

## 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.

Karin Alexander, et al., *Truth Commissions and Transitional Justice: Update on a Select Bibliography on the South African Truth and Reconciliation Commission Debate*, 20 J.L. Religion 525 (2004–2005).

An update of a bibliography published in volume 16, no. 1, of the *Journal of Law and Religion* (2001). Focuses on “the continuing critical dialogue around the structures, processes, and outcomes of the South African TRC, ... expand[s] the focus to include the implications for the design of alternative truth seeking mechanisms, including truth commissions, [and] ... prioritize[s] the socio-economic aspect of transitional justice and reconciliation.” *Id.* at 526.

American Bar Association, Section of Legal Education and Admissions to the Bar, *Sourcebook on Legal Writing Programs*, 2d ed., 2006 (forthcoming) [Chicago, IL: ABA]

Covers the goals and content of legal writing programs, pedagogical methods, grading and academic credit, staffing models, hiring a director, administration and training, advanced courses and writing beyond the first year, politics, and resources. Includes a new section on teaching students who speak English as a second language and a bibliography on legal writing.

J.D.S. Armstrong & Christopher A. Knott, *Where the Law Is: An Introduction to Advanced Legal Research*, 2d ed., 2006 [St. Paul, MN: West, 252 p.]

Focuses on the types of information researchers need, rather than on descriptions of particular information products. Includes new chapters on municipal law, court rules, and form books.

Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation*, 3d ed., 2006 [Waltham, MA: Aspen Publishers, 572 p.]

Comprehensive coverage includes citation for primary and secondary sources, citation of electronic sources, and incorporating citations into documents. Includes in this edition international materials, updated examples, and citation forms for working papers, blogs, cartoons, ads, and patents. The only rival of *The Bluebook*.

Mary Beth Beazley, *A Practical Guide to Appellate Advocacy*, 2d ed., 2006 [Waltham, MA: Aspen Publishers, 369 p.]

A thorough introduction to the techniques and process of writing appellate briefs. Emphasizes a process approach to writing with numerous annotated examples. Includes four sample briefs with annotations. Several topics expanded over the previous edition.

Laura A. Bedard, *Creating and Maintaining Legal History Collections*, *Legal Reference Services Q.*, No. 3/4, 2005, at 1.

Contains, in addition to the results of an Association of American Law Schools survey of legal history curricula and a listing of rare book dealers, a selective bibliography for “creating and maintaining legal history collections.”

Charles D. Bernholz, *The “Other” Treaties: Comments on Deloria and DeMallie’s “Documents of American Indian Diplomacy,”* *Legal Reference Services Q.*, No. 3/4, 2005, at 107.

A discussion of Vine Deloria and Raymond DeMallie’s chapter entitled “Chronological List of Ratified or Valid and Operable Treaties” and how it contributes to the body of knowledge regarding recognized treaties between the federal government and Indian nations.

John Bronsteen, *Writing a Legal Memo*, 2006 [New York, NY: Foundation Press, 150 p.]

Designed to make it easy for law students to learn and remember the basic elements of writing a good legal memorandum. Walks the

reader through each step of completing a memo assignment, providing specific instructions and explanations.

Charles R. Calleros, *Legal Method and Writing*, 5th ed., 2006 [Waltham, MA: Aspen Publishers, approx. 624 p.]

Provides a comprehensive and practical approach to teaching writing and analysis skills. Covers writing in law school and in the law office, advocacy writing, appellate brief, pretrial advocacy, and writing to parties. Also covers pleadings, motions, contracts, letters, case briefs, course outlines, and exam essay answers.

Jon R. Cavicchi, *Intellectual Property Research Tools and Strategies: Series Introduction—Intellectual Property Research: From the Dustiest Law Book to the Most Far Off Database*, 46 IDEA 317 (2006).

Describes how intellectual property research has changed and evolved over time. Discusses judicial opinions, secondary sources, nonlegal research, computer-assisted legal research, the Web, premium services, and overlooked sources. Shows that much of the available information still exists only in print form. The first in a planned series.

Michael Chiorazzi & Marguerite Most, *Prestatehood Legal Materials: A Fifty-State Research Guide, Including New York City and the District of Columbia*, 2006 [Binghamton, NY: Haworth Information Press, 1,500 p. in two books]

A guide to the history and development of law in the United States and the change from territory to statehood. Includes bibliographies, references, and discussion on a varied list of source materials, including state codes drafted by Congress; county, state, and national archives; journals and digests; state and federal reports; citations, surveys, and studies; books, manuscripts, papers, speeches, and theses; town and city records and documents; and Web sites to help in searching for more information.

