

# Keeping Up with New Legal Titles\*

Compiled by Amy Atchison\*\* and Laura Cadra\*\*\*

## Contents

<i>Great Personal Statements for Law School</i> . . . . .	135
<i>Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security</i> . . . . .	136
<i>When Courts and Congress Collide</i> . . . . .	137
<i>Who Controls the Internet? Illusions of a Borderless World</i> . . . . .	139
<i>The Politics of Precedent on the U.S. Supreme Court</i> . . . . .	140
<i>Motion Practice and Persuasion</i> . . . . .	141
<i>Lifting the Fog of Legalese</i> . . . . .	142
<i>The Cybersleuth's Guide to the Internet: Conducting Effective Investigative &amp; Legal Research on the Web</i> . . . . .	143
<i>The Destruction of Young Lawyers: Beyond One-L</i> . . . . .	145
<i>Readings in Law and Popular Culture</i> . . . . .	147
<i>Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court</i> . . . . .	148

## List of Contributors

A. Hays Butler Associate Professor and Librarian Rutgers Law Library–Camden Rutgers University School of Law Camden, New Jersey <i>Terrorism and the Constitution</i> . . . . .	136
--	-----

---

\* © Amy Atchison and Laura Cadra, 2007. The books reviewed in this issue were published in 2006. If you would like to review books for "Keeping Up with New Legal Titles," please send an e-mail to [atchison@law.ucla.edu](mailto:atchison@law.ucla.edu) or [laura.cadra@lls.edu](mailto:laura.cadra@lls.edu). We would like to thank Catherine Halvorsen, Law Librarian and Consultant for the Halvorsen Group, Scottsdale, Arizona, for her editorial advice and assistance with this issue.

\*\* Senior Reference & Williams Institute Librarian, Hugh & Hazel Darling Law Library, UCLA School of Law, Los Angeles, California.

\*\*\* Reference/Foreign & International Law Librarian, William M. Rains Law Library, Loyola Law School, Los Angeles, California.

Brendan A. Durrett  
 Reference Librarian  
 Bingham McCutchen  
 Los Angeles, California  
*Readings in Law and Popular Culture* . . . . . 147

Sarah K. Hagan  
 Reference Librarian  
 Liberty Mutual Insurance Company  
 Boston, Massachusetts  
*Great Personal Statements for Law School* . . . . . 135

James W. Hart  
 Head of Research and Instruction  
 Robert S. Marx Law Library  
 University of Cincinnati College of Law  
 Cincinnati, Ohio  
*When Courts and Congress Collide: The Struggle for Control  
 of America's Judicial System* . . . . . 137

Jennifer Lentz  
 Reference Librarian & Head of Collection Development  
 Hugh & Hazel Darling Law Library  
 UCLA School of Law  
 Los Angeles, California  
*The Destruction of Young Lawyers: Beyond One-L* . . . . . 145

Erin Murphy  
 Reference Librarian  
 UC Davis School of Law  
 Davis, California  
*Lifting the Fog of Legalese: Essays on Plain Language* . . . . . 142

Mary Rice  
 Law Librarian  
 Charles County Public Law Library  
 La Plata, Maryland  
*Sorcerers' Apprentices: 100 Years of Law Clerks  
 at the United States Supreme Court* . . . . . 148

Lisa A. Schultz  
 Reference Librarian  
 William M. Rains Library  
 Loyola Law School  
 Los Angeles, California  
*The Politics of Precedent on the U.S. Supreme Court* . . . . . 140

- Laurie Selwyn  
Law Librarian (Retired)  
Grayson County Law Library  
Sherman, Texas  
*The Cybersleuth's Guide to the Internet: Conducting  
Effective Investigative & Legal Research on the Web* . . . . . 143
- Dawn L. Smith  
Public Services Librarian/Online Systems Coordinator  
William M. Rains Library  
Loyola Law School  
Los Angeles, California  
*Who Controls the Internet? Illusions of a Borderless World* . . . . . 139
- Annmarie Zell  
Reference Librarian  
New York University School of Law Library  
New York, New York  
*Motion Practice and Persuasion* . . . . . 141

Bodine, Paul. *Great Personal Statements for Law School*. New York: McGraw Hill, 2006. 147p. Paper, \$11.95.

*Reviewed by Sarah K. Hagan*

¶1 Author Paul Bodine packs every page of his slim volume, *Great Personal Statements for Law School*, with useful information garnered from his experience as the senior editor at Accepted.com (www.accepted.com), one of the oldest and most successful online admissions consulting services whose clients have been admitted to elite law schools. Unlike other books on the market that simply give examples of “winning essays” or general overviews of the law school experience, *Great Personal Statements for Law School* is a bird’s eye perspective of the law school admissions process that narrows its focus to the crafting of personal statements.

¶2 After beginning with a description of the admissions process and the readers of the entrance essays, the book turns to explaining how to write essays that are as effective as in-person interviews. Particularly impressive are the exercises Bodine provides that teach applicants to create a marketing handle for themselves that genuinely expresses their experiences and is not a prefab template.

