

THE 2021
BURTON
BOOK REVIEW
PROGRAM

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THE 2021 BURTON BOOK REVIEW PROGRAM

ABOUT THE PROGRAM

The Burton Literary Review Program was established in 2021 to review the leading books in law. Through the use of leading academics, readers will be able to determine whether they should read the newest books published in all areas of the law. Our committee includes the ever-prominent Sheila Hollis, Of Counsel and Chair at Duane Morris LLP, and Brian Craig, lawyer, noted writer and former teacher at the University of Minnesota Law School. Mr. Craig will administer the program. Lindsay Saffouri, who is the Director of the First-Year Skills Program at UC Berkeley School of Law is recommending the members of the Committee. The goal of the Burton Literary Review Program is to promote the newest books of the finest legal authors. The reviews will be published by the Law Library of Congress or a similarly well-known institution.

COMMITTEE

SHEILA HOLLIS

CHAIR OF THE BURTON BOOK REVIEW COMMITTEE

OF COUNSEL AND CHAIR

DUANE MORRIS LLP



Sheila Slocum Hollis is Of Counsel and Chair of the Washington, DC office of Duane Morris LLP. She was the founding managing partner of the Washington office and the Energy, Environment and Resources Practice. She served on the firm's Executive Committee for over a decade and its Partners' Board for 20 years. She specializes in domestic and international energy and environmental matters, representing governmental bodies and the energy industry. She was the first Director of the Federal Energy Regulatory Commission Office of Enforcement, establishing the office, as well as its policies and procedures, and was a trial lawyer at the Federal Power Commission. She was a Professorial Lecturer in Law at the George Washington University Law School for 20 years, teaching Energy Law. She was the first woman to serve as President of the Energy Bar. She was Chair of the American Bar Association's Section of Environment, Energy and Resources, is currently the Section's representative in the ABA House of Delegates, and is the former Chair and now Special Advisor to the ABA Standing Committee on the Law Library of Congress. She is also an officer in the Senior Lawyers Division of the ABA. She has chaired the ABA Fund for Justice and Education and the Standing Committees on the Federal Judiciary, Environmental Law, and Gavel Awards, among others, and chaired the *ABA Journal* Board of Editors. Among numerous honors, she is recognized by the ABA as a "Woman Trailblazer in the Law" at the Library of Congress; by *Chambers Guide*; by the *National Law Journal* as one of the nation's top energy lawyers; and by various organizations for her expertise in oil, gas, and electric law issues. Most recently, she was honored as a "storied energy lawyer" with the Petroleum Economist's Legacy Award, an award given to outstanding individuals for their industry contributions. She was named one of

Washington, DC's Top 50 Women Attorneys and Washington, DC's Top 100 Lawyers 2017; "Woman of the Year" by the Women's Council on Energy and the Environment; and Duane Morris's team leader for Finance Deal of the Year by American Law Media. She is a Fellow of the American College of Environmental Lawyers, a Fellow of the American Bar Foundation, and a member of the American Law Institute. She is admitted as an honorary, international member of the Commercial Bar of England and Wales and is a Trustee of the Center for American and International Law and of Plimoth Plantation. She is co-author of numerous books, articles, and other documents on energy law, has lectured throughout the world, and led delegations to China, Central and Latin America, Russia, Mexico, and other nations in women's rights, energy, environment, and other legal and policy issues. Ms. Hollis is an honors graduate of the University of Colorado and the University of Denver College of Law.

BRIAN CRAIG

VICE PRESIDENT AND CHIEF LEGAL ADMINISTRATOR – BURTON BOOK REVIEW
LAW OFFICE OF BRIAN CRAIG, PLLC



Brian Craig has 18 years of experience as a lawyer. Before starting his own law firm, Brian worked for several years in the legal publishing and legal information services industry as an attorney for Thomson-Reuters and Wolters Kluwer gaining experience with contracts, tax law, privacy law, and other practice areas. Besides helping clients, Brian teaches online legal courses at Purdue University Global and Brigham Young University-Idaho, including courses in civil litigation, business law, family law, criminal law, and media law. He previously taught at the University of Minnesota Law School. Brian is also an accomplished legal writer as the author of *Cyberlaw: The Law of the Internet and Information Technology* (Pearson) and *Stringfellow Acid Pits: The Toxic and Legal Legacy* (University of Michigan Press). He has also written articles relating to real estate law, privacy law, legal writing, and legal history. Brian currently serves as a prelitigation panel chair with the Utah Division of Occupational and Professional Licenses for medical malpractice cases. He has also served as a volunteer with the Cache County Thursday Night Bar self-help clinic, Legal Assistance of Dakota County (Minnesota), and Utah Legal Services. A resident of Providence, Brian enjoys hiking up Logan Canyon, reading John Grisham novels, and playing the piano.