Bradley G. Clary & Pamela Lysaght, *Successful Legal Analysis and Writing: The Fundamentals*, 2d ed., 2006 [St. Paul, MN: West, 226 p.]

Features fundamental advice, a problem-solving perspective, and illustrative examples and templates. Includes expanded discussion of statutory analysis and brief writing.

Timothy L. Coggins, *Legal, Factual and Other Internet Sites for Attorneys and Others*, 12 Richmond J.L. & Tech. 17 (2006), <<http://law.richmond.edu/jolt/v12i4/article17.pdf>>.

“[I]ncludes sites for primary authorities, both federal and state, as well as URLs for other types of information such as names of possible expert witnesses and biographical and background information. . . .” *Id.* at 1. In 11 sections: search engines; portals; legislative and administrative materials, state and federal; case law; Virginia legal research; foreign and international materials; secondary materials; people, places, weather, vital records, and more; legal and other news, including law blogs; sources difficult to categorize; and URLs for Virginia law schools. Only available online.

Brady S. Coleman et al., *Grammatical and Structural Choices in Issue Framing: A Quantitative Analysis of “Questions Presented” from a Half Century of Supreme Court Briefs*, 29 Am. J. Trial Advoc. 327 (2005).

“[S]eeks to provide a starting point for attorneys drafting the Questions Presented portion of appellate briefs. The authors statistically analyze the content of the Questions Presented in past Supreme Court briefs and advise attorneys as to the most accepted ways of phrasing the issues at hand.” Abstract.

Debra Moss Curtis, *You’ve Got Rhythm: Curriculum Planning and Teaching Rhythm at Work in the Legal Writing Classroom*, 21 Touro L. Rev. 465 (2005).

“[E]xamine[s] an educational perspective of different teaching styles, and discuss[es] how these styles operate specifically in the legal writing classroom. . . . [I]ntroduce[s] some educational perspectives on teaching styles,

curriculum planning and teaching ‘rhythm’ and appl[ies] these styles to the legal writing classroom. ... [O]ffers some conclusions and recommendations to bring to the teaching of legal writing.” *Id.* at 466.

Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization*, 4th ed., 2006 [Waltham, MA: Aspen Publishers, 435 p.]

Provides a basic guide to the skills of legal writing that takes students through outlining, creating a working draft, creating the final document, and revising effectively. Includes examples and sample documents.

Michele G. Falkow, *Pride and Prejudice: Lessons Legal Writers Can Learn from Literature*, 21 *Touro L. Rev.* 349 (2005).

Identifies 25 great works of literature and uses examples from these works to attempt to improve law students’ legal writing skills.

Thomas R. French, *Law Librarians and Library Design, Construction, and Renovation: An Annotated Bibliography and Review of the Literature*, 98 *Law Libr. J.* 99 (2006).

A guide that “provides a starting point for librarians wishing to study what has been done in other libraries, become aware of the issues they might face, and prepare themselves for the work ahead.” Abstract.

Ian Gallacher, *Forty-Two: The Hitchhiker’s Guide to Teaching Legal Research to the Google Generation*, 39 *Akron L. Rev.* 151 (2006).

Muses about contemporary legal research and different ways the subject should be taught. Points out the tensions between proponents of book research and those who embrace technology, discussing the pros and cons of both approaches. “[R]eflects on some possible pedagogical strategies the legal research teaching community might adopt in order to bring law students further along in their understanding of this topic, looks at the way legal research is taught in American law schools and proposes that we recalibrate our approach to the subject, favoring a client-based approach over the more familiar medium-based approach in

which book research is taught first and computer research second.” *Id.* at 154.

Bryan A. Garner, *The Redbook: A Manual on Legal Style*, 2d ed., 2006 [St. Paul, MN: West]

A comprehensive guide to the essential rules of legal writing that provides detailed, authoritative advice on punctuation, capitalization, spelling, footnotes, and citations. Includes illustrations in legal contexts.

Michael H. Hoffheimer, *Bollywood Law: Commercial Hindi Films with Legal Themes*, 98 *Law Libr. J.* 61 (2006).

“[D]iscusses commercial Hindi (Bollywood) films with legal themes, recommends twenty titles for addition to law library film holdings, and considers cataloging and citation challenges presented in transliterating Hindi titles.” Abstract.

Marci Hoffman, *Bibliography of Works by Richard M. Buxbaum*, 23 *Berkeley J. Int’l L.* 303 (2005).

An unannotated listing of books; articles and book chapters; shorter works, teaching materials, and other contributions; and book reviews by an important figure in both international and comparative law who joined the Boalt Hall faculty in 1961.

David Hollander, *Jewish Law for the Law Librarian*, 98 *Law Libr. J.* 219 (2006).

