Compiled by Barbara Bintliff

Barbara Bintliff is the Joseph C. Hutcheson Professor in Law and Director of the Tarlton Law Library at the University of Texas School of Law in Austin. She is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, symposia, and research guides that could prove useful to instructors of legal research and writing and their students. Also included are citations to related resources that may be of interest to those who teach legal research and legal writing. It includes sources noted since the previous issue of Perspectives, but does not include articles in Perspectives itself.

This pathfinder presents selective resources, both domestic and international, on earth jurisprudential topics. Earth jurisprudence is an emerging field encompassing “environmental law, rights of indigenous people, international human rights, business law, and jurisprudence. Earth Jurisprudence promotes healthy ecosystems and explores the role of humans as integral members of a comprehensive Earth community. It seeks creation of legal norms and dispute resolution that foster mutual human-Earth relationships and invites a fundamental rethinking of the basis of law.” Id. at 122.

The author describes the results of a series of year-long, one-on-one conversations with 10 first-year law students that suggest that “many of the theories articulated in the literature on critiquing student papers may not always hold up in practice and may explain why some legal writing instructors perceive their comments to be ignored.” Id. at 5. She concludes that many of the most common legal writing instructional practices, while well grounded in pedagogical theory, do not reach all students, and demonstrates that legal writing instruction may be insufficient to “cure chronic basic-skill errors.” Id. at 1.

Describing the current environment in the first year of law school as a “no research” one, the author makes a case for including research instruction across the curriculum. She describes the “three R’s” of research—to reinforce, refocus, and repeat initial skills learned in the first year—as justification for expanded research instruction. Id. at 550–551.

“This article seeks to slightly shift the landscape of legal writing theory, from one which primarily asks the writer to consider the audience, to one which also incorporates principles of client-centeredness which require the writer to focus equally on the client. … This article begins by exploring current theory from legal writing scholarship which focuses on the writer’s need to write for the audience. … After establishing the rhetorical connection to the audience, and the devices used to write for the audience, the article next explores the development of client-centered lawyering, which traditionally focuses on achieving the greatest client satisfaction, beyond merely winning the case. … Third, the article proposes application of principles from client-centered theory to legal writing theory, suggesting a shift from relying solely on a ‘know your audience’ approach to now also including a ‘know your client’ approach. … Finally, the article concludes by examining practical examples of incorporating client-centered principles into advocacy writing.” Introduction.

“Connecticut Legal Research was written for legal researchers at various levels, including first-year law students, paralegals, and Connecticut practitioners. For those just learning the basics of legal research, the book explains basic research skills and strategies and introduces Connecticut sources both in print and online. It also explains how to research analogous federal materials and the law of other states, allowing a student to use the book as the sole text in a legal research course. More experienced researchers will also benefit from having a text that brings together all of the print and online sources in Connecticut, and provides a step-by-step manual for researching each Connecticut source both in print and online. Researchers can use the book to find specific websites that contain Connecticut legal materials and follow the steps outlined to access those materials.” Publisher.


The major advantages and disadvantages of using pending, live United States Supreme Court cases in the legal writing program are highlighted, along with a description of how legal writing faculty prepare problems from the certiorari briefs and conduct the appellate advocacy program.


The author reviews a range of surveys and articles on legal research education, and then presents and analyzes the results of a 2007 survey of law firm librarians that “identified the most important research tasks in the law firm setting and the proper format or formats in which those tasks should be performed.” Introduction. He concludes with recommendations for more effective coverage of resources in law school legal research classes.

Kate Paulman, Comment: Bringing Life to Legal Writing: How to Use Literary Journalism in Capital Litigation, 77 UMKC L. Rev. 1147–1169 (2009).

This comment advocates using literary journalism, a writing style that “transplants” the reader into the story, to allow legal writers to better tell their clients’ stories in capital cases. Literary journalism as a writing style is explained, and the author shows how to use it in document production, from the drafting stage to closing arguments, providing numerous examples.


