

## Keeping up with New Legal Titles\*

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

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Epstein, Lee. *The Supreme Court Compendium: Data, Decisions, and Developments*. 3d ed. Washington, D.C.: Congressional Quarterly Press, 2003. \$100.

*Reviewed by Susan Lyons*

¶1 As a child I exhibited a peculiar fondness for the *World Almanac*, surely an early indicator of my future career path. I reveled in each chart, graph, timeline, and table. Though my fascination with the odd assortment of facts and figures in general almanacs diminished over time, I was still pleased to open a copy of the

*Supreme Court Compendium* and find 780 pages full of tables and timelines related to the workings of the Court, its history, and the justices who served on it.

¶2 In the first two chapters, the book provides an institutional overview of the Court with tables that examine budgets, staffing, and caseload. Chapters 3 and 6 offer numerous tables that analyze the Court's voting patterns, including which justices would most likely be swing votes on various issues and which typically voted with other justices. Other tables measure the movement of the Court's ideological leanings over the years. Many of these analyze data compiled by Harold J. Spaeth, which is publicly available in electronic form.<sup>1</sup>

¶3 In chapters 4 and 5, the book gets biographical. Here you can find out where the justices grew up, which law schools they attended, who they married, and why they resigned from the Court. Interestingly, the chapters also disclose the net worth of the current justices. Anyone researching a biography of one of the justices would be delighted to discover the tables of bibliographies and published biographies about the justices, and the list of the libraries and archives where their personal papers are stored.

¶4 The final chapters examine how the Court is viewed by the public and its impact on selected social issues. Tables cumulate polling data on the public's views on many issues that have come before the Court, such as abortion, capital punishment, civil rights, and First Amendment issues. Other tables look at polls measuring public opinion on the fairness of the decisions rendered in connection with the 2000 presidential election and Franklin Roosevelt's attempts to expand the Court. There are even two tables that measure name recognition of the Supreme Court justices.

¶5 For this third edition, the tables have been updated through the 2001–02 term, and retrospective data has been added to the many tables derived from the aforementioned Spaeth databases so they now include data from the Vinson Court (1946–52). With its 176 tables, the *Supreme Court Compendium* includes something for everyone. Librarians will find it useful as a ready reference tool to find the answers to many questions. Faculty who teach courses on Supreme Court practice will appreciate the stockpile of data about the Court brought together in a single source. The book may also be helpful in settling the occasional bet. A selected bibliography and an excellent index are included.

Fenner, G. Michael. *The Hearsay Rule*. Durham, N.C.: Carolina Academic Press, 2003. 550p. Paper. \$60.

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1. PROGRAM FOR LAW AND JUDICIAL POLITICS, MICH. STATE UNIV., U.S. SUPREME COURT DATABASES, at <http://www.polisci.msu.edu/pljp/supremecourt.html> (last visited July 25, 2003); NAT'L ARCHIVE OF CRIMINAL JUSTICE DATA, STUDY NO. 6557, at <http://www.icpsr.umich.edu:8080/NACJD-STUDY/06557.xml> (date updated Apr. 26, 1999); NAT'L ARCHIVE OF CRIMINAL JUSTICE DATA, STUDY NO. 9422, at <http://www.icpsr.umich.edu:8080/NACJD-STUDY/09422.xml> (date updated Apr. 26, 1999); NAT'L ARCHIVE OF CRIMINAL JUSTICE DATA, UNITED STATES SUPREME COURT JUDICIAL DATABASE TERMS SERIES, at <http://www.icpsr.umich.edu:8080/NACJD-SERIES/00086.xml> (last visited July 25, 2003).

*Reviewed by Barbara Fritschel*

¶6 In my experience, it is rare for a law school text to be equally valuable to practitioners and judges. *The Hearsay Rule* is one of these rare books. Used as a text at a number of law schools, it is organized to provide both a ready reference and an in-depth treatment of the hearsay rule.

¶7 This book works because the author's approach is a practical one. He presumes that behind the hearsay rule there is evidence an attorney is trying to either admit or exclude. Unlike many other hearsay texts which treat each exception in isolation, G. Michael Fenner, a professor of law at Creighton University, demonstrates the relationships between the exclusions and exceptions, offering other ways evidence might be admitted. The book departs from traditional works on hearsay by offering eleven different approaches to defining hearsay. Fenner also argues for a distinction between definitional exclusions and hearsay exceptions, a distinction that should make a difference in the burden of proof.

¶8 The first part of the book is devoted to definitional exclusions. As Fenner suggests, if you can convince the judge that the evidence is not hearsay, there is no need to find an exception. Each exclusion or exception is broken down into its fundamental elements. Included is a brief discussion regarding the values around the exclusions or exceptions, focusing on the need for and the reliability of that type of statement. The use notes show how the elements have been interpreted by the courts and make connections to other exceptions or exclusions. Fenner further demonstrates that context is key and shows how the same testimony could be excludable hearsay in one case, defined as not hearsay in another, or fit into one of the exceptions in a third. The same hypotheticals are often used under a variety of exclusions or exceptions to show the interrelatedness between the hearsay provisions.

¶9 The book also offers ways to circumvent the hearsay rule, including the use of opinion evidence and the use of various rules of criminal and civil procedure as hearsay exceptions. State of mind evidence and multiple levels of hearsay, while mentioned throughout the book, are deemed perplexing enough to require separate chapters. The last chapter examines the issue of competence and notes that many supposed hearsay problems are really competency issues.

