LEGAL RESEARCH AND WRITING RESOURCES: RECENT PUBLICATIONS

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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.


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.


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.


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


“[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.


Discusses how outdated and confusing legal language can be rewritten, reworked, or removed to make clearer legal documents.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.

“[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.


“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.*


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.


“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.


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.


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


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.

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.


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).


“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.


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


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.


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.


Contains approximately 7,000 current Canadian legal definitions.


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.

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


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


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.


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.
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.

“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.

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.

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.

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.


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.


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.


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.


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.


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.


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.


“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.


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.

“[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.


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.


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.


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.


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


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.


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.


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.

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.


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.


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.


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).


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.


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.


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


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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