

Keeping Up with New Legal Titles*

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

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DiMento, Joseph F. *The Global Environment and International Law*. Austin, Tex.: University of Texas Press, 2003. 248p. Cloth, \$55. Paper, \$21.95.

Reviewed by Kelly Anders

¶1 As the world becomes smaller, the demand for dialogue concerning international environmental policy increases. Annually, hundreds, if not thousands, of articles and books are published related to either environmental law or policy, or a combination of the two. A professor of law and society at the University of California, Irvine, author Joseph F. DiMento heads the Research Group on International Environmental Cooperation and has authored many articles and books.¹ In *The Global Environment and International Law*, DiMento synthesizes many preceding theories and practices into a succinct and comprehensive whole, and provides balanced assessments of their respective successes and failures.

¶2 *The Global Environment and International Law* is divided into five chapters. The first chapter focuses on the need for international attention to global environmental challenges. DiMento explores the extent to which law is an appropriate vehicle to address the myriad of environmental and natural resource challenges. Chapter 2, "Law Trying to Save the Earth: Strategies, Institutions, Organizations," addresses law as an instrument of international environmental protection. After providing a brief history of international environmental law, DiMento next describes various types of modern law, such as global, multilateral, and court-made law. A detailed discussion of "soft" law, described as law evolving through international meetings and conferences and more customary in nature, is also included.

1. E.g., Joseph F. DiMento, *Soft Teeth in the Back of the Mouth: The NAFTA Environmental Side Agreement Implemented*, 10 GEO. INT'L ENVTL. L. REV. 651 (1998); Joseph F. DiMento, *Ordering the Elephants to Dance: Consent Decrees and Organizational Behavior*, 43 WASH. U. J. URB. & CONTEMP. L. 301 (1993); JOSEPH F. DIMENTO, *WIPEOUTS AND THEIR MITIGATION: THE CHANGING CONTEXT FOR LAND USE AND ENVIRONMENTAL LAW* (1990); JOSEPH F. DIMENTO, *ENVIRONMENTAL LAW AND AMERICAN BUSINESS: DILEMMAS OF COMPLIANCE* (1986).

¶3 In chapter 3, DiMento discusses some of the sources of environmental degradation by corporations, governments, and individuals. He also introduces a classification scheme based upon the outward manifestations of such degradation. DiMento's analysis differentiates behaviors as "innocent, misfeasant, or malfeasant" (p.57) and addresses the extent to which these behaviors are amenable to change when subjected to various interventions, including the law. Finally, he discusses the importance of incentives for beneficial environmental behavior among people and groups.

¶4 DiMento next presents several overall assessments of the contribution of international environmental law. Chapter 4, "An Accounting: Successes and Failures in International Law," begins with a discussion of the complexities inherent in undertaking global evaluations and ends with a description of a set of characteristics linked to effective laws. The last chapter provides recommendations for successful implementation of laws and policies designed to encourage increased environmental protection on a global scale. Once again, DiMento stresses the importance of establishing benefits of compliance as much as sanctions for violations, with an understanding that the latter often stem from poverty rather than malice (p.184). The text is supplemented with additional comprehensive sections: endnotes; bibliography; and general, author, case, and conventions indexes.

¶5 What distinguishes *The Global Environment and International Law* from similar titles is its ability to draw from other sources while retaining its own voice. As he examines each topic, DiMento seeks to answer the question, "To what extent has international environmental law mattered" (p.ix). Throughout the text, he offers constructive criticism about our collective successes and failures in this effort, while appearing hopeful that we can use the experience of the past as a means of creating future laws and policies that everyone can live with. *The Global Environment and International Law* is well written and researched and would be a suitable addition to the treatise collection of any library, or appropriately assigned as required reading in a course for graduate or law students. It will surely inspire dialogue among students and practitioners alike.

Dodd, Victoria J. *Practical Education Law for the Twenty-first Century*. Durham, N.C.: Carolina Academic Press, 2003. 333p. Paper, \$40.

Reviewed by Kim Clarke

¶6 Education law is a complex field, encompassing many legal issues under both federal and state jurisdictions. As the author of numerous law review articles on the subject,² and with more than twenty years of experience in education law (during which she served four terms as chair of the Law and Education Section of the

2. Victoria J. Dodd, *Student Rights: Can We Create Violence-Free Schools that Are Still Free?* 34 NEW ENG. L. REV. 623 (2000); Victoria J. Dodd, *American Public Education and Change: Not an Oxymoron*, 17 ST. LOUIS U. PUB. L. REV. 109 (1997); Victoria J. Dodd, *The Non-Contractual Nature of the Student-University Contractual Relationship*, 33 U. KAN. L. REV. 701 (1985).

Association of American Law Schools), Suffolk University law professor Victoria Dodd has the credentials to tackle this involved subject.

