
RECENT PUBLICATIONS

BOILERPLATE: THE FINE PRINT, VANISHING RIGHTS, AND THE RULE OF LAW. By Margaret Jane Radin. Princeton, N.J.: Princeton University Press. 2013. Pp. xvii, 311. \$35.00. Buying something online, visiting a website, and parking in a garage all require consumers to accept terms that few read, few understand, and none are able to change. In this engaging new book, Professor Margaret Jane Radin addresses the issues that arise when these “boilerplate” terms are analyzed within contract doctrine. She argues that boilerplate does not resemble the paradigmatic voluntary exchanges that animate contract law: consumers do not truly consent, and boilerplate substitutes legal rights determined by courts with legal rights determined by companies. Professor Radin uses real-world boilerplate to dismiss arguments made by many scholars that boilerplate is consistent with the underlying principles of contract. Recognizing that the wholesale prohibition of boilerplate would wreak commercial havoc, Professor Radin evaluates several potential reforms. Judicial oversight could protect consumers by strengthening components of current doctrine, by rejecting terms that involve inalienable rights and nonconsent or that affect many consumers, and by reconceptualizing boilerplate to fit within tort law. Professor Radin also proposes several regulatory and market-led reforms. This insightful book engages with an omnipresent issue in the modern economy and will assist policymakers and courts alike in their attempts to protect consumers.

BAD ACTS: THE RACKETEERING CASE AGAINST THE TOBACCO INDUSTRY. By Sharon Y. Eubanks and Stanton A. Glantz. Washington, D.C.: American Public Health Association. 2012. Pp. xii, 294. \$28.50. After years of litigation, the Department of Justice won an unprecedented racketeering lawsuit against the tobacco industry in the 2006 case *United States v. Philip Morris*. In this illuminating new book, Sharon Eubanks, who led DOJ’s tobacco litigation team, and Professor Stanton Glantz provide an inside account of the complex history, legal intricacies, and political climate behind this interesting case. Eubanks, who likens choosing to lead the lawsuit to “jumping off a bridge” (p. xii) in terms of career consequences, does not withhold information about the legal details of the case or the behind-the-scenes maneuvering, no matter how controversial her story may be. She offers sharp criticisms of the George W. Bush Administration, which opposed and interfered with the suit and forced her into early retirement, and the powerful law firms that aided the tobacco industry in perpetrating fraud for decades. This thorough, readable book will likely interest anyone, lawyer or not, who is inspired by stories of principled individuals pursuing justice despite great personal cost.