

“Reading” The Law

Jules Epstein¹

Abraham Lincoln “read” the law. With no accredited law school to attend, he studied texts and apprenticed himself as a means to becoming a lawyer, and in fact a great lawyer.

“Reading the law” as a method of legal education actually survives in seven states today. But “reading the law” has an alternative meaning, reading great literature - fiction or non-fiction - to learn of the law, its processes and, perhaps most importantly, of the individuals who wrought change or were directly impacted by a case, a suit or a process.

In the Summer of 2011, the ABA Magazine published “30 Lawyers Pick 30 Books Every Lawyer Should Read” (http://www.abajournal.com/magazine/article/30_lawyers_pick_30_books_every_lawyer_should_read/), with each contributor nominating one book, law-related or otherwise, that she/he felt had life-changing potential. Among the nominated books were Richard Kluger’s *SIMPLE JUSTICE*, the ‘telling’ of the history of *Brown v. Board of Education*, and Ernest Gaines’ *A LESSON BEFORE DYING*. We at Widener decided to do something more law-focused.

A survey of Widener’s Delaware campus professors asked for a law-related or lawyer-helpful book of great significance. It is clear that reading them gives new meaning to “reading the law,” and offers a complement to traditional legal studies. Here is the list, with each contributor’s choice and comment.

Fran Catania: I would highly recommend the exquisite portrayal of an attorney/client relationship in Wendell Berry’s short story “THE WILD BIRDS.”

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Erin Daly: The one that comes to mind is not really about law but about lawlessness -- THE OXBOW INCIDENT by Walter Van Tilburg Clark. You can learn a lot about law by understanding its inverse.

Jean Eggen: THE PLAGUE (LA PESTE) by Albert Camus. The main character is a doctor in a northern African country who is treating victims of a terrible plague, knowing that the plague will eventually wipe out everyone, including himself. He could easily just walk away and try to escape the disease and misery. But instead, he continues to treat the victims, in the face of unimaginable odds. I think this is why (or should be why) we are lawyers. This is what makes us human.

Jules Epstein: I emphasize books from the literature of the innocence movement. At the top of the list is PICKING COTTON by Jennifer Thompson and Ronald Cotton, the story of Ms. Thompson's rape, her erroneous identification of Cotton as her assailant, and the ensuing travails of each before his innocence was proved. The two became friends who tell their stories in alternating chapters. A triumph of justice and the human spirit, and possibly one of the most moving books ever written. The second "innocence" book is Tim Junkin's BLOODSWORTH: THE TRUE STORY OF THE FIRST DEATH ROW INMATE EXONERATED BY DNA, a masterful telling of a flawed investigation and trial and how DNA evidence freed an innocent man.

Michael Goldberg: THE BUFFALO CREEK DISASTER by Gerald Stern (1976) still holds up as one of the best books ever written for a general audience on civil litigation. It tells the story of a mass tort case brought on a pro bono basis by a big DC firm on behalf of the victims of a terrible flood caused by negligent disposal of coal mine waste.

David Hodas: I've been thinking about this for a while. For some reason, Tom Wolfe's THE BONFIRE OF THE VANITIES keeps floating to the top of my list. The New York City

law and legal system are a central character to this tale.

Lawrence Hamermesh: Lawrence M. Friedman's AMERICAN LAW: AN INTRODUCTION. This was required reading back in the (brief) day when we had a first year course called American Legal Systems. It's written with great clarity, and does a better job than anything I've ever read (with the possible exception of THE GODFATHER and HUCKLEBERRY FINN) in explaining what law is and does and where it comes from.

Patrick Johnston: Jonathan Barron's THINKING AND DECIDING, 4TH EDITION and Robert Cialdini's INFLUENCE: SCIENCE AND PRACTICE are two books on thinking and persuasion that I have found interesting and helpful. The books are not directed specifically at lawyers, but could be helpful for practice.

Thaddeus Pope: Joel Feinberg, THE MORAL LIMITS OF THE CRIMINAL LAW. While I neither practiced nor teach criminal law, I read this 4-volume set three times while writing my dissertation. It is a monumental work of philosophy and jurisprudence that explores the fundamental reasons for which individual liberty can be limited by the state.

Laura Ray: For those interested in how the Supreme Court functions, I'd recommend Jeffrey Toobin's THE NINE: INSIDE THE SECRET WORLD OF THE SUPREME COURT. In spite of its subtitle, this is less an expose of the Court than a fascinating account of the jurisprudential and personal dynamics that influence the ways in which the Court decides its cases.

Luke Scheuer: I'd like to suggest two books. (1) THE BUFFALO CREEK DISASTER, a gripping story about people banding together to take on a powerful corporate interest. This book does a great job of telling the story of the community devastated by this event as well as the legal struggles that flowed from it. (2) THE LEGAL ANALYST: A TOOLKIT FOR THINKING ABOUT THE LAW, by Ward Farnsworth, provides a great overview of what it

means to “think like a lawyer” and would be a useful introduction to legal reasoning for anyone interested in studying law.

Michael Slinger: For what it is worth this book tells the personal story of a lawyer who really inspires me. A LAWYER'S JOURNEY: THE MORRIS DEES STORY (ABA Biography Series).

Andre Smith: My suggestion is SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II, by Douglas A. Blackmon. This 2009 Pulitzer Prize winner details how a combination of sharecropping and convict leasing prolonged slavery for the majority of African Americans until 1945. No book has ever more clearly illustrated the economic subjugation of Blacks in America, and thus no other book can really give a sense of the progress Blacks have made in the last 50 years.

Kathleen Turezyn: I cannot imagine another book that puts lawyers and the legal profession in a more noble light than TO KILL A MOCKINGBIRD. I sometimes reread when I get discouraged with all the "lawyers = used car salesmen" jokes. Also, PRESUMED INNOCENT by Scott Turow is the only "lawyer mystery book" that I have ever enjoyed.

Serena Williams: Kevin Boyle's ARC OF JUSTICE - A SAGA OF RACE, CIVIL RIGHTS, AND MURDER IN THE JAZZ AGE? . It is the story of what happened when Dr. Ossian Sweet, an African American, bought a house in a white neighborhood in Detroit. The book details a story about property law (Detroit neighborhoods were segregated in part due to racially restrictive covenants) and about criminal law (Sweet was indicted for murder for protecting his family from a white mob that attacked his family in that house after he moved in). On one level, it is a study of race and law and prejudice and justice in America; on another level, it

is a story of a man who simply wanted what we all want - a safe place for a family to call home.