¶7 *Practical Education Law for the Twenty-first Century* is divided into ten chapters. The first two provide the reader with a basic introduction to American education law, while the remaining chapters address issues such as school financing, home schooling and charter schools, searches and seizures on campus property, and labor relations between the school and its teachers. An education law treatise, the book has a style much more similar to a law review article than a hornbook or casebook. Notwithstanding a claim on the back cover that “[t]he highly readable text makes this book extremely accessible and useful for a non-legal audience, as well as for a legally trained reader,” it is written at a fairly sophisticated level that would make it difficult for a layperson to understand. *Practical Education Law for the Twenty-first Century* is a well-researched and heavily footnoted title. Fewer than three hundred pages of actual text generate more than 2100 footnotes, contributing to the book’s value as a reference source, but negatively affecting the flow of the text.

¶8 *Practical Education Law for the Twenty-first Century* contains some unique practice aids and useful finding tools that education lawyers and school board members should find helpful. Dodd inserts “comments” throughout the title, wherein she discusses in greater detail legal concepts noted in the text or offers suggestions on how school districts might approach an issue under discussion. Several “practice tips,” outlining legal arguments that could be the subject of future litigation, are offered in chapter 4. These comments and practice tips could be the impetus for class discussion in education law courses. The table of contents is very good, clearly outlining all the subsections for each chapter. The fifteen-page index, comprised of both subject and name entries and containing many cross-references, is exceptional. The table of cases is fifty-seven pages long and includes page numbers for every reference to or discussion of a particular case. In a subsequent edition, Dodd could improve the usefulness of the table of cases with the addition of a designation identifying the location of the main discussion of a case. The book lacks a table of statutes, but it might be unreasonable to wish for one as education law is governed by both federal and state legislation and such a table could be too unwieldy a task.

¶9 Four recent U.S. Supreme Court education law cases decided during the publication process are summarized in a brief addendum. These cases address the issues of school vouchers, drug testing policies, and the application of the Family Educational Rights and Privacy Act.³ It is unfortunate that these cases could not have been discussed in the main text rather than in an addendum. Despite a reference to it in the footnotes, some readers may not take the time to review the addendum and as a result could be left with an incomplete understanding of the corresponding area of law. Furthermore, those who do read the addendum may have a difficult time understanding the impact of a particular

3. 20 U.S.C.A. § 1232g (West 2000 & Supp. 2003).

case on the discussion of an issue in the text, especially if the reader does not have legal training.

¶10 One of the stated goals of *Practical Education Law for the Twenty-first Century* is to “suggest trends and issues of concern” in education law (back cover). While all of the topics covered are “issues of concern,” Dodd’s treatment of several important twenty-first century education law issues is surprisingly weak. She does not address issues such as racial or gender equality in education or special education with requisite detail, instead limiting her discussion to brief references on no more than twenty-five nonconsecutive pages. Other contemporary education law texts devote at least a chapter to each of these topics.⁴ As there is no preface or introduction to the book, it is impossible to know why Dodd decided to approach these issues in this manner.

¶11 In spite of its limitations, *Practical Education Law for the Twenty-first Century* achieves its goal of being “an easy-to-use reference tool for problem-solving as well as a source for more extensive research” (back cover). School administrators and education lawyers should have a copy of this book within close reach. While the number of footnotes and more formal style of writing may make it unsuitable for use as an assigned text for education law courses, its coverage and references allow it to be a valuable resource to education and law students who are researching in this field. It is a worthy addition for all academic law and education libraries.

DuBoff, Leonard D. *The Antique and Art Collector’s Legal Guide: Your Handbook to Becoming a Savvy Buyer*. Naperville, Ill.: Sphinx Pub., 2003. 194p. Paper, \$24.95.

Reviewed by Dianne E. Oster

¶12 *The Antique and Art Collector’s Legal Guide: Your Handbook to Becoming a Savvy Buyer*, written by attorney, art law expert, and art collector Leonard DuBoff, is full of advice for the novice collector or anyone interested in becoming a collector. The increasing popularity of collecting not only works of art, but antiques, crafts, and just about any type of pop culture item makes this an extremely useful little book for anyone interested in the subject.

¶13 DuBoff is the author of over fifteen books directly related to art, crafts, galleries, photographers, and publishing, as well as numerous journal articles on the subject.⁵ Additionally, he has taught law at Stanford and at Lewis and Clark College, has practiced law in and around the Portland, Oregon, area, and has more recently formed the DuBoff Law Group which specializes in “general business and

4. See MICHAEL IMBER & TYEL VAN GEEL, *EDUCATION LAW* (2d ed. 2000); MICHAEL W. LAMORTE, *SCHOOL LAW: CASES AND CONCEPTS* (7th ed. 2002); MARK G. YUDOF ET AL., *EDUCATION POLICY AND LAW* (4th ed. 2002).

5. E.g., LEONARD D. DUBOFF, *ART LAW IN A NUTSHELL* (3d ed. 2000); LEONARD D. DUBOFF, *THE LAW (IN PLAIN ENGLISH) FOR PHOTOGRAPHERS* (1995); Leonard D. DuBoff, *What’s in a Name: The Interplay Between the Federal and Trademark Registries and State Business Registries*, 6 DEPAUL BUS. L.J. 15 (1993).

civil litigation, with emphasis on intellectual property” and lists art law, publishing law, photography law, copyright, trademark, and patent enforcement among its areas of practice.⁶ He is clearly an expert in his field.

