



I Hate Casebooks

[by Jeremy Blachman]

I just bought my casebooks. They're never on sale. You would think they would be. When clothes go out of style, they're on sale. When a class goes out of style - I'm thinking "The Soviet Union and other Communist Threats to the Rule of Law," or "Law and Rotary-Dial Telephones" - the books still cost \$100. You would think it would be based on supply and demand, like everything else.

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The only way to get them cheap is to buy them used. And even then, they're not cheap. The bookstore here puts up signs by each casebook: "Buy it used! Save \$7.50!" Yeah, but the used casebooks look like someone dipped them in a vat of highlighter. I think I treat my casebooks pretty well. I don't dunk them in syrup. I try not to rip the binding completely off the pages. I don't use a black Sharpie marker to cross out all of the case holdings. But casebooks that look like mine never make it into the used stack at the bookstore - only casebooks that look like they've been used as coloring books for the mentally challenged. Everything is highlighted, even the page numbers. Notes that have nothing to do with the text fill the margins: "Don't forget to buy toothpaste!!!!" That's not what I need to see when I'm reading about the tax code.

During my first year, I bought one casebook used because it didn't look too badly destroyed. Only two chapters were highlighted. Those, of course, were the only two chapters the professor ended up assigning. The previous owner of the casebook had written things in the margins about the people sitting around her. "The guy behind me picks his nose;" "the girl next to me is easy;" "the professor's secretary looks like Monica Lewinsky." I didn't notice them until I brought the book to class and was trying to follow along with the case. But I was embarrassed by the comments. I didn't want the people around me to think that I was the one who had written them. After all, the girl next to me was easy, and the guy behind me didn't pick his nose, but he did clip his toenails during class. At first, I tried covering the comments with my hand, but it felt really awkward. Then I tried crossing them out, but that only made it look worse. Why would they be crossed out if I wasn't the one who had written them? Finally, I just stopped bringing the casebook to class. It wasn't worth it. If only I'd spent the additional \$7.50.

It's not even like the used books are that much cheaper than the new ones. The \$7.50 spent on a \$75 book is not enough to differentiate something shiny and new from something that looks like it was used as a paintball target. And they give you less money back for the used casebooks in the end anyway. Like, nothing. Not that they're all that generous with the new casebook buyback. I get too excited at the end of every semester to sell back my books. I think it's going to make me rich. And then I get to the

front of the line with my stack of gold only to hear, "Civil Procedure, 37 cents. Civil Procedure rules pamphlet. Sorry, new edition." What? Apparently every year there's a new edition of all of the statutory supplements. Every year! Are the rules changing every year? Are we going to wake up a year from now and find out the rules for change of venue are completely different? Will the state court system suddenly be abolished? Are there people who line up at the bookstore the night before the new rules pamphlets come out just to see what changes they made? "The maximum I can invest in my 401K went up by \$500, Sam! I'm so psyched!" It's not like we're practicing lawyers and need to know the actual rules anyway. Just give me a rough idea. We have 45 states, give or take a few. They each have some courts. You need to file papers within a few weeks. The judge will do some stuff. It's a publishing scam. We don't need new versions of this stuff every year! I want 15 cents for my book!

So I leave the bookstore with three statutory supplements they won't take back and \$6.15 in exchange for the \$400 worth of books I gave them that they will soon resell for \$398. It all makes perfect sense. But, really, any money they give me is worth it. It's not like I want the books. I don't understand people who keep their old casebooks. I've heard two reasons. I'm not sure which is worse. Some people say they keep them for future reference. I often find myself wondering which justices dissented in the Upjohn case. Maybe they're good for propping up one leg of an unbalanced table. Maybe they're good for when all the wood is done burning in the fire-

place. Maybe they're good for insomnia. But since they weren't even good as references for the exam, they're certainly not useful as references in real life.

The other reason I hear people give for keeping their books is that they look impressive on a shelf. Actually, to me they look sad. They all look the same. There's the brown company, and the red company. Big brown books, little red books. Boring titles. No pictures. These are not the books I want on my shelf. If I walk into someone's house and see a shelf full of casebooks, I'm not impressed. I'm concerned - concerned their bookshelves are going to fall down under all that weight and concerned they wasted all of their money on casebooks and had to scrimp on the furniture. And I know that the chair will collapse as soon as I sit down.

It's not like we even get our money's worth out of the casebooks when we use them. I've yet to have a professor who used the entire casebook. Instead, we get assigned bits and pieces. Pages 1-3, 7-10 (top), 23-56, 71 (just footnote 2), 85 (read it backwards), 654-671 (read this first), 94-102 (read this last), 231-242 (just skim it). I understand why a professor might want to jump around in the book if she has a different style than the author has and wants to focus on different cases. I don't understand why they do it, even when it's their own book. If you wrote the casebook, why didn't you write it in the order in which you think it should be used? Is it in the teacher's guide? Does the teacher's guide say that the "real" sequence is pages 100-162, then 432-438 (top), then 2-13, and then, finally, the introduction? Are the page numbers in the book just to throw off the students who want to read ahead? Or to make the doctrine impenetrable for anyone not enrolled in your class who just happens to pick up the book in the bookstore because he's interested in the history of the Value Added Tax in Continental Europe? It's a mystery.

The "notes and questions" section in case-

books is a mystery too. The questions are never answered. I don't like to be asked questions while I'm reading. That's what the exam is for. At least if you ask me a question, give me an answer. I get curious. I want to know what would happen if the dispute actually took place in a foreign jurisdiction. Don't just ask me. Tell me. You're the expert. I'm just the student. Why did you write the casebook if you only want to ask questions and not give me answers? Why did I spend a hundred dollars to only get the easy part. It's not like "Jeopardy." I know the questions to ask. "What was the holding?" is a good one, for example. But I rely on the casebook to give me the answers. None of them ever ask the questions "How much do you think this casebook is really worth?" or "How much money do you think the bookstore will give you when you return it?"

The bookstores turn our money from dollars into casebooks into pennies because they're evil. True story: A guy in front of me in line once tried to return a study guide still in the shrink wrap.

"I got it for the wrong casebook. I just want to exchange it for a different one," he said.

"No. No returns on study guides."

"But it's still in the shrink wrap. You can just put it back on the shelf."

"Not like that I can't."

"Not like what?"

"No returns. No exchanges."

"But it's in the shrink wrap."

"No."

Unless the bookstore is also selling do-it-yourself shrink wrap machines, I think this is unacceptable. They're thieves. They earn monopoly profits, and they double the price of umbrellas when it's raining. They put arbitrary stickers on casebooks to make me pay \$90 for a 17-page "supplement" to my three-month-old Con Law casebook as if the Constitution has changed in the past three months. They promise cash back but don't really mean it. And they're a week behind on the new issue of

Entertainment Weekly. I need to know whom Britney Spears is marrying this week, and they can't tell me. They can't tell me. I hate bookstores. I hate casebooks. I wish I had gone to medical school. No, wait, that's not really true. I like law school. I just hate casebooks.

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