¶10 Fenner's focus is on the Federal Rules of Evidence, with only minor references to state rules. One limitation of *The Hearsay Rule* is that its paperback format precludes updating. This book is appropriate for any type of law library user, from law students first learning the rules to litigators and judges who might need inspiration on how to deal with a difficult piece of evidence.

Flowers, Ronald B. *To Defend the Constitution: Religion, Conscientious Objection, Naturalization, and the Supreme Court*. Lanham, Md.: Scarecrow Press, 2003. 519p. \$75.

*Reviewed by Jessica Wimer*

¶11 Many Americans pride themselves on being citizens of a country that claims to welcome all who wish to enter. Some may be surprised to learn just how many

individuals have been barred from entering entirely or have had their requests for citizenship denied. Even more surprising is the fact that being a pacifist can be one basis for the denial of citizenship. Ronald B. Flowers, a professor of religion at Texas Christian University, introduces four individuals who, denied citizenship for claiming to be conscientious objectors, ended up fighting to be naturalized before the U.S. Supreme Court. *To Defend the Constitution: Religion, Conscientious Objection, Naturalization and the Supreme Court* provides a history of conscientious objection and naturalization in the United States. Each chapter either describes an individual's quest for citizenship or explains the relevant background and legal developments that impacted immigration, conscientious objection, or both.

¶12 Flowers begins by providing a brief history of immigration and naturalization policies in the United States. After establishing a long pattern of restrictive policies, he discusses pacifism in relation to peace and war. He starts by outlining three approaches to peace and war. First, a crusade is defined as a conflict between good and evil—God's war—and consequently all conduct in war is unrestrained. Second, in a just war the state acts to protect its citizens from aggressors, and force may be used to preserve order. Finally, pacifists contend that there is no situation in which waging war is the appropriate response. Laws in the United States have exempted conscientious objectors in all major American wars, but this is not to say that pacifists are embraced by society (p.70). Furthermore, there is a wide gulf between citizens who claim to hold conscientious objector status and conscientious objectors who would like to be naturalized citizens.

¶13 After laying the historical groundwork, Flowers tells the story of four individuals: Rosika Schwimmer, Douglass Clyde Macintotsh, Marie Averil Bland, and James Louis Girouard. Each was denied citizenship for being a conscientious objector despite the fact that none was eligible for military service. All would have been precluded because of their age, and two would have been unable to serve because they were women during a time when women could not serve in the military. Each of these conscientious objectors had a different ethical basis for their beliefs, representing one of the following schools of thought: philosophical absolute pacifism, religiously informed absolute pacifism, selective conscientious objection, and conscientious cooperators.

¶14 Flowers' book is timely and will appeal to a large audience. Legal scholars will appreciate the extensive research upon which it is based and the legal analysis that is included. He sets forth the important statutory and case law relevant to each topic, and more than adequately supports his information and contentions with comprehensive notes ending each chapter. A complete bibliography of sources is also included. Flowers synthesizes a plethora of information and presents it in a clear and understandable manner with a straightforward writing style and consistent method of organization. By only focusing on key issues and personalities he reveals a great amount without overwhelming the reader. Flowers makes this information accessible through a well-organized table of contents that

directs the reader to relevant sections. He also includes subject, name, and case indexes as additional points of access. Most notable are the twenty-eight appendixes included at the end, which incorporate the full text of relevant material cited in the chapters.

¶15 While other resources individually discuss conscientious objection and naturalization, few integrate both topics in one source and provide such an extensive account of all the intricacies involved. *To Defend the Constitution* is a valuable contribution to an academic library's collection.

Joseph, Janice, et al. *With Justice for All: Minorities and Women in Criminal Justice*. Upper Saddle River, N.J.: Prentice Hall, 2003. 208p. Paper. \$42.

*Reviewed by A. Hays Butler*

¶16 A central theme of American history has been the struggle by women and minorities to achieve equality. *With Justice for All: Minorities and Women in Criminal Justice* illuminates the nature of this struggle in the context of the criminal justice system. The book contains a series of essays by different authors, who are generally professors in departments of criminal justice or criminology. These essays collect "snapshots" of various forms of discrimination faced by women and minorities in the criminal justice system. While the emphasis of most chapters is on women's issues, the struggles of minorities also receive a fair amount of attention.

¶17 One of the best sections of the book addresses issues related to violence and sexual harassment against women in the family, on campus, and in the workplace. These issues are challenging because the victims are often afraid to disclose the problem or seek help. Two chapters document in detail the serious violence against women occurring in Asian-American families and on campuses across the United States. The first chapter is particularly powerful in elucidating the characteristics of Asian-American families that discourage women from seeking help, such as a value system in Asian societies that tends to subordinate the individual to the family unit as a whole. Similarly, the fact that most campus violence against women occurs during dating can lead to severe difficulties in documenting the problem as well as finding solutions.

¶18 Another excellent chapter describes the development in recent years of a body of law on sexual harassment, showing how this constitutes an enormous advance in gender equality. The essay describes the emergence of quid pro quo and hostile environment causes of action (p.34–35). The Supreme Court has developed these causes of action to provide women with an effective legal remedy for sexual harassment claims. The final section of the volume on corrections is notable for its exploration of the social cost of certain criminal justice policies. For example, one of the chapters analyzes the effect of incarcerating women on their children. This separation of mothers and children can have profoundly destructive social consequences. The children of such women are at much higher risk for serious social problems, such as drug addiction and alcoholism. Another example of such social cost analysis is a chapter discussing in detail the severely negative effects that

incarcerating a huge number of African-American males for drug offenses has on their families.

