

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.

Michael Abramowicz & Maxwell Stearns, *Defining Dicta*, 57 Stan. L. Rev. 953 (2005).

The “aim [of this article] is not to produce a holding-dicta code book but instead a straightforward definition of the terms ‘holding’ and ‘dicta.’” *Id.* at 959. Provides a framework for making a distinction between the two.

Luis M. Acosta, *The Legal History of the District of Columbia Prior to Home Rule: A Bibliographic Essay*, Legal Reference Services Q., No. 4, 2004, at 43.

“[C]overs the legal history of the District of Columbia prior to the passage of the District of Columbia Home Rule Act in 1973” including “a chronological description of the various legal and political structures that created local law in the District during the pre-home rule era . . . , the complex history of the court system in the district [and] the resources for researching the pre-home rule law and legal history in the district.” Abstract at 43.

Duncan E. Alford, *European Union Legal Materials: A Guide for Infrequent Users*, 97 Law Libr. J. 49 (2005).

A guide designed to assist the occasional user of European Union materials to locate sources of its law and official documents. Also provides a listing of research guides for use by the expert or experienced researcher.

American Association of Law Libraries, Citation Formats Committee, *Universal Citation Guide*, 2d ed. (2004) [Buffalo, NY: William S. Hein & Co., Inc., 133 p.]

Designed to create a common citation system. Provides guidance and suggestions for courts and practitioners on

recommended methods of formatting, as well as on how to cite legal material in law-related documents.

Carol M. Bast & Susan W. Harrell, *Ethical Obligations: Performing Adequate Legal Research and Legal Writing*, 29 Nova L. Rev. 49 (2004).

“[P]rovide[s] a discussion of specific parts of the ABA Model Rules of Professional Conduct that relate to the attorney’s legal research and writing obligations. . . . [I]ntroduce[s] the reader to a Model Rule, or a portion of a Model Rule, and suppl[ies] case law examples of the sanctions meted out to attorneys found to be in violation of the rules.” *Id.* at 50.

Michael Les Benedict & John F. Winkler eds., *The History of Ohio Law* (2004) [Chicago, IL: Ohio University Press, 2 vols., 946 p.]

The first history of Ohio law in 70 years. Arranged under 22 topics that range from the history of Ohio’s constitutional conventions and legal institutions to the history of civil procedure, evidence, land use, civil liberties, and utility regulation.

The Bluebook: A Uniform System of Citation, 18th ed. (2005) [Cambridge, MA: Harvard Law Review Association, 415 p.]

Yep, it’s happened again . . . (for the 18th time) and just when I had learned some of the rules in the previous edition. Yipes!

Deborah E. Bouchoux, *Aspen Handbook for Legal Writers: A Practical Reference* (2005) [New York, NY: Aspen Publishers, 336 p.]

Focuses on the rules of grammar, style, and usage. Includes samples of a letter, memorandum, trial brief, appellate brief, and transactional document. Provides examples of good and bad writing.

William C. Bradford, *International Legal Compliance: An Annotated Bibliography*, 30 N.C. J. Int’l & Com. Reg. 379 (2004).

Alphabetically arranged. Identifies 10 themes and multiple subcategories, with each entry receiving one or more numbers corresponding to the list of major international legal compliance themes.

Kevin D. Collins, Note, *The Use of Plain-Language Principles in Texas Litigation Formbooks*, 24 Rev. Litig. 429 (2005).

“[P]rovides some history on the plain-language movement and identifies some common mistakes in legal writing. ... [Describes the] emergence of formbooks in Texas. ... [P]resents the PEER Review model for evaluating legal forms and applies the model to a sample of forms. ... [Draws] conclusions ... about whether formbooks embrace plain-language principles.” *Id.*

Teresa Conaway et al., *Jury Nullification: A Selective, Annotated Bibliography*, 39 Val. U. L. Rev. 393 (2004).

Covers primary and secondary authority, including books and articles. Articles are organized under categories: General; Offers Solutions; Gender/Race & Jury Nullification; Jury Nullification in Political & Policy-Making Contexts; Death Penalty; United States v. Thomas; Civil Jury Nullification; State Specific; The Fully Informed Jury Association (“FIJA”); and Dissertations, Theses, & Jury Studies.