LINDSAY STURGES SAFFOURI

SENIOR ADVISOR OF THE BURTON BOOK REVIEW COMMITTEE
DIRECTOR OF THE FIRST-YEAR SKILLS PROGRAM
UC BERKELEY SCHOOL OF LAW



Lindsay Sturges Saffouri is the Director of the First-Year Skills Program at UC Berkeley School of Law. While a student at Hastings College of the Law, Lindsay clerked for the U.S. Environmental Protection Agency and in her third year, she externed full-time for Judge Claudia Wilken of the U.S. District Court, Northern District of California. After graduating, Lindsay practiced at Taylor & Co. Law Offices, a boutique civil litigation firm. Simultaneously, she was an Adjunct Professor at Hastings College of the Law. She is a member of the Legal Writing Institute, the Association of Legal Writing Directors, and the Legal Writing and Reasoning section of the American Bar Association.

BOOK SELECTION PROVIDED BY BRIAN CRAIG

- *Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union* by Ruth Bader Ginsburg and Amanda L. Tyler (University of California Press)
- *Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System* by Judge Jed S. Rakoff (Farrar, Straus and Giroux)
- *Paving the Way: The First American Women Law Professors* by Herma Hill Kay (University of California Press)
- *Antitrust: Taking on Monopoly Power from the Gilded Age to the Digital Age* by Amy Klobuchar (Knopf)
- *Of Courtiers and Princes: Stories of Lower Court Clerks and Their Judges* by Todd C. Peppers (University of Virginia Press)
- *Let the Lord Sort Them: The Rise and Fall of the Death Penalty* by Maurice Chammah (Crown)
- *Liars: Falsehoods and Free Speech in an Age of Deception* by Cass R. Sunstein (Oxford University Press)
- *The Fight for Free Speech: Ten Cases That Define Our First Amendment Freedoms* by Ian Rosenberg (NYU Press)
- *Five Days: The Fiery Reckoning of an American City* by Wes Moore and Erica L. Green (One World)
- *The Anointed: New York's White Shoe Law Firms—How They Started, How They Grew, and How They Ran the Country* by Jeremiah Lambert and Geoffrey Stewart (Lyons Press)
- *Terror to the Wicked: America's First Trial by Jury That Ended a War and Helped to Form a Nation* by Tobey Pearl (Pantheon)
- *The Whiteness of Wealth: How the Tax System Impoverishes Black Americans—and How We Can Fix It* by Dorothy A. Brown (Crown)
- *Mine!: How the Hidden Rules of Ownership Control Our Lives* by Michael A. Heller and James Salzman (Doubleday)
- *Traveling Black: A Story of Race and Resistance* by Mia Bay (Belknap Press: An Imprint of Harvard University Press)
- *Darrow's Nightmare: The Forgotten Story of America's Most Famous Trial Lawyer* by Nelson Johnson (RosettaBooks)

Special appreciation to Lindsay Saffouri who serves on the Burton Awards Academic Board for selecting the five book reviewers.

SAMPLE BOOK REVIEW *

BEFORE LINCOLN SAVED THE UNION, HE FOUGHT TO SAVE A CLIENT FROM THE GALLOWS

Lincoln's Last Trial: The Murder Case that Propelled Him to the Presidency, by Dan Abrams with David Fisher (Hanover Square Press, 2018)

Reviewed by Brian Craig

The legal career of a certain self-taught country lawyer who ended up preserving the Union set a standard for all lawyers to follow in terms of professionalism and excellence. In *Lincoln's Law Trial: The Murder Case that Propelled Him to the Presidency*, Dan Abrams and David Fisher provide a detailed account of the sensational 1859 murder trial in *The State of Illinois v. "Peachy" Quinn Harrison*. In his last trial before assuming the presidency, Abraham Lincoln represented "Peachy" Quinn Harrison, accused of murdering Greek Crafton. Lincoln argued that Harrison acted in self-defense, an affirmative defense not yet fully developed in 1859. Lincoln had close personal ties to the case. The murder victim, Crafton, studied the law under the tutelage of Lincoln himself. And the accused murderer, Peachy Harrison, was the son of Lincoln's close friend and a loyal supporter.

The original transcript written by the hand of scribe Robert Roberts Hitt remained undiscovered for more than a century until it was discovered in 1989 in a shoebox stored in a garage of the Fresno, California home once owned by Quinn Harrison's great-grandson. Abrams, ABC News chief legal affairs anchor, adapted the old dusty transcript and takes the reader on a journey to the past looking at the case through the eyes of Hitt. The State v. Harrison case itself involved an altercation at a drugstore. The much smaller Harrison slashed the more physically imposing Greek Crafton in the abdomen with a knife after Crafton and his associates grabbed Harrison with intent to "stomp his face" over vague insults to the Crafton clan. If convicted of murder, Harrison faced execution by hanging.

As with many cases today, the trial boiled to one key piece of evidence. Lincoln used his skills and experience in a tactful legal maneuver convincing Judge Edward Rice to admit the out-of court deathbed confession made by the victim. At the time, the dying declaration exception to the hearsay rule, like the self-defense doctrine, was still in its infancy. Yet Lincoln passionately presented his argument and properly secured admission of the critical evidence for the defense team before the male-only jury.