A guide to the Jewish legal system written for the purpose of providing law librarians with basic knowledge that will enable them to assist patrons with their research. Discusses both primary and secondary sources.

*The Inter-American Citorator: A Guide to Uniform Citation of Inter-American Sources for Writers and Practitioners*, 37 *U. Miami Inter-Am. L. Rev.* 339 (2006).

Illustrates how to cite to unofficial (non-English language) versions of cases, codes, and constitutions from numerous foreign countries.

Gerald Lebovits, *Legal-Writing Myths—Part I*, 78 N.Y. St. B.J. 64 (Feb. 2006); *Part II*, 78 N.Y. St. B.J. 64 (March/April 2006).

Part I debunks 10 myths about legal writing, e.g., literary style isn't important in legal writing; boilerplate is good; Part II debunks 10 additional myths.

*Legal Writing Symposium*, 21 *Touro L. Rev.* 265–550 (2005).

Contains several articles devoted to different topics of legal writing, each of which is annotated elsewhere in this column.

Susan Nissen Lerdal, *Evidence-Based Librarianship: Opportunity for Law Librarians?*, 98 *Law Libr. J.* 33 (2006).

Describes the recent incorporation of evidence-based research from library science and other fields into the decision-making framework. Includes an annotated bibliography on evidence-based librarianship.

Susan Lyons, *Renewable Energy Law—A Bibliography*, *Legal Reference Services Q.*, No. 3/4, 2005, at 143.

An annotated bibliography pertaining to renewable energy law and covering federal and state laws and those of Puerto Rico and the District of Columbia. Also includes references to law review articles from the past 10 years.

Matthew Mantel, *Researching House and Senate Rules and Procedures*, *Legal Reference Services Q.*, No. 3/4, 2005, at 67.

“[P]resents a discussion of ... [parliamentary] rules and procedures within the context of difference between the House of Representatives and the Senate. ... [D]escribes where to locate these rules and procedures in full text, online and a discussion of the sources which contain these rules and procedures.” Abstract.

Susan Nevelow Mart, *Let the People Know the Facts: Can Government Information Removed from the Internet Be Reclaimed?*, 98 *Law Libr. J.* 7 (2006).

“[E]xamines the legal bases of the public's right to access government information,

reviews the types of information that have recently been removed from the Internet, and analyzes the rationales given for the removals. ... [S]uggests that the concerted use of the Freedom of Information Act by public interest groups and their constituents is a possible method of returning information to the Internet.” Abstract.

Andrea McArdle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 *Clinical L. Rev.* 501 (2006).

Posits that while clinical, lawyering, and legal writing teachers need to instruct students in practice-based writing, students also need to retain their individual voice in their writings. Suggests pedagogical approaches through which instructors can help students negotiate between professional and personal voice.

Roy M. Mersky & Jeanne Price, *The Dictionary and the Man: The Eighth Edition of Black's Law Dictionary*, *Edited by Brian Garner*, 63 *Wash. & Lee L. Rev.* 719 (2006).

A slightly different version of a review from one published in 9 *Green Bag* 2d 83 (2005). Points out the contributions that the new editor of *Black's*, Bryan Garner, makes to the success of the publication and to legal scholarship in general.

Michael A. Millemann & Steven D. Schwinn, *Teaching Legal Research and Writing with Actual Legal Work: Extending Legal Education into the First Year*, 12 *Clinical L. Rev.* 441 (2006).

“Argue[s] that legal research and writing (LRW) teachers should use actual legal work to generate assignments ... recommend[s] that clinical and LRW teachers work together to design, co-teach, and evaluate such courses ... [and] describe[s] two experimental courses [the authors] developed together and co-taught to support and clarify their arguments.” *Id.*

Laurel Currie Oates & Anne Enquist, *The Legal Writing Handbook: Analysis, Research, and Writing*, 4th ed., 2006 [Waltham, MA: Aspen Publishers, 914 p.]

Provides a state-of-the-art approach to legal research, with an emphasis on electronic

research. Takes users from prewriting, drafting, and editing to final form. Demonstrates concepts through the use of examples. Introduces students to statutory and case analysis and then guides students through the process of writing an objective memo and trial and appellate briefs. A separate fourth edition (2006) of *Legal Writing Handbook: Practice Book* contains numerous exercises to help students with their research and writing skills.

Jill J. Ramsfield, *Culture to Culture: A Guide to Legal Writing*, 2005 [Durham, NC: Carolina Academic Press, 402 p.]

Designed for lawyers from other countries. Explains the legal system's rhetorical preferences, linguistic specializations, and current conventions. Describes how lawyers analyze problems and explain solutions.

Mary Barnard Ray, *The Basics of Legal Writing*, 2006 [St. Paul, MN: West, 303 p.]