¶3 While its focus is the personal statement, *Great Personal Statements for Law School* also discusses letters of recommendation, secondary essays that are required by some schools, and wait list and thank you letters. The section on letters of recommendation provides valuable guidance on selecting the best candidates to write a recommendation, asking for a letter, and formulating recommendation topics that the mentors can use as a guideline so that their letters will dovetail with and support the themes of the applicant’s essay.

¶4 The layout is user friendly with plenty of white space on the page. Its lack of an index is not detrimental because the table of contents, with its topics and subtopics, provides plenty of access points. A particularly helpful convention is the use of descending font sizes for topic headings. The largest font is used for chapter headings, a smaller font for topic headings, and a still smaller one for subtopic headings. This helpfully links the body of the tome to the table of contents in a direct and clear manner. Nearly sixty pages are devoted to sample documents, including outlines, finished statements, letters of recommendation, and wait list letters. The concise, useful bibliography contains recommendations for further reading on the topics of admissions, essay writing, information on law schools, and résumé writing.

¶5 Topics in *Great Personal Statements for Law School* are not time-sensitive, so revised editions are not likely, which may make this title even more attractive for library collections. It is recommended for any public, academic, or firm library that has law school applicants in its population.

Cole, David, and James X. Dempsey. *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*. 3rd ed. New York: New Press. 302p. Paper, \$15.95.

*Reviewed by A. Hays Butler*

¶6 *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security* provides a sobering account of the United States government's systematic inroads in our civil liberties both pre- and post-9/11 and a searching examination into whether these intrusions were necessary. In fifteen succinct chapters, authors David Cole, a professor at Georgetown University Law Center, and James X. Dempsey, executive director for the Center of Democracy and Technology, give excellent accounts of numerous investigations conducted by the FBI since the 1960s that have interfered with civil liberties and illustrate the bureau's long tradition of monitoring political activities in addition to conducting its criminal investigations. Cole and Dempsey question the efficacy of the government's practice of political monitoring as a means of protecting the country's security and eloquently argue against it.

¶7 A central theme in *Terrorism and the Constitution* is that much of the information generated by political monitoring is unreliable and intrudes on due process, privacy, and protected political activity. Chapter 2, for example, is devoted to the notorious FBI investigation into the Committee in Solidarity with the People of El Salvador (CISPES), a U.S.-based organization composed mostly of students. Ordered by the Justice Department to determine whether CISPES was the "agent of a foreign power" (p.25), the FBI for a number of years conducted surveillance of this organization, taking thousands of photographs, monitoring rallies on college campuses, spying on church groups, and rummaging through trash. Eventually, the FBI admitted that the CISPES investigation had been overly broad, interfered with constitutionally protected activities, and wasted resources.

¶8 According to *Terrorism and the Constitution*, such investigations happen frequently, and in responding to acts of terrorism, Congress often has made problems worse. The authors note in chapter 9 that after the Oklahoma City bombing in the 1990s, Congress passed the Antiterrorism Act of 1996,<sup>1</sup> which:

made it a crime for citizens and non-citizens to provide any material support to the lawful political or humanitarian activities of any foreign group designated by the secretary of state as “terrorist.” . . . People can be punished, the Act says, not for crimes they commit or abet, but for supporting wholly lawful acts of disfavored groups (p.136).

The PATRIOT Act<sup>2</sup> receives similar analysis in chapter 13.

¶9 *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*’s arguments and analysis will appeal to a variety of audiences. Law students will find the discussion of basic constitutional rights implicated by investigations of terrorism helpful in constitutional law classes. It will also appeal to nonlawyers who are concerned about how FBI investigations into terrorist acts, particularly since 9/11, impact constitutional rights.

Geyh, Charles Gardner. *When Courts and Congress Collide: The Struggle for Control of America’s Judicial System*. Ann Arbor, Mich.: University of Michigan Press, 2006. 332p. \$29.95.

*Reviewed by James W. Hart*

¶10 *When Courts and Congress Collide: The Struggle for Control of America’s Judicial System* describes the development of certain informal norms that restrain Congress from using its power over court jurisdiction, judges’ salaries, tenure, and impeachment to control judicial decision making. In spite of public complaints by its members about judicial decisions concerning abortion, intelligent design, affirmative action, flag burning, end of life, etc., Congress has not recently made any serious attempts to impeach a judge or remove jurisdiction over these issues from any federal court.

¶11 Author Charles Gardner Geyh, law professor at Indiana University at Bloomington, finds that political science scholars divide into two general camps: attitudinalists and neoinstitutionalists. The attitudinalists hold that the primary determinant of judicial decision making is political affiliation. A corollary is that “judicial independence undermines, rather than promotes, the rule of law, by enabling judges to flout the law and implement their political predilections without fear of reprisal” (p.15). Neoinstitutionalists, on the other hand, believe that all of a judge’s social and cultural connections influence his or her decision making.

¶12 *When Courts and Congress Collide* analyzes Congress’s use of certain tactics to control the federal judiciary, relying on historical events as evidence and context for its conclusions. However, this is not primarily a work of history.

---

1. Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996).  
2. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (2001).

Rather, Geyh's primary concern is with how the separation of powers between these two branches of government works in reality.