¶14 In the introduction, DuBoff suggests that he has written the book specifically for the collector, to provide clarification of the many legal issues involved in collection activities. While his previous work was intended for use by lawyers, judges, legislators, and those doing museum and gallery work, *The Antique and Art Collector’s Legal Guide* is DuBoff’s first foray into writing for collectors, who often feel overwhelmed by the jargon and specifics of the purchasing end of the business. It can be difficult to determine the rights and responsibilities of the collector, and this book is designed to sift through all of the relevant material and present it in a helpful and understandable format.

¶15 The book is divided into two general sections and thirteen chapters. The first section, “Acquisition and Protection,” covers such topics as getting started as a collector of fine art, antiques, crafts, or other types of collectibles; conservation and restoration; and protecting your investment from theft. The second section, “Specific Legal Issues,” exposes the reader, in plain language, to copyright, tax, and import and export issues. A glossary and several appendixes listing organizations, publications, laws, and other resources for art conservation, insurance, and theft are included at the end of the book. A short index is provided to help the reader navigate the topics covered in the text.

¶16 This guide is a handy, easy-to-use book written specifically with the collector in mind and, as such, will be most useful in a general public library collection. It would be a good source for law firm clients or library patrons asking for information on art law who have never dealt with the subject before. The book is not intended for use as a comprehensive research tool, for it does not delve into the topics covered in any great depth, nor is it footnoted. It is less suitable for an academic, law firm, or court library collection. *The Antique and Art Collector’s Legal Guide* can, however, be a starting point for someone unfamiliar with this area of the law. It may or may not help a collector “learn to spot fakes, phonies and fast talkers” as per the back cover’s claim, but it certainly can walk readers through the steps of finding out who the reputable dealers, auction houses, and the like are, and demonstrate how they can protect themselves while investing their money wisely.

Epstein, Adam. *Sports Law*. Clifton Park, N.Y.: Thomson/Delmar Learning, 2003. 310p. Paper, \$50.95.

Reviewed by Christine I. Hepler

¶17 Over the past forty years, sports have come to play an increasingly prominent role in our society and daily life. The passion for sports is not just held by the players and fans, but also extends to institutions and corporations. Sports, even amateur sports, are

6. DuBoff Law Group, LLC, at www.business-law.com (last visited Dec. 16, 2003).

big business. Not surprisingly, the field of sports law has developed rapidly. Sports law is a multidiscipline area, the contours of which are continuing to expand. Sports law topics run the gamut of legal issues. Tort issues arise when balls, hockey pucks, or car wheels fly into the stands and injure spectators. The use of an athlete's image or a team's logo involves intellectual property concerns. Athletes, high profile professionals and high school students alike, are all too often involved in criminal proceedings. Colleges and universities are subject to compliance and eligibility rules and regulations. Imagine the myriad of concerns facing agents who represent athletes entering into contracts with professional teams or endorsement deals with corporate sponsors. *Sports Law*, by Adam Epstein, discusses these and many other issues.

¶18 *Sports Law* contains chapters on sports agents, contracts, drug use, international sports issues, and antitrust and labor issues. As part of the West Legal Studies series, a collection of materials and resources for paralegals and other legal professionals, it looks, feels, and reads like a textbook. Each chapter begins with a brief introduction to the material and is followed by the topics, clearly delineated with headings. At the end of each chapter, Epstein includes a summary, key terms section, limited lists of citations to additional cases, review questions, and endnotes.

¶19 Epstein briefly and succinctly discusses the issues inherent in each topic, including the general legal principles for the topic as well as the unique qualities of that area of law as it relates to sports. For example, in his chapter on contract law, Epstein discusses the general principles of offer and acceptance, consideration, and the Statute of Frauds. His discussions are very brief and intended to convey to the layperson the essential elements of the law without delving into more subtle and confusing nuances. He also provides model drafting suggestions for sports contracts. As such, *Sports Law* is a useful resource for the both the layperson and practitioner unfamiliar with how these legal principles intersect with sports.

¶20 Additional features include definitions of new terms, the text of important cases, and exhibits throughout the book to augment his discussion in the text. Where Epstein assumes the reader may have difficulty with a term or abbreviation, he highlights the term in the text of the discussion and then defines the phrase later in an unnumbered footnote. This helps the reader grasp unfamiliar terminology without having to consult another source. *Sports Law* also contains a glossary comprised of terms previously defined in this footnote format.

¶21 Epstein provides the text of important cases in each chapter, making it easy for the reader to review decisions in context. In addition, he furnishes exhibits in many of the chapters that provide the reader with ready access to important documents. For example, chapter 1 includes an exhibit labeled "Uniform Agent Act," which discusses sports agents. Other exhibits include the "International Olympic Committee List of Banned Substances" and sample agreements prevalent in the industry, such as endorsement contracts. Appendixes listing Internet resources for sports-related information and providing the text of the amendments to the United States Constitution appear at the end of the book. The comprehensive list of Internet resources is excellent, providing links to general and sports law research

sources, journals and publications, professional sports organizations, international governing bodies, and alternative dispute resolution sites.

