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Mary Whisner

University of Washington School of Law

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These Are a Few of My Favorite Books*

Mary Whisner**

Prompted by a beginner's wish to hear more about outstanding reference tools, Ms. Whisner describes three of her favorites: Statistical Abstract of the United States, International Lawyer's Deskbook, and West's Analysis of American Law.

¶1 At the end of the school year, one of our reference interns told me that she was disappointed that Paul Holcomb was the only librarian she worked with who had said, "This is a great book." She wished that we had given her more guidance about the wonderful tools we have chosen to locate within easy reach of our reference desk.

¶2 Indeed, one of our stated goals of the reference portion of the law library internship is "familiarity with all books in the Reference Office collection." I always emphasize that this goal is only aspirational. I have worked in this reference department full-time for fifteen years and I am still not thoroughly familiar with *all* the books in our collection, so I do not mark down a part-time intern who does not achieve the goal in nine months. Nonetheless, acquiring familiarity with the reference collection is part of the job for an intern—and for anyone working in reference.

¶3 How should newer reference librarians pick up this expertise? Having a mentor, like Paul, who shows them the books and explains their features, is just one route. Another way to get to know reference books is to observe experienced librarians (including Paul, of course). If a professor asks for a variety of statistics concerning the federal tax system and I respond with copies of several pages from the *Statistical Abstract*,¹ I am in effect saying to an intern: "This is a great book." A third way is to go hunting when faced with a particular question. When a patron asks for the phone number of the federal district court for the Northern District of California, the new librarian might not know a good source. But a few moments of browsing the shelf might lead to some likely directories. Maybe the first one

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** Assistant Librarian for Reference Services, Marian Gould Gallagher Law Library, University of Washington, Seattle, Washington.

1. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 2001 (121st ed. 2001) [hereinafter STATISTICAL ABSTRACT].

works, or maybe the librarian has to try a couple. But once she finds *BNA's Directory of State and Federal Courts, Judges, and Clerks*² and spends a minute figuring out how it is arranged, she will have acquired a new tool that she will return to again and again. This method has much to commend it. The librarian is motivated to find an answer and the merits of the new reference tool are more vivid because of the immediate research need. On the other hand, the method also has some deficits. Some librarians might not branch out and try unfamiliar tools as long as they have something that seems to do the trick. Some might stop looking at a source's features once an answer is found. And some might not be able to find the handy source in the first place because it is not in their reference collection yet.

¶4 Guides exist. For example, one could read *The Law Library Reference Shelf: Annotated Subject Guide* by Elizabeth Matthews.³ More generally, there is the old stalwart, *Guide to Reference Books*,⁴ published by the American Library Association. The guides can help you develop a good reference collection, and they are very useful when you are looking for a reference book in a particular area. But they are not lively reading. Even a very assiduous young librarian would have a hard time learning about reference books by reading straight through these works. For one thing, there are a whole passel of titles and annotations. For another, the annotations tend to be rather dry (perhaps even soporific). In this essay, I will discuss just three of my favorite reference books, avoiding the guides' information overload problem. I hope I can show why I like them so much.

Statistical Abstract of the United States

¶5 First on my list is *Statistical Abstract of the United States*, now in its 121st edition. Matthews has an accurate but neutral annotation: "'Standard summary of statistics on the social, political and economic organization of the United States.'—Preface. This tabular volume is for statistical reference and guide to other statistical publications."⁵ Robert Balay, as befits the grander scope of his guide, offers a longer and richer annotation:

A single-volume work presenting quantitative summary statistics on the political, social, and economic organization of the United States. Statistics given in the tables cover a period of several years, usually 15 or 20; some tables run back to 1789 or 1800. Indispensable in

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2. BNA'S DIRECTORY OF STATE AND FEDERAL COURTS, JUDGES, AND CLERKS (Catherine A. Kitchell comp., 2002).
 3. ELIZABETH W. MATTHEWS, *THE LAW LIBRARY REFERENCE SHELF: ANNOTATED SUBJECT GUIDE* (4th ed. 1999).
 4. ROBERT BALAY, *GUIDE TO REFERENCE BOOKS* (11th ed. 1996). You might remember this by the compiler's name rather than its bland title. My reference professor said that you could date librarians by the compiler they remembered: Mudge, Winchell, Sheehy (my generation). Isadore Gilbert Mudge compiled the fifth and sixth editions in 1929 and 1936; Constance M. Winchell compiled the seventh and eighth editions in 1951 and 1967; Eugene P. Sheehy compiled the ninth and tenth editions in 1976 and 1986. Now it is Balay.
 5. MATTHEWS, *supra* note 3, at 187.

any library; it serves not only as a first source for statistics of national importance but also as a guide to further information, as references are given to the sources of all tables. Numerous supplements, such as *County and city data book* . . . , provide additional information. Includes a table of contents arranged by broad subject areas and a detailed alphabetical index.⁶

This gives a hint of why this book should be familiar to reference librarians: it is “indispensable,” and it serves both “as a first source” and “a guide to further information.” Clearly this book is handy. What the annotation does not reveal is that the *Statistical Abstract* is also interesting and even fun—at least, if you are curious enough.

