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Keeping Up with New Legal Titles

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Keeping Up with New Legal Titles*

Compiled by Benjamin J. Keele** and Nick Sexton***

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* The works reviewed in this issue were published in 2014 and 2015. If you would like to review books for "Keeping Up with New Legal Titles," please send an e-mail to bkeele@indiana.edu and nsexton@email.unc.edu.

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a criticism of an automatic indexing system, rather than the authors themselves. Although many chapters are written or revised by different authors, the text reads in a unified voice.

¶20 The *Illustrated* edition would more precisely be named an abridged edition, as both editions are illustrated with screenshots from electronic databases and scans of pages from print volumes. The *Illustrated* edition lacks the chapters on “Researching the Law of the United Kingdom,” “Native American Tribal Law,” and “Federal Tax Research,” as well as the appendixes containing the “Table of Legal Abbreviations” (which is one of my favorite things about the unabridged edition) and “Legal Research in Territories of the United States.” In all other respects, the two editions are identical, although the unabridged version costs \$18 more (and seems considerably heavier). Therefore, if you are using the text for an advanced legal research class and are not including sections on legal research in the United Kingdom, Native American law, or tax, you can save your students’ wallets and backs by assigning the abridged version. However, as a reference tool, I prefer the unabridged version, as I would very much miss the more specialized chapters and appendixes.

¶21 It should be noted that this textbook would work better in an advanced legal research class, as it is more comprehensive and dense than a typical first-year legal research text. As someone who taught legal research when she accepted the assignment to write this review, but who now works in a law firm, I also note that the coverage of the text is truly legal research and not business research, competitive intelligence, or other types of research that law firm librarians might be expected to do throughout the course of their jobs. Barkan describes the first edition of this work as filling “a need for a relatively brief text that would be understandable to new law students.”³ The current authors describe the text as continuing “a distinguished history as both a teaching tool and a guide to legal research” (p.v). While there is a thought-provoking debate regarding the need for a textbook to teach legal research,⁴ for those legal research professors who *do* use textbooks in their classes, this edition seems likely to carry on its predecessors’ history.

Bonneau, Chris W., and Damon M. Cann. *Voters’ Verdicts: Citizens, Campaigns, and Institutions in State Supreme Court Elections*. Charlottesville: University of Virginia Press, 2015. 157p. \$40.

*Reviewed by Tina M. Brooks**

¶22 *Voters’ Verdicts: Citizens, Campaigns, and Institutions in State Supreme Court Elections* reports the results of the authors’ empirical studies on the effects of partisanship on state high court elections. They use survey data and controlled experiments to evaluate the influence of partisan and incumbent cues on voter ballots, and, while the results are complex, Chris W. Bonneau and Damon M. Cann

3. Barkan, *supra* note 1, at 932.

4. See Nancy P. Johnson, *Should You Use a Textbook to Teach Legal Research?*, 103 LAW LIBR. J. 415, 2011 LAW LIBR. J. 26.

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manage to both thoroughly explain and concisely summarize their work in this slim volume.

¶23 The authors begin their work by describing the several different types of judicial elections in which they tested their theories: partisan, where judicial candidates are nominated through party primaries and party is indicated on the ballot; nonpartisan, where the primaries are not affiliated with parties and partisanship is not indicated on the ballot; quasi-partisan, where political parties are involved in nominations but partisanship is not indicated on the ballot; and retention, where judicial candidates are appointed but elections may be held to determine whether the appointed judges retain their seats, and where party is not indicated on the ballot. They then walk the reader through each hypothesis that they tested and include detailed explanations of their statistical analysis, both of the survey data and their experimental results; the appendixes contain additional information about their experimental conditions and the survey from which they drew their data. The authors take care to detail the variations on each election type as well as the impact of those variations on their analysis.