¶13 Geyh analyzes such topics as Congress's sparing use of the impeachment process to remove judges—he notes that only seven judges have been removed by impeachment—and the practice of increasing or decreasing the size of the judiciary in order to appoint or remove justices who are sympathetic or antagonistic to Congress's wishes. The latter is a practice used frequently throughout our history: Jefferson used it to decrease the number of partisan Federalist judges, Lincoln used it to increase the number of Supreme Court justices sympathetic to his cause, and Roosevelt used its threat to gain the Supreme Court's approval for his economic programs.

¶14 The appointments process is also examined. Geyh notes that the rejection of judicial nominees on the basis of ideology has become increasingly popular as other methods of congressional control over the judiciary have fallen out of favor. He reminds readers that it was Reagan's nomination of Robert Bork to the Supreme Court in 1987 that ushered in the use of the appointments process as one of the main weapons in today's culture wars.

¶15 At the same time, Geyh points out that the courts have used both carrots and sticks in responding to Congress's attempts to control the judiciary. For instance, he notes that historically the courts have developed a number of methods to restrain themselves from provoking Congress's wrath, such as deferring to state courts (federalism), deferring to the political branches (political questions), avoiding questions of constitutional construction in deciding cases, and so on. Recently, however, the Supreme Court has begun to use judicial review more assertively in three areas: "authority to regulate commerce, implement the Fourteenth Amendment, and promote state compliance with federal law" (p.243).

¶16 Although Geyh does not say so, to this reviewer he seems to be a neoconstitutionalist. He believes that the actions of one branch have historically provoked reactions in the other and that restraint has resulted in comity between them. He notes that Congress, however, has significantly more power over the courts than do the courts over it, and could thus have exerted even more control over the courts within the limits of the Constitution than it actually has. He believes this is because Congress has generally respected the value of judicial independence. Geyh calls this relationship a dynamic equilibrium but leaves unanswered what effect the current culture wars will have on this equilibrium.

¶17 So who should read *When Courts and Congress Collide: The Struggle for Control of America's Judicial System*? I recommend it to serious readers (like librarians) who are interested in judicial independence and the separation of powers. Those who have a particular interest in the morning after pill, abortion, the separation of church and state, the teaching of evolution, and similar topics will find that it gives them analytical tools and historical perspective on today's events. Scholars should read it because it presents a new perspective; it looks at judicial independence from the point of view of Congress.

Goldsmith, Jack L., and Tim Wu. *Who Controls the Internet? Illusions of a Borderless World*. New York: Oxford University Press, 2006. 226p. \$28.

*Reviewed by Dawn L. Smith*

¶18 Twenty-five years old, fresh-faced, right out of library school, and in my very first professional library position, I guess you might say that I am defiantly a card-carrying member of the Internet user generation. I first ventured into the World Wide Web in the mid-1990s after begging my father to let me use his credit card so that we could install AOL on our home computer. It was a maddening love affair from that point on, and as I have grown into adulthood so has the Internet. Before reading *Who Controls the Internet?* I was of the opinion that the United States government was the only major player in the race to control access to and content on the Internet. However, after reading this very well-written book, I must confess to feeling like an Internet novice all over again. And apparently I'm not the only one, because when people around campus saw that I was carrying around a book with the title *Who Controls the Internet?*, faculty and students alike would immediately provide answers such as Microsoft or the government, as well as the rare but surprising answer, "No one."

¶19 In this book, authors Jack Goldsmith, professor of law at Harvard Law School, and Tim Wu, professor of law at Columbia Law School, weave together an interesting historical account of the Internet's many clashes with the U.S. government in the 1990s and its many subsequent conflicts with governments around the world. In the early days of the Internet, many users were idealistic in their views of what could be achieved with this technology. The overwhelming consensus was that the Internet would take on a new form of "globalization that would erode the authority and relevance of national governments," thereby "freeing us forever from the tyranny of territorial rule" (p.vii). According to the authors, this same feeling was felt by the creators and users of previous forms of communication technology from the telegraph to television. However, they argue that no matter how revolutionary and global communication technology is, the relevance of geography and governmental coercion will forever remain inescapable.

¶20 *Who Controls the Internet?* is easy to read. It has a fairly large-sized font and it includes numerous illustrations as well as photographs of many of the major players in the Internet community. It allows readers to get a good understanding of who did what and what their impact was.

¶21 Chapter 1 sets the tone by describing the groundbreaking international cyber law trial in 2000 that pitted the French government against the Internet giant Yahoo!<sup>3</sup> When Yahoo! refused to comply with a request to remove World War II Nazi paraphernalia from its auction Web pages, France filed suit. The landmark decision found that Yahoo! had "violated French Law by allowing Nazi goods to

---

3. Le Ligue Contre le Racisme et L'Antisemitisme (L.I.C.R.A.) et L'Union des Etudiants Juifs de France (U.E.J.F.) v. Yahoo! Inc. Et Societe Yahoo! France, Interim Court Order No. 00/05308, 00/05309, the County Court of Paris 6, May, 22, 2000.

appear for sale on web pages there” (p.8). The French court determined it had power over Yahoo! and its servers because the company had taken conscious steps to direct the prohibited Nazi auction pages into France via servers located in Switzerland and not California where Yahoo! was based. The authors explain Yahoo!’s reaction to the outcome of the trial and the impact it had on its dealings with other countries.

