

LEGAL RESEARCH AND WRITING RESOURCES: RECENT PUBLICATIONS

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Donald J. Dunn is Dean and Professor of Law at the University of La Verne College of Law in Ontario, Cal. He is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, and research guides that could potentially prove useful to both instructors and students and includes sources noted since the previous issue of Perspectives.

Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation*, 2d ed., 2003 [New York: Aspen Publishers, 491 p.]

This major competitor to *The Bluebook* continues to be improved. This edition refines and clarifies existing rules and responds to user inquiries. Includes new rules concerning short citation and the use of numbers in citations. Also includes an expanded index and updated examples.

Association of the Bar of the City of New York, Committee on Foreign and Comparative Law, *Legal Dictionaries in England and One or More Other Languages: A Selective Bibliography*, 57 Rec. B. Ass'n City N.Y. 489 (2002).

Approximately 50 different languages are represented in this bibliography consisting of 225 entries.

Michael Bacchus, Comment, *Strung Out: Legal Citation, The Bluebook, and the Anxiety of Authority*, 151 U. Pa. L. Rev. 245 (2002).

Following a brief history of *The Bluebook* and a discussion of its competitors, the author focuses on the rules associated with "string citations" and how these rules have perpetuated the growth of string cites.

Lynn Bahrych & Marjorie Dick Rombauer, *Legal Writing in a Nutshell*, 3d ed., 2003 [St. Paul, MN: West, 263 p.]

While much of the technical content of earlier editions remains the same, this edition addresses the contemporary lawyer's need to compose and edit on the screen.

Thomas E. Baker, *A Compendium of Clever and Amusing Law Review Writings: An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader*, 51 Drake L. Rev. 105 (2002).

An annotated listing of humorous law review articles. The annotations provided by the author are often as funny as the articles described.

Coleen M. Barger, *On the Internet, Nobody Knows You're a Judge: Appellate Courts' Use of Internet Materials*, 4 J. App. Prac. & Process 417 (2002).

"[E]xplores federal appellate judges' use of and reliance on materials found on the Internet, as evidenced by their citation and use in appellate opinions." *Id.*

Peter Butt & Richard Castle, *Modern Legal Drafting: A Guide to Using Clearer Language*, 2001 [London, Eng.: Cambridge University Press, 181 p.]

Discusses how outdated and confusing legal language can be rewritten, reworked, or removed to make clearer legal documents. Also examines the plain language reforms underway in the United Kingdom, Australia, and North America.

Jean M. Callihan, *Victim Impact Statements in Capital Trials: A Selected Bibliography*, 88 Cornell L. Rev. 569 (2003).

“[C]ollects and organizes citations to dissertations, chapters in books, journal articles, legislative materials, books, and book reviews from 1980 forward that analyze the effect of victim impact statements in capital cases.” *Id.* Focuses on referencing empirical studies and quantitative evaluations of victim impact statements.

Paul Douglas Callister, *Beyond Training: Law Librarianship’s Quest for the Pedagogy of Legal Research Education*, 95 Law Libr. J. 7 (2003).

“After examining an earlier debate about ‘process’ versus ‘bibliographic’ approaches for teaching legal research skills, [this article] explores the creation of a flexible pedagogy that emphasizes frameworks to facilitate the learning process.” *Id.*

Simon Canick, *Availability of Works Cited in Recent Law Review Articles on LEXIS, Westlaw, the Internet, and Other Databases*, Legal Reference Services Q., Nos. 2/3, 2002, at 55.

Using seven articles, the cited sources in these articles were checked in databases such as LexisNexis®, Westlaw®, and the Internet. The results showed that 77 percent of the cited sources were available online and concludes that the percentage will get larger in the future.

The Catholic Dimensions of Legal Study: The Catholic University Law School Annotated Bibliography, 2002 [Washington, DC: Catholic University of America, Columbus School of Law, Judge Kathryn J. DuFour Law Library, 115 p.]

“This bibliography ... seeks to identify and describe Catholic resources useful for law teachers, law students and practicing attorneys who are seeking to integrate their faith commitment into a life in the law.”

Id. at 4.

Michael Chiorazzi, *Books, Bytes, Bricks and Bodies: Thinking About Collection Use in Academic Law Libraries*, Legal Reference Services Q., Nos. 2/3, 2002, at 1.