¶22 Sports law issues are complex, and providing comprehensive coverage probably would require an entire book for each topic. Practitioners may feel that Epstein's discussion is too cursory and does not provide sufficient information. However, it is important to keep in mind that the target audience is the layperson. With topical discussions that are brief and to the point, the book is best suited for an undergraduate or public library, although it does provide some value to a law library whose patrons are interested in an introduction to sports law.

¶23 One of the stated purposes of *Sports Law* is to introduce nonlawyers to the basics of the legal issues surrounding sports (p.xviii), and Epstein accomplishes this mission. Anyone needing a more in-depth discussion of the topic should seek an alternative, but this is an excellent source with which to start research.

Harcourt, Bernard E. *Guns, Crime, and Punishment in America*. New York: New York University Press, 2003. 436p. \$45.

Reviewed by Paul E. Howard

¶24 Gun violence is an issue that has gathered considerable attention, especially in recent years. The public debate over how to address this problem has frequently been emotionally charged and highly polarized, with proponents and opponents of gun control measures reaching radically different conclusions on the efficacy and propriety of various gun policies. *Guns, Crime, and Punishment in America* is a new book that analyzes many of the policy issues raised in this debate. This work is a compilation of essays written by various authors and edited by Bernard E. Harcourt, a professor of law at the University of Chicago. Harcourt explains the goal of the book in his introduction: "to present the most current research on a range of policy interventions in the gun area to enhance our shared understanding of the policy alternatives and to help promote dialogue between the various approaches to guns and gun violence" (p.3). Overall, the book does a good job of advancing the quality of the debate by providing a sophisticated analysis of the effectiveness and societal impact of different gun policies.

¶25 The contributors include many leading experts on the relevant legal and policy issues. For instance, Sanford Levinson authored a chapter focusing on the use of historical research as a means of analyzing the Second Amendment. Franklin E. Zimring contributed an essay that analyzes how gun policy has been debated since the late 1960s. In total, about half of the twenty-two authors are law professors. Most of the other contributors are either professors in other disciplines or are affiliated with research institutions.

¶26 The book is divided into two parts, the first of which provides background information on the debate over gun policy in America. Chapter 1 analyzes the characteristics of the debate over guns since the 1960s, while chapter 2 considers how the debate has been negatively impacted by the rhetorical approaches used by both sides. Chapters 3 and 4 discuss the perception of guns in American culture

and how this affects firearm violence. The final three chapters provide insightful analysis into the meaning of the Second Amendment. The contributors consider the proper interpretation of its legal effect and whether it gives individuals, militias, or both the right to bear arms.

¶27 The second part of the book evaluates the effectiveness and consequences of five different types of public policy interventions aimed at reducing criminal activity involving guns: firearm tracing programs as a means of preventing illicit gun trafficking and as a way of evaluating the effectiveness of gun control laws; police and community programs aimed at reducing gun violence; background checks mandated by the Brady Handgun Violence Prevention Act⁷ and other legislation; enhancement of the federal role in the prosecution of gun-related crimes; and the use of civil lawsuits against handgun manufacturers under such tort theories as public nuisance, negligence, and strict liability for abnormally dangerous activities—whether these torts apply and whether the courts have the institutional competency to decide such cases.

¶28 The work is well organized. Harcourt offers an excellent introduction explaining the purpose of the book and summarizing the major points discussed in each chapter. The narrative is supported with reasonably detailed note sections provided at the end of every chapter. *Guns, Crime, and Punishment in America* also includes a table of contents and an adequate, although somewhat short, index.

¶29 As is often the case with anthologies, many of the chapters are adaptations or reprints of essays published in other sources. For example, five of the chapters are based on articles published in a symposium issue of the *Arizona Law Review*.⁸ In all, about half of the chapters have been published elsewhere, mostly in law reviews.

¶30 The most similar recent work comparable to *Guns, Crime, and Punishment in America* is another book of collected essays entitled *Evaluating Gun Policy*,⁹ which also provides an in-depth, empirical examination of gun policies and their consequences. While there is some overlap in content,¹⁰ each work has a somewhat different focus. *Guns, Crime, and Punishment in America* concentrates more on legal theory and the social consequences of different policies, while *Evaluating Gun Policy* places more emphasis on the use of statistical studies to evaluate the effectiveness of various policies on reducing gun-related crime. Fewer of the contributors to *Evaluating Gun Policy* have a legal background, and instead come from a wider variety of disciplines such as criminology, economics, and medicine. Another interesting difference is that most of the chapters in *Evaluating Gun Policy* end with commentary from other experts evaluating the methodology used and conclusions reached, while there is no such critiquing of the contributions in *Guns, Crime, and Punishment in America*. Both titles provide very useful coverage of the

7. 18 U.S.C.A. § 921 (West 2000 & Supp. 2003).

