

# EXEMPLARY LEGAL WRITING 2016

## • BOOKS •

SELECTED BY OUR  
RESPECTABLE AUTHORITIES

(SEE ALSO PAGES 170, 184 & 189)

## FIVE RECOMMENDATIONS



*Femi Cadmus*<sup>†</sup>

Richard A. Posner

*Divergent Paths: The Academy and the Judiciary*  
(Harvard University Press 2016)

In *Divergent Paths*, Judge Posner reflects, from his firsthand perspective as a federal judge and former law professor, on the widening gulf between academia and the bench. He discusses the challenges and deficiencies of the judiciary and the extent to which the legal academy could ameliorate or provide improvement. At the same time, he acknowledges that the current writings of law faculty about the judiciary are not always particularly useful to the bench and the legal academy supplies law clerks lacking adequate preparation to provide helpful insights to judges. Change, he observes, may come from the outside with the call for more practice-ready law graduates but challenges

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<sup>†</sup> Edward Cornell Law Librarian, Associate Dean for Library Services, and Professor of the Practice, Cornell Law School. Copyright 2017 Femi Cadmus.

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will continue to persist because of the entrenchment of traditions both in the judiciary and in law schools which may hinder significant changes.

Ruth Bader Ginsburg  
*My Own Words*  
(Simon and Schuster 2016)

This first and engaging personal biographical account by Justice Ginsburg is crafted through her own words as conveyed in speeches, legal briefs, and law journal articles, with accompanying narratives from her two authorized biographers. The biography covers her journey from childhood through college, to her work as a law professor and on the bench. Also included are tributes to those who influenced her career, and reflections on her fondness for opera, the lighter side of life on the Supreme Court, and more serious issues like gender equality and judging and justice.

Nicole Dyszlewski & Raquel Ortiz,  
with illustrations by Liz Gotauco *What Color is Your CFR?*  
(CALI eLangdell Press 2016)

Books on legal research are almost never of the coloring book variety. In *What Color is Your CFR?* the authors, two law librarians and an illustrator, take a decidedly non-traditional approach on how to research the law. Whimsical animal drawings and accompanying text cover the basic essentials of legal research, including how to find relevant primary and secondary sources of the law. Humorous and serious at the same time, the coloring exercises end with advice on connecting with the ultimate legal information resource: “How to Contact a Law Librarian.”

Kevin Ring  
*Scalia's Court*  
(Regnery Publishing, 2016)

A selection of memorable opinions by the late Justice Antonin Scalia, which the author acknowledges are not necessarily the most important, but rather what he describes as “the most powerful, colorful and entertaining opinions ever written by an American jurist.” Scalia’s judicial philosophy, specifically his textualist and origin-alist approach, are analyzed in the introductory chapter. Ensuing chapters cover Scalia’s opinions relating to a variety of subjects including race, abortion, gun rights, death penalty, illegal immigration, and sexual equality. A brief historical and constitutional background of each case with highlights of Scalia’s perspectives precedes a full text of the

opinion. The book concludes with quotes from colleagues on the Supreme Court, constitutional scholars, and critics.

Paul W. Kahn

*Making the Case: The Art of the Judicial Opinion*  
(Yale University Press 2016)

Kahn discusses the essential skills vital to the preparation of students to become successful lawyers. Students must be able to analyze the full text of opinions and not merely rely on excerpts from casebooks. In order to develop a persuasive case, the entire legal opinion must be examined because the law is contextual, embedded in the facts, and does not exist in the abstract as legal doctrine. He also discusses other issues of interest to scholars and students alike, including legal opinions as self-govern-ment through the law, the role of narrative and voice, and the development of doctrine.