¶24 The data reveals that even when controlling for a variety of other factors, partisanship strongly influences voters' choices, not only in elections where the candidates' parties are clearly noted on the ballot, but also in elections where their party is not indicated on the ballot. Even when partisanship ballot cues are absent, voters are apparently still able to determine through ideological campaigning which party each candidate belongs to, and they vote accordingly. In retention elections, where a judge has been appointed and the vote is a simple yes or no as to whether the judge will retain his or her position and where party is not indicated on the ballot, partisanship still has a modest impact on votes. The authors conclude that if legislatures are trying to encourage voters to base their choices on qualifications rather than party by establishing nonpartisan elections, their goal has not been achieved.

¶25 Bonneau and Cann also find that, contrary to prior studies, the status of a candidate as an incumbent was not a significant predictor of voter choice, even when the voter did not have information regarding the candidate's party affiliation. The electorate does not seem to be interpreting prior judicial experience as an indication of a better judicial candidate.

¶26 The authors conclude their work with recommendations regarding where future scholarship on election influences should focus. They suggest investigating the impact of state public campaign financing programs on elections, the effects of spending by independent interest groups and by types of interest groups, and the long-term impact of elections on the legitimacy of the court system.

¶27 Ultimately, this is a work of empirical political science rather than legal analysis. However, a scholar of election law may find its data and conclusions informative for legal analysis or policy recommendations. The authors do give a brief background of relevant U.S. Supreme Court rulings in the introduction, in addition to descriptions of the types of judicial elections, to set the stage for how their analysis was conducted. The introduction serves as a nice primer on the current state of judicial elections in the United States. Overall, the work is well organized, and each chapter is thoughtfully summarized before moving on to the next. The authors cite

other related studies extensively; this title would be an excellent bibliography for related political science scholarship. I recommend *Voters' Verdicts* to libraries with robust political science or election law collections.

Breyer, Stephen. *The Court and the World: American Law and the New Global Realities*. New York: Knopf, 2015. 382p. \$27.95.

*Reviewed by Clare Gaynor Willis**

¶28 It seems highly unlikely that a law library would decide not to collect a book by a U.S. Supreme Court Justice, especially one on a topic as important as the influence of foreign and international law on U.S. law. I hope, therefore, that I can convince my fellow librarians to read this book, share it with others, and start a dialogue about how the message of this book could affect our work. Justice Stephen Breyer's main message is that foreign and international law cannot be ignored in the United States. He argues that foreign and international law can help guide domestic law and, at the very least, is inescapable in an increasingly global and interconnected world. Finally, Justice Breyer argues that Americans must engage with foreign and international law because doing so will advance the rule of law abroad.

¶29 Breyer chooses strong examples and provides excellent introductions and summaries. By mentioning (although not actually naming) the popular vacation rental site Airbnb and discussing personal and domestic issues like child custody, he convinces readers that foreign and international law touches the lives of ordinary Americans. This keeps international law from seeming like the exclusive purview of diplomats. With the exception of a very lengthy discussion of the politics leading up to the *Steel Seizure* case,⁵ his explanations of cases and legal concepts are concise and clear. Justice Breyer aims to reach a general audience. It was also refreshing and helpful to see him discuss both famous and lesser-known cases. By using this approach, he engages readers quickly by discussing famous cases like *Korematsu v. United States*⁶ while offering them the opportunity to learn about lesser-known cases such as *United States v. Curtiss-Wright Export Corp.*⁷ and *Ex parte Quirin*.⁸ The approach keeps the topic of foreign and international law from seeming like something that only the most exceptional cases apply.

¶30 The one distraction in Breyer's otherwise very readable book is his decision to wait until page 236 to fully acknowledge and confront the arguments against considering foreign and international law. Although the introduction warns that he will wait until later in the book, and he alludes to the arguments several times, these references threaten to distract from his argument as readers wonder when he will address the argument head-on. When he finally does fully discuss and rebut the arguments against considering foreign and international law, Breyer explains his decision:

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5. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

6. 323 U.S. 214 (1944) (upholding the constitutionality of President Roosevelt's executive order sending Japanese-Americans to internment camps).

7. 299 U.S. 304 (1936) (holding that the President has broad authority to conduct foreign affairs).

8. 317 U.S. 1 (1942) (holding that a U.S. military tribunal has jurisdiction in cases against unlawful combatants).