¶19 The volume contains a number of valuable features that make it a good research tool. Most of the authors recommend a number of valuable strategies for dealing with the problems they address. For example, the chapter on domestic violence in Asian-American families discusses the great value of community organizations which offer information and counseling to women in families suffering from domestic violence, such as Muslims against Family Violence and the Asian Women's Self Help Association. This feature provides reference librarians with a good resource for women seeking information about organizations providing this kind of assistance. Two additional useful features in each chapter are a section providing recommendations for further research and a bibliography of resources providing further information in the area.

¶20 The book does suffer from some defects. Unfortunately, the volume does not contain an index, which limits its value as a reference tool. In addition, a few authors have an unfortunate tendency to use terms and professional jargon without adequate explanation and definition. For example, one author notes that "individuals with high neuroticism scores respond less adaptively to circumstances. . . ." (p.196). Another states that "researchers must also be careful not to fall into the trap of grounding research in unfree spaces" (p.171). Such terms as "neuroticism" and "unfree spaces" are not self-defining and require explanation. These defects, however, are relatively minor ones in what otherwise is a useful addition to the literature on the struggle of women and minorities to achieve equality.

Monk, Linda R. *The Words We Live By: Your Annotated Guide to the Constitution*. New York: Hyperion Press, 2003. 288p. \$23.95.

*Reviewed by Duncan Alford*

¶21 *The Words We Live By: Your Annotated Guide to the Constitution* is a well-written and enjoyable overview of the U.S. Constitution and its interpretation by the U.S. Supreme Court. The book is intended for members of the educated public who have an interest in law. An undergraduate student with no background in law will find it to be a helpful overview of U.S. constitutional law, and public libraries likely would see it checked out multiple times by the lay public. However, the scholarly researcher or law student will not find this work satisfying or useful because of the brief treatment accorded legal concepts and cases.

¶22 *The Words We Live By* is not annotated in the sense most familiar to lawyers and law librarians. The annotations are not abstracts of relevant cases and statutes explaining the text, but instead are very brief explanations of constitutional provisions and important U.S. Supreme Court cases. The author, Linda Monk, intends to educate the public about constitutional law. Furthering this intent, Monk's book is the basis of an interactive computer exhibit at the recently opened National Constitution Center in Philadelphia, Pennsylvania.

¶23 The book parallels the organization of the U.S. Constitution. It is divided into two parts: part 1 deals with the Constitution and part 2 with the twenty-seven amendments to the Constitution. Monk includes a chapter for each article of the Constitution and each amendment, offering a phrase-by-phrase explanation of the text and brief analyses of the important U.S. Supreme Court cases interpreting that provision.

¶24 Throughout the book, Monk presents interesting and relevant photographs and illustrations. One of the most unique photographs is the artwork that uses automobile license plates to re-create the language of the Preamble of the Constitution (p.11). Definitions of legal terms and interesting quotations on the legal concepts discussed are included as sidebars. Writings by legal scholars and statements by individuals involved in the events described bring the legal text to life. For example, a short article on Ernesto Miranda provides a brief biography of the individual who has become a household name through the Miranda rights requirement (p.169). Monk's additions include timely treatments of current legal topics such as William Safire's comments on national identification cards (p.160).

¶25 This book is not a scholarly work; rather, it is intended for the general public with an interest in the law. However, it does provide an overview of constitutional law and some undergraduate students may find it useful for seeing the forest for the trees when trying to understand a line of U.S. Supreme Court cases. Part 2, which discusses the constitutional amendments, is a stroll through United States legal history. Monk analyzes the amendments in their historical context and helps the reader understand the development of constitutional law.

¶26 Monk is accurate and evenhanded in her analysis of the constitutional text and the relevant cases. However, her failure to provide consistently complete citations to the U.S. Supreme Court cases in the endnotes will make it more difficult for the lay reader or reference librarian to retrieve a case for further reading. (She regularly provides the parties' names and year of the opinion, but not the volume and page number to a case reporter.) The index to the book is detailed and provides references to the authors of quotations and definitions highlighted in the text. The bibliography at the end includes a wide variety of works on constitutional law, both scholarly and popular.

¶27 *The Words We Live By* will be of interest to the educated public and patrons of public libraries. In contrast, the scholarly researcher will find it too brief and simplistic for in-depth legal research.

Oliver, Willard M. *The Law and Order Presidency*. Upper Saddle River, N.J.: Prentice Hall, 2003. 344p. Paper. \$36.

*Reviewed by Herb Somers*

¶28 The law and order presidency, as described in Willard M. Oliver's book of the same name, refers to the evolution of presidential involvement in issues of crime, punishment, and the criminal justice system—matters that traditionally have fallen

within the purview of state and local government. Oliver describes a gradual transformation of presidential involvement in the criminal justice system, where the balance of power of policy formulation has dramatically shifted from governors and mayors to the executive office of the president. Indeed, the existence of such a presidency today seems almost a forgone conclusion if one looks back to recent presidential campaigns for evidence of crime as an important campaign issue. George H.W. Bush's use of the controversial Willie Horton ad in the 1988 presidential election was devastatingly effective in painting Democratic candidate Michael Dukakis as soft on crime and was instrumental in Bush's election. In 1992, Bill Clinton was also successful in his bid for the presidency by turning the tables on President Bush to co-opt this traditionally Republican issue with his call for 100,000 police officers. These two examples illustrate how the issue of crime control has become a potent weapon in the rhetorical arsenal of the modern day president. Willard Oliver's book does an admirable job of tracing the rise of the law and order presidency, which he characterizes as a chief executive fully engaged in policy making in this area and who is also willing to use the formidable powers of the presidency to promote his initiatives.