¶22 The remaining ten chapters are divided into three parts. Part 1, “The Internet Revolution,” looks at the history of the Internet in an effort to explain “why so many people believed that the Internet could transcend territorial law and render the nation-state obsolete” (p.10). These chapters discuss the major players in the development and control of things such as TCP/IP protocol, the foundation of the Internet as we know it today, and root authority whose major focus is the ownership of domain names. Part 2, “Government Strikes Back,” details the steps taken by the United States, China, and Europe to limit and filter access to sites deemed offensive or harmful to their citizens, from pornography and political censorship to file sharing and online poker. Part 3, “Vices, Virtues, the Future,” looks at the up and down sides of governmental control on the Internet, as well as the consequences of Internet borders and the role global laws will play in the future of the Internet. This book also includes a highly detailed notes section that, given the many different policies and international laws discussed, readers may find helpful when beginning to conduct their own research.

¶23 From the preface to the notes, *Who Controls the Internet?* does its best to examine the brief history and infinite future of the Internet. Both Goldsmith and Wu are well-recognized legal scholars and each has written several titles about the politics of the Internet. Their weighing in together on this topic constitutes a major contribution to the literature about the Internet. While not suitable for every law library, *Who Controls the Internet? Illusions of a Borderless World* should be an excellent addition to academic law libraries as well as other academic, firm, or large county libraries with collections that emphasize cyber law, intellectual property, digital copyright, and international law.

Hansford, Thomas G., and James F. Spriggs II. *The Politics of Precedent on the U.S. Supreme Court*. Princeton, N.J.: Princeton University Press, 2006. 155p. \$29.95.

*Reviewed by Lisa A. Schultz*

¶24 In *The Politics of Precedent on the U.S. Supreme Court*, authors Thomas Hansford and James Spriggs take an in-depth look at how the Supreme Court interprets precedent. They begin by discussing the two possible forms of legal interpretation of precedent. They reason that the Court can either “interpret a precedent positively by relying on it as legal authority, broadening its reach or at least reiterating its continuing legal relevance,” or the Court can “negatively interpret a precedent by restricting or perhaps eliminating its reach” (p.16).

¶25 This discussion leads to the question that forms the basis of their research: “Why and when does the U.S. Supreme Court interpret its precedents positively or negatively?” (p.8). In chapter 2, they discuss whether the interpretation of precedent is driven by “the desire to influence the scope and meaning of existing precedent” or “the goal of legitimizing new legal policy” (p.39).

¶26 Chapter 4 focuses on the interactions of “precedent vitality” and judicial ideology. Precedent vitality is used by the authors to describe how legally authoritative a precedent is at any given time. They hypothesize that the Supreme Court will “positively treat precedents that closely reflect the Court’s preferences and will negatively treat precedents that are ideologically incongruent” (p.57). However, they also argue that precedent vitality changes the effects of ideological incongruence.

¶27 Chapter 5 looks specifically at instances in which the Court has actually overturned precedents to determine if the Court is driven by the same set of factors as they are when they are merely interpreting precedent. Chapter 6 attempts to explain “how the Court interprets precedents positively or negatively in a given case” (p.107). Finally, in Chapter 7, the authors look at lower federal court responses to the Supreme Court’s interpretation of precedents.

¶28 The analysis in this book comes from a political science viewpoint. Both authors are political science professors and have written *The Politics of Precedent on the U.S. Supreme Court* with their colleagues in this discipline in mind. Consequently, there are many parts of the book that are not relevant to lawyers or even to most law students, including most of chapter 3, which focuses on the wonders of *Shepard’s Citations*, or the introduction’s lengthy explanation of the history and necessity of *stare decisis*. *The Politics of Precedent on the U.S. Supreme Court* is better suited for a political science class rather than a legal audience, although the latter may, nonetheless, find the empirical evaluations of Supreme Court decisions interesting.

Jorgensen, L. Ronald. *Motion Practice and Persuasion*. Chicago: American Bar Association, 2006. 235p. Paper, \$65.

*Reviewed by Annmarie Jean Zell*

¶29 In the introduction to *Motion Practice and Procedure*, author L. Ronald Jorgensen explains that part of what influenced him to write this book were his experiences as a young attorney struggling with proper motion preparation. *Motion Practice and Procedure* is the book that he wishes was available to him as a new attorney twenty-five years ago. In it, Jorgensen teaches the principles of motion practice as gleaned from his long career as a litigator.

¶30 Jorgensen divides the principles of motion practice into two parts: factors that lawyers should keep in mind when drafting or opposing motions and “hurdles” that must be overcome in order for a motion to succeed. Chapter 1 introduces the reader to motions, explaining that a motion is essentially a request for a court

order, and reviews common types. Chapter 2 discusses factors relevant to drafting or opposing motions. Chapters 3 through 9 describe the five hurdles lawyers must successfully overcome for a motion to be granted: requesting the order, presenting the facts, arguing the law, preparing the motion and supporting documents, and delivering the motion. *Motion Practice and Persuasion* concludes with a number of sample motions that illustrate the principles presented in the prior chapters.