¶6 The pages and pages of tables, densely packed with large numbers in small fonts, are dull if you only look at the surface. But if you focus enough to see the fine print and use a little imagination, the tables are fascinating. It does not have to be much of a stretch. Don’t people like those *USA Today* pie charts and bar graphs? Isn’t it juicy to scan *Parade*’s annual issue about how much people earn?

¶7 Here’s an example. One of our professors asked for statistics about charitable giving. Who gives? What sorts of charities receive contributions? What proportion of contributions comes from individuals (as opposed to corporations or foundations)? I started with Statistical Universe, an online service that provides access to a wealth of statistical sources. Many of the useful tables were from *Statistical Abstract* (although I also used some from other sources, such as the *Digest of Education Statistics*⁷). In fact, so many were from the *Statistical Abstract* that I reached for the paper copy we keep in the reference office. Why use print when the tables were right there in my Statistical Universe document list? I find the print easier to browse. Because of the way the editors arrange tables by topic, I could see several related tables together. For example, one two-page spread includes tables listing the average dollar amount of charitable contributions, the percent of households contributing (broken down by dollar amount), the source of private philanthropy funds, and various information about foundations.⁸ Looking at those pages together was more helpful to me than going through the document list and clicking to the six tables separately. (But when it came time to give the results to the professor, I went back online. I found that printing the PDF versions of the tables from the Census Web site produced cleaner copies than smashing our volume onto the copier and getting gray shadows where the pages curved into the spine.)

6. BALAY, *supra* note 4, at 941.

7. E.g., *Endowment Funds of the 120 Degree-Granting Institutions with the Largest Amounts: Fiscal Year 1996*, in OFFICE OF EDUC. RESEARCH & IMPROVEMENT, DIGEST OF EDUCATION STATISTICS, 2000, at 386 (2001).

8. STATISTICAL ABSTRACT, *supra* note 1, at 360–61 (containing Table No. 559, Charity Contributions—Average Dollar Amount: 1991 to 1998; No. 560, Charity Contributions—Percent of Households Contributing by Dollar Amount, 1991 to 1998, and Type of Charity, 1998; Table No. 561, Private Philanthropy Funds by Source and Allocation: 1980 to 2000; Table No. 562, Foundations—Number and Finances: 1975 to 1999; Table No. 563, Foundations—Number and Finances by Asset Size: 1999; and Table No. 564, Foundations—Grants Reported by Subject Field and Recipient Organization).

¶8 Some people might think that the *Statistical Abstract* presents only statistics gathered by government agencies. That may be its strength, but it does not stop there. In fact, the tables about charitable giving came from the Gallup Organization, the Foundation Center, and the AAFRC Trust for Philanthropy—not government agencies. This is one of the reference features that Balay points out: you get information, and you also get leads to sources for more information. (Nowadays the cited sources include Web sites as well as books and other printed reports.)

¶9 This example begins to show how useful the *Statistical Abstract* can be—it helped me answer this professor’s reference question. But this was not an isolated occurrence—the chance meeting of a research need and a source that addresses it. The *Statistical Abstract* has come through for me many times, with information from murder rates to home ownership rates, from traffic fatalities to school enrollment. As mentioned earlier, one can gain access to the tables via a sophisticated online tool, Statistical Universe. But you can also use the low-tech index at the back of the book very effectively. Here is a tip: the numbers in the index refer to table numbers, not page numbers. This tip appears as a running footer in the index, but I have seen many people overlook it. Then they find themselves looking at a page that has nothing to do with the index entry. Just focus on the table numbers.