Vincent M. Cox, Note, *Freeing Unpublished Opinions from Exile: Going Beyond the Citation Permitted by Proposed Federal Rule of Appellate Procedure 32.1*, 44 Washburn L.J. 105 (2004).

“[P]resents the arguments on both sides of the ongoing debate surrounding PFRAP 32.1 and its treatment of some appellate opinions as unpublished and non-binding.” *Id.* Includes a discussion of the history and development of unpublished opinions.

Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*, 2d ed. (2005) [New York, NY: Aspen Publishers, approx. 400 p.]

Covers the principles of good legal writing, including style, grammar, punctuation, and other mechanics of writing. Includes tips on planning, drafting, revising, editing, and proofreading. Contains a chapter on legal writing for English-as-a-second-language (ESL) writers.

Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers*, 3d ed. (2005) [St. Paul, MN: Thomson-West 221 p.]

Aimed at helping students write successful law review articles and seminar papers. Contains more information than the previous edition on choosing a subject, developing a thesis, and testing the thesis. Also discusses the evaluation of sources and the ethical use of sources.

Judith D. Fischer, *Pleasing the Court: Writing Ethical and Effective Briefs* (2005) [Durham, NC: Carolina Academic Press, 112 p.]

Examines ethical and effective legal writing by providing more than 200 examples of judges’ reactions to errors in lawyers’ writing.

Bryan A. Garner, *Don’t Know Much About Punctuation: Notes on a Stickler Wannabe* (reviewing Lynne Truss, *Eats, Shoots & Leaves: The Zero Tolerance Approach to Punctuation*), 83 Tex. L. Rev. 1443 (2005).

A highly critical review of a best seller on punctuation by one of America’s leading authorities on style and punctuation. Basically, Garner has a “zero tolerance” of the Truss book.

Paul Hellyer, *Assessing the Influence of Computer-Assisted Legal Research: A Study of California Supreme Court Opinions*, 97 Law Libr. J. 285 (2005).

“[R]eviews the literature regarding CALR and identifies several hypotheses regarding quantitative differences in the results of print-based research and CALR. [A]nalyzes California Supreme Court opinions to determine CALR’s effect on the quantity, recency, and types of legal authority cited by the court. The data fail to support the commentators’ hypotheses.” Abstract.

William A. Hilyerd, *Using the Law Library: A Guide for Educators Part III: Oh, Statute (or Regulation), Where Art Thou?* 34 J. L. & Educ. 101 (2005).

The third in a planned series of six articles for educators. Focuses on locating statutes and regulations by citation or popular name.

Paul E. Howard & Renee Y. Rastorfer, *Do We Still Need Books? A Selected Annotated Bibliography*, 97 Law Libr. J. 257 (2005).

A listing of books and articles published since 1995, plus Internet sources, intended to assist the users to explore the uneasy coexistence of print and electronic information.

Nancy P. Johnson & Susan T. Phillips, *Legal Research Exercises, Following the Bluebook: A Uniform System of Citation*, 9th ed. (2005) [St. Paul, MN: Thomson-West, 191 p.]

Assignments cover cases, digests, citators, federal statutes, regulations, secondary sources, Westlaw®, and LexisNexis®.

Yale Kamisar, *Why I Write (And Why I Think Law Professors Generally Should Write)*, 41 San Diego L. Rev. 1747 (2004).

One of this country's great legal scholars provides his reasons for writing and describes why he believes it is important for all law professors to write. Part of a symposium issue on the topic of why professors write.

Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 Law Libr. J. 117 (2005).

Presents the argument that because today's students tend to use the online databases and the Internet, research instruction should begin with electronic resources rather than the traditional print ones.

Paul M. Kurtz, *Annual Survey of Periodical Literature*, 38 Fam. L.Q. 981 (2005).

A topically arranged, annotated bibliography of family law literature covering articles written between November 1, 2003, and November 1, 2004.

Jethro K. Lieberman, *Bad Writing: Some Thoughts on the Abuse of Scholarly Rhetoric*, 49 N.Y.L. Sch. L. Rev. 649 (2005).