¶31 Included are a number of practical tips on how lawyers can avoid motion practice missteps. For example, attorneys are cautioned to use affidavits and declarations sparingly as they are susceptible to errors from miscommunication that may later be used to impeach witnesses. Attorneys are also encouraged to rely on their own good judgment when drafting or opposing motions and to dispense with the use of legal clichés.

¶32 Targeted to attorneys new to the practice of law, *Motion Practice and Persuasion* takes the tone of an older attorney sharing “war stories” and advice with a new associate. In evaluating this book, I asked: Would this have been helpful to me when I was a new attorney writing my first motions? Does it answer the kinds of questions that I had at that time? Do its principles of motion practice comport with my own conclusions about how to write a successful motion? Because I answered “yes” to each question, I must recommend this book. Academic law libraries and law firm libraries should consider adding this title to their collections, as it is appropriate for both law students and new associates. More seasoned attorneys with an interest in motion practice and experienced litigators may benefit from the principles it presents as well.

Kimble, Joseph. *Lifting the Fog of Legalese: Essays on Plain Language*. Durham, N.C.: Carolina Academic Press, 2006. 199p. \$23.

*Reviewed by Erin Murphy*

¶33 *Lifting the Fog of Legalese: Essays on Plain Language* is a collection of Joseph Kimble’s previously published essays on legal writing. A longtime advocate for the use of plain language in legal writing, Kimble teaches research and writing at the Thomas M. Cooley Law School, is editor of *The Scribes Journal of Legal Writing*, and serves as drafting consultant to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. His original essays, slightly revised and updated for *Lifting the Fog of Legalese*, were written over a period of fifteen years.

¶34 As with most compilations, *Lifting the Fog of Legalese* need not be read from start to finish in order to find the book useful. In fact, in the preface, Professor Kimble states, “I wanted each essay . . . to remain more or less intact and self-contained, so you could dip into it without having read some other part of the book” (p.ix). Thus, several essays raise similar points but this does not detract from the book’s overall usefulness. The first part of *Lifting the Fog of Legalese* uses real-world examples to illustrate poor legal writing. The second part provides practical

advice about and additional examples of good legal writing. Included are specific types of legal documents such as opinions, jury instructions, and statutes, with each presenting its own unique challenges to clarity.

¶35 *Lifting the Fog of Legalese* is not strictly a *how to* guide on legal writing. It also debunks many of the arguments in support of legalese (e.g., that plain English is not sufficiently precise). The last two chapters, however, do provide tangible suggestions on improving legal writing, including twelve basic rules (some of which advise ignoring *other* long-held rules on writing) and four lists of “plain words” that are offered as alternatives to more stodgy or complicated words and phrases.

¶36 Appendixes include a collection of quotations dating as far back as the sixteenth century by authors complaining about the state of legal writing and a list of recommended books and journals (many of which are quoted from in the essays). The acknowledgments list the journals in which each essay was originally published but oddly neglect to give basic citation information, such as volume, page, or year of publication.

¶37 *Lifting the Fog of Legalese* is an entertaining and stimulating read and will be a good addition to academic, county, court, and firm libraries—basically any setting where lawyers are producing documents. As Kimble remarks in the preface, “[r]eformers must be relentless” (p.ix).

Levitt, Carole A., and Mark E. Rosch. *The Cybersleuth’s Guide to the Internet: Conducting Effective Investigative & Legal Research on the Web*. 8th ed. Culver City, Calif.: Internet For Lawyers, 2006. 268p. Paper, \$59.95.

*Reviewed by Laurie Selwyn*

¶38 Formerly called *How to Use the Internet For Legal & Investigative Research: A Guide for Legal Professionals*,<sup>4</sup> this eighth edition has been retitled to better reflect its emphasis on investigative legal research. Coauthors and founders of Internet For Lawyers, the publisher of the book, Carole Levitt and Mark Rosch also have written *The Lawyer’s Guide to Fact Finding on the Internet*.<sup>5</sup> Levitt provides Internet training to librarians and legal professionals in addition to writing for numerous publications, including the *Los Angeles Lawyer*, *The Internet Lawyer*, *Research Advisor*, and LLRX, while Rosch has written for the *Los Angeles Lawyer*, *Los Angeles Daily Journal*, and *Law Office Computing*.

¶39 Concentrating on the basics, *The Cybersleuth’s Guide to the Internet* begins with an explanation of the Internet and a detailed discussion of browsers. Internet Explorer appears in all screen shots and the various parts of its browser are defined

---

4. CAROLE A. LEVITT & MARK E. ROSCH, *HOW TO USE THE INTERNET FOR LEGAL & INVESTIGATIVE RESEARCH: A GUIDE FOR LEGAL PROFESSIONALS* (7th ed. 2004).