¶29 Beyond documenting the ascendance of crime as an integral component of every modern president's domestic agenda, Oliver also attempts to delineate the intersection between presidential rhetoric and public opinion on issues of crime control and policy. Oliver discusses the factors explaining presidential involvement in crime control policy and its relationship to public opinion. Using a variety of sources, Oliver finds that increased presidential rhetoric on crime policy has resulted in a corresponding increase in the public's perception of crime as a pressing issue. This has even been the case when crime statistics have shown otherwise. Indeed, Oliver finds that the president is not merely reacting to public opinion when drafting crime initiatives, but rather, through the use of the bully pulpit of the presidency, he is able to shape opinion.

¶30 *The Law and Order Presidency* is a surprisingly readable work about a complex and multifaceted subject that will appeal to many audiences. It will be of great interest to scholars studying the evolution of presidential power beyond traditional constitutional restraints. In addition, those looking for a succinct history of the federalization of the criminal justice system will find it very useful. It also serves as an excellent primer on the constitutional and institutional powers available to the president to shape and promote public policy and its influence on public opinion. *The Law and Order Presidency* would make a useful addition to the criminal law and policy collection of any academic law library.

Olson, Walter K. *The Rule of Lawyers: How the New Litigation Elite Threatens America's Rule of Law*. New York: St. Martin's Press, 2003. 358p. \$25.95.

*Reviewed by Harvey K. Morrell*

¶31 The reputation of lawyers has taken a beating in recent years. Walter Olson's book, *The Rule of Lawyers: How the New Litigation Elite Threatens America's*

*Rule of Law*, won't do anything to improve this perspective. In this latest broadside at legal professionals, Olson, a senior fellow at the Manhattan Institute and proprietor of the Web site *Overlawyered*,<sup>2</sup> takes on the mass torts class action litigation industry. In ten chapters, Olson explains how this industry tries to invent new law, and ban, tax, or regulate something that our elected lawmakers had chosen to leave alone—effectively turning our society from one governed by law to one ruled by lawyers.

¶32 In the introductory chapter, Olson offers several reasons for this trend. The first is an article by Frank Church and Beverly Moore from 1976 titled *Class Action: Let the People In*,<sup>3</sup> which appeared in a book edited by everyone's favorite whipping boy, Ralph Nader. Church and Moore argued that courts should make it easier for lawyers to file suits against big business, including tobacco, liquor, auto, and food manufacturers. Olson argues that this article served as a blueprint for the class action industry. Also, during the 1970s, courts made filing class action suits easier as a way of controlling their dockets in response to the proliferation of mass tort actions during this time. Other factors mentioned by Olson are the absence in the United States of restrictions on litigation that are common in other countries, such as having state and local governments hire firms to file actions on their behalf on a contingency fee basis.

¶33 In the generously footnoted chapters, Olson details how these factors played out in suits against the tobacco industry and the manufacturers of guns, breast implants, and asbestos. In the tobacco case, for instance, Olson documents the outrageous fees the lawyers have received—more than \$8 billion for three states alone (p.48). In a clearly egregious example, Peter Angelos demanded reimbursement of \$30,000 per hour for his work on behalf of the state of Maryland, even though a quarter of this work had been performed by contract attorneys he had hired from a temporary agency at \$21 per hour (p.53).

¶34 In chapter after chapter, Olson describes a litigation system out of control with entrepreneurial firms identifying an industry to sue and then lining up the right clients to do so. In many cases, these clients are state attorneys general. Once the parties have been identified, the class action firms choose jurisdictions and juries likely to award substantial damages. Olson also points out the particularly heinous practice of lawyers contributing generously to the political campaigns of the judges who will hear their future cases.

¶35 In clear, lucid prose Olson keeps the reader enthralled as he recounts his tales of horror. Which brings me to the biggest complaint I have with *The Rule of Lawyers*—the omission of a chapter detailing possible solutions.

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2. OVERLAWYERED: CHRONICLING THE HIGH COST OF OUR LEGAL SYSTEM, at <http://www.overlawyered.com> (last visited July 22, 2003).

3. Beverly C. Moore, Jr. & Fred Harris, *Class Action: Let the People In*, in VERDICTS ON LAWYERS 172 (Ralph Nader & Mark Green eds., 1976).

Oppenheimer, Amy, and Craig Pratt. *Investigating Workplace Harassment: How to Be Fair, Thorough, and Legal*. Alexandria, Va.: Society for Human Resource Management, 2003. 203p. Paper. \$29.95.

*Reviewed by Monica P. Wills*

¶36 Investigating allegations of harassment within your workplace must be one of the most difficult and daunting tasks an employer could ever request of an employee. *Investigating Workplace Harassment* demonstrates that the manner in which the investigation is conducted and how the complaint of harassment is handled will make a difference in the outcome. The difference is primarily in the damage control department. The amount of harm suffered is related proportionately to how well an investigation is conducted. Will the employees involved feel they have been wronged or not supported by the employer? Will the organization have to face liability charges? Authors Oppenheimer, an attorney, and Pratt, a human resources specialist, have found in the course of their work that a lack of response to the allegations by an employer can actually do more harm than a full-blown investigation.