To make matters even more challenging and personal for Lincoln, the key witness was none other than Lincoln's long-time political enemy. The defense team's star witness, Reverend Peter Cartwright, once called Lincoln "an infidel" and a man unfit to represent good Christians. Cartwright, a revivalist Methodist, previously ran twice against Lincoln for political office. As any zealous advocate representing the best interests of his client should do, Lincoln put aside his personal feelings and any animosity toward Cartwright and called the Reverend to the stand. Reverend Cartwright testified that he visited the mortally wounded Greek Crafton three days after the scuffle.

In 1859, defendants accused of a crime in Illinois could not testify on their own behalf. Thus, Harrison was considered incompetent to personally testify before the jury. Rather, Lincoln relied on other evidence to convince the jury that Harrison acted in self-defense and the much smaller Peachy Harrison feared for his own life against his much larger attackers.

After just one hour of deliberations, the jury came back with a unanimous verdict. But the book's subtitle, "The Murder Case that Propelled Him to the Presidency," may be a slight exaggeration. While the Peachy Harrison case captured the attention of the Springfield masses, most historians generally agree that the case did not receive much fanfare at the national level. Yet Lincoln secured his reputation as an eloquent speaker as he honed his oratory skills. That reputation eventually led him to the White House as a dark horse candidate and through the difficult times during the Civil War.

Lawyers today can still learn insightful lessons from the example of Honest Abe by reading *Lincoln's Last Trial*. The words of Lincoln himself, written in a well-known 1850 essay, ring true for lawyers across all generations: "There

is a vague popular belief that lawyers are necessarily dishonest. . . Let no young man [or woman], choosing the law for a calling, for a moment yield to this popular belief." Lincoln continued, "Resolve to be honest at all events; and if, in your own judgment, you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave." Following the words of Lincoln today remain more important than ever.

* Condensed from Brian Craig, *Book Review: Before Lincoln Saved the Union, He Fought to Save a Client from the Gallows*, Utah Bar Journal, Vol. 32, No. 5, 26 (September/October 2019)

SCHEDULE OF COMMITTEE MEETINGS

MEETING	MEETING DATE	MEETING TOPIC
Committee Meeting #1	June 1, 2021	Introduce reviewers selected by Senior Advisor Lindsay Saffouri. Assign first round of books to the reviewers.
Committee Meeting #2	August 6, 2021	Discuss first round of 5 book reviews.
Committee Meeting #3	September 3, 2021	Assign second round of books to the reviewers.
Committee Meeting #4	October 1, 2021	Discuss second round of 5 book reviews.
Committee Meeting #5	November 1, 2021	Vice President Brian Craig to provide 10 new books to assign to readers. Schedule of assigned reading to be updated by Noelle.
Committee Meeting #6	December 3, 2021	Discuss third round of 5 book reviews.

SCHEDULE OF ASSIGNED READING MATERIAL & WRITING REVIEW

BOOK TITLE	READING DEADLINE	WRITING DEADLINE
<i>Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union</i>	July 9, 2021	August 6, 2021
<i>Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System</i>	July 9, 2021	August 6, 2021
<i>Paving the Way: The First American Women Law Professors</i>	July 9, 2021	August 6, 2021
<i>Antitrust: Taking on Monopoly Power from the Gilded Age to the Digital Age</i>	July 9, 2021	August 6, 2021
<i>Of Courtiers and Princes: Stories of Lower Court Clerks and Their Judges</i>	July 9, 2021	August 6, 2021
<i>Let the Lord Sort Them: The Rise and Fall of the Death Penalty</i>	September 10, 2021	October 8, 2021
<i>Liars: Falsehoods and Free Speech in an Age of Deception</i>	September 10, 2021	October 8, 2021
<i>The Fight for Free Speech: Ten Cases That Define Our First Amendment Freedoms</i>	September 10, 2021	October 8, 2021
<i>Five Days: The Fiery Reckoning of an American City</i>	September 10, 2021	October 8, 2021
<i>The Anointed: New York's White Shoe Law Firms—How They Started, How They Grew, and How They Ran the Country</i>	September 10, 2021	October 8, 2021
<i>Terror to the Wicked: America's First Trial by Jury That Ended a War and Helped to Form a Nation</i>	November 5, 2021	December 3, 2021
<i>The Whiteness of Wealth: How the Tax System Impoverishes Black Americans—and How We Can Fix It</i>	November 5, 2021	December 3, 2021
<i>Mine!: How the Hidden Rules of Ownership Control Our Lives</i>	November 5, 2021	December 3, 2021
<i>Traveling Black: A Story of Race and Resistance</i>	November 5, 2021	December 3, 2021
<i>Darrow's Nightmare: The Forgotten Story of America's Most Famous Trial Lawyer</i>	November 5, 2021	December 3, 2021

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