Shows that “over 80% of the use of all legal materials is accounted for by the 20% of all legal materials that are available online.”

Hence, arguments about the need to add space for print materials are harder to justify.

Bradley G. Clary & Pamela Lysaght, *Successful Legal Analysis and Writing: The Fundamentals*, 2003 [St. Paul, MN: West, 260 p.]

A basic guide designed to demonstrate how legal analysis and legal writing can work together to produce more cogent documents.

Morris L. Cohen & Kent C. Olson, *Legal Research in a Nutshell*, 8th ed., 2003 [St. Paul, MN: West, 478 p.]

This standard text continues to change with the times with increasing emphasis on electronic sources. Secondary sources are discussed first, followed by a discussion of primary sources. Includes numerous illustrations.

Tad Crawford & Kay Murray, *The Writer's Legal Guide: An Author's Guild Desk Reference*, 3d ed., 2002 [New York, NY: Allworth Press, 309 p.]

Covers the business of writing; limitations of free expression; copyright; the Freedom of Information Act; negotiating a book contract; literary agents and agency agreements; collaboration agreements; the self-publishing option; estate planning for professional authors; and how to avoid or resolve disputes.

Richard A. Danner, *Electronic Publication of Legal Scholarship: New Issues and New Models*, 52 J. Legal Educ. 347 (2002).

Discusses the effects and implications that new technologies will have on communications in law, focusing on LSN (Legal Scholarship Network) and LEDA (Legal Education Document Archive).

Richard A. Danner, *Strategic Planning for Distance Learning in Legal Education: Initial Thoughts on a Role for Libraries*, Legal Reference Services Q., Nos. 2/3, 2002, at 69.

"This article discusses current distance learning alternatives for law schools, and the impacts of distance learning and other technological innovations on the future role of the academic law library in legal education." Abstract.

John C. Dernbach, *A Practical Guide to Writing Law School Essay Exams*, 2001 [Buffalo, NY: William S. Hein & Co., Inc., 74 p.]

A primer for law students on how to write an essay exam answer. Includes two exam questions and a model answer.

John Dethman, *Trust v. Antitrust: Consolidation in the Legal Publishing Industry*, Legal Reference Services Q., Nos. 2/3, 2002, at 123.

Examines the rapid consolidation of the legal publishing industry and "wonders at the effects all this concentrated change may have on law libraries and the patrons they serve." Abstract.

Paul Duguid, *The Social Life of Legal Information: First Impressions*, First Monday, <www.firstmonday.org/issues/issues7_9/duguid/index.html> (2002).

Discusses the paradox of where two information providers—law schools and law libraries—have developed different responses to digital technologies, the former often resisting them and the latter embracing them.

Daphne A. Dukelow & Betsy Nuse, *Pocket Dictionary of Canadian Law*, 3d ed., 2002 [Toronto: Carswell, 550 p.]

Contains approximately 7,000 current Canadian legal definitions.

Edmund P. Edmonds & Margaret Maes Axtmann, *A Law Library in the New Century: The Creation of the University of St. Thomas Law Library*, Legal Reference Services Q., Nos. 2/3, 2002, at 177.

When charged with developing a new academic law library, the authors were able to develop a collection development policy that took into account print and digital publishing and why a totally digital environment may not be desirable.

John D. Edwards ed., *Iowa Legal Research Guide*, 2003 [Buffalo, NY: William S. Hein & Co., Inc., 546 p.]

Provides information about the sources of primary law, such as the Iowa Constitution, statutes, local legislation, case law, and administrative law.

Entertainment Law Directory, 23 Loy. L.A. Ent. L. Rev. 163 (2002).

A listing of entertainment-oriented law firms throughout the United States compiled from oral and written information provided to the *Review* during October 2002.

Erasing Lines: Integrating the Law School Curriculum [Proceedings from the 2001 ALWD Conference], 1 J. Ass'n Legal Writing Directors 1–315 (2002).

