

EXEMPLARY LAW BOOKS OF 2015

FIVE RECOMMENDATIONS

[parallel citation: 2016 Green Bag Alm. 105]



Femi Cadmus[†]

Wil Haygood,
*Showdown: Thurgood Marshall and the
Supreme Court Nomination that Changed America*
(Alfred A. Knopf 2015)

A vivid biography of Thurgood Marshall set against the backdrop of volatile race relations in the 1950s and '60s, *Showdown* by Wil Haygood brings to life the historical significance of the first African American nominated to the Supreme Court of the United States. The narrative weaves through the challenges President Lyndon Johnson faced in the nomination process, the rancorous hearings, and the astute political maneuvering behind the successful confirmation. Particularly moving is the story of Thurgood Marshall's humble beginnings in Baltimore, his early in life, becoming a lawyer, his time at the NAACP, and his successes in shaping American jurisprudence with groundbreaking cases such as *Brown v. Board of Education*.

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John Bronsteen, Christopher Buccafusco, and Jonathan S. Masur,
Happiness and the Law
(University of Chicago Press 2015)

At first glance, happiness and the law might appear to be two strange bedfellows. In this book, the authors explain how moving beyond a traditional economic analysis to a focus on the role of happiness provides a better understanding of law and legal policy. The authors assert that new studies of happiness through hedonic psychology provide compelling data that more accurately measure what truly makes people happy. When applied in a criminal law context, hedonic psychology provides a better understanding of how rewards and punishment affect individuals, and in civil lawsuits it shines a light on the adaptability of individuals to injuries, providing a more accurate lens to view behavior in settlements. The authors use “well being analysis” (WBA) as a means of analyzing how law or policy could have a positive or negative impact on the lives of people. They argue that WBA should replace or supplement CBA (cost benefit analysis) as a measure by lawmakers of policies, laws, and regulations that would increase or decrease happiness.

Irin Carmon and Shana Knizhnik,
Notorious RBG: The Life and Times of Ruth Bader Ginsburg
(HarperCollins 2015)

A serious, lively, and sometimes irreverent retelling of the life story of Ruth Bader Ginsburg (RBG) by the authors, a lawyer and creator of her famous Internet meme and an award-winning journalist. Tracing RBG’s birth, education, and professional ascent in an era when women played more traditional roles and typically took the backseat, the narrative highlights how she overcame the daunting obstacles of her time to become the first tenured female law professor at Columbia and an advocate for women’s rights, garnering victories during her time at the ACLU and the ultimate victory — her nomination and confirmation to the highest court of the land. The book includes excerpts from her Supreme Court briefs with annotations by legal scholars, a photographic narrative of her life, and an appendix filled with interesting items such as “How to be RBG,” an RBG recipe, and photos of memes.

Stephen Breyer,
The Court and the World: American Law and the New Global Realities
(Alfred A. Knopf 2015)

Globalization and the Internet, with a corresponding porosity of international borders have raised new complexities and questions about the statutory reach of American law. Justice Breyer provides a detailed overview from his personal

experiences on the bench of the impact of globalization on the work of the courts. He highlights the increased need for global collaboration and cooperation between courts in an increasingly interconnected digital world in order to enforce the rule of law. He begins with a discussion of the balance of civil liberties and national security, tracing the courts' deferential posture before World War II and a more assertive stance in modern times, curtailing the President's authority post 9/11. The account turns to international commerce, the globalization of the marketplace, and the importance of a more in-depth understanding by the courts of international business practices. He also examines the impact of international agreements and treaty interpretation in the arenas of child custody and investment treaties. Justice Breyer reiterates how more than ever it has become essential for judges to possess an understanding of foreign law and legal practices of other nations and in his words "to show that our system far from being a hindrance, or worse, in the face of new realities, is perfectly well equipped to meet them."

Alan M. Dershowitz,
Abraham: The World's First (But Certainly Not Last) Jewish Lawyer
(Schocken Books 2015)

A portrayal of the historical Bible figure Abraham as the first Jew and Jewish lawyer, pleading for the sinful condemned of Sodom and Gomorrah. In Abraham's strident plea negotiation, he asks that the lives of the few innocents not be taken with those of the many guilty. The author draws many parallels to the modern-day legal context and the practice of law, surmising that in this case "our current capital punishment processes threaten to sweep too many innocents with the guilty." Abraham is also portrayed as the savvy real estate lawyer who contracts to purchase a burial cave for his wife, rather than accepting a gift from the landowner, a transaction that cements his family's ownership for generations to come. The second part of the book examines the trials of Jews in history, highlighting the trial of Jesus, who demonstrated "lawyerly skills." The author also focuses on modern-day Jewish lawyers, including Louis Brandeis, Max Hirschberg, Rene Cassin, and Ruth Bader Ginsburg.