

LEGAL RESEARCH AND WRITING RESOURCES: RECENT PUBLICATIONS

COMPILED BY DONALD J. DUNN

Donald J. Dunn is Dean and Professor of Law at the University of La Verne College of Law in Ontario, Calif. 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.

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

An extensively annotated bibliography arranged by subject that identifies recent articles (2002–2003) related to numerous aspects of gender-related issues.

J. D. S. Armstrong & Christopher A. Knott, *Where the Law Is: An Introduction to Advanced Legal Research* (2004) [St. Paul, MN: Thomson-West, 221 p.]

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.

Stephen R. Barnett, *No-Citation Rules Under Siege: A Battlefield Report and Analysis*, 5 *J. App. Prac. & Process* 473 (2003).

Shows that the rules banning the citation of an unpublished opinion are waning.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 A chart shows the state court rules on citation of unpublished opinions as of 2003.

Carol D. Billings, *A Bibliographic Survey of Sources for a Study of the Law of Colonial and Territorial Louisiana*, 23 *Legal Reference Services Q.* 1 (No. 1, 2004).

A guide to Louisiana's pre-statehood legal materials. A chapter in the forthcoming title *Pre-Statehood Legal Research: A Guide to the 50 States*.

Timothy D. Blevins, *A Hallmark of Professional Writing: Citation Form*, 29 *T. Marshall L. Rev.* 89 (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.

Robert F. Blomquist, *Dissent, Posner-Style: Judge Richard A. Posner's First Decade of Dissenting Opinions, 1981–1991—Toward an Aesthetics of Judicial Dissenting Style*, 69 *Mo. L. Rev.* 73 (2004).

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.

Tracy Bowles, *Space Law Cases and Publications Since 2000*, 29 *J. Space L.* 213 (2003).

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

Lauren Breen et al., *An Annotated Bibliography of Affordable Housing and Community Economic Development Law*, 13 *J. Affordable Housing & Commun. Dev. L.* 334 (2004).

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.

Claudia Burton, *A Legislative History of the Oregon Constitution of 1857—Part III (Mostly Miscellaneous: Articles VIII–XVIII)*, 40 *Willamette L. Rev.* 225 (2004).

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

1857. A continuation of articles published in 37 *Willamette L. Rev.* 469 (2001) and 39 *Willamette L. Rev.* 245 (2003).

Kathleen Carrick & Sally Walters eds., *A Bibliography of United States Legal Education: From Litchfield to Lexis* (2003) [Buffalo, NY: William S. Hein & Co., 2 vols.]

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.

Therese A. Clarke, *Why Won't Someone Help Me?: The Unspeakable Epidemic of Domestic Violence: An Annotated Bibliography*, 23 *N. Ill. U. L. Rev.* 529 (2003).

“[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.

Kirsten K. Davis, *Designing and Using Peer Review in a First-Year Legal Research and Writing Course*, 9 *Legal Writing* 1 (2003).

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.

Suzanne Ehrenberg, *Embracing the Writing-Centered Legal Process*, 89 *Iowa L. Rev.* 1159 (2004).

“[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.

Will Geeslin, *Language and the Law: Selected Readings*, 23 *Legal Reference Services Q.* 37 (No. 1, 2004).

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

Joseph Gerken, *Elder Law Sources*, 23 *Legal Reference Services Q.* 67 (No. 1, 2004).

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.

Gibson's New York Legal Research Guide, 3d ed. (2004), revised and updated by William H. Manz [Buffalo, NY: William S. Hein & Co., Inc., 727 p.]

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.

William A. Hilyerd, *Using the Law Library: A Guide for Educators—Part I: Untangling the Legal System*, 33 *J.L. & Educ.* 213 (2004).

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

William A. Hilyerd, *Using the Law Library: A Guide for Educators—Part II: Deciphering Citations and Other Ways of Locating Court Opinions*, 33 *J.L. & Educ.* 365 (2004).

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.

Erik M. Jensen, *Death by Bluebook*, 9 Roger Williams U. L. Rev. 207 (2003) (reviewing *The Law Review*).

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.

Jennifer Jolly-Ryan, *Coordinating a Legal Writing Program with the Help of a Course Webpage: Help for Reluctant Leaders and the Technologically-Challenged Professor*, 22 Quinnipiac L. Rev. 479 (2004).