Includes, among others, the following articles: *Introduction: Erasing Lines: Integrating the Law School Curriculum*, by Amy E. Sloan; *Opening Plenary: What Would “Best Practices” in Legal Education Look Like?—The Caste System and Best Practices in Legal Education*, by Kent D. Syverud, and *What Lawyers Need to Know, What Lawyers Need to Be Able to Do: An Australian Experience*, by David Weisbrot; *Papers Delivered: The Integration of Theory, Doctrine, and Practice in Legal Education*, by Byron D. Cooper; *Is “Thinking Like a Lawyer” Really What We Want to Teach?* by Nancy B. Rapoport; *A Liberal Education in Law: Engaging the Legal Imagination through Research and Writing Beyond the Curriculum*; *Plenaries: Models from Other Disciplines—What Can We Learn?*; *Is the Tail Wagging the Dog? Institutional Forces Affecting Curricular Innovation—A Panel Discussion*; and *Law School Curriculum*,

Training Law Students, and the Vitality of the Profession: The Judicial Perspective—A Panel Discussion.

Thomas R. French, *Internet Resources for Researching International and Foreign Law*, 52 Syracuse L. Rev. 1167 (2002).

Discusses the Library Resource Exchange; conducting international law research using the Internet; FindLaw; information resources on international law; the Social Science Information Gateway; the Legal Information Institute; Australian, British and Irish, and Canadian legal information institutes; university and library sites; government- and organization-sponsored sites; trade and alternative dispute resolution; and law reviews and journals.

Betsy Frick, *Contracts and Letters of Agreement for Independent Consultants*, Clarity, No. 48, Dec. 2002, at 19.

Contracts and letters of agreement are two documents that independent consultants need to get started on a new project. This article discusses the content of these two documents and why they are important.

Bryan A. Garner, *Judges on Briefing: A National Survey*, 8 Scribes J. Legal Writing 1 (2001–02).

The author prepared two views of what a brief should be and then surveyed 100 judges as to which view they preferred. Of the 57 responders, 49 preferred view #1 (Garner's, “a tight essay”) over view #2 (“a repository of all the information that a curious judge might want to know about the case”). Eight judges felt neither view was quite right. The responders' comments make up the bulk of the article.

Claire M. Germain, *Web Mirror Sites: Creating the Research Library of the Future, and More . . .*, Legal Reference Services Q., Nos. 2/3, 2002, at 87.

Points out that Web mirror sites can provide an efficient and effective way to offer accessibility to information far into the future. Discusses how Cornell Law Library has recently made mirror sites available for the International Labour Organization and the International Court of Justice.

Alani Golanski, *Linguistics in Law*, 66 Albany L. Rev. 61 (2002).

“This article’s goal is modest—it is to explain that law and linguistics pursue different ends, and for this reason, linguists construing statutes will miss legally decisive issues.” *Id.* at 63.

Roy S. Gutterman, *The L. Rev.: The Law Review Experience in American Legal Education: A Personal Memoir*, 2003 [Bethesda, MD: Academica Press, LLC, 345 p.]

The author relates his personal experiences as editor of the *Syracuse Law Review*. Includes a glossary, law review bylaws, and a bibliography of writings about law reviews.

Thaddeus J. Holynski, *Legal Research on the World Wide Web*, 52 Syracuse L. Rev. 1141 (2002).

Describes Web law search engine sites, Web law resource sites, federal government information, and Internet tutorials and guides. An appendix lists essential print reference tools.

Terry C. M. Hutchinson, *Researching and Writing in Law*, 2002 [Roxelle, NSW: LBC Information Services, 383 p.]

Deals with the various aspects of legal research and writing in Australia.

Steven D. Jamar, *Aristotle Teaches Persuasion: The Psychic Connection*, 8 Scribes J. Legal Writing 61 (2001–02).

Using Aristotle’s *Rhetoric* as a guide, the author shows—for briefs and judicial opinions—“that people are persuaded by reason because people value reason” and that “[w]hat matters most is the connection between the values of the audience and the speaker’s rhetoric.” *Id.* at 102.

Diana C. Jaque & Lee Neugebauer comps. *Legal Reference Books Review*, 95 Law Libr. J. 101 (2003).

Succinct reviews of eight legal reference books published in 2002. Continues the reviews from earlier issues of *Law Library Journal*.

Daniel N. Kassabian, *Researching Remedies in Intellectual Property Actions Involving Computer Technology: A Research Guide*, 9 Mich. Telecommun. & Tech. L. Rev. 65 (2002).

