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A NEW LIST OF RECOMMENDED READING FOR PROSPECTIVE LAW STUDENTS

*Compiled from the Recommendations of the Faculty
of the Michigan Law School*

As the Second World War drew to a close in 1945, the Harvard Law School began to receive requests from soldiers for advice on books that would help them decide whether to enter the legal profession, or that would be of value in learning what the study of law might be like. In response to those requests, the *Harvard Law Review* published, in March of that year, its *List of Books for Prospective Law Students Now in Service Prepared by a Committee of the Faculty of Harvard Law School*, 58 HARV. L. REV. 589 (1945).

The publication, exactly forty years later, of the *Michigan Law Review's* Seventh Annual (1985) Survey of Books Relating to the Law seemed a propitious and an interesting time to update the Harvard list, and to make the new reading list readily available in reprint form to prospective law students. While most prospective law students today, fortunately, are not to be found wading ashore at Normandy (or those that are are in swimsuits), the editors of the *Michigan Law Review* hope that at least a few among them are no less interested in some good reading before coming to law school than were their counterparts four decades ago.

The list that follows was compiled from the suggestions of the faculty of the Michigan Law School. For the most part, the list does not include what may properly be called "law books." Our idea was not to burden prospective students with "the law" before their time (although one professor, not at all in jest, suggested Marvin Chirelstein's *Federal Income Taxation*), nor was it to arm the overeager with weapons of knowledge with which to torment their fellow law students during the first year. The list also excludes important liberal arts titles which, as another professor put it, "everyone should read" (emphasis in original). Another faculty member, on the other hand, felt that "most of our students' preparation is too heavy at the sociology/history/political science level and too light in knowing about the universe of which they happen to be a small part"; he recommends a few basic science books rather than the sorts of books listed below.

The editors of the *Michigan Law Review* would like to thank all those faculty members who responded with suggestions and comments, and would particularly like to acknowledge the Honorable Philip C. Elliott, Judge of the Circuit Court for the Seventh Judicial Circuit of Michigan, who first suggested updating the Harvard list.

For a more extensive "list" (containing some 2330 titles, rather than the modest twenty-five suggestions printed here), see DEANS' LIST OF RECOMMENDED READING FOR PRELAW AND LAW STUDENTS (2d ed. 1984). For more in the way of fiction, see J. BREEN, NOVEL VERDICTS: A GUIDE TO COURTROOM FICTION (1984); Weisberg & Kretschman, *Wigmore's "Legal Novels" Expanded: A Collaborative Effort*, 50 N.Y. ST. B.J. 122 (1978); Wigmore, *A List of One Hundred Legal Novels*, 17 ILL. L. REV. 26 (1921-22). Reprints of the present list may be obtained by writing to the Business Manager, *Michigan Law Review*, Hutchins Hall, Ann Arbor, Michigan 48109-1215. Please remit \$40 per 100 copies of the list. Individual reprints are also available at \$.50 per copy.

Enjoy your reading, and good luck.

I. CASES AND TRIALS

SIMPLE JUSTICE: THE HISTORY OF *Brown v. Board of Education* AND BLACK AMERICA'S STRUGGLE FOR EQUALITY. By *Richard Kluger*. New York: Random House. 1977. Pp. x, 823.

Simple Justice is a detailed historical account of the complex process by which the five consolidated cases since known as *Brown v. Board of Education* arose and were ultimately resolved by the Supreme Court. More generally, this is a well-researched survey of race relations in America and the struggle for black equality.

GIDEON'S TRUMPET. By *Anthony Lewis*. New York: Random House. 1964. Pp. 262.

Gideon's Trumpet recounts the case of *Gideon v. Wainwright*, in which the Supreme Court held that an indigent criminal defendant has the right — protected under the fourteenth amendment against infringement by the states — to have a lawyer provided to assist him with his defense. Although not a lawyer himself, the author provides important insights into the process of constitutional adjudication and the workings of the United States Supreme Court.

PERVERSIONS OF JUSTICE: THE PROSECUTION AND ACQUITTAL OF THE PANTHER 21. By *Peter L. Zimroth*. New York: Viking Press. 1974. Pp. 423.

In *Perversions of Justice*, Peter Zimroth provides an account of the 1969 criminal prosecution and acquittal of twenty-one members of the Black Panther Party gleaned from, among other sources, interviews with defendants, defense counsel, officials of federal investigative agencies, local police, undercover agents and informants, federal and state prosecutors, and jurors. Zimroth describes the events leading up to the trial from the perspectives of both the government and the defendants. He also covers the trial itself in detail, even to the extent of reconstructing the jury deliberations.

THE BUFFALO CREEK DISASTER: THE STORY OF THE SURVIVORS' UNPRECEDENTED LAWSUIT. By *Gerald M. Stern*. New York: Random House. 1976. Pp. x, 274.

