

# Book Reviews

By Phyllis W. Cheng\*

## THE MAJESTY OF THE LAW: REFLECTIONS OF A SUPREME COURT JUSTICE, RANDOM HOUSE (2003, HARDCOVER, 352 PAGES)

Sandra Day O'Connor

Sandra Day O'Connor, first woman Associate Justice on the United States Supreme Court, has written a book defining the essence of the high court in our democracy. In *The Majesty of the Law: Reflections of a Supreme Court Justice*, O'Connor describes her personal perspective on what it is like to serve on the Supreme Court, its history, notable justices over the years, women and the law, the legal profession, and the rule of law.

O'Connor entitled her book after a figure on a marble frieze in the courtroom of the Supreme Court. Depicting the "Majesty of the Law," that allegorical figure and its panel represent the principle that the law is an essential safeguard of the liberties and rights of the people. As the pivotal swing vote on what is increasingly known as the O'Connor court, it is fitting that O'Connor's seat in the courtroom is directly beneath this image.

*The Majesty of the Law* is an easy read for both legal and lay readers. O'Connor gives a broad review of the Constitution, Bill of Rights, Judiciary Act of 1789, and Writ of Habeas Corpus. She credits former justices of the Supreme Court for shaping the law and the institution. Selected for their legacy are Oliver Wendell Holmes for his contribution to recognizing individual rights under the Bill of Rights, William Howard Taft for finding agreement among members of the court, Charles Evans Hughes for retaining the composition of the court at nine members during the New Deal, Thurgood Marshall for his unwavering commitment to civil rights, Warren Burger for reforming the management of the courts, and Lewis Powell for his decency and magnanimous spirit. O'Connor also speaks about the need for greater courtesy in the profession, the need for lawyers to provide legal services to indigent Americans, and broadening the legal community's horizons to learn from other nations' legal systems.



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Labor and employment lawyers will find of interest the chapter on women and the law. Mindful of her special position as the first woman Supreme Court Justice, O'Connor states that she is a beneficiary of the changing attitudes about "women's work." O'Connor recounts that when then Attorney General William French Smith called her about an appointment by President Reagan, she asked him whether it was for secretary, as his firm had offered her that position when she was a young lawyer.

O'Connor provides an overview of the Suffrage Movement for women's voting rights which led to the 19th Amendment, and credits the pioneers who paved the way for women to enter the legal profession. She discusses whether the justice dispensed by women and men on courts are different, and concludes that there is little or no difference. She further observes that while the differences between women and men in the way they exercise power are subtle, the differences in the acquisition of power are not. Citing as examples, O'Connor found that while women make up almost 30 percent of the legal profession, they account for only 20 percent of federal judges and law firm partners, 10 percent of law school deans and corporate counsel, and 5 percent of managing partners at large firms. She concludes with the belief "that society as a whole can benefit immeasurably from a climate in which all persons, regardless of gender, have the opportunity to earn respect, responsibility, advancement, and remuneration based on ability."

This is O'Connor's second book. Her first book, *Lazy B*, was a personal story of growing up on a cattle ranch in a dry and isolated part of the Arizona desert.

## HOW ADR WORKS, ABA SECTION OF LABOR AND EMPLOYMENT LAW, BNA BOOKS, WASHINGTON D.C. 20037 (2002, 1112 PAGES)

Norman Brand (editor),

This collection of essays written by labor and employment law practitioners offers a comprehensive review of the evolving use of alternative dispute resolution (ADR) for resolving workplace disputes. The compendium of substantive essays and useful appendices serves the needs of both practitioners and neutrals who engage in labor and employment law mediation and arbitration.

Divided into four parts and 53 chapters, the first part introduces the reader to what ADR means today, including discussions on how advocates start the process of mediation and arbitration. Part two focuses on mediation, consisting of essays that examine how mediators operate and view their roles, how advocates prepare and advocate their cases for mediation, and how class actions are mediated. The third part spotlights arbitration, and encompasses chapters on how arbitrators view arbitration, decide cases, run a hearing and what they expect from the parties; preparing for and representing the client in arbitration. Part Four highlights drafting issues, such as drafting ADR programs and settlement agreements.

In addition, detailed appendices include useful sample forms, including uniform counsel certification form, agreement for mediation services, mediation instructions, letter preparing clients for mediation, agreement for mediation services, request for materials form client in an arbitration case, letter of agreement between union and union member,

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