“This article explores the reasons why the current legal writing curriculum is not meeting the needs of the modern law student, ultimately proposing that instructors consider and implement various aspects of the legal research and writing model pioneered by JURIST (<http://jurist.law.pitt.edu>). … Through years of experimentation, JURIST has developed an innovative method of teaching practical research and writing skills to student authors and editors by developing a model product and implementing a structured program with a team of professional staffers and dozens of students on a daily, real-time basis.” Id. at 175.

Special Report: Teaching Drafting and Transactional Skills: The Basics and Beyond, 2009 Transactions 1–424. Articles include:

Wayne Schiess, Craig Smith, Pamela Wilkins, Danton Berube & Irene Segal Ayers, Teaching Transactional Skills in First-Year Writing Courses, 2009 Transactions 53–71.

Comments from five professors, with different perspectives, on teaching transaction skills (and especially drafting skills) in the first year. Methods of accomplishing this include replacing the legal writing class with legal drafting, teaching students how to create binding legal texts instead of teaching them how to write persuasively, adding a “transactional planning module” in the first-year writing course, preparing the first-year students for advanced transactional drafting in
the 1L writing course, and integrating transactional drafting in the first-year research and writing program.


This article details three separate ways to teach transactional skills. The authors “outline their methods and designs for teaching transactional skills, with particular emphasis on document drafting. Although their methods vary, the professors have a common message: to effectively teach contract drafting, professors and students must embrace group learning—even if this requires stepping outside of their comfort zones.” Introduction.


Various approaches to developing contract drafting exercises are described by three experienced teachers.


The author describes step-by-step use of two online applications for student collaboration—Google Docs and Zoho Writer—and includes discussion of advantages and disadvantages. She notes that students often show more interest in using new technologies, which makes shared editing easier, although these applications lack the rich functionality of word-processing software. Use of Twitter and Facebook is also covered, in less detail.


Three experienced contracts drafting teachers provide numerous tips and suggestions on ways to grade and critique drafting assignments.


“As students have embraced the online world, professors are finding ways to keep pace while continuing to instill the rigors of traditional legal learning. The following professors have found new ways to incorporate technology into their everyday teaching. This article discusses their successes and provides insights into how others may follow their lead.” Introduction.


“This guide for upper-level law students, paralegals, and practitioners is founded on the premise that legal writing becomes easier when you work with, rather than resist, existing expectations, structures, and resources. Rather than providing greater detail on the same skills that are covered in first-year legal writing programs, the book gives readers who already have a basic understanding a new framework for viewing legal writing. After an introduction to the *Tao Te Ching*, an ancient Chinese philosophical text, each chapter is built [on] a principle for legal writing applied from the *Tao*: be flexible, don’t rush, break it down, know when to stop, reflect, let go.”

Book News, Inc.

Ken Strutin, Basic Legal Research on the Internet, LLRX.com, June 24, 2010 (available online at <http://www.llrx.com/features/basiclegalresearchinternet.htm>).

“This article explores the corner of the Internet landscape that concentrates on legal research. For the most part, these databases and search tools are free, although some might require a library card. Essentially, this is a short list of ‘go to’ sites that most researchers will find useful.” Introduction.

"Facebook, MySpace and other Social Networking Sites (SNS) are rich sources of incriminating, exculpating, impeaching and mitigating evidence. Yet, investigations that lead legal professionals into SNS raise questions about the ethical implications of surreptitious research. While there are ethics opinions and court decisions about pretexting in the real world, there is scant authority on the virtual approach, which has only recently begun to be addressed. The ethical limits of how far an attorney, and by implication investigators and researchers, may go is being debated with precious little guidance outside certain specific areas of practice, i.e., law enforcement, civil rights and intellectual property infringement. The court decisions, ethics opinions and articles collected here provide background on the current legal thinking about covert investigations and include recent publications addressing online pretexting and the privacy limits of social media.” Introduction (footnotes omitted).

