adams wrote this book because “there are too many references on regulation of human research . . . and yet too few resources that pull all this information together in a comprehensive manual” (p.4). They describe their target audience as doctors, scientists, institutional review board members, health-care administrators, and others. In addition to compiling all of the relevant legal materials regarding human subjects and clinical trials, they also have provided a framework for working through scenarios that are not directly addressed by statute or regulation.

¶59 This thorough and carefully compiled treatise is comprised of eighteen chapters, a glossary, appendix, and index. The authors emphasize in the introductory chapter that laws and regulations are not static; and while the text of some laws is provided, the reader must confirm the currentness of any laws cited. The chapters follow a logical progression, with chapter 1 discussing the evolution of human experimentation regulation; chapter 2, current federal regulations involved in human research; chapter 3, state regulation of human research; and other chapters, selection and recruitment of human subjects, informed consent, confidentiality of clinical trials information, issues that the investigator must address, research protocols, patient safety, corporate compliance, and ethics.

¶60 A user-friendly organization assists readers in quickly and easily locating the information that they need. Chapters follow a consistent format of introduction, subtopics, conclusion, and references. If a law or publication is mentioned, complete bibliographic information is provided in the references section at the end of the chapter. Also, some chapters contain appendixes that include reprints of the federal regulations and other publications that are pertinent to the chapter’s subject matter. In essence, each chapter serves as a guidebook on its particular subject and can stand on its own.

¶61 Coverage of subject matter is fairly exhaustive given that this is a single-volume treatise. Chapter 9 on institutional review boards (IRBs) is typical. It defines IRBs, which for the uninitiated are groups charged with reviewing research protocols at the local level to ensure the adequate protection of human participants (p.269), and describes their composition—minimum and maximum number of members, distinguishing scientists from nonscientists, educational requirements of members, etc. It explains what the IRB is required to do in terms of reviewing the research and reporting its findings, and discusses the decision-making process in terms of approving the research and risk assessment. It ends with a discussion of record keeping, quality assurance, and regulatory oversight.

¶62 Any publication that includes a fifty-state statutory survey earns points with this reviewer because who wants to spend the time compiling this information on their own? Chapter 3 on state regulation of human research does just that. It includes a table of statutes for all of the states. Organized alphabetically by state, the table indicates whether the state has clinical trials legislation and, if so, the topics covered in the legislation. Statutory language is more or less quoted verbatim and adequately cited. However, the caveat that readers should always verify current laws certainly holds true here. I checked a few of the statutes in the table and discovered that in some cases either the wording or section number had changed since the time of publication. However, the table remains helpful because it alerts the reader to the existence of such statutes and the possible need for further legislative research.

¶63 While not suitable for every law library, large county law libraries, academic law libraries serving campuses with science and health research programs or medical schools, and law firm libraries serving attorneys involved in health or bioethics will certainly want to purchase this treatise for their collection.