This is the story of the lawsuit brought by the survivors of townspeople killed in a devastating flood that occurred after a coal company's coal-waste refuse pile collapsed. Written by the survivors' lawyer, this book recounts the survivors' use of the legal system to disclose evidence of corporate irresponsibility and demonstrates the legal system's capacity to adapt old precedent to harms on an unprecedented scale.

II. LAW SCHOOL

LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S. By *Robert Stevens*. Chapel Hill and London: University of North Carolina Press. 1983. Pp. xvi, 334.

This is a comprehensive history of the American law school, linking that history — and the emergence of the legal profession as an important force in American life — to broader intellectual, social, and political trends.

THE BRAMBLE BUSH. By *Karl N. Llewellyn*. New York: Oceana Publications. 1960. Pp. xi, 192.

The most popular choice among the law professors polled, *The Bramble Bush* grew out of a lecture series designed to introduce law students to their new discipline. It remains an excellent introduction to legal reasoning, the judicial system and the legal educational process, and it also contains a rather soul-searching foreword by Llewellyn about the implications of "legal realism." The book is recommended with two caveats: first, these lectures were delivered in 1929-1930 and contain some offensive racial and sexual stereotypes; and second, as the author himself observed, its "bite for a beginning law student lies rather in November than in September" (p. vii).

III. BIOGRAPHY

GO EAST YOUNG MAN: THE EARLY YEARS. By *William O. Douglas*. New York: Random House. 1974. Pp. xv, 493.

This autobiography of the young William O. Douglas culminates in the last chapter with his appointment to the United States Supreme Court. The Justice (whose surname, contrary to the belief of many beginning law students, was not "dissenting") describes his college and law school years and his experiences in private practice, as a law professor, and as Chairman of the Securities and Exchange Commission.

SUPER CHIEF: EARL WARREN AND HIS SUPREME COURT — A JUDICIAL BIOGRAPHY. By *Bernard Schwartz*. New York: New York University Press. 1983. Pp. xiii, 853.

Based on unpublished conference lists, notes and docket books of the Justices, and personal interviews with the Justices and former law clerks, this "judicial biography" offers a wealth of inside information about Earl Warren's tenure as Chief Justice of the Supreme Court. The author also examines the Warren Court's style and impact on American life.

THE LION AND THE THRONE: THE LIFE AND TIMES OF SIR EDWARD COKE. By *Catherine Drinker Bowen*. Boston: Little, Brown & Co. 1957. Pp. xiii, 652.

Catherine Drinker Bowen conducted exhaustive legal and historical research to produce this account of the life of Sir Edward Coke (1552-1634). She relates Coke's role as an early defender of free speech and parliamentary privilege, risking his life for principles of justice often taken for granted today. As precursors to theories of constitutional government, Coke's ideas became a vital part of America's legal heritage.

IV. FICTION

BLEAK HOUSE. By *Charles Dickens*. London: J.M. Dent & Sons Ltd. 1972. Pp. xx, 808.

Bleak House, as one professor commented, "expresses a still-common view about the profession which no thinking person should fail to worry about in deciding to make law his/her career." By focusing on the seemingly endless litigation over an inheritance in the case of *Jarndyce v. Jarndyce*, this nineteenth-century novel accomplishes a skillful satire, complete with Dickens' characteristic dramatic construction and vivid imagery. The drawn-out lawsuit serves as a metaphor for the greed, deception, decay and corruption at the core of English society and its legal system.

THE DEATH OF IVAN ILYICH. By *Leo Tolstoy*. New York: Bantam Books. 1981. Pp. 134.

This novella recounts the tale of a worldly careerist, a high court judge, who has never taken time to consider the inevitability of dying until his own death is imminent. In this account of how an unreflective man confronts his own mortality, Tolstoy provides a powerful testament to the possibility of finding spiritual salvation.

POWERS OF ATTORNEY. By *Louis Auchincloss*. Boston: Houghton Mifflin Co. 1963. Pp. 280.

Written by a New York attorney, this is a fictional work set in a large and efficient law firm. In short vignettes of individual members of the firm, Auchincloss discloses the inner workings of the office and the motivations of the people who work and scheme there.

TUTT AND MR. TUTT. By *Arthur Train*. New York: Charles Scribner's Sons. 1924. Pp. 304.

This is an entertaining collection of seven short stories presenting a wide variety of legal predicaments. In each, the savvy, old-fashioned practitioner of the law demonstrates his ingenuity and legal learning in bringing about a result favorable to his client.

THE JUST AND THE UNJUST. By *James Gould Cozzens*. New York: Harcourt, Brace & Co. 1942. Pp. 434.

This fictional work is an entertaining introduction to problems of strategy and evidence in a murder trial. It presents an account of the daily life of lawyers, both at trial and in the legal office. This one made Harvard's list back in 1945 ("The best account in fiction of the daily life of ordinary lawyers. . . . Some interesting comments on Harvard Law School."), and seems to be holding up well.

V. ANGLO-AMERICAN LEGAL HISTORY

A HISTORY OF AMERICAN LAW. By *Lawrence M. Friedman*. New York: Simon and Schuster. 1973. Pp. 655.