Teaching Legal Research: Special Issue, 28 Legal Ref. Serv. Q. 179–319 (2009). Articles include:


The author presents several ways to help law students analyze a legal problem and organize their legal research projects.


"The goal of this essay is to suggest a method of ensuring good outcomes in legal research training. It begins with a list of skills that students need and follows with a discussion of the means to 'test' students' achievement of those skills. It concludes with a proposal for a multifaceted research curriculum.” Id. at 203.


Using two examples, the author illustrates the process of developing contextual legal research problems, each of which is designed to show the process for conducting legal research.


The authors evaluate individual instructional technologies, and then turn their attention to the issues raised in teaching a graded, online legal research course. They conclude that online instruction has great potential for reaching the Millennial generation of law students and may accommodate their learning styles and preferences as well as in-class instruction.


“This article considers the question of whether there is a need for law schools to offer certification for specialization in legal research skills and discusses various approaches to legal research skills certification. The author argues that it is unnecessary to offer legal research certification as it is presupposed that a basic legal education should include instruction in how to find and read the law. Anything less is a failed legal education.” Introduction.


“This article is a perspective on what research skills new associates in legal practice need. … A checklist of research skills is included along with recommendations on what law schools and law firm librarians can do to assist law students and new attorneys in learning these skills.” Introduction.

“As of November 17, 2009, Google offers the ability to search for U.S. case law as part of its Google Scholar search. You can now conduct free searches for full-text opinions of cases and legal journals in addition to general articles and patents, which were previously available on Google Scholar. Searches are conducted the same exact way you would conduct a search on Google.com. That is, there is no need for Boolean connectors anymore if you don’t want to use them, and you still might get the exact case you’re looking for. This article gives an overview on the new features Google Scholar provides for the legal research market.” Introduction.


Capitalizing on the new “technology-savvy, multi-tasking” generation of law students, id. at 405, the author suggests ways in which podcasts can be used to enhance students’ educational experience. Of particular note is the discussion of an “annotated sample good memorandum” podcast and the “personal podcast/critique of student memorandum.” Id. at 423.


“Judicial use of Wikipedia as a source of evidence or a basis for making decisions is a serious problem, because the nature of Wikipedia undermines the common law system. … Wikipedia is not only merely a secondary source, but the articles are subject to change on a daily, sometimes hourly, basis. For these and other reasons this comment will explore, federal judicial opinions should not cite Wikipedia. Wikipedia may be a starting point for research, but this comment will discuss many of the reasons why federal judges and members of the federal bar should not cite Wikipedia as a source. Additionally, Wikipedia’s reliability is questionable at best, and for this reason alone Wikipedia should not be cited as an authoritative source on any topic.” Id. at 231.


The federal circuits are split on the issue of recoverability of CALR expenses. The author describes the three ways a court may approach the issue as: “(1) categorize the expense as a cost under 28 U.S.C. § 1920 and award the expenses to the prevailing party in every case; (2) categorize the expense as an overhead expense and award it, if at all, subsumed in the attorney’s hourly rate if there is a fee shifting statute; and (3) categorize the expense as one related to attorneys’ fees and award it as a separate expense from the attorney’s hourly rate if there is a fee shifting statute.” Id. at 456–457. This comment argues for the third approach, with computer-assisted legal research fees recoverable under Rule 54(d)(2) of the Federal Rules of Civil Procedure.


“The Deep Web covers somewhere in the vicinity of 1 trillion pages of information located through the world wide web in various files and formats that the current search engines on the Internet either cannot find or have difficulty accessing. The current search engines find about 200 billion pages at the present time of this writing. … This report and guide is designed to give you the resources you need to better understand the history of the deep web research, as well as various classified resources that allow you to search through the currently available web to find those key sources of information nuggets only found by understanding how to search the ‘deep web.” Introduction.
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