5. CAROLE A. LEVITT & MARK E. ROSCH. *THE LAWYER’S GUIDE TO FACT-FINDING ON THE INTERNET* (3d ed. 2006).

and explained. Step-by-step instructions walk the reader through such basic tasks as printing, saving a Web page, and bookmarking a Web site. Other topics include a detailed description of Boolean searching and an explanation of the differences between a directory and a search engine. Several of the authors' favorite search engines, including Google ([www.google.com](http://www.google.com)), Yahoo! ([www.yahoo.com](http://www.yahoo.com)), and Vivisimo ([www.vivisimo.com](http://www.vivisimo.com)), are discussed, with Google receiving the most extensive discussion. Chapter 4 covers the visible and invisible Web, with mention of Google Cache, Yahoo! Cache, and the Way Back Machine ([www.archive.org](http://www.archive.org)) and specialized search engines. The use of such search services as Yahoo! Answers ([answers.yahoo.com](http://answers.yahoo.com)) and the Library of Congress's live chat service ([www.loc.gov/rr/askalib](http://www.loc.gov/rr/askalib)) are also discussed. While both Google Answers ([answers.google.com](http://answers.google.com)) and Yahoo! Answers are mentioned, nothing is said regarding the accuracy and authoritativeness of answers provided by either service.

¶40 Beginning with Chapter 5, *The Cybersleuth's Guide to the Internet* concentrates on "people" research and background investigation using public records. Emphasis is on free or low-cost Web sites, and each Web site discussion includes screen shots with detailed instructions. The distinction between public records, private records, sensitive information, and publicly available information is clear, and topics range from vital statistics and military records to places, photographs, real property, asset and business records, and occupational licenses.

¶41 Access to fee-based databases such as LexisNexis-owned Accurint ([www.accurint.com](http://www.accurint.com)) are discussed in chapter 7, while other commercial databases are included in the discussion of legal portals. Public libraries are mentioned as a potential resource for accessing subscription databases. Use of government Web sites at the local, state, and federal levels is also covered. One Web site missing from the chapter on searching for birth, death, marriage, and divorce records is Family Search Internet Genealogy ([www.familysearch.org](http://www.familysearch.org)) despite the fact that a Connecticut genealogy Web site is listed. Web sites that were unavailable or undergoing construction at the time of publication are also noted.

¶42 Chapters 8 through 10 move away from "people" research into legal research and again the concentration is on free and low-cost Internet portals and directories, including FindLaw ([www.findlaw.com](http://www.findlaw.com)), LexisOne ([www.lexisone.com](http://www.lexisone.com)), LLRX ([www.llrx.com](http://www.llrx.com)), and the WWW Virtual Library ([www.virtuallibrary.com](http://www.virtuallibrary.com)). These chapters also cover free and low-cost cite checking, case and statutory research, statistical information, practice area resources, and instructions for citing to Internet resources.

¶43 An excellent resource for beginning and intermediate Internet researchers wishing to perform cost-effective public records and investigative background research, the quality and thoroughness of *Cybersleuth's Guide to the Internet* is one step above *Best of the Internet*<sup>6</sup> and *The Essential Guide to the Best (and*

---

6. JOE KRAYNAK, *BEST OF THE INTERNET* (rev. ed. 2005).

Worst) *Legal Sites on the Web*<sup>7</sup> and one step below *The Lawyer's Guide to Fact-Finding on the Internet*.<sup>8</sup> While there is a little duplication between the four titles, all four complement each other and work well together to provide a range of Internet resources to legal and business professionals. The extremely basic *Best of the Internet* provides an average of one resource for each topic ranging from law, politics, and criminal justice to medicine, business, and literature, while *The Essential Guide to the Best (and Worst) Legal Sites on the Web* selects only the most frequently used Web sites from thirty legal practice areas. *The Lawyer's Guide to Fact-Finding on the Internet* provides much broader subject coverage of both legal and nonlegal Web sites, with topics ranging from acupuncture to weather, but it contains only seventy-eight pages on public records. Also, *The Lawyer's Guide to Fact-Finding on the Internet* assumes some familiarity with computers and Internet research and includes three pages on copyright, choice of browser, and a Web site credibility checklist.

¶44 *The Cybersleuth's Guide to the Internet's* detailed index completes the book, making it easily accessible by subject. However, cross-references, which appear throughout the text, are not found in the index. The outline style table of contents provides an equally accessible approach to the book. There is no bibliography. To date, this book has been updated annually in paperback format. Despite the fact that some of the screen shots are small and light, this well-organized title is easy to read with large font and margins. *The Cybersleuth's Guide to the Internet: Conducting Effective Investigative & Legal Research on the Web* is highly recommended for government, academic, law firm, and public law libraries.

Litowitz, Douglas E. *The Destruction of Young Lawyers: Beyond One-L*. Akron, Ohio: University of Akron Press, 2006. 163p. Paper, \$19.95.

*Reviewed by Jennifer Lentz*

¶45 It is no secret that the public image of lawyers in this country is at an all-time low. Corporate fraud, accounting scandals, and newspaper reports of huge attorney fee awards have plunged the public's perception of lawyers to new depths. Studies show that lawyers, in turn, have high rates of depression and substance abuse, and a significant percent are profoundly unhappy with their profession. "The end result," writes Douglas Litowitz, "is a double whammy—the public hates lawyers and lawyers hate themselves" (p.16).

¶46 In *The Destruction of Young Lawyers: Beyond One-L*, Litowitz, a corporate lawyer turned law professor, delivers a withering assessment of the legal profession, from society's failure to properly train law students to its tolerance of the questionable practices of large law firms. Saddled with staggering debt and faced

---

7. ROBERT J. AMBROGI, *THE ESSENTIAL GUIDE TO THE BEST (AND WORST) LEGAL SITES ON THE WEB* (2d ed. 2004).

8. LEVITT & ROSCH, *supra* note 5.

with an overcrowded profession, young lawyers begin their careers under such pressure that they “are *forced* by the system into being uncivilized, unprofessional, and nasty” (p.15).