8. Symposium, *Guns, Crime, and Punishment in America*, 43 ARIZ. L. REV. 261 (2001).

9. EVALUATING GUN POLICY (Jens Ludwig & Philip J. Cook eds., 2003).

10. In fact, the chapter written by Franklin E. Zimring in *Guns, Crime, and Punishment in America* was reprinted from *Evaluating Gun Policy*.

gun policy debate and would be valuable additions to libraries interested in this topic.

¶31 *Guns, Crime, and Punishment in America* is well written, interesting, and an excellent resource on gun policy in America. The book is balanced in the range of viewpoints presented, and the contributors provide detailed and insightful analyses of their topics. While the content of most chapters is scholarly and sophisticated, the narrative is easy to understand even for readers with a limited background in this area. I would recommend this book for academic law libraries and other libraries with a criminology collection.

Lindsey, Marc. *Copyright Law on Campus*. Pullman, Wash.: Washington State University Press, 2003. 55p. Paper, \$16.

Reviewed by Michael B. Reddy

¶32 Marc Lindsey has been the copyright specialist at Washington State University since 1999. He is a graduate of South Texas College of Law and was an intellectual property lawyer before returning to academia. He begins the preface to his short handbook with a quote from Mark Twain, who was embroiled in numerous copyright suits during his life: “Only one thing is impossible for God: to find any sense in the copyright law on this planet” (preface). Lindsey’s goal in writing this book was to make as much sense of current copyright law as humanly possible, using a straightforward, focused approach to the most frequently encountered copyright issues on campus to educate the educators about the basics of copyright law. He succeeds because he provides clear guidelines for avoiding the many pitfalls that await users of copyrighted material, as well as a number of valuable checklists for determining whether or not a proposed use will be within the limits of the various copyright provisions applicable in a university setting. The entire book is written in a clear and concise manner that makes a difficult subject easier to understand than most similar works.

¶33 *Copyright Law on Campus* includes eight chapters and five appendixes. All are short, generally between three to five pages in length, except for that most difficult of all copyright doctrines, fair use. Lindsey quotes a federal judge at the beginning of this chapter: “Fair Use is one of the most unsettled areas of the law. The doctrine has been said to be ‘so flexible as to virtually defy definition’” (p.16). This section is thirteen pages long and includes four practical exercises using fact patterns that are typical of those encountered by professors everywhere.

¶34 The chapters cover the following topics: the source and nature of copyright law, copyright infringement lawsuits, copyright law and the Internet, copyright and distance education, and copyright policies on campus. Some of the more thorny issues addressed in these chapters include the work-for-hire doctrine, mitigating the risk of being sued for infringement, working with the Copyright Clearance Center, classroom guidelines for fair use, and plagiarism. The five appendixes provide tables, checklists, and guidelines to consult when trying to

determine such complex issues as when unpublished and published works pass into the public domain or how you can comply with the legal requirements for both classroom copying and distance education.

¶35 While each chapter contains endnotes that supply authority for what Lindsey has written, this book is not meant to be a scholarly or lengthy examination of the law of copyright and higher education. Its purpose is to be a concise, yet practical, reference guide for faculty and students struggling with the more common problems in this increasingly ubiquitous area of the law. As Lindsey accurately notes in the first two sentences of his preface: "Sharing information is the fundamental nature of education. Restricting the sharing of information is the fundamental nature of copyright" (preface). *Copyright Law on Campus* goes a long way toward helping those interested in sharing information comply with the current legal restrictions on doing so. I would recommend this book to all law school libraries, but it might also be an appropriate addition to law firm library collections whose firms represent colleges and universities.

Maple, Stephen M. *The Complete Idiot's Guide to Wills and Estates*. 2d ed. Indianapolis: Alpha, 2003. 334p. Paper, \$18.95.

Reviewed by SaraJean Petite

¶36 *The Complete Idiot's Guide to Wills and Estates* "is written to give you the basic financial and legal knowledge that is likely to have an effect on you, your family, and your assets" (inside front cover). Law professor and practicing attorney Stephen Maple offers clear advice to laypersons about how to work with professionals and to organize assets to maximize their retirement and inheritance value.

¶37 The book is organized into five parts, with each part further divided into chapters. Maple includes both a summary and a detailed table of contents. Combined with the summary contained in the introduction describing each part, these tables of contents make it very easy for the reader to locate important information quickly. On the other hand, these features can be a distraction, making the book difficult to review because the reader is invited to skip directly to the sections that look most interesting. Both a handy glossary for the novice estate planner and a useful index are also provided.

¶38 As one might presume from the title, Maple uses terms that a person without formal legal training can easily understand. In the first section, he explains what an estate plan is, how it can be used to make one's retirement comfortable, and which professionals to employ when making it. In the second section, Maple describes the process of writing a will and setting up a trust, with a caveat that the reader not use the forms included in the book without first establishing that they are valid in the reader's state. The third part is about family situations one should consider in the estate plan, such as providing for minor children, prenuptial agreements, divorce, and the family business. In part 4, the reader learns about estate and gift taxes and some strategies for legally avoiding them. The fifth part is titled

“Retirement, Elder Issues, and the Broad Planning Picture,” and here the author discusses Social Security, Medicare, Medicaid, durable powers of attorney, health care directives, organ donation, funeral prepayment, and aging parents.