Several faculty members decried the lack of a "really good" survey of American legal history, but those listing a preference chose Lawrence Friedman's *A History of American Law*. Friedman attempts to modernize the discipline of legal history by introducing to it some analytical techniques from the social sciences. The main focus is on state rather than federal law, and the book's rather in-depth coverage is from the colonial period through the end of the nineteenth century.

ALBION'S FATAL TREE: CRIME AND SOCIETY IN EIGHTEENTH-CENTURY ENGLAND. By *Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow*. New York: Random House. 1975. Pp. 352.

Albion's Fatal Tree delves into the social history of eighteenth century England, exploring through detailed studies the simultaneous existence of a settled ruling class that dominated through judicial terror, a populace deferential by day but insubordinate by night, and a class justice which defended property through the fair forms of law. The introductory chapter seeks to reveal how law replaced religion as the core ideology of England's rulers and examines the adaptability of the legal system to the same pressures of influence, interest and property that dominated political life.

VI. JURISPRUDENCE AND LEGAL METHOD

THE COMMON LAW. By *Oliver Wendell Holmes, Jr.* Boston: Little, Brown & Co. 1923. Pp. xvi, 422.

Originating as a lecture series, *The Common Law* is a classic account of the great formative ideas of English law. Among the subjects discussed by the author, jurist Oliver Wendell Holmes, are the early forms of action, criminal law, tort law, the law of possession, owner-

ship and bailments, contract law, and the law of successions. Laypersons may find parts of this book somewhat abstruse.

THE ROAD TO THE LAW. By *Dudley Cammett Lunt*. New York: McGraw Hill. 1932. Pp. xiv, 281.

Dudley Cammett Lunt's aim in *The Road to the Law* is to explain some of the law's mysteries to the layperson. While describing some of the basic common-law rules and the fundamentals of legal technique, the author also manages to convey the law's intellectual appeal and more imaginative aspects.

THE REPUBLIC. By *Plato*. Indianapolis: Hackett Publishing Co. 1974. Pp. xviii, 350 (other editions also readily available).

This famous dialogue begins as an inquiry into the meaning of justice and turns into an examination of the life of the just man and the nature of the just state.

THE SPIRIT OF LIBERTY. By *Learned Hand*. New York: Alfred A. Knopf. 1960. Pp. xxxi, 311.

The Spirit of Liberty contains the collected papers and addresses of Learned Hand, who for over forty years served as a federal court judge. The compilation reflects Judge Hand's views of democracy, the nature of society, the independence of the judiciary, the need for tolerance, and the importance of morals in public life.

THE ART OF JUDGMENT: A STUDY OF POLICY MAKING. By *Sir Geoffrey Vickers*. London: Chapman & Hall. 1965. Pp. 242.

The Art of Judgment, a book addressed primarily to laypersons, is concerned with policy making in public affairs. Sir Geoffrey Vickers discusses, among other topics, policy making both as a mental skill and as an institutional process.

AN INTRODUCTION TO LEGAL REASONING. By *Edward H. Levi*. Chicago: University of Chicago Press. 1948. Pp. viii, 104.

Written many years ago by a law professor who would later serve for a time as Attorney General of the United States, this is a comprehensive demonstration of the process of legal reasoning in case law and in constitutional and statutory interpretation. The author employs a sort of "case method," analyzing illustrative cases, statutes and constitutional provisions.

THE COMMON LAW TRADITION: DECIDING APPEALS. By *Karl N. Llewellyn*. Boston: Little, Brown & Co. 1960. Pp. xii, 565.

Karl Llewellyn's perception of a "crisis of confidence" (p. 3) in the steadiness of appellate courts led him to author this exhaustive study of their process of decision making as discerned from their written opinions. In seeking to demonstrate that there is a significant degree of "reckonability" in the decisions of appellate courts (p. 6), Llewellyn

also produced a thorough examination of the techniques of judicial opinion writing.

THE MORALITY OF LAW. By *Lon L. Fuller*. New Haven: Yale University Press. 1964. Pp. viii, 202.

The Morality of Law, an expansion of what Lon Fuller originally presented as a lecture series, formulates a system of "internal morality" of law based upon certain principles that must be complied with if the legal system is to function. Fuller discusses the limits of adjudication as an institutional device, the distinction between a "morality of duty" and a "morality of aspiration," and the substantive aims of the law. It should be noted that several self-respecting law review editors find this material difficult.

THE NATURE OF THE JUDICIAL PROCESS. By *Benjamin N. Cardozo*. New Haven: Yale University Press. 1977. Pp. 180.

Authored by a Supreme Court Justice long noted for his excellent writing, this is one of the two entries that also made Harvard's "Short Selected List" in 1945. It is also one of several books in this 1985 list that was originally delivered as a lecture series, which only demonstrates what a superb creative mind can do in the absence of footnotes. Cardozo describes the conscious and unconscious processes by which a judge decides a case, analyzing the role of such factors as precedent, custom, logical consistency, and social welfare.