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Review of Joel Richard Paul, *Without Precedent: Chief Justice John Marshall and His Times*

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see microaggressions, how to act if you have been accused of a racist microaggression, and how to act if you have been confronted with the possibility of your own racism. Oluo particularly shines during chapter 10's discussion of tone policing. The chapter contains concrete suggestions for white people who want to avoid tone policing and for people of color being criticized for their tone during a conversation on race and/or racial oppression.

¶53 Additionally, the 2019 paperback edition of the book contains an outstanding discussion guide. This guide includes suggested guidelines or ground rules for group discussions to reduce harm and increase productivity in these conversations. The only thing lacking is an index.

¶54 *So You Want to Talk About Race* is recommended for all law libraries, plus college and public libraries. It is appropriate for faculty, legislators, judges, staff, students, attorneys, and the general public. In fact, it is beyond appropriate; it is needed. It not only introduces difficult topics of race and privilege, but it also acts as an accessible primer on how to get into, get out of, and get proximate with conversations on race and racism. This book is not about idle chatter; it is about difficult but productive dialogue.

Paul, Joel Richard. *Without Precedent: Chief Justice John Marshall and His Times*. New York: Riverhead Books, 2018. 502p. \$17.

*Reviewed by Pat Newcombe**

¶55 This lively and engrossing biography of the fourth Chief Justice of the United States examines Marshall's path to the Court, providing insight into his personality, his career, and the personal experiences that forged his judicial philosophy. Professor Joel Richard Paul's historical narrative humanizes Marshall, one of the preeminent founders of the United States, and emphasizes Marshall's focus on moderation, compromise, and pragmatism during the country's turbulent early years.

¶56 Paul starts with Marshall's inauspicious beginnings as the oldest of 15 children growing up on the remote Virginia frontier with little formal education. The self-taught Marshall went on to serve in the American Revolution, where he made a favorable impression on George Washington, and later gained prominence as a successful attorney. He was elected to the Virginia legislature and, at the request of President Adams, served on a diplomatic mission in France to forge a peaceful solution to French attacks on American shipping. Not long after, he began his tenure as Adams's secretary of state. A year later, Adams appointed him to the Supreme Court where Marshall served for 34 years—the longest term as chief justice in the history of the Court.

¶57 After this exploration of Marshall's pre-Court years, Paul shifts the focus to Marshall's years on the Court and analysis of Marshall's landmark cases—*Marbury v. Madison* and *McCulloch v. Maryland*, among many others. When Marshall began serving as Chief Justice in 1801, the Court had little authority, very few cases before it, and no home of its own (the Court met in the basement of the U.S. Capitol). Yet Marshall completely reconstructed the Court during his time. To begin with, he

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implemented the concept of a single majority decision instead of individual opinions by each justice. Marshall's reasoning was that a sole opinion would heighten legal clarity. He also wrote about half of the more than 1000 opinions issued by the Marshall Court, most of which were unanimous decisions forged by his compelling persuasive skills and ability to unite. This ability to build consensus and accord was quite extraordinary, especially considering that Marshall was a committed Federalist among justices appointed during Republican administrations with conflicting beliefs.

¶58 Marshall established fundamental constitutional cornerstones of our legal system such as judicial review, which was fiercely debated at that time. Marshall consistently favored a broad reading of the Constitution and the Court's power, maintaining that the document must be flexible in response to the country's needs. Marshall's tenure established an independent judiciary as a legitimately equal branch in the tripartite federal government, and secured both the supremacy of the Constitution and the Court's role as the absolute arbiter of its meaning. His opinions shape a clear denial of the states' rights ideology. Marshall fervently believed that it was important to maintain a strong central government to act in the national interest, and his decisions were crafted with this thesis in mind.

¶59 Paul ably conveys Marshall's judicial reasoning without resorting to dense legal language. Although legal readers will find this book of great interest, the layperson will be able to appreciate the legal opinions as Paul presents the issues, facts, details, and background with a wide-lens view that captures personal stories and political context fundamental to the sophisticated cases. By providing many detailed particulars, Paul brings Marshall's decisions to life, as if the reader is right there; one can almost see a film unwinding as the story truly comes alive.

¶60 Several threads are woven throughout this book. Paul traces the conflict between Marshall and Thomas Jefferson, his cousin and his adversary in matters of ideology; the competing ideologies and political discord of the era; Marshall's friendship with James Madison, who happened to be Jefferson's ally; and Marshall's dutiful relationship with his chronically ill wife. It is clear that Paul holds Marshall in high esteem, yet Paul also manages to convey Marshall's imperfections and those times when Marshall was unpredictable in his judgments, compromised his ethics, or shaped his arguments to reach the desired result expediently.

¶61 Marshall died in July 1835, and the country greatly grieved the loss of the man who would go down in history as one of the most influential chief justices. Paul ends his narrative by comparing Marshall to his adversary, Jefferson. Paul reasons that, notwithstanding his failings, Marshall's intention to safeguard the union by choosing compromise over chaos and having a courageous imagination was laudable, allowing Marshall to play a pivotal role in helping shape the country's future and our legal principles.