¶39 *The Complete Idiot’s Guide to Wills and Estates* is in its second edition. For the most part, the new version is identical in content to the first,¹¹ with the exception of chapter 16, “The Wonderful World of Estate Taxes.” Obviously, there have been many changes in tax law since 1997. Both editions contain a message inside the front cover that tells the reader, “Since Congress frequently changes its mind about taxes, I will post any tax changes relating to this book on my website, www.smaple.com, for two years following this book’s publication. I will also include other relevant estate-planning information on the site.” Unfortunately, the Web site address provided is incorrect, causing much confusion for the reader.¹²

¶40 *Complete Idiot’s Guide to Wills and Estates* would be an excellent addition to the collection of a law library that serves public patrons who do not have a legal background. One cautionary note—as a paperback this book tatters easily with moderate use. In a library environment, it would probably be necessary to reinforce the book’s cover with plastic because it is likely to be heavily used.

Morris, Kathy, and Jill Eckert. *Ask the Career Counselors: Answers for Lawyers on Their Lives and Life’s Work*. Chicago: American Bar Association, 2003. 102p. Paper, \$29.95.

Reviewed by Timothy C. Von Dulm

¶41 Judging from the amount of literature generated on the subject over the last several years,¹³ the angst, insecurities, and career-related dissatisfactions associated with law students and attorneys have kept career counselors exceptionally busy. Career counseling for lawyers has become a cottage industry for a number of publishers and professional organizations. *Ask the Career Counselors* falls squarely into this genre. Collectively working in the field for more than a decade, authors Kathy Morris and Jill Eckert have amassed significant practical experience counseling and working directly with attorneys and law students about the fundamentals of job searching in today’s legal marketplace.

¶42 *Ask the Career Counselors* serves as both a reference source and a workbook. The book itself is divided into six primary sections that relate to some aspect

11. STEVEN M. MAPLE, *THE COMPLETE IDIOT’S GUIDE TO WILLS AND ESTATES* (1997).

12. *Editor’s Note*: The address given in the book is www.smaple.com. According to the publisher, updates will in fact be posted at www.stevemaple.com. As of February 4, 2004, the site was “under construction.”

13. *See, e.g.*, CHRISTEN CIVILETTO CAREY, *FULL DISCLOSURE: THE NEW LAWYER’S MUST-READ CAREER GUIDE* (2d ed. 2001); HINDI GREENBERG, *THE LAWYER’S CAREER CHANGE HANDBOOK: MORE THAN 300 THINGS YOU CAN DO WITH A LAW DEGREE* (1998); HEIDI McNEIL STAUDENMAIER, *CHANGING JOBS: A HANDBOOK FOR LAWYERS IN THE NEW MILLENNIUM* (3d ed. 1999); GARY A. MUNNEKE, *THE LEGAL CAREER GUIDE: FROM LAW STUDENT TO LAWYER* (4th ed. 2002); GARY A. MUNNEKE ET AL., *NONLEGAL CAREERS FOR LAWYERS* (4th ed. 2003).

of legal careers or the job-searching process, such as identification of career paths, crafting resumes and cover letters, and mastering interviews. Organizationally, each of these primary sections follows a similar format. First, a series of excerpts and quotations are presented to the reader, summarizing many of the major ideas and themes contained within the section. For example, the section titled "Contemplating Your Career" contains the following quotations: "Be your own career advocate," "Commit yourself to making sound career decisions," and "In a profession where time is a commodity, it's worth the time to contemplate your career" (p.1). Next, a series of essays, on average seven per section, are presented in a question-and-answer format to highlight many of the major issues, concerns, or problems typically associated with the section's topic. Last, a series of exercises are provided to reinforce the major concepts of the section and to equip the user with the tools necessary to conduct a meaningful self-analysis. Unfortunately, this organizational scheme is not supplemented by an index, an oversight that impedes access to the work.

¶43 The advice and suggestions provided in *Ask the Career Counselors* tend to be straightforward and practical, and the tone of the work is decidedly positive. The optimism permeating the work serves several distinct purposes: it reassures job seekers and career changers that they are not alone, it assuages some of the anxiety or depression they are likely to experience in this traditionally stressful situation, and it reminds them that they can find meaningful and fulfilling positions with the proper amount of self-analysis and directed efforts.

¶44 Given the scope and intended audience of the work, *Ask the Career Counselors* is a natural addition to any academic, law school, or career center library. Although designed to be a self-directed guide and workbook, the utility of many of the suggestions and exercises presented in *Ask the Career Counselors* would certainly be enhanced by having a professional counselor interpret and tailor the materials to meet the individual needs of the job seeker. Nevertheless, for students and practitioners seeking specific, concrete, and straightforward advice concerning job searching and career strategies without the oversight of an intermediary, *Ask the Career Counselors* accomplishes its objectives.

O'Connor, Sandra Day, and Craig Joyce. *The Majesty of the Law: Reflections of a Supreme Court Justice*. New York: Random House, 2003. 330p. Cloth, \$25.95. Paper, \$14.95.

