

Law 101: Everything You Need to Know About American Law, Third Edition. By Jay M. Feinman. New York: Oxford University Press, 2010. Pp, xii, 363. ISBN: 978-0-19-539513-6. US\$27.95.

It is refreshing to read a book on the law written for the popular market that stands in such contrast to the incessant yapping of the likes of Nancy Grace and other sound-bite reporting that has come to represent “*legal news*” and “*legal expertise*.” *Law 101* is an engaging work that informs and challenges the reader to question and evaluate legal process and theory, judicial opinions and society itself. At the end, the reader is left with a deeper understanding of the law as a living organism developed through a fine balancing of competing needs and interests.

The goal of the book is to demystify the law and prepare the reader to make better judgments about what the law should be. To accomplish this goal, Feinman introduces, explains and discusses the law in the traditional 1L curriculum: constitutional law, civil procedure (litigation), torts, contracts, property, criminal law and criminal procedure.

The structure and prose of the book work in support of the book’s goal. Each topic is self-contained in a chapter that includes the same short section headings. There is no mystery; the reader is fully prepared for what is coming next. For example, the contract law chapter starts with “What is contract law?” followed by “Why do we need contract law?” Similarly, the criminal procedure chapter starts with “What is criminal procedure?” and “Why do we need criminal procedure?” Feinman writes in a straightforward, easy to understand style. He parses and paces each issue in a manner that suggests he is pausing at the end of the sentence to make sure the reader “got it.” As a reader, there is a feeling he will not proceed to the next topic until he is sure you that understand the point you need as a foundation for the next concept. This combination of structure and prose makes even the most complex legal matters understandable.

Each chapter stands on its own for the most part. A legal topic is introduced, its historical underpinnings explored, legal terms and concepts defined and the topic traced through an illustration.

For example, the chapter on litigation traces the Robinsons in their efforts to recover from Audi AG, Seaway Volkswagen, Inc., Volkswagen of America, Inc. and World-Wide Volkswagen Corp.¹ damages arising out of an accident made more severe when the automobile's gas tank ignited. As the Robinsons' legal journey is traced from the Oklahoma state courts to the U.S. Supreme Court, the reader is introduced to such relevant legal concepts as jurisdiction, conflicts of law, pleadings, discovery, juries, the rules of evidence and in the end, *res judicata*. In addition, the practicalities of the law are interwoven with theory. Feinman writes of the jurisdictional strategies employed by the Robinsons' legal team as well as difficulties faced by judges and scholars in choosing between clear rigid rules and broad flexible rules in resolving "conflicts of laws" issues. In the end, readers understand that the law is complex. That while clear rigid rules imply consistency in contrast to broad flexible rules, in certain circumstances the application of either option can result in injustice.

Feinman's book can read from cover to cover, or out of order according to the reader's interest because each chapter is capable of standing alone. In addition to the exploration of the chapter topic, interesting relevant legal tidbits and side notes are introduced throughout the book. Never in such a number or manner as to make them distracting, but rather they appear as little bits of "ah." For example in the litigation chapter, the reader learns that "Doe" and "Roe" are traditional names for fictitious or anonymous litigants in feudal times. Feinman's note that the plaintiff's legal team in *Roe v. Wade* chose to continue the tradition reinforces for the reader the continued role of the law's traditions and historical underpinnings.

Feinman is not afraid to use flashpoint topics to illustrate difficult concepts and the surrounding legal process. *Roe v. Wade* and its legacy provide the basis of the capstone discussion for the chapters on constitutional law. He starts the discussion by asking "How does the Court determine what the Constitution means?" The answer, never easy, involves the reader in a dialogue of questions and

¹ *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S.Ct. 559, 62 L.Ed.2d 490 (1980).

answers that track through democracy, politics, judicial activism and *stare decisis*. These dialogues engage the reader throughout the book and stand in sharp contrast to the “sound-bites” offered by popular media that dumb down the law. From these engagements, the reader comes to understand that even though Feinman’s work may demystify and provide access to the law, it (the law) is still complex and subtle.

The chapter on property law is one illustration of the book’s currency. Interspersed with the discussion of the traditional property concepts of “adverse possession” and “bundle of twigs” is a discussion of legal issues surrounding the internet, copyright and virtual worlds such as *Second Life*. Similarly in the criminal procedure chapter, the exploration of law enforcement activities sanctioned under the Patriot Act and Bush administration War on Terror actions bring the discussion up-to-date for the reader. The inclusion of newer material is seamless and enhances the relevant discussion. There is no feeling on the reader’s part that “new” material was simply slapped on as an afterthought to justify a third edition. The one detraction from the book’s currency may be in its dated popular culture references. Perhaps the time has come for Professor Kingsfield from *The Paper Chase* to step aside for the equally unflappable and intimidating Professor Stromwell from *Legally Blonde*.

Law 101 would be a good choice for a college, university and law school library, as well as most public libraries. In addition, it has significant potential as instructional material. The book would provide a valuable information bridge for those graduate library science students exploring law librarianship who may be frustrated by a lack of legal grounding when contemplating a legal research class. Similarly, the book would be a good primer for international LL.M. students with little or no experience with U.S. law to read prior to starting a program at a U.S. law school.

The best part of the book is the conversation into which the reader is drawn. For those readers trained in the law, reading *Law 101* is an afternoon spent silently reminiscing (and maybe gently chuckling) with old friends such as *Marbury*, *Palsgraf*, *Griswold*, *Yoder* and *International Shoe* and with

those about whom we still remain in awe: Marshall, Brennan, Blackmun, Cardozo, Hand, O'Connor, Kennedy and so many others. For other readers, it is an opportunity to expand his or her knowledge of the law and to develop an understanding of the political, social and historical influences that make it complex and subtle. In the end, the readers of *Law 101* will be better educated about the U.S. legal system and able to understand the nuances and forces behind such actions as the U.S. Supreme Court's reduction of Exxon's punitive damages for the Valdez oil spill or the inability of communities to prevent protests by Fred Phelps and members of the Westboro Baptist Church at military funerals.

Catherine A. Lemmer
Head of Information Services
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