¶10 The table of contents also provides good access. Each year’s edition is divided into sections—for example, section 1, Population; section 2, Vital Statistics; section 3, Health and Nutrition; on up through section 30, Comparative International Statistics.⁹ Because of these groupings—and the thematic arrangement within a section—it is often useful to start with one relevant table and browse those nearby (as I did when I was looking for the charitable giving statistics). Sometimes patrons do not know precisely what statistics they need and are happy to browse within a general subject to see what statistics are available. As with many reference works, it pays to take a look at the preface and the material introducing each section. For example, the introduction to section 14, Prices, has a good, basic explanation of the producer price index, consumer price indexes, and measures of inflation.¹⁰ The ready availability of this narrative material is another reason why flipping through the print volume can be preferable to clicking on isolated tables turned up by a Statistical Universe search.

¶11 So much for the usefulness of *Statistical Abstract*. Didn’t I also claim it was interesting and fun? Yes, I did, and I stand by that. Let’s start with the charitable giving example. This topic touches my life—as I’m sure it does yours—because I regularly donate to causes I value and I receive solicitations for even more. I work for a university that solicits and receives donations. I go to the symphony and see the program thanking the local philanthropists. So I was curious

9. These examples are from the 2001 edition. They have remained stable over the years, but there are occasionally changes. For example, in 1976, Section 2 included vital statistics, health, and nutrition, topics that are now in two separate sections.

10. STATISTICAL ABSTRACT, *supra* note 1, at 449–51.

about the answers to the professor's questions. What percentage of Americans give? Around seven in ten.¹¹ And to what groups do they give? Religious groups figure high—almost half of the households give to religion.¹² Other categories, in declining order of the percentage of households donating, are human services (27.3%); youth development (21.4%); health (20.8%); education (12.6%); environment (12.4%); arts, culture, humanities (11.5%); public, societal benefit (11.1%); recreation—adults (5.0%); private, community foundations (4.8%); international (4.5%). It is also interesting to look at how much different groups give. On average, households that contribute anything give about 2.2% of their income, but the rate varies. The most generous (on average) are poor people—contributing households with incomes under \$10,000 on average give 5.2% of their income, while those making \$50,000–\$59,999 give 1.9% of their income.¹³ Looking at the tables like this, I think about my own patterns of giving (the food bank fits with human services; colleges and the AALL scholarship fund count as education). I think of my friends who are active in their churches and synagogues. I think about my neighbors and my community.

¶12 But what about the big guns—the foundations and corporations that sponsor public television, for instance? Don't they give a great deal more than my neighbors and I do? In 2000, foundations gave \$152.1 billion and corporations gave \$24.5 billion, while individuals gave \$203.5 billion—more than foundations and corporations put together!¹⁴ If you add charitable bequests (\$16.0 billion),¹⁵ we individuals are a philanthropic force to be reckoned with.

¶13 *Statistical Abstract* has tables on a wide variety of topics, of course, not just charitable giving. You can learn about the federal budget, air pollution, consumer electronics sales, rainfall, or dairy production. You can even learn about leisure pursuits. For instance, about 7.6% of Americans play a musical instrument; 21.8% bake; and 40.1% report reading books within the last twelve months.¹⁶ You can flip to almost any page and make up a parlor game for yourself. What do you think is the ratio of men to women in college?¹⁷ How much of the land in the United States is classed as "rural"? Whenever I take a cross-country flight, I look out the window and see a lot of farms, but also cities and suburbs. I'd guess over half, for sure, but how much? You go ahead and guess too before you look at the footnote.¹⁸ What about New Jersey? Sometimes when I visit, I wonder about its

11. Actually, 70.1% in 1998. *Id.* at 360 tbl. 560.

12. In 1998, 45.2%. *Id.*

13. *Id.* at 360 tbl. 559.

14. *Id.* at 360 tbl. 561.

15. *Id.*

16. *Id.* at 760 tbl. 1243 (Adult Participation in Selected Leisure Activities by Frequency: 1999).

17. In 1999, 7.0 million men were in college, compared with 8.2 million women. This contrasts with the figures a generation ago: in 1970, it was 4.4 million men to 3.0 million women. *Id.* at 137 tbl. 212 (School Enrollment by Sex and Level: 1960–1999).

18. Excluding Alaska and the District of Columbia, 71.1% of the total surface area is rural. *Id.* at 210 tbl. 345 (Land Cover/Use by State: 1997).

“Garden State” nickname. (On my last trip, we drove on the New Jersey Turnpike, visited family in a suburb, shopped in a mall, and went to a minor league baseball game in Camden.) So what percentage of New Jersey’s land is rural? More than half—a higher percentage than in California or Utah!¹⁹ The tables in the aggregate are overwhelming, but most of the tables, if studied for just a moment, can amaze and delight as well as inform.