Provides “a methodology by which a legal practitioner can find the answer to [the] question” of “‘What remedies are available to an owner of computer related technology whose rights have been infringed?’” *Id.*

Igor I. Kavass, *Law in Russia and the Other Post-Soviet Republics: A Bibliographic Survey of English Language Literature 1996–2001*, 2002 [Buffalo, NY: William S. Hein & Co., Inc., 276 p.]

An update of the 1997 edition. Covers articles and books about the Russian Federation and other post-Soviet republics.

Joseph Kimble, *First Things First: The Lost Art of Summarizing*, 8 Scribes J. Legal Writing 103 (2001–02).

A well-developed summary, at the start and end of each legal issue, helps “test the opinion” and “both shapes and reflects the analysis.” *Id.* at 117. The author uses volume 462 of the *Michigan Reports* to illustrate good and bad summaries.

Joseph Kimble, *How to Mangle Court Rules and Jury Instructions*, 8 Scribes J. Legal Writing 39 (2001–02).

The author notes that jury instructions are “notoriously incomprehensible to the public” and that court rules are likewise “murky.” *Id.* at 40. Thereafter, he identifies 10 surefire ways to go wrong when redrafting of instructions or rules are underway. He lauds the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States for its decision to rewrite federal rules.

Maria Kiriakova, *The Death Penalty in Russia 1917–2000: A Bibliographic Survey of English Language Writings*, 30 Int’l J. Leg. Info. 482 (2002).

An annotated bibliography that covers primary sources and secondary sources of criminal law of the Russian Federation. Includes a chronology of the death penalty in Russia over 10 centuries.

Palitha T. B. Kohona, *The United Nations Treaty Collection on the Internet—Developments and Challenges*, 30 Int’l J. Leg. Info. 397 (2002).

Discusses the multitude of challenges faced by the United Nations General Assembly in ensuring that the historical backlog of materials are available on the Internet. Also describes future plans.

Susan Hanley Kosse & David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. Leg. Educ. 80 (2003).

Responses by 276 members of the legal profession showed that there was general agreement on what constitutes strong legal writing as well as agreement that lawyers do not write well. The author argues that legal research and writing programs need to be strengthened, that lawyers and judges need more exposure to writing instruction, and that new generations “must be trained and conditioned to accept the responsibility that professionalism requires.” *Id.* at 102.

Scott Matheson, *Access versus Ownership: A Changing Model of Intellectual Property*, Legal Reference Services Q., Nos. 2/3, 2002, at 153.

“The article discusses the impact on libraries of a move toward viewing information as a service that must be licensed, not bought. The potential effects of protecting intellectual property with contract law instead of copyright and property law are detailed.” Abstract.

Gary L. McDowell, *The Politics of Meaning: Law Dictionaries and the Liberal Tradition of Interpretation*, 44 Am. J. Leg. Hist. 257 (2000).

Discusses the rise of law dictionaries commencing in 1527 (Rastell), how philosophers have used language and lexicons, the theoretical context of Jacob’s legal lexicography (1729), and the use of dictionaries in statutory interpretation by Justices Scalia and Thomas.

E. Dana Neacsu, *Legal Scholarship and Digital Publishing: Has Anything Changed in the Way We Do Legal Research?* Legal Reference Services Q., Nos. 2/3, 2002, at 105.

“[T]he author’s examination of 20 law review articles, all containing at least four citations to the Internet, found that 12 of the 20 contained an online source which could no longer be accessed within a year of the online source’s publication. The author suggests that librarians and scholars be aware of the risk digital publishing presents to future research.” Abstract.

Richard A. Posner, *Legal Writing Today*, 8 Scribes J. Legal Writing 35 (2001–02).

In an address at the Scribes annual meeting (August 4, 2001), Judge Posner identifies seven problems in legal writing by judges and lawyers and then suggests ways that these problems might be overcome.

Laura Krugman Ray, *Judicial Personality: Rhetoric and Emotion in Supreme Court Opinions*, 59 Wash. & Lee L. Rev. 193 (2002).

Compares the proclivity of the Roosevelt Court and the Rehnquist Court for producing splintered opinions, arguing that the Justices of the Roosevelt Court used rich language and brought forth their personalities, whereas the Rehnquist Court uses a much more controlled judicial prose. Provides excellent examples to illustrate the points made.