¶47 For Litowitz, the problem begins with law school and the modern case method of instruction. He recounts the mind-numbing hours spent briefing cases, the fear of being publicly humiliated in class, and the imperious attitude of many law professors. Particularly disturbing is that, upon graduation, the majority of law students cannot pass the bar without taking a commercial review course, and many cannot perform even the most basic legal tasks. (I’m reminded of the call I received at the reference desk from the attorney who didn’t know what Shepardizing was—no joke.)

¶48 Then comes the bar exam, an ordeal Litowitz recalls with considerable bitterness. After he and his classmates had taken the bar, “nobody felt like partying. . . . There was nothing to celebrate. We felt violated and used” (p.58). Granted the bar exam is a stressful and expensive ordeal, but was it really that traumatic for a graduate of a top tier law school? Litowitz’s reaction to this routine rite of passage seems somewhat extreme.

¶49 Perhaps the most effective chapter is Litowitz’s description of his experience at a large law firm. The pressure to bill an ever-increasing amount of hours, the morally dubious tasks, the fear of exposure as a fraud, and lack of intellectual satisfaction all combine to form a truly miserable existence. Of course, Litowitz’s experience is a narrow one, applying to only a small percentage of lawyers in the country. Yet his point, that work in a large, prestigious law firm can be ultimately unfulfilling, if not unbearable, is well taken.

¶50 Of course, everyone knows students who thrived in law school and attorneys who genuinely enjoy their jobs. Many attorneys have happily sacrificed big firm salaries and prestige for a more balanced existence, yet Litowitz doesn’t spend much time acknowledging these different career paths. And although he attempts to offer solutions to what he sees as the problems in the legal profession today, including lack of lawyer training and the overriding emphasis law firms put on the bottom line, even he seems resigned to the fact that many of the problems are so deep-rooted there is little likelihood of change any time soon.

¶51 Overall, Litowitz’s book is a compelling read. The personal anecdotes, especially of his law firm job, are fascinating. Litowitz does a convincing job of exploring the multitude of factors that lead to lawyer dissatisfaction, a phenomenon occurring in all ranks of the profession. This book is recommended for anyone currently in or contemplating attending law school, and should be part of the academic law library collection.

Osborn, Guy, and Steve Greenfield. *Readings in Law and Popular Culture*. New York: Routledge, 2006. 328p. \$150.

*Reviewed by Brendan A. Durrett*

¶52 Whether the relationship between the law and popular media is seen as beneficial, insidious, or both, it is inescapable. On the one hand, the rock band Green Day hailed America as “one nation controlled by the media” in their hit song “American Idiot.”<sup>9</sup> On the other, the news media has brought countless injustices to the attention of our legislators. In turn, there are numerous laws governing the ownership and dissemination of popular culture. Into this dialogue comes *Readings in Law and Popular Culture*, part of the Routledge Studies in Law, Society and Popular Culture series.

¶53 *Readings in Law and Popular Culture* is a compilation of contextual essays by researchers that explore the relationship between law and popular culture. These essays shed light on this relationship by discussing such topics as football-based computer games, *Buffy the Vampire Slayer*,<sup>10</sup> digital sampling of music, the films of Sidney Lumet, and soccer hooliganism.

¶54 Editors Steve Greenfield and Guy Osborn are well qualified to put this volume together. Both are employed at the University of Westminster, United Kingdom, Greenfield as a senior academic and Osborn as a senior lecturer in law. They are the founding editors of the journal *Entertainment Law* and the aforementioned Routledge Studies in Law, Society and Popular Culture series. They are also editors for the *Entertainment and Sports Law Journal*.

¶55 *Readings in Law and Popular Culture* divides the essays topically into three broad sections: theory and academia; sport; and film, literature, and music. The essays are thoroughly footnoted with references to a wide variety of sources. The book also contains a brief index to the entire volume but no bibliography.

¶56 Although published in England and written by English authors, the essays in *Readings in Law and Popular Culture* are nonetheless relevant to an American audience. The chapter on the news media’s portrayal of soccer hooliganism and its effect on the development of laws attempting to contain this behavior relates mostly to England. However, American news media has likewise occasionally abetted calls for legislation responding to a real, or perceived, danger. Other chapters discuss the difficulties of establishing legal authorship of digitally produced, derivative works, a problem also dealt with by American courts and legislators.

¶57 In both tone and expense, this is not a popular work. Rather, it is primarily intended for an academic audience. The scholarly essays befit the editors’ stated purpose of serious study of the interrelationship between law and popular culture. *Readings in Law and Popular Culture* demonstrates that law and popular culture are intertwined and continually influence each other.

---

9. GREEN DAY, *American Idiot*, on AMERICAN IDIOT (Reprise 2004).

10. *Buffy the Vampire Slayer* (WB Television Network, 1997–2003).