International Lawyer’s Deskbook

¶14 The second book I want to commend is very different from the *Statistical Abstract*. It is not a standard reference work. It is only in its first edition. It does not even have an index. But it is still useful for a law library’s reference collection. It is *The International Lawyer’s Deskbook*.²⁰ A project of the American Bar Association’s Section of International Law and Practice, this paperback was “designed as a reference tool for lawyers facing international legal problems outside their own areas of expertise.”²¹ It has twenty-six chapters (by different authors) on various topics, such as international financing, international antitrust, and customs law. A typical chapter has ten to fifteen pages of text that give an overview of the area of law, followed by a brief research guide, listing government agencies, statutes, treaties, treatises, and periodical articles.

¶15 I have used this book myself to get a quick overview of an unfamiliar area. (I know a lot more about international law than I did when I started out as a librarian, but much is still unfamiliar to me. It is a blessing to have one volume that introduces so many topics.) I have also found that it is very useful to show to a patron who is getting started. For example, several years ago, a student working on a Jessup moot court problem needed a framework for understanding issues of international child adoption, and the chapter on family law²² was very helpful for her. I have shown another chapter to patrons with questions about service of process or taking evidence abroad.²³ These chapters are just the beginning—they do not answer all of the patrons’ questions—but they are a *good* beginning.²⁴

West’s Analysis of American Law

¶16 My third book might look just as dry as the *Statistical Abstract* does at first glance, but it is also a tool with surprising utility. *West’s Analysis of American*

19. Fifty-three percent of New Jersey’s land is rural, compared with 46.8% of California’s and 32.4% of Utah’s. *Id.*

20. THE INTERNATIONAL LAWYER’S DESKBOOK (Lucinda A. Low et al. eds., 1996).

21. *Id.* at iii.

22. Gloria F. DeHart, *Family Law*, in THE INTERNATIONAL LAWYER’S DESKBOOK, *supra* note 20, at 373.

23. Gary B. Born, *International Litigation*, in THE INTERNATIONAL LAWYER’S DESKBOOK, *supra* note 20, at 277.

24. Maybe the next edition will be even better, perhaps with a chapter on extradition.

*Law*²⁵ presents the entire key number system, from Abandoned and Lost Property to Zoning and Planning, with each heading and subheading available for the reader to skim. Now, all of us law librarians know that there are many good ways to find cases—from reading secondary sources to using annotated codes to full-text searching. Many of our patrons strongly prefer these techniques to using digests (and most of the time I agree). But there are times when digests are very helpful and we should be aware of how to use them—and how to use the key number system online, too.

¶17 How does this book help? First, it offers a short “Explanation of Key Number Analysis.”²⁶ I think you already have to have some familiarity with the system before this “Explanation” makes much sense, but it does address one puzzling aspect of the system—namely, how the West editors decide whether an issue like negligence causing a car crash should go under “Negligence” or “Automobiles.” It turns out to relate to the “Outline of the Law,” which we have all seen at the beginning of every digest volume, where all the four hundred-some topics are grouped under seven categories: 1. Persons, 2. Property, 3. Contracts, 4. Torts, 5. Crimes, 6. Remedies, or 7. Government.²⁷ (I always used to ignore this as quaintly metaphysical but of no practical use.) The “Explanation” says that an issue that could fit into more than one topic goes into the one that falls in a higher ranked category. For example, the topic “Automobiles” is classed under Property (because automobiles are among the “particular subjects and incidents of ownership”), and the topic “Negligence” is classed under Torts. Property is number 2 in the list of categories and Torts is number 4, so car-crash negligence goes under Automobiles. Would medical malpractice go under Physicians and Surgeons or Negligence? We can do a similar analysis. The topic “Physicians and Surgeons” is classed under Persons (because doctor is a “particular occupation”) and Persons is number 1 in the list—so doctor negligence goes into this topic. This analysis eventually leads to “Negligence” not having as much in it as inexperienced researchers expect. It does not include car-crash negligence, doctor negligence, dog-bite negligence, and so on, because they all go into other topics. “Negligence” covers

only matters arising between “strangers,” independent of any distinctions peculiar to classes of persons or species of property or peculiar rights or obligations incident to either or to contracts relating thereto. As to the matters so included, the topic “Negligence” covers them fully, — what constitutes actionable negligence; the doctrine of proximate cause; and contributory negligence, including imputed and comparative negligence. And, further, it includes, by reason of its precedence over subsequent categories [i.e., Crimes, Remedies, and Government], matters which might belong to them, such as actions for negligence and procedure therein, and criminal responsibility for negligence.²⁸

25. WEST’S ANALYSIS OF AMERICAN LAW, 2002 EDITION (2001). The first publicly available edition appeared in 1994. Before that, only West editors had access to this material in a similar format.