Introduces legal writing in the context of other academic disciplines. Focuses on research memos and trial court briefs, but also discusses reading legal documents, using legal research tools, citing sources in legal documents, making oral presentations to senior partners and to courts, writing business correspondence and e-mail, and drafting other documents.

Edward D. Re, *Increased Importance of Legal Writing in the Era of "The Vanishing Trial,"* 21 *Touro L. Rev.* 665 (2005).

Notes that while fewer and fewer cases go to trial, the importance of legal writing has increased because of the proliferation of cases decided "on papers submitted" to the court. Discusses various aspects of the writing process.

Amy E. Sloan, *Basic Legal Research: Tools and Strategies*, 3d ed., 2006 [Waltham, MA: Aspen Publishers, 381 p.]

Provides step-by-step instruction on the basics of legal research using a building-block approach. Includes sample pages and end-of-chapter checklists, examples, and summary charts.

J. Thomas Sullivan, *The Perils of Online Legal Research: A Caveat for Diligent Counsel*, 29 *Am. J. Trial Advoc.* 81 (2005).

Illustrates how the speed with which courts now disseminate opinions in electronic form can produce opinions with errors that have to be recalled and provides examples of the difficulties this rapid dissemination can cause for counsel.

Susan M. Taylor, *Students as (Re)visionaries: or, Revision, Revision, Revision*, 21 *Touro L. Rev.* 265 (2005).

Discusses how students should be both macro- and micro-editors of their own papers. Describes the process of zero-drafting (prewriting through generation of ideas through stream of consciousness) and the importance of peer review, student-teacher conferences, and critiques by the instructor, all of which focus on multiple revisions.

Judith B. Tracy, "I See and I Remember; I Do and I Understand": *Teaching Fundamental Structure in Legal Writing Through the Use of Samples*, 21 *Touro L. Rev.* 297 (2005).

"[E]xplores ... the introductory LR&W curriculum, beginning with objective legal research, analysis, and writing assignments. ... [S]uggests including within that basic curriculum skills which students will apply as practitioners. [D]escribes specifically how different kinds of samples can be integrated into the curriculum so that students are exposed to examples of the types of documents they are being asked to prepare and, through examination of these samples, are able to self-identify a useful and logical structure for the written presentation of legal analysis." *Id.* at 300.

Christine M. Venter, *Analyze This: Using Taxonomies to "Scaffold" Students' Legal Thinking and Writing Skills*, 57 *Mercer L. Rev.* 621 (2006).

"Argues that legal writing faculty should take a more direct approach to thinking, by fostering students' metacognition skills [and that] [t]eachers need to develop precise and overt strategies, based on taxonomies, to teach students analytical skills and enable them to master the skills of thinking and writing like lawyers." *Id.* at 622.

Kathleen Elliott Vinson, *Improving Legal Writing: A Life-Long Learning Process and Continuing Professional Challenge*, 21 *Touro L. Rev.* 507 (2005).

“[E]xamines the need to improve legal writing beyond law school and the responsibility of the legal profession to join efforts with the academy to meet that challenge.” *Id.*

Robin S. Wellford-Slocum, *Legal Reasoning, Writing, and Persuasive Argument*, 2d ed., 2006 [Albany, NY: LexisNexis, 730 p.]

Emphasizes the process of legal reasoning, writing, and persuasive argument. Enables students to learn basic skills and build gradually toward mastery of more complex skills, using a single, evolving hypothetical and examining each predrafting and drafting step in sequence, from the initial client meeting, through the initial drafts of the document, to the final draft.

Melissa H. Weresh, *Fostering a Respect for Our Students, Our Specialty, and the Legal Profession: Introducing Ethics and Professionalism into the Legal Writing Curriculum*, 21 *Touro L. Rev.* 427 (2005).

Argues that discussion of and materials relating to legal ethics and professionalism should be incorporated into all legal writing courses. Provides the rationale for this position.

Melissa H. Weresh, *Legal Writing: Ethical and Professional Considerations*, 2006 (forthcoming) [Albany, NY: LexisNexis]

Designed to supplement a legal writing, ethics, or clinical course. Tracks the types of documents produced in a first-year legal writing curriculum. Identifies ethical rules and professional concerns that pertain to the particular type of document, while introducing cases to illustrate how the rules should influence lawyers' behavior when preparing and submitting these documents.

Sanja Zgonjanin, *Ruthann Robson: An Annotated Bibliography 1979–2005*, 8 *NYC L. Rev.* 681 (2005).

Published as part of a symposium to honor Professor Ruthann Robson, a professor at the City University of New York School of Law since 1990, for her contributions to lesbian legal theory.

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