

## RECENT PUBLICATIONS

**LAWYERS' POKER: 52 LESSONS THAT LAWYERS CAN LEARN FROM CARD PLAYERS.** By Steven Lubet. New York, N.Y.: Oxford University Press. 2006. Pp. 3, 275. \$28.00. Dividing the lessons of poker into a playing deck's four suits — Diamonds (maximizing your winnings), Clubs (controlling the opposition), Spades (digging for information), and Hearts (ethics and character) — Professor Steven Lubet illuminates how lawyers might learn from the principles underlying the popular betting game. He uses a series of stories about public defenders, politicians, and even a self-proclaimed “mad genius of poker” (p. 111) to bring alive the parallels between the types of strategic decisions made by lawyers and those made by card players acting under conditions of uncertainty. Several useful tutorials such as “Expected Value” (p. 17), “Establishing Patterns” (p. 118), and “Moral Hazards” (p. 215) are contained in neatly divided sections within each chapter. In one these, Professor Lubet discusses bluffing in poker and emphasizes the importance of variation when engaging in repeated games with other actors; he then draws a telling analogy to the legal realm, noting that lawyers “who invariably follow a single approach become predictable and therefore lose the ability to influence their opponents' settlement position” (p. 92–93). A mix of psychology, strategy, and legal experience, *Lawyers' Poker* will appeal to lawyers of all stripes.

**TAMING THE ELECTORAL COLLEGE.** By Robert W. Bennett. Stanford, Cal.: Stanford University Press. 2006. Pp. xii, 270. \$21.95. Northwestern professor Robert Bennett offers a critical look at how the Electoral College functions in the twenty-first century and argues that absent reform, problems potentially more serious than those faced in the 2000 presidential election could become reality. Eschewing comprehensive constitutional change, Professor Bennett focuses on discrete reforms at both the state and federal levels. His book begins with a critical history of the Electoral College, evaluating the institution through the lenses of previously proposed alternatives. After explaining the procedures in place should the Electoral College fail to produce a President and a Vice President, Professor Bennett describes potential scenarios resulting from systematic flaws in the College that could trigger the backup procedures. After offering specific reforms to prevent the scenarios he describes, Professor Bennett concludes by advocating for reform now to prevent problems later. This well-timed book will appeal to experts as well as to members of the general public who are looking for a nuanced picture of Electoral College reform.

OUR UNDEMOCRATIC CONSTITUTION: WHERE THE CONSTITUTION GOES WRONG (AND HOW WE THE PEOPLE CAN CORRECT IT). By Sanford Levinson. New York, N.Y.: Oxford University Press. 2006. Pp. ix, 233. \$28.00. In this thoughtful and accessible examination of the structural deficiencies of the U.S. Constitution, Professor Sanford Levinson makes a provocative case for a modern constitutional convention — an unprecedented national referendum on a document that is insufficient and outdated in important respects. Criticizing the pervasive veneration of a such a flawed document, Professor Levinson aims with this book to begin national conversation about the Constitution. He moves through a number of constitutional problems, including the difficulty of amendment, the unfair composition of the Senate, the defects in the Electoral College, and the power of the Executive. Drawing on political science, history, and international comparisons as well as domestic constitutional law scholarship, he weaves his discussion of constitutional defects together with such contemporary issues as Supreme Court politics, “battleground” states, and national security. In a time of heightened partisanship, Professor Levinson’s passionate call to improve our constitutional democracy will appeal to both Red and Blue America.

SPLIT DECISIONS: HOW AND WHY TO TAKE A BREAK FROM FEMINISM. By Janet Halley. Princeton, N.J.: Princeton University Press. 2006. Pp. xvi, 402. \$29.95. It is time, argues Professor Janet Halley, to step out of feminism’s male domination–female subordination framework, not necessarily permanently or by way of abandonment, but as a “break” that is imperative if feminism is to become a responsible governance project. With refreshing candor and self-consciousness — she discusses upfront her “complete and total lack of objectivity” (p. 11) — Professor Halley places feminist theory and its myriad internal debates in a decidedly political context. Deftly guiding the reader through a social history of feminist theory, she demonstrates the danger of “convergentist” demands that everything be subsumed into the feminist framework. Professor Halley calls for a reappraisal of feminist accounts of the law in order to ascertain with greater accuracy feminism’s winners and losers. Cognizant of the complexities her “break” introduces — “[t]he benefits have costs,” the reader learns, “[a]nd the costs have benefits” (p. 302) — Professor Halley proposes a timely pause to theoretical infighting, intended to benefit both feminism and the left-of-center sexual politics feminism has left behind.