¶37 This relatively small book takes the delicate question of whether harassment occurred and examines it from every angle. It is organized into eleven short chapters, each one addressing a specific issue. Self-check questions are included at the end of each chapter, covering the key point(s) addressed. The answers are listed in an appendix at the back of the book. Another nifty feature is the inclusion of many examples and scenarios throughout the book that help to illustrate each situation. Each example is followed by a discussion of whether the situation was handled correctly.

¶38 As a law librarian, I appreciate that citations are included for all of the cases, statutes, and regulations that are mentioned in this book. The authors do not presume that the reader has a legal background and provide the full titles of the items cited. Also included are definitions of basic terminology such as discrimination, unlawful discrimination, harassment, and sexual harassment. Many of us think we already know what these terms mean, but when you read the examples and understand the differences, you get the “aha” affect as their true meaning comes to light. The authors point out the distinction between a grievance and a harassment complaint and explain why these should be treated differently. One of the reasons offered is that most standard grievance procedures implemented by organizations require that a grievance be resolved within a specified time frame. A harassment investigation involves a complainant, a respondent, and witnesses. People need to be interviewed, statements must be taken, conflicting statements need to be double-checked, and most important, sensitivity and the privacy of those involved must be protected. Such a delicate task does not lend itself to a set time line. The appendixes also offer a variety of samples: witness statements, introductions to investigative interviews, investigative reports, follow-up letters, and a state model harassment policy.

¶39 Oppenheimer and Pratt stress that the best method for tackling any type of harassment within the workplace is to have a harassment policy in place and to communicate the policy to all employees. A clear policy on what is deemed to be inappropriate will go a long way toward deterring undesirable behavior. It is just as important for employees to be aware that the organization takes this type of complaint seriously and is willing to take actions, such as a formal investigation, should it become necessary. Such a policy promotes a more secure work environment for the employees and may ultimately protect an employer from liability.

¶40 The book is well organized, concise, and highly readable. It stands as a tutorial on the topic of harassment. It includes a table of contents, a table of examples and figures, a fairly detailed index, and a bibliography. I would recommend this title as a resource for anyone who would like more clarification on what constitutes harassment or who has been asked to participate in an investigation. It would also be useful to anyone who is involved in the policy-making process of their organization. *Investigating Workplace Harassment* is an appropriate title for any library collection.

Phillips, Alfred. *Lawyers' Language: How and Why Legal Language Is Different*. London; New York: Routledge, 2003. 194p. \$80.

*Reviewed by Karin Den Bleyker*

¶41 At first glance, *Lawyers' Language: How and Why Legal Language Is Different* suggests a quick, informative read on a subject that currently enjoys much debate. Alfred Phillips, a member of the law faculty at Glasgow University, surprises the reader with his very distinctive and somewhat cumbersome writing style. After a few pages, that obstacle can be overcome, but what about the surplus of information he compiles in a mere 178 pages? Phillips has gathered quotes and samples from American, British, French, and German writers who have written on various aspects of the topic. For the scholar, whether legal or linguistic, this book presents scores of examples. For instructional purposes, one can open to any page and find a statement to illustrate a point or to initiate a lively discussion. The scholar, however, will have to dig deeper to find some of the sources used by Phillips to make his point.

¶42 One of the reasons this book appeals to the reader is Phillips holds a tight rein on the structure in which he presents his material. It is somewhat frustrating to be referred to a later chapter for a richer discussion of the stated topic, but upon a complete reading of the book, one realizes that this is the best way for the author to make his point. So he begins with an unusually long introduction. Phillips clearly states the aim of his book when he writes: "A project to align law and democracy would not only explain how law adjusts to democratic change; it would also produce a critical background of theory against which the present day anxieties about location of power, as well as the programme of reforms now under way or discussion in Britain and France could be assessed" (p.1). The introduction is

comprised of small subsections on topics like representation, media, law on politics, and politics on law, to name a few.

¶43 In the first chapter, Phillips asks whether anyone knows the law. The examples he uses to respond to this question are often funny until one realizes that they involve real situations that were frustrating in the least and not funny at all. Subsequent chapters address rhetoric and interpretation. The final chapter discusses Habermas' views of communicative action, but not exclusively so. Here, Phillips focuses on all the bits of information, adding more case studies and extensive quotes, to draw his conclusion. How well he succeeds, the reader must decide.

¶44 *Lawyers' Language* is a book that definitely has a place in an academic law library. It is not a "must read" book by any means, but it will delight the reader who has an interest in linguistics, legal and otherwise, or even philosophy.

Phillips, Shirelle, ed. *Gale Encyclopedia of Everyday Law*. Detroit: Thomson/Gale, 2003. 2v. 1259p. \$250.

*Reviewed by Lawrence R. Meyer*

¶45 In the public law library arena, titles that help patrons answer questions related to the legal system are a desirable commodity. *Gale Encyclopedia of Everyday Law* is a publication that can help public patrons satisfy many of their legal information needs. Gale assembled a group of law librarians as an advisory group for it, and the resulting two-volume set proves the value of their advice.

¶46 *Everyday Law* is intuitively well organized. Information is presented in an easy-to-read format that readily conveys information to readers, no matter what their level of experience with or knowledge of the legal system. The set is arranged into twenty-four general legal topics. Each topic is further divided into more specific subject areas. Most of the specific articles are full of useful information and typically include a list of additional resources and organizations related to the topic. An example of *Everyday Law*'s organizational structure begins with the general legal topic of civil rights. The topic of civil rights is further divided into a number of subject areas, including firearm laws. This section begins with a background segment and is followed by subsections titled "Acquisition and Possession of Firearms"; "State and Local Restrictions on Transporting"; and "Special Rules Governing Traveling with Firearms in Other Countries."