Discusses, among other bad traits, ineptness, pretentiousness, obfuscation, dishonesty, and verbosity in legal writing. Provides examples of bad writing.

Stephen G. Margeton, *Law Library Design Bookshelf—An Annotated Bibliography*, 97 Law Libr. J. 77 (2005).

A topically arranged and annotated bibliography relating to library design. Includes books, book chapters, reports, and articles.

Robert J. Martineau & Michael B. Salerno, *Legal, Legislative, and Rule Drafting in Plain English* (2005) [St. Paul, MN: Thomson-West, 186 p.]

Looks at the problem and cure of poor drafting of legislation and rules; examines the legislative process and sources of proposed legislation; defines statutory construction and relation between legislative drafting; explains formal federal, state, and local requirements and limitations; covers administrative and court rules; reviews drafting principles regarding the who and what; provides general principles on readability; and describes specific rules and the organization and subdivision of a bill.

David B. McGinty, *Writing for a Student-Edited U.S. Law Review: A Guide for Non-U.S. and ESL Legal Scholars*, 7 N.Y. City L. Rev. 39 (2004).

Discusses the makeup of a typical law review and the purposes it serves in society, describes the editorial process, and provides tips to non-U.S. and ESL legal scholars seeking to publish in an American law review.

Betty McNeal & Rhys Stevens, *Internet Gambling: Introduction and Bibliography*, 9 UNLV Gaming Res. & Rev. J. 61 (2005).

A bibliography designed to assist prospective authors who want to write on Internet gambling, also known as online gambling, virtual gambling, and e-gambling.

Richard K. Neumann Jr., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style*, 5th ed. (2005) [New York, NY: Aspen Publishers, 544 p.]

Focuses on writing an office memo, a motion memo, and an appellate brief. Includes chapters on oral argument, client letters, and client interviewing. The chapter "Organizing Proof of a Conclusion of Law" has been divided into four chapters. Includes a new chapter on demand letters.

Laurel Currie Oates & Anne Enquist, *Just Research* (2005) [New York, NY: Aspen Publishers, 340 p.]

Instructs on the best source for a project, emphasizes electronic research, uses a problem-based organization that focuses on categories of legal issues, and provides an introduction to the essentials of legal research. Includes illustrations, practice pointers, and exercises.

Amy Beckham Osborne, *Baseball and the Law: A Selected Annotated Bibliography, 1990–2004*, 97 Law Libr. J. 335 (2005).

A listing of books and articles (with the articles arranged by subject) intended to help users find current information (1990–2004) on the law and its implications for baseball. A bibliography that Frank Houdek and my son Kevin will appreciate.

Matthew Parry & Melinda A. Parry, *Theirs Not to Reason Why, Theirs but to Make Law Review or Die: A Critique of the Law Review System and Annotated Bibliography*, Legal Reference Services Q., No. 4, 2004, at 29.

A bibliography arranged according to Critiques of Law Reviews, Critiques of Law Review Students, History of Law Reviews and Legal Periodicals, Citation Trends for Law Reviews (Bibliometrics), and Miscellaneous.

Publications by Professor Yale Kamisar, 102 Mich. L. Rev. 1776 (2004).

A listing of books and monographs; articles, article-length tributes, and essays; book reviews; and magazine and newspaper articles, short book reviews, and op-ed pieces. Published as part of an issue devoted to recognizing Professor Kamisar's contributions to law and legal education.

Laura Krugman Ray, *Lives of the Justices: Supreme Court Autobiographies*, 37 Conn. L. Rev. 233 (2004).

A lengthy and scholarly discussion and description of the books and essays written by the Justices of the U.S. Supreme Court about themselves. Arranged chronologically.

Mary Barnard Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written*, 4th ed. (2005) [St. Paul, MN: Thomson-West, approx. 450 p.]

Designed as a desktop reference for legal writers. Provides reference material and guidance on improving one's legal writing, including usage questions. Contains new information on e-mail, graphics, symbols, and tone in e-mail and text messaging, faxing, and voice mail. Part of the American Casebook Series.