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.*

Yury Kapgan, *Of Golf and Ghouls: The Prose Style of Justice Scalia*, 9 Legal Writing 71 (2003).

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.

Sally J. Kelley, *Agricultural Law: A Selected Bibliography, 2002*, 8 Drake J. Agric. L. 381 (2003).

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

Christina L. Kunz, *Teaching First-Year Contracts Students How to Read and Edit Contract Clauses*, 34 U. Toledo L. Rev. 705 (2003).

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.

Mary S. Lawrence, *An Interview with Marjorie Rombauer*, 9 Legal Writing 19 (2003).

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.

Michael J. Madison, *The Lawyer as Legal Scholar*, 65 U. Pitt. L. Rev. 63 (2003) (reviewing Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers*).

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.*

William H. Manz, *Brown v. Board of Education: A Selected Annotated Bibliography*, 96 Law Libr. J. 245 (2004).

“[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.*

Julius J. Marke et al., *Legal Research and Law Library Management*, rev. ed. (2003) [New York, NY: Law Journal Press, 500 p.]

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.

Roy M. Mersky, *The Evolution and Impact of Legal Dictionaries*, 23 Legal Reference Services Q. 19 (No. 1, 2004).

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.

William R. Mills, *The Shape of the Universe: The Impact of Unpublished Opinions on the Process of Legal Research*, 46 N.Y.L. Sch. L. Rev. 429 (2002–2003).

"[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.*

Deborah Mongeau, *Public Access to the Shore: A Research Guide*, 23 Legal Reference Services Quarterly 47 (No. 1, 2004).

"[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.

Dean A. Morande, Comment, *Publication Plans in the United States Courts of Appeals: The Unattainable Paradigm*, 31 Fla. St. U. L. Rev. 751 (2004).

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.

J.C. Oleson, *You Make Me [Sic]: Confessions of a Sadistic Law Review Editor*, 37 U.C. Davis L. Rev. 1135 (2004).

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.

Jordon J. Paust, *Selective History of International Tribunals and Efforts Prior to Nuremberg*, 10 ILSA J. Int'l & Comp. L. 207 (2003).

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.

Diana V. Pratt, *Legal Writing: A Systematic Approach*, 4th ed. (2004) [St. Paul, MN: Thomson-West, 413 p.]

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.

Loretta Price, *An Explosive Quarter-Century: A Guide to Monographic Works on Women's Legal and Political Rights* (2003) [Buffalo, NY: William S. Hein & Co., Inc., 967 p.]

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.

Proceeding of 2002 Legal Writing Institute Conference, 9 Legal Writing 111 (2003).

Contains the following articles: Terry LeClercq, *A Challenge from the Future: Legal Writing, 2009*; Tracy McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*; Brook K. Baker, *Teaching Legal Skills in South Africa: A Transition from Cross-Cultural Collaboration to International HIV/AIDS Solidarity*; Elizabeth L. Inglehart et al., *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*; and Kristin B. Gerdy, *Continuing Development: A Snapshot of Legal Research and Writing Programs Through the Lens of the 2002 LWI and ALWD Survey*.

Recent Books and Articles on Commercial Arbitration, 14 Am. Rev. Int'l Arb. 183 (2003).

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

David S. Romantz, *The Truth About Cats and Dogs: Legal Writing Courses and the Law School Curriculum*, 52. U. Kan. L. Rev. 105 (2003).

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.

Laura A. Rosenbury, *Feminist Legal Scholarship: Charting Topics and Authors, 1978–2002*, 12 Colum. J. Gender & L. 446 (2003).

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.

Dan Schweitzer, *Fundamentals of Preparing a United States Supreme Court Amicus Brief*, 5 J. App. Prac. & Process 523 (2003).

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

Wayne Schiess, *The Five Principles of Legal Writing*, 49 Prac. Law. 11 (June 2003).

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.

Melissa M. Serfass & Jessie L. Cranford, *Loislaw User’s Guide*, 2d ed. (2004) [New York, NY: Aspen Publishers, 107 p.]

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

Scott Stolley, *The Corruption of Legal Research*, For Def. 39 (Apr. 2004).

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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