LEGAL RESEARCH AND WRITING RESOURCES: RECENT PUBLICATIONS

COMPILED BY DONALD J. DUNN

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Annotated Legal Bibliography on Gender, 10 Cardozo Women's L.J. 227 (2003).


Designed for students already familiar with legal research fundamentals. Discusses statutes, legislative history, law review articles, cases, treatises and other secondary sources, administrative law, looseleaf services, legal ethics, and foreign and international law.


Shows that the rules banning the citation of an unpublished opinion are waning. Discusses the situation in the federal courts and the states, plus the rulemaking process of the federal judiciary. A chart shows the state court rules on citation of unpublished opinions as of 2003.


Discusses citations contained within the sentence versus citations at the end of the sentence and pinpoint citations. Warns writers to be sure to comply with local, state, and federal rules regarding citation form.


Begins with a general discussion of dissenting opinions, followed by an analysis of the style of Judge Posner (including his use of rhetorical devices), and concluding with observations “on the implications ... for understanding the aesthetics of dissenting opinions.” Id. at 74.


An unannotated listing of recent books, articles, notes and comments, and cases relating to space law.


An annotated bibliography that updates the original one published in 1998. Entries are divided into four sections: affordable housing development; community development; community development lawyering; and legal education.


Part of an ongoing discussion (this one more than 300 pages) detailing the development of the Oregon Constitution of


An enormous and thorough undertaking consisting of approximately 35,000 entries and more than 850 subject headings, and spanning 170 years of coverage (1820–December 31, 1989). Includes a complimentary CD-ROM.


“[F]ocus[es] primarily on the aspects of domestic violence dealing with the adult abuser and the adult victim.” Id. The annotations are lengthy and thoughtful, but are arranged by author and not grouped under subject headings.


Discusses the advantages the author sees in having students critique one another’s written work, how this cooperative approach strengthens each student’s written product, and how this methodology goes beyond the traditional student-teacher editing cycle.


“[A]rgues that [the U.S.] ‘writing-centered’ legal process is unique among common law nations, most of which have adopted a ‘speech-centered’ legal process modeled after that of England, where oral argument is the dominant mode of advocacy.” Abstract.


Covers only legal semiotics and critical legal theory, plain language, and legal dictionaries.


Compiled to assist lawyers, librarians, and the general public in locating elder law materials. Topics covered include Social Security, ERISA, age discrimination, guardianship, and veteran’s benefits.


Includes a rewritten chapter on legislative history, a significantly enlarged section dealing with Native Americans, including casino gambling in New York, and a greatly expanded index. Places substantially more emphasis on electronic resources than in prior editions.


The first of six articles written to assist teachers and other educators in locating legal materials. This article discusses the legal system.


This article is the second in a six-part series. It discusses citation formats and describes how to find a case when the researcher knows only the name of the case or one of the parties.

A humorous review of a novel recounting the experience of being on the law review at the University of Chicago. Don't forget to read the footnotes.


Describes “how the use of technology, and particularly a course webpage, can open up a new world of teaching possibilities, and lighten the administrative burdens of coordinating a legal writing program.” *Id.*


Argues that Justice Scalia is the only member of the current U.S. Supreme Court who has a “good” writing style combining metaphors with witty aphorisms and sharp turns of phrase. Discusses various excerpts from Scalia’s writings to illustrate his prose style.


An annual bibliography that continues to update the initial one started in 1985. Lists articles and books under 35 subjects related to agricultural law.


Describes a contract drafting course where students read contract clauses and acquire skills in “(1) recognizing the meaning of coded language, (2) recognizing useless language, (3) connecting the clause to the pertinent topics in contract law, (4) reading contract clauses in the context of mandatory rules of law that alter or invalidate the clauses, and (5) realizing that the parties’ subsequent behavior sometimes can waive or modify a well drafted clause.” *Id.* at 706–07.


A lengthy interview with the founder of legal writing as a professional discipline. Provides numerous insights into how legal writing programs have changed and expanded over the years.


Observes that [Volokh], a full-time legal scholar not devoted to teaching writing “has delivered an engaging, witty, and extremely useful book for the aspiring student note and article writer that is based, it clearly appears, on the model of scholarship that Volokh himself has so successfully pursued.” *Id.*


“[C]oncentrates on works that deal with the case’s history or discuss the legal, social, and political issues the Supreme Court considered when making its decision.” *Id.*


Provides coverage of coping with the costs of legal information, cost and space consideration in planning a library, hiring a librarian or a consultant, researching law sources, and copyright. Features new chapters on electronic legal research.

Shows how a study of John Rastell’s dictionary printed in 1523 provides “insights into the evolution of legal thinking and also provides a better understanding of influences on the dynamic relationship between words and deeds.” Abstract.


“[O]utlines the recent history of the unpublished opinion, and summarize[s] the current debate.” *Id.* at 431. Reviews Anastasoff v. United States, 223 F.3d 898 (8th Cir.), *vacated as moot*, 235 F.3d 1054 (8th Cir. 2000), and its progeny and “analyze[s] the resulting implications for legal research, *Id.* “[A]rgue[s] that while reform of the no-publish, no-cite rules is imperative, such reform must be informed by deeper information policy considerations.” *Id.*


“[I]ntroduces the researcher to the primary and secondary legal sources on public access from the view of both the public and the property owner.” Abstract.


Describes the debate surrounding “unpublished” opinions, surveys current local rules regarding publication and citation in the federal courts of appeals, discusses constitutional arguments and paradigmatic publication guidelines, examines policy arguments for and against precedential value in light of the publication paradigm, and addresses the unattainable paradigmatic publication guidelines.


Discusses the virtues of being on law review and the trials and tribulations related thereto. Points out that it helps to be pathological about writing.


Provides a history of the attempts to create international criminal tribunals for prosecution of international crimes prior to the International Military Tribunal at Nuremberg in 1946.


Introduces the sources of law, the court system, the time course for a typical civil case, the anatomy of a case and a statute, and methods of legal analysis. Provides strategies for creating office memorandum and trial and appellate briefs.


Includes references to such topics as reproductive rights, domestic violence, language and literature, legal education,
sexual harassment, political participation, social history, racism, and feminist legal theory. Includes almost 10,000 works published since 1975.


Identifies articles and books published since 2000 and groups them under topics specific to commercial arbitration.


Argues that when legal writing courses are “objectively examined within the tradition of Langdell’s teaching methodologies and objectives, [these courses] ought to be regarded with favor because they not only complement the law school curriculum and advance the mission of the legal academy, but they further the objectives of Langdell and his academic progeny.” Id. at 107.


Studies how feminist articles published in feminist law journals compare with those published in the traditional flagship journals of universities. Provides a nice discussion of the emergence of women’s law journals.


Discusses the procedural rules governing appellate briefs; the role and subject matter of amicus briefs; and the specific sections of amicus briefs.


The principles discussed are: use writing resources; adapt to your audience; make information accessible; use neat, professional document design; and lean to colloquiality, i.e., a conversational style.


Designed to teach users how to effectively perform legal research using Loislaw.com. Complimentary copies are available from the publisher upon request.


Describes the shortcomings of online legal research when compared with traditional print research. Provides specific examples of how young associates in the author’s office failed in research assignments using electronic sources and how the author was able to find what was needed in print.

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