26. *Id.* at v–vii.

27. The list is also in *id.* at ix–xiv.

28. *Id.* at vi.

¶18 Perhaps this look into “the mind of West”²⁹ is too arcane for your taste. The book has other, more practical features. I like the list of digest topics with the numbers assigned them in Westlaw.³⁰ If I want to run a search for a topic I know, it is quicker for me to flip to this list than to fumble around online. This list is also handy when a patron comes to the reference office with a scrawled note about “Ind & Inf” and asks what that stands for. You could go back to the digest volume where the patron found the reference (or send the patron back to get it), but with *West’s Analysis* you can quickly determine that it is “Indictment and Information.”

¶19 My colleague Ann Hemmens pointed out to me another useful list: topics arranged by legal practice area.³¹ Here you can see, for instance, a list of topics related to bankruptcy (Bankruptcy, Debtor and Creditor, Exemptions, Homestead). Looking for Medicaid cases? This list tells you they will be in the topic “Social Security and Public Welfare.”

¶20 This list also highlights a quirk of the key number system. We all like to teach students and researchers that the digests all have the same arrangement, so that if you learn to use, say, *West’s Pacific Digest*, then you will be able to use *West’s Federal Practice Digest*. We explain that a key number that is good in one digest should work in any other. So far so good. But it turns out that procedural issues are a significant exception! If you have a state court ruling on the granting of a new trial, it will go under the topic “New Trial,” but a federal court ruling on the same issue will go under “Federal Civil Procedure.” State court appellate procedure goes under “Appeal and Error,” but federal court appellate procedure goes under “Federal Courts.” The list of topics arranged by specialty splits up “Civil Procedure—Federal Cases” and “Civil Procedure—State Cases.” You can see at a glance that “New Trial” is in the latter list but not the former. However, “Jury” and “Removal of Cases” are in both lists, so “Federal Civil Procedure” and “Federal Courts” do not swallow up all of the procedural topics.

¶21 The rest of the book (1609 pages) lists all the topics, along with their scope notes and key numbers. You can look at these in digest volumes, but it is convenient to have them all together, so you do not have to spread out on your desk all the digest volumes that include the topics you want to skim. The notes about “Subjects Included” and “Subjects Excluded and Covered by Other Topics” are worth reviewing. For example, the note about exclusions under “Federal Civil Procedure” refers you to “Federal Courts” for appellate procedure.³² And the note about exclusions under “Negligence” refers you to “Physicians and Surgeons,” key numbers 14–18.130, for medical malpractice.³³

29. I believe I first heard this phrase from Bob Berring, but I do not have a citation. He doesn’t deny it. E-mail from Robert C. Berring, Director of the Law Library and Professor of Law, University of California, Berkeley School of Law, to Mary Whisner (Sept. 12, 2002) (on file with the author).

30. *Id.* at xv–xvii.

31. *Id.* at xix–xxii (Topics by Specialty).

32. *Id.* at 602.

33. *Id.* at 1075.

¶22 I use the book to help me formulate Westlaw searches. When a professor recently wanted support for the proposition that “numerous fights ensue in the calculation of just compensation today,” I skimmed the topic “Eminent Domain” to come up with an appropriate range of key numbers for a search. I suggested that he footnote his point something like this:

For example, since the beginning of 2000, 173 cases have been assigned key numbers in the West topic Eminent Domain, heading II (Compensation), subheading (C) (Measure and Amount). Westlaw search conducted July 16, 2002: da(>1999) & 148ii(c). This number generally reflects only appellate cases; many more would have been settled or resolved at a lower level.

¶23 Procedural questions are often hard to address using full-text searches. For example, law students and law professors sometimes want to locate cases addressing the precedential value of various cases—cases from another division of the state court of appeals, for instance, or federal district court cases construing a state statute. I show them the outline for the topic Courts, key numbers 87–99, and Federal Courts, key numbers 371–433, and help them put together a search.

Conclusion

¶24 This essay is only partly a response to the intern who wanted more recommendations about great reference books. By writing down some thoughts about three of my favorite books (not my only treasured books, by any means), I have tried to provide some useful tips to more than just that one beginning librarian. Take a look at these books: they are great!