¶62 *Without Precedent* is a scholarly work, yet very readable, and should be of interest to most readers. Paul relies on ample and deep primary sources, yet manages to present John Marshall in a very human and accessible way. This narrative would be an excellent selection for any academic or public library, especially those that collect in the American history area, and it is highly recommended.

Pollman, Terrill, Jeanne Frazier Price, and Linda L. Berger. *Legal Research*. New York: Wolters Kluwer, 2017. 176p. \$49.

*Reviewed by Benjamin J. Keele**

¶63 When teaching legal research to first-year students, I often find myself balancing between teaching the *concepts* of research (is this judicial opinion mandatory or persuasive authority?) and the *mechanics* of research (what does the jurisdiction filter do?). The concepts are relatively stable and tend to inform discussions of what the law is and should be, while the mechanics fluctuate with every software release and are more about user interface design than law.

¶64 While teaching the mechanics of legal research is certainly necessary—a student who understands every nuance of *stare decisis* is still in trouble if unable to formulate a reasonable Boolean search—I was pleased to find that *Legal Research*, a title in Wolters Kluwer's Examples & Explanations series, focuses its attention on the concepts. One of the ideas underlying the book is that “principles of weight of authority underlie all the choices you make as you research” (p.1). The authors consistently weigh the authority of each source in different research contexts.

¶65 Given the authors' focus on authority, it is not surprising that the book spends relatively little time on secondary sources. All secondary sources are discussed in chapter 10 (of 11 chapters), while judicial opinions, statutes, and regulations receive two chapters each. At first, I thought this approach shortchanged the great variety of secondary sources and research tools available. The legal research course I teach spends the first quarter on secondary sources. *Legal Research* now makes me question this allocation of attention. Primary sources are the actual law, and students are probably less familiar with primary sources than they are with books, academic journals, and specialized journalism. I have also noticed some students are initially overwhelmed by the variety of secondary sources, some of which will not be relevant to their field of practice. On the other hand, most practical research will involve some cases, statutes, or regulations.

¶66 My sense is that textbooks often present only an ideal version of methods or analysis, which can be intimidating to novices. *Legal Research*, though, is refreshingly realistic, suggesting students start their research with a simple Google search or checking Wikipedia. Crucially, the book always notes that this is only the beginning of a research process that should end with relevant and applicable primary sources. The examples show a variety of starting points, sometimes beginning with a statute and other times with a case, and then proceeding to find other primary sources. This approach encourages adaptability and empowers students to think creatively if they hit an obstacle in their research.

¶67 Like other titles in the E&E series, each chapter ends with a set of practice questions. The answers provide complete and nuanced explanations. Since the mechanics of using legal research tools is mostly bypassed (the last 20 pages are appendices mostly on Boolean searching, filtering, and citation), the questions can work in any legal research database, and I expect the book will age well, even as vendors introduce new interfaces and tools.

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¶68 If pressed for a criticism, I would note that the discussions of headnotes, digest systems, and different types of negative case treatment are not as robust as I would like. That said, the book is clearly a supplemental text, and the authors overwhelmingly hit the right points in limited space. *Legal Research* is worth considering for first-year research, writing, and methods courses, and as a refresher for students participating in clinics. It is also highly recommended for academic law libraries.

Ross, Karen M. *Essential Legal English in Context: Understanding the Vocabulary of US Law and Government*. New York: New York University Press, 2019. 221p. \$89 Cloth, \$30 Paperback.

*Reviewed by Colleen Martinez Skinner**

¶69 Librarians the world over have helped students and patrons find answers to specific questions. Sometimes the questions are legal in nature; other times, they seek general information. Karen M. Ross's *Essential Legal English in Context: Understanding the Vocabulary of US Law and Government* covers both types of information.

¶70 This short, easy-to-read book focuses on explaining all those governmental nuances that are assumed but, as we discover when delving further into the reference interview, are actually not known. While *Essential Legal English in Context* is designed especially for foreign students, international lawyers, and others who are unfamiliar with the U.S. legal system, it is a nice refresher and suitable for anyone who finds themselves far removed from high school civics class. At the budget-friendly price of \$30 for the paperback, it can be added to any library collection for use when a government refresher is needed. It would also make a good textbook recommendation for a professor teaching a U.S. law class for an LL.M. program.

¶71 The book is broken down into five units, with three to four lessons per unit. Each lesson also has two to four exercises (answers are in the back of the book) to drive the information home. The lessons are pretty straightforward and are for the most part quite short. For instance, lesson 3.1 is 3 pages long, but lesson 3.3 is 12 pages. Lesson 4.2, "The Structure of the Federal Judiciary," is by far the longest in the book at 36 pages. Although lesson 4.2 is long, each page contains a chart, picture, diagram, or other visually friendly way to break up the information into smaller, more easily digestible pieces. You can rest assured that a student is not going to complain about page length, or that they need *Black's Law Dictionary* handy while reading *Essential Legal English in Context*.

¶72 At first glance, some of the visuals may seem a bit juvenile and not of law-school-level rigor. For example, the information presented on the federal court hierarchy in lesson 4.2 is in the form of a triangle diagram with the U.S. Supreme Court at the top, and the courts of appeals and the district courts below. Despite its elementary appearance, however, the court structure diagram is correct, and visual learners may appreciate this approach and find it a welcome departure from the usual wordy casebooks they are accustomed to.

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