Jane N. Richmond, *Legal Writing: Form and Function*, 2002 [Notre Dame, IN: National Institute for Trial Advocacy, 277 p.]

Intended to “identify gaps in [the law student’s and lawyer’s] writing background, and develop the skills needed to fill them and write effectively with confidence.” Introduction.

Gordon Russell, *Re-Engineering the Law Library Resources Today for Tomorrow’s Users: A Response to “How Much of Your Print Collection Is Really on WESTLAW or LEXIS-NEXIS?”* Legal Reference Services Q., Nos. 2/3, 2002, at 29.

Argues that having a larger physical space for housing a print collection needs to be reexamined in light of today’s technology.

Kenneth H. Ryesky, *From Pens to Pixels: Text-Media Issues in Promulgating, Archiving, and Using Judicial Opinions*, 4 J. App. Prac. & Process 353 (2002).

Identifies text-media technology issues associated with judicial opinions and discusses preservation of textual and non-textual data, accessibility, timeliness and availability, and reliability. Also discusses materials found in reporters that are not part of opinions.

Wayne Schiess, *Writing for the Legal Audience*, 2003 [Durham, NC: Carolina Academic Press, 160 p.]

Teaches lawyers how to adjust their writing to accommodate 12 different legal audiences. Provides examples of poor legal writing and how common errors can be fixed. Also provides advice on sentence structure, organization, tone, format, and document design.

Deborah A. Schmedemann & Christina L. Kunz, *Synthesis: Legal Reading, Reasoning, and Writing*, 2d ed. 2003 [New York, NY: Aspen Law & Business, 600 p.]

Helps students prepare for practice by teaching them to think like a lawyer using a step-by-step approach and one case file. Includes exercises on a tort law issue.

Steven L. Schooner, *Communicating Governance: Will Plain English Drafting Improve Regulation* [Reviewing Thomas A. Murawski, *Writing Readable Regulations*], 70 *Geo. Wash. L. Rev.* 163 (2002).

A favorable review of a pro-plain language book that suggests Congress should require “all regulatory drafters to use” Murawski’s book.” *Id.* at 166.

April L. Schwartz, *Legal and Business Perspectives on Small Business Start-Ups: A Selective, Annotated Bibliography*, 6 *J. Small & Emerging Bus. L.* 479 (2002).

A compilation of monographs, serials, and Web sites on “resources for the specialized area of business law that involves helping clients to launch new businesses.” *Id.*

Wendy Scott, *Evaluating and Authenticating Legal Web Resources: A Practical Guide for Attorneys*, 52 *Syracuse L. Rev.* 1185 (2002).

Describes evaluation criteria to apply when assessing Web resources and identifies sources that evaluate and review legal Web sites. Provides illustrations. An appendix lists selected resources.

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers*, 2003 [New York, NY: Foundation Press, 200 p.]

This booklet provides solid advice by a prolific legal scholar about writing law review articles, student notes, and seminar papers. This is something each aspiring writer should read (and reread).

Bobbi Ann Weaver, *Research in the Peaceable Kingdom: A Selected, Annotated Bibliography on Animal Law from an International Perspective*, 30 *Int’l J. Leg. Info.* 426 (2002).

Arranged by books and journals, articles, and Internet resources and then subdivided by animal rights in general, companion animals, farm animals, performing animals, animal experimentation, and wildlife and endangered species.

Robert J. Weiner Jr., *Evaluating Electronic Resources: Criteria Used by Librarians*, 52 *Syracuse L. Rev.* 1207 (2002).

Provides sample evaluative criteria for electronic resource selection, the use of product reviews, and a selected list of Web and print publications for product reviews. Additional resources are listed in an appendix.

Michael Whiteman, *Retrieving Statutes, Cases and Law Review Commentary—A Primer for Non-Lawyers*, 32 *J. L. & Educ.* 79 (2003).

A very basic guide, with illustrations, to locating statutory and case law on the Internet.

Christopher G. Wren, *E-Prime, Briefly: A Lawyer’s Experiment with Writing in E-Prime*, *Clarity*, No. 48, Dec. 2002, at 13.

Writing in “E-Prime” is described as “a subset of English that eschews any form of the verb ‘to be.’” *Id.* The author describes how using this technique has improved his legal writing skills.

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