Edward D. Re & Joseph R. Re, *Brief Writing and Oral Argument*, 9th ed. (2005) [Dobbs Ferry, NY: Oceana Publications, Inc., 350 p.]

Covers general principles of legal writing, opinion and claim or demand letters, appellate brief writing, oral argument, and citation of authorities. Integrates information on electronic legal research. Contains numerous illustrative appendixes.

Recent Books and Articles on Commercial Arbitration, 15 Am. Rev. Int'l Arb. 187 (2004).

An annual annotated bibliography that groups recent publications under 10 categories relating to commercial arbitration.

Ruthann Robson, *Law Students as Legal Scholars*, 7 N.Y. City L. Rev. 195 (2004) (reviewing Elizabeth Fajans & Mary Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers*, 2d ed.; and Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers*).

A comparative review that concludes that a student seeking to become "a (published) legal scholar" should "use Volokh's [text], especially with regard to legal argument, and Fajans and Falk's [text], especially with regard to legal writing and process." *Id.* at 211.

Mary Rumsey & April Schwartz, *Paper Versus Electronic Sources for Law Review Cite Checking: Should Paper Be the Gold Standard?* 97 Law Libr. J. 31 (2005).

Argues that electronic citation checking is an acceptable means of citation verification and

that law reviews should stop insisting on the use of print sources. Criticizes Rule 18 of *The Bluebook* for seemingly mandating the use of print sources in light of a survey conducted by the authors.

Lee Sims, *Academic Law Library Web Sites: A Source of Service to the Pro Se User*, Legal Reference Services Q., No. 4, 2004, at 1.

“[D]iscusses Web features that would be of value to the *pro se* patron, surveys the numbers of academic law libraries offering those features, gives examples of Web sites specifically designed with the *pro se* patron in mind, and offers suggestions on how to structure the Web site to provide services for these patrons.” Abstract at 1.

Amy E. Sloan & Steven D. Schwinn, *Basic Legal Research Workbook*, 2d ed. (2005) [New York, NY: Aspen Publishers, 208 p.]

Designed to familiarize students with basic research sources. Chapters incorporate questions at four levels, progressing from basic source features to advanced research skills.

Candice Spurlin, *Permanent Public Access to Electronic Government Documents: South Dakota's Response to a National Dilemma*, 50 S.D. L. Rev. 113 (2005).

Calls upon the South Dakota Legislature to become more proactive in providing electronic access to the state's documents and seeing to it that these documents are preserved.

Karen M. Staller, *The Structure of Federal Policy: Deciphering the United States Code*, 24 J. Teaching Soc. Work, No. 3/4, 2004, at 47.

Designed to acquaint social workers with how to conduct research in the *United States Code* by using examples from Social Security, welfare reform, and charitable choice.

Charles J. Ten Brink, *A Jurisprudential Approach to Teaching Legal Research*, 39 New Eng. L. Rev. 307 (2005).

Argues that “the dichotomy between the ‘practical’ and the ‘theoretical’ is false,” *id.* [and that] “[e]ffective teaching of ALR

[advanced legal research] requires an integration of basic jurisprudence with the practical ‘how to’ list of research nuts and bolts.” *Id.* at 308. Describes how jurisprudence can be incorporated into an ALR course.

Beatrice A. Tice, *Foreign Official Gazettes: Solving a Collection Conundrum*, 97 Law Libr. J. 299 (2005).

Describes why foreign official gazettes are important as sources of legal information and then details the difficulties associated with acquiring, maintaining, and using them.

Sarah E. Valentine, *Ruth Bader Ginsburg: An Annotated Bibliography*, 7 N.Y. City L. Rev. 391 (2004).

An annotated, topically arranged bibliography that includes works both by and about Ruth Bader Ginsburg.

Stephen L. Wasby, *Unpublished Court of Appeals Decisions: A Hard Look at the Process*, 14 S. Cal. Interdisc. L.J. 67 (2004).

Briefly discusses the criticisms and justifications employed in the unpublished disposition of cases and then focuses on “decisionmaking concerning unpublished dispositions at each of the stages of the process, from pre-argument through the period after dispositions are filed.” *Id.* at 69.

Mary Whisner, *What's in a Statute Name?*, 97 Law Libr. J. 