Reviewed by James B. Senter

¶45 Last year in *The Lazy B*,¹⁴ United States Supreme Court Justice Sandra Day O'Connor treated us to an affectionate look back at her early years growing up on a cattle ranch near the Arizona-New Mexico border. In *The Majesty of the Law*, Justice O'Connor now takes us with her to the lofty heights of the highest court in

14. SANDRA DAY O'CONNOR & H. ALAN DAY, *LAZY B: GROWING UP ON A CATTLE RANCH IN THE AMERICAN SOUTHWEST* (2002).

the land. This is a wonderful book, full of history and humor, presented in a voice that seems at once regal and down-to-earth, if that is possible.

¶46 In the charmingly personal preface, Justice O'Connor relates her astonishment at being nominated and discusses the controversy it engendered, as well as the hoopla surrounding her investiture. I cannot resist quoting a poem written about Justice Potter Stewart, whose retirement created the opportunity for President Reagan to nominate O'Connor, that she includes in the preface:

A toast to Potter Stewart,
His chivalry can't be beat;
The first Supreme Court Justice
To give a lady his seat.

By following this poem with the comment, "I am still amazed that I am that lady" (p.xv), O'Connor reveals from the outset the matter-of-fact humility that infuses the whole book.

¶47 *The Majesty of the Law* proceeds with a glimpse behind the imposing doors of the Supreme Court, an attempt to quench somewhat the public's desire to see how the Justices do their work. If you are looking for juicy gossip about the internal politics of the current Court, you will, of course, be disappointed, but O'Connor does share some of the flavor of daily life on the Court.

¶48 In subsequent chapters, we benefit from O'Connor's scholarship and insight into the history of the Constitution and Bill of Rights, the Judiciary Act of 1789, the battles over habeas corpus during and following the Civil War, and the expanding and contracting Court—it started with six Justices, then fluctuated between five and ten, before finally settling on nine in 1869. This section is full of remarkable stories about the historical Court, especially during the birth pangs of our nation's judiciary system, and it includes cogent explanations of judicial review, the process of judicial impeachment, and the structure of the judicial system. At a time when half of all Americans surveyed by the American Bar Association do not know that there are three branches of government (p.38), her occasional lapses into pedagogy are completely justified.

¶49 In the next section, O'Connor briefly profiles some of the Court's leading lights of the last century, including Oliver Wendell Holmes, William Howard Taft, Charles Evans Hughes, Thurgood Marshall, Warren Burger, and Lewis Powell, Jr. Her tributes to Marshall and Powell are especially tender and show us a great deal about how much these men influenced her personally and professionally. She spends a good four chapters giving her insights into the history and dramatically changing role of women and the law. When she describes the astonishing progress achieved in the last few decades, she can point to her own career trajectory for illustration: "[A]t my graduation near the top of the class at Stanford Law School in 1952, the only position I was offered at a national law firm was that of legal secretary" (p.158). Less than thirty years later, she was seated as an associate justice of the Supreme Court.

¶50 In the remaining pages of *Majesty*, O'Connor offers some thoughtful and daring recommendations for jury reform and legal professionalism, takes a brave look at the changing face of jurisprudence in light of our increasingly interdependent global community, and explores the role of the United States as a model and advisor to fledgling democracies eager to enshrine the rule of law. The book ends with a brief look into the crystal ball to predict the Supreme Court's possible role during the next hundred years.

¶51 Much of the content is culled from material previously published in law reviews or from speeches O'Connor has given over the last few years, but the material is very well integrated. *The Majesty of the Law* is aimed at the general reader and would certainly be a valuable addition to any public, academic, prison, court, or law firm law library collection. I would also recommend the book to anyone who, like me, slept through civics class and wonders what was missed.

¶52 This is a thoroughly enjoyable read, and I dare you to try to get through a chapter or two without giving in to the impulse to share some little gem of history or wit. The index is superb, the book is printed on acid-free paper, and the font is easy on the eyes. Best of all, the prose is a friendly mix of plain talk and history, laced with humor and a touch of vinegar—just what you would expect from this self-described cowgirl who became arguably the most powerful woman in America.

Samuel, Geoffrey. *Epistemology and Method in Law*. Aldershot, England; Burlington, Vt.: Ashgate, 2003. \$99.95.

Reviewed by Judith Kaul

¶53 You may ask what exactly is a legal epistemology? According to Geoffrey Samuel, professor of law at Kent Law School in the United Kingdom and a recognized authority in the area of epistemological issues,¹⁵ English philosophy treats legal epistemology as a "theoretical study of legal science" (p.11). In actuality, it is somewhat more complicated as a theory of knowledge, because in some continental languages, particularly in France, "[epistemology] has gradually become separated from philosophy, and from the general theory of knowledge. It has come to mean a reflection on science in the same way that aesthetics has become a reflection on art. . ." (p.11). In the United States, we are most familiar with discussions of legal epistemology in the writings of feminist jurisprudence, critical legal studies, and the literature discussing logic in law and legal reasoning. In Europe, the most familiar sources of legal epistemology literature are in the comparative law discussion which was an enlightening fact for this reader.

