



Jewish Law Reading List

The Mishnah: A New Translation. Neusner, Jacob ed. ISBN 978-0-300-05022-6. An English translation good for analysis.

The Talmud: A Selection. Penguin Classics Library. ISBN 978-0-141-44178-8. An accessible abridged version of the Talmud that's a good starting point for English readers who aren't familiar with rabbinic literature.

Ashburn, Daniel. "Appealing To A Higher Authority? Jewish Law In American Judicial Opinions." 71 U. Det. Mercy L. Rev. 295 (1994).

Auerbach, Charles. "The Talmud - A Gateway To The Common Law." 3 W. Res. L. Rev. 5 (1951)

Elon, Menachem. *Jewish Law: History, Sources, Principles*. 4 vols. Auerbach, Bernard et al. translators. ISBN 0-8276-0389-4. (1994). The definitive treatise on Jewish law throughout history, up to, and including, modern Israel. By an ordained rabbi who was also a Justice of the Supreme Court of Israel.

Maimonides. *Mishneh Torah*. (Online English Version)
http://www.chabad.org/library/article_cdo/aid/682956/jewish/Mishneh-Torah.htm

Roth, Joel. *The Halakhic Process: A Systemic Analysis*. ISBN 0-87334-035-3. (1986). Written by one of the leading religious authorities at a top American seminary, this shorter volume is great for understanding why and how the law changes, what the sources of authority and legitimacy for doing so are.

Leviticus 19:16

[N]either shalt thou stand idly by the blood of thy neighbour: I am ADONAI.

Rule 3-100 Confidential Information of a Client

(A) A member shall not reveal information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1) without the informed consent of the client, or as provided in paragraph (B) of this rule.

(B) A member may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the member reasonably believes the disclosure is necessary to prevent a criminal act that the member reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.

(C) Before revealing confidential information to prevent a criminal act as provided in paragraph (B), a member shall, if reasonable under the circumstances:

(1) make a good faith effort to persuade the client: (i) not to commit or to continue the criminal act or (ii) to pursue a course of conduct that will prevent the threatened death or substantial bodily harm; or do both (i) and (ii); and

(2) inform the client, at an appropriate time, of the member's ability or decision to reveal information as provided in paragraph (B).

(D) In revealing confidential information as provided in paragraph (B), the member's disclosure must be no more than is necessary to prevent the criminal act, given the information known to the member at the time of the disclosure.

(E) A member who does not reveal information permitted by paragraph (B) does not violate this rule.

Cal. Govt. Code § 12011.5

(d) In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among

other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. The State Bar shall consider legal experience broadly, including, but not limited to, litigation and nonlitigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.

Mishnah Sanhedrin 3:3

These are invalid [as judges or witnesses] : dice-players, loan-sharks, pigeon-flyers, sellers of Sabbatical goods. Rabbi Shimon says, previously they were called gatherers of Sabbatical goods, but because of tax-collectors, they became known as sellers of Sabbatical goods. Rabbi Yehuda says, When? When they have no other trade, but when they have another trade, behold, this is acceptable.

Talmud bT Shabbat 31a

The Rabbis taught: a heathen came before Shammai and asked, "How many torahs do you have?" "Two," he replied, "the written torah and the oral torah."

The man said, "I believe what you say about the written torah, but not the oral. Convert me on the condition that you only teach me the written Torah."

Shammai rebuked him and angrily sent him away.

He came to Hillel with the same request and Hillel accepted him as a convert. The first day Hillel taught him alef, bet, gimmel, dalet; the next day, he changed the order of the letters. "But that's now what you taught me yesterday!" the man protested. Hillel replied, "then you relied on me for the alef-bet! Now rely on me also for the oral law."

The Oven of Akhnai - Talmud bT Bava Metsia 59b

It was taught: on that day, R. Eliezer put forward every conceivable argument to declare the oven pure, but they rejected all of them. He said, if the law accords with my opinion, let this carob tree validate it. The carob tree shifted 100 cubits—some say 400. They said to him, "a carob tree is no argument."

He then said, "if the law accords with my opinion, let this stream prove it!" The water thereupon flowed backwards. They retorted, "a stream is no argument."

He said then, "if the law accords with my opinion, let the walls of this House of Study demonstrate it!" The walls began to cave in. R. Joshua addressed the walls in protest: "If the sages debate among themselves on a point of law, what has this to do with you?" Out of respect for R. Joshua, the walls did not collapse; out of respect for R. Eliezer, they did not straighten but remained bent.

Eliezer then addressed the sages: "if the law accords with my opinion, let heaven itself declare that I am right!" At this, a heavenly voice proclaimed, "Why do you challenge Rabbi Eliezer? for the law accords with him in all matters!"

Rabbi Joshua arose to his feet and declared, "But the law is not in heaven."

What does "it is not in heaven" mean? Rabbi Yirmiya said, "Now that the Torah has been given on Mt. Sinai, we no longer pay attention to any heavenly voice, for at Mt. Sinai the words, 'Follow the majority' were written in the Torah (Ex. 23:2)."

Rabbi Nathan met the Prophet Elijah and asked, what did The Holy One, blessed be He, do when that happened. Elijah replied, "He laughed and said, my children have outvoted me! My children have outvoted me!"