¶58 The relationship between law and popular culture is both historical and growing as the flow of information becomes ever faster. The essays in *Readings* reminded this reviewer of how broadsheets and political cartoons helped fan the fires of the American Revolution and the struggles for emancipation and universal suffrage. I was further reminded of the many movies and television shows inspired by the legal milieu, from *To Kill a Mockingbird*<sup>11</sup> to *CSI: Crime Scene Investigation*.<sup>12</sup> By spurring my thoughts and presenting a wide array of issues arising from the interaction of law and popular culture, *Readings in Law and Popular Culture* achieves its editors' goal of adding weight to the argument that much may be learned about the law from research into its relationship with popular culture.

Ward, Artemus, and David L. Weiden. *Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court*. New York: New York University Press, 2006. 337p. Cloth, \$39.

*Reviewed by Mary Rice*

¶59 Having attended law school in the nation's capital and clerked for a state trial judge ages ago, I have always been interested in the rarefied world of the United States Supreme Court law clerk. More than ten years in the making, *Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court* is a work of exhaustive and meticulous scholarship and an absorbing read. The authors are well qualified to have undertaken this project. Artemus Ward is assistant professor of political science at Northern Illinois University and the author of *Deciding to Leave: The Politics of Retirement from the U.S. Supreme Court*.<sup>13</sup> David L. Weiden is assistant professor of politics and government and director of the Legal Studies Program at Illinois State University.

¶60 In preparation for writing this book, Ward and Weiden studied the papers of retired justices, books and articles by and about justices that discuss law clerks, and oral history projects devoted to Supreme Court law clerks. They also conducted their own written surveys of and interviews with former clerks about their duties and responsibilities, relationships with their justices, and perceived ability to sway the justices' opinions on cases. The authors quote extensively from the papers of retired justices, including letters and memos to clerks, other justices, and law professors who recommend students for clerkships. Also included are passages from articles in the scholarly and popular press. The justices' thoughts on current and prospective clerks are fascinating and revealing, as are the comments of former clerks on the justices.

¶61 The book traces the origins and history of law clerks at the U.S. Supreme Court from the first clerk hired in 1882 by Justice Horace Gray to the present-day

---

11. TO KILL A MOCKINGBIRD (Universal Pictures 1962).

12. CSI: Crime Scene Investigation (CBS Television 2006).

13. ARTEMUS WARD, DECIDING TO LEAVE: THE POLITICS OF RETIREMENT FROM THE U.S. SUPREME COURT (2003).

contingent of four clerks per justice. Approaching their subject from a historical and institutional perspective, the authors follow the evolution of clerks from secretaries to research assistants to “junior justices,” and finally the current incarnation, “sorcerers’ apprentices.” They demonstrate how the changes in the institution of the Supreme Court clerkship have altered the way that justices approach the work of the Court, most importantly in the review and disposition of petitions for certiorari and the drafting of opinions. Ward and Weiden’s research reveals that the average length of opinions has increased greatly over the years, as has the number and length of written dissents and concurrences. They attribute this phenomenon to the growth in the number of law clerks and the justices’ increasing reliance on their clerks for work that was formerly their province. They conclude that the clerks’ increased influence on the disposition of certiorari petitions and opinion writing has negatively impacted the Court and the legal profession as a whole.

¶62 U.S. Supreme Court law clerks are the cream of the crop from the top law schools in the country, but they are also generally young and lack practical experience. This combination often leads to excessive citing of precedent and fewer clear legal principles in opinions that are subsequently studied and analyzed for years by lower courts and attorneys across the land. Ward and Weiden argue that the justices and their law clerks need to redefine the duties of the clerks in order to limit the responsibility that the justices have increasingly delegated to the clerks over the years.

¶63 Interestingly, another book with a very similar focus on U.S. Supreme Court clerks was published within weeks of the publication of *Sorcerers’ Apprentices*. *Courtiers of the Marble Palace: The Rise and Influence of the Supreme Court Law Clerks*<sup>14</sup> by Todd C. Peppers began as a 2003 dissertation, which Ward and Weiden cite in a note to their preface. Peppers uses a principal-agent model to underpin his discussion, but the general approach and topics covered are quite similar to those presented in *Sorcerers’ Apprentices*, as are the bibliographical materials cited. The interested reader may wish to read both books for more extensive coverage of the subject.

¶64 *Sorcerers’ Apprentices: 100 Years of Law Clerks at the United States Supreme Court* is thoroughly researched and documented. The notes are interesting and informative, and the bibliography is extensive. The index is less satisfactory, mainly because it groups most of the entries on law clerks under two long, dense headings that are difficult to read. Also, given its level of scholarship, I was surprised to find the noun “principle” instead of the correct adjective “principal” (p.243), presumably the work of an inexperienced editor. But these are small quibbles about an otherwise excellent work.

---

14. TODD C. PEPPER, *COURTIERS OF THE MARBLE PALACE: THE RISE AND INFLUENCE OF THE SUPREME COURT LAW CLERKS* (2006).

¶65 *Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court* will be a worthwhile addition to most academic law libraries, as well as federal court libraries. Law firms with a substantial federal appellate practice will also benefit from its insights. In addition, and notwithstanding its scholarly origins, *Sorcerers' Apprentices* is a lively and engrossing read that should be enjoyed by anyone with an interest in the history and inner workings of the Supreme Court's most carefully guarded institution.