¶47 The numerous and helpful finding aids built into the set are worth noting. The sections on contact information at the end of each subject generally include addresses, telephone numbers, and URLs. Each volume includes a table of contents, an introduction including use notes, and an overview of the American legal system. In addition to a section titled "State and Federal Agency Contacts," the publisher offers a twenty-five-page glossary and an index at the end of the second volume.

¶48 Gale has published a very good product. With a few enhancements, *Everyday Law* could be an excellent product. Contact information is currently arranged topically and is at times difficult to locate. A master listing of all contact

information could be included with the other finding aids in the second volume. Primary legal material referenced in the text is only selectively listed in the index. Incorporating all the acts or laws mentioned in the text into the index would allow the reader (or law librarian assisting a patron) to quickly determine whether the set discusses primary legal material of particular interest to the user. Finally, there is some inconsistency in style from one section to another. Many, but not all, of the article contributors provide a citation when a federal law is referenced. Inclusion of a citation each time a federal law is mentioned would be more appropriate and helpful.

¶49 In conclusion, I would highly recommend this resource for any law library serving members of the public. Its quality, organization, readability, and thoroughness are matched by very few other works designed to help public patrons gain a basic understanding of a broad range of day-to-day legal issues.

Raic, David. *Statehood and the Law of Self-Determination*. The Hague; New York: Kluwer Law International, 2002. 495p. \$115.

*Reviewed by Vincent Moyer*

¶50 David Raic has compiled an excellent scholarly legal text thoroughly describing the concepts of statehood and self-determination. Since this is a study of international law and statehood, Raic is, of course, talking about nation states, rather than constituent states within an independent country.

¶51 Raic explains that the state is primarily a legal concept, and that from the perspective of international law, it is important to understand exactly which types of entities qualify as a state and at what point an entity becomes a state. One of the reasons these concepts are important is that currently there are territories such as Palestine, Chechnya, and Abkhazia aspiring to become states, and other areas such as Iraq and Kurdistan potentially being redefined by internal or external forces. Raic has concluded that “the aspiration of communities within existing states to the creation of their own state on the basis of an alleged right of self-determination, and the attempts of the parent states to reserve their territorial *status quo*, is the source of the majority of conflicts with which the international community finds itself confronted almost daily” (p.2). It is because of these potential international conflicts that the thorough analysis of this topic by Raic is important for researchers from many disciplines.

¶52 The main question addressed in this study is “when does an entity qualify as a state under international law, and what, if any, is the role of the law of self-determination in the process of the formation of states in international law?” (p.3). Raic also focuses on numerous subissues, including the formation of a state as a matter of fact or as a matter of law, the legal status of an entity if it has been established without a legal basis, and the right of unilateral succession in the postcolonial era.

¶53 The book is divided into three parts. Part 1 focuses primarily on the concept of the state in international law, including the formation of states and the tra-

ditional criteria for statehood and recognition. Part 2 focuses on the rules and principles of the law of self-determination, including the right of unilateral succession. Raic analyzes successful and unsuccessful successions, using case studies such as Bangladesh, the former Yugoslavia, and the former Soviet Union. These case studies are perhaps the most interesting aspect of this book. Raic does a nice job of comparing the different situations in various regions and analyzing why one territory became a state while another failed to be recognized as such by the international community. Part 3 attempts to identify the precise role of the law of self-determination in the formation of states under contemporary international law. Raic concludes that to become a state, an entity must satisfy both the traditional (factual) criteria and the modern (legal) criteria for statehood.

¶54 The book was written as a thesis for the author's doctorate of laws, Leiden University, The Netherlands. As such, it is a formidable study that is heavily footnoted with extensive explanations and citations. There are numerous studies of statehood in international law, and Raic, while earning a place among them with this book, acknowledges many of the other important sources in an extensive twenty-eight-page bibliography. If there is anything to criticize, it is that at times Raic's book does read like a thesis. It is a very analytical, almost scientific study. Nevertheless, this approach provides the reader with a well-written, clearly organized book. It is arranged so that if one wants to use it as a research tool, it is easy to find a section of particular interest without reading the entire book. Among its useful features are a table of contents, introduction, précis, table of cases, and index.

¶55 *Statehood and the Law of Self-Determination* is volume 43 in the Developments in International Law series of the publisher, Kluwer Law International. For law libraries looking to expand their collection of scholarly international law titles, this is a good series to consider. Each title is completely independent from the others, but there does seem to be a certain standard of quality. With current and potential unrest in numerous areas such as Kosovo, Chechnya, Iraq, the Basque region, and Palestine, *Statehood and the Law of Self-Determination* is an extremely relevant book. Perhaps a better understanding of the laws of statehood and self-determination could in a small way help resolve some of the conflicts in these and other areas.

Sember, Brette McWhorter. *The Complete Legal Guide to Senior Care*. Naperville, Ill.: Sphinx Pub., 2003. 325p. Paper. \$21.95.