¶54 Those familiar with the Anglo-American legal system may not think of an epistemological enquiry as particularly practical in nature, but it becomes so when seen in the light of comparative law. Comparative law assumes great importance

15. Samuel regularly contributes to the *Journal of the Semiotics of Law* and is the author of GEOFFREY SAMUEL, *THE FOUNDATIONS OF LEGAL REASONING* (1994).

in the European Union (EU) among countries trying to interpret their legal systems to each other for practical purposes. Although Samuel does not characterize it in this manner, epistemological schemes serve much the same purposes as edge switches in a network. Understanding the epistemological underpinnings of a system permits interpretation to another system.

¶55 Samuel is from an EU country, but one whose tradition is also a common law system. Another aim of his enquiry is to find a place for case law and facts that can be interpreted to the continental epistemologies that are based strictly on rule-based propositions. You can imagine why this would be important between a rule-based civil system and a common law system. “Does not judicial discretion undermine the certainty, if not the rule, of law?” (p.71). This reader is not qualified to determine if the author achieved his goal. Though this is not written as a reference work, Samuel’s attempt to outline what we do know about legal knowledge and its history, taxonomies, and methodologies in law does have reference value.

¶56 Although *Epistemology and Method in Law* cannot be viewed as a typical reference work, its organization is thorough. For example, chapter 1 provides an in-depth survey of the history of legal science from Roman law, the Humanists, natural law, the Positivists, American realism, the “New Hermeneutics,” and comparative law. Samuel skillfully presents legal methodologies as stages in the development of legal science. His analysis of the relationship between facts and law begins with a discussion of the inductive reasoning of Roman law and continues with an explication of the stages of deductive logic represented by the codification. Many viewpoints are covered, including those of the judiciary, legislators, and various other professionals.

¶57 Samuel acknowledges the significant role of taxonomy in epistemological schemes in a manner in which law librarians can identify. “Knowledge is inconceivable without organization and organization is inconceivable without classification” (p.217). The work is very systematically arranged to support its investigation. The bibliography and notes seem well rounded. However, the indexing does not evidence this wealth of material, another indication that this is not meant to be perceived as a reference work. A word of caution: do not approach this work without a good philosophical dictionary or encyclopedia unless you are well versed in this literature. Although there is much useful information for a novice, its intended audience is clearly experienced specialists.

¶58 *Epistemology and Method in Law* is essential for a collection that tracks the trends and changes in law and philosophy, epistemology in law, and artificial intelligence. This work is part of the publisher’s Applied Legal Philosophy series, no doubt because of the importance of epistemology on the development of artificial intelligence in law. It may be a useful resource for academics, members of the judiciary, legislators, and practitioners interested in theoretical issues of predictability and certainty.

Stanley, Jacqueline D. *Unmarried Parents' Rights*. 2d ed. Naperville, Ill.: Sphinx Pub., 2003. 256p. Paper, \$19.95.

Reviewed by Johanna N. Icasiano

¶59 Now here is a book that clients will put to good use! *Unmarried Parents' Rights* is a practical how-to guide for those whose children are born out of wedlock. This book is designed to help unmarried parents understand their legal rights relative to their children and serves as a guide to help readers determine whether they should represent themselves or be represented by a lawyer. Jacqueline D. Stanley did not write *Unmarried Parents' Rights* for divorced parents, but several of the legal concepts, such as child custody, visitation, and support may also apply to divorced parents.

¶60 In *Unmarried Parents' Rights*, Stanley states what the law is and how it works. She does not venture into what the law should be. There are ten chapters in all, covering matters such as the legal system and unmarried parents, court procedures and hearings, paternity, and termination of parental rights. The easy-to-read chapters consist of short descriptions of pertinent areas of the law and the legal system. Practical tips, located inside a black box calling attention to something of particular significance in that chapter, are found every few pages. An index provides quick access into all of the chapters, and a glossary listing legal terminology and terms germane to parental rights is included.

¶61 Three extensive appendixes follow the glossary. The first, "State Law Information," guides the reader in the preparation of legal forms, and lists the governing law, case styles, designations of parties, custody factors, child support factors, and grounds for termination of parental rights in each of the fifty states and the District of Columbia. It is an excellent snapshot. The second, "Sample Forms," provides copies of typical forms used in most jurisdictions. The forms included are filled in with fictitious information, an enhancement that is very helpful for determining where particular information should be listed. The third appendix, "Resources," lists numerous Web sites that provide general parental information, as well as the addresses and Web sites of organizations and genetic testing laboratories. It concludes with the addresses and Web sites of state-specific resources for all fifty states and the District of Columbia.

¶62 *Unmarried Parents' Rights* is truly a self-help legal guide, written for the layperson. It distills loads of legal jargon and procedures into digestible portions. The readable explanation of what is or will be taking place is valuable for an understanding of the legal process. This is not an academic or reference source. This book would be extremely useful in all public library collections, since it is an excellent guide for parents who choose to work with the legal system themselves. *Unmarried Parents' Rights* very effectively gives unmarried parents a working vocabulary and familiarity with the legal system.