*Reviewed by Chris Tighe*

¶56 *The Complete Legal Guide to Senior Care* was written by Brette McWhorter Sember, an attorney who formerly practiced law in the areas of estate planning and probate. It is targeted at laypersons who are either caring for an elderly relative or spouse or preparing for their own future. The book is easy to read, practical, and does not contain unnecessary jargon. As such, this title is appropriate for a public library or county law library. It is not appropriate for the practicing attorney or legal professional.

¶57 The book takes a balanced approach to dealing with an emotional subject, stressing the need for communication and respect. *The Complete Legal Guide* covers the full spectrum of issues, from broaching the subject of needing help or care to making funeral arrangements. Each chapter contains tips, checklists, and worksheets. Sember frequently refers to these tips and checklists within the text, noting that the reader should see the worksheet at the end of the chapter. It would be even more helpful if an exact page number was provided with such references. The worksheets help the reader make basic information available in a clear-cut, unemotional way to all the decision makers. According to a statement on the verso of the title page, purchasers of the book are granted a license to use the forms in the book for their own personal use. It might be handy to make multiple copies of the worksheet, keep them in a binder, and take them along when visiting doctors, hospitals, or nursing homes. For future editions, the publisher might want to release this title in spiral-bound form to make photocopying easier, or perhaps include the forms on an accompanying disk.

¶58 The book contains six appendixes covering state-specific resources, general resources (including national agencies), medical Web sites, a bibliography arranged by subject, Nursing Home Residents' Rights in the United States, and nursing home visit checklist and forms. It includes a detailed table of contents, a glossary, and an index. Many references to Web sites and numerous agency addresses are also provided. I tested the Web site for Missouri provided in appendix A: "State-Specific Resources." It led me to the state's Department of Health and Senior Services Web page,<sup>4</sup> an excellent source. The one Illinois link, to the Department of Public Health,<sup>5</sup> was also good, but a better source, the Illinois Department on Aging,<sup>6</sup> was not listed.

¶59 The type is easy to read and large headings are used, both musts since many care givers of elderly parents are approaching middle age. *The Complete Legal Guide to Senior Care* is not a book that you would sit down and read from cover to cover, but it would be a good resource to consult as you come to each elder care milestone.

Stevens, Gina M., and Charles Doyle. *Privacy: Wiretapping and Electronic Eavesdropping*. New York: Novinka Books, 2002. 133p. \$37.50.

*Reviewed by Rachel Schultz*

¶60 *Privacy: Wiretapping and Electronic Eavesdropping* provides the reader with an overview of the federal laws governing wiretapping and electronic eavesdropping. The authors, Gina Stevens and Charles Doyle, both attorneys with the

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4. Missouri Department of Health and Senior Services, at <http://www.health.state.mo.us> (last visited June 12, 2003).

5. Illinois Department of Public Health Online, at <http://www.idph.state.il.us/home.htm> (last visited June 12, 2003).

6. Illinois Department on Aging, at <http://www.state.il.us/aging/> (last visited June 12, 2003).

American Law Division of the Congressional Research Service, include a survey of state wiretapping and electronic eavesdropping laws and a bibliography of legal commentary on the topic. The Electronic Communications Privacy Act of 1986<sup>7</sup> is the backbone of the text and is referred to throughout the text as Title III/ECPA.

¶61 The table of contents is very general, and at first glance one might believe the book is comprised of a single chapter. However, a quick skim of the text shows it is divided into three major sections relating to crimes, procedures, and legal advancements. The section on crimes includes discussions of illegal wiretapping and electronic eavesdropping; illegal use of information obtained by unlawful wiretapping or electronic eavesdropping; and shipping, manufacturing, distributing, possessing or advertising wire, oral, or electronic communication interception devices.

¶62 A significant number of pages is devoted to a discussion of the five exemptions to prohibitions against intercepting oral, wire, or electronic communications by electronic, mechanical, or other devices. Stevens and Doyle describe consent interceptions as exempt from the federal law when at least one person who is a party to a conversation has given consent for wiretapping or electronic eavesdropping. Publicly accessible radio communications, such as marine radio and citizen band transmissions, are similarly exempt. Government officials are exempt when acting under the auspices of judicial authority. Communication service providers, such as telephone company employees, are exempt. Finally, the authors indicate that some federal courts have determined that spouses who wiretap or electronically eavesdrop on one another may also be exempt from federal law. Stevens and Doyle also describe the consequences for illegally engaging in wiretapping or electronic eavesdropping, including criminal penalties, civil liability, attorney discipline, and the characterization of evidence obtained through such means as inadmissible in court.

¶63 The section on procedure discusses law enforcement wiretapping and electronic eavesdropping, and stored electronic communications, pen registers, and trap-and-trace devices. The section titled "Issues No Longer Quite So Nettlesome" chronicles some of the more important legal advances that have enhanced the enforceability of federal wiretapping and electronic eavesdropping laws. For example, Stevens and Doyle note that the definition of wire communication has been expanded to include cellular telecommunications. Encryption is another topic covered in this section. The third topic is the Communications Assistance for Law Enforcement Act of 1994.<sup>8</sup>

¶64 The six appendixes are most helpful for finding state law references and include listings for state statutes outlawing the interception of wire, oral, and elec-

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7. 18 U.S.C. §§ 2510–2711 (2000).

8. 47 U.S.C. §§ 1001–1010 (2000).

tronic communications; consent interceptions under state law; and state computer crime statutes. The two bibliographies identify relevant books, articles, law reviews, and ALR annotations. Three separate author, title, and subject indexes make it easy to find anything in the book.

¶65 The valuable information and numerous case and code citations in *Privacy: Wiretapping and Electronic Eavesdropping* make this book useful for both law school students and attorneys alike.

van Caenegem, R. C. *European Law in the Past and the Future: Unity and Diversity over Two Millennia*. Cambridge, U.K.; New York: Cambridge University Press, 2002. 175p. Cloth. \$55. Paper. \$22.

*Reviewed by Stephanie J. Burke*

¶66 To mark the turn of the millennium, it was quite popular in the year 2000 to look back over the past and into the future. R.C. van Caenegem focuses on the legal history and future of the European Union in *European Law in the Past and the Future: Unity and Diversity over Two Millennia*. Based upon a series of lectures presented to graduate law students at the University of Maastricht, this book is a collection of essays united by the common theme of European law. He looks at the role of national codes, the development of the *Ius Commune*, the contrast between civil and common law legal traditions, and the role of politics in European legal development. He also moves beyond legal history to discuss the much debated future of the European Union.

¶67 In addition to a well-laid-out table of contents, the book includes a detailed index and an extensive bibliography that is divided by country and topic. For example, a reader can easily locate a list of sources for English legal history. In the bibliography, as well as the numerous footnotes, there are references to English-language as well as non-English-language resources. Recall that these lectures were delivered to European graduate law students, and it is clear that this is a book aimed at those who are familiar with the European Union and some European history. In the preface, van Caenegem refers readers to some of his other works for background information, and throughout most of the book an advanced level of knowledge is presumed. *European Law in the Past and the Future: Unity and Diversity over Two Millennia* is not part of a basic European Union collection, but caters to legal or historical researchers who seek a more in-depth treatment of the development of European law.

¶68 Based upon the interest of his students, van Caenegem pays considerable attention to a single topic—the Third Reich. In thirty pages, he discusses the views of several prominent contemporary German jurists who sympathized with the government. As the text of the entire book is only 143 pages, other topics are covered in far fewer pages.

¶69 Overall, *European Law in the Past and the Future: Unity and Diversity over Two Millennia* is a good addition to an existing European legal history

collection. However, one of van Caenegem's other works<sup>9</sup> would be a better selection for a basic collection of European legal history materials.

Youngs, Raymond. *Sourcebook on German Law*. 2d ed. London; Portland, Ore.: Cavendish Pub., 2002. 764p. Paper. \$68.

*Reviewed by Lucy Cox*

¶70 The purpose of this second edition of *The Sourcebook of German Law* is to introduce the reader to select areas of German legal material over a wide area. It does so by providing primary source material in both the original German and in English translation, accompanied by explanatory commentary. The primary material consists of extracts from the civil and criminal codes, the constitution (basic law), and twenty-eight court cases, all of which are reproduced in their entirety. This is the same basic source material used in the book's first edition.<sup>10</sup> However, many sections of the codes have been updated, and several of the cases have been replaced by other more recent decisions. Raymond Youngs teaches at the law school of Southampton Institute and is senior research fellow at the Institute of Global Law, University College London.

¶71 Each chapter begins with a short commentary by the author. This is followed by selections from the constitution, civil code, or criminal code. The court cases appear together with the relevant constitutional articles or code material text. The translations appear on opposite pages—the German version on the left-hand page and the English on the right. The opposing pages are identical in terms of content. This makes the book easy to use both for those who wish to focus on one language only and those who prefer to compare the translated and original versions. Youngs provides helpful commentary throughout the text, often pointing out comparisons with English or French law. The table of contents clearly identifies what each chapter contains. It is particularly useful that the cases are listed in the table of contents for each chapter, making it clear which topics are, in fact, illustrated by a case.

¶72 A perusal of the case names selected makes for very interesting reading. Cases were chosen “partly for their significance in relation to German law, partly because of the contrast they provide to English law, and partly for their political or topical interest” (p.1). All but two of the twenty-eight cases are from either the Constitutional Court or the Federal Supreme Court. Some of the cases are as interesting for the light they shed on aspects of German history and politics as for their elucidation of elements of law. Other cases deal with post-unification elections and fairness, post-World War II economic policy, and the constitutionality of the par-

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9. *E.g.*, R.C. VAN CAENEGEM, *JUDGES, LEGISLATORS, AND PROFESSORS: CHAPTERS IN EUROPEAN LEGAL HISTORY* (1987); R.C. VAN CAENEGEM, *LEGAL HISTORY: A EUROPEAN PERSPECTIVE* (1991).

10. RAYMOND YOUNGS, *SOURCEBOOK ON GERMAN LAW* (1994).

ticipation of Germany's military in UN peace-keeping operations and in NATO activities pursuant to Security Council resolutions.

¶73 The book includes a table of abbreviations, a table of statutes, and a table of cases. The index is satisfyingly detailed. The short bibliography lists the basic, more recent English-language works on German law as well as several on comparative law.

¶74 *Sourcebook on German Law* is recommended for academic libraries that support research in foreign or comparative law. While selective, it does convey insight into basic, important areas of German law with commentary that offers comparative perspective. The book could serve as a valuable linguistic resource to those interested in the legal aspects of the German language. It complements works that provide overviews of the German legal system, such as those by Fisher<sup>11</sup> and Foster and Sule.<sup>12</sup>

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11. HOWARD D. FISHER, *THE GERMAN LEGAL SYSTEM AND LEGAL LANGUAGE* (3d ed. 2002).  
12. NIGEL G. FOSTER & SATISH SULE, *GERMAN LEGAL SYSTEM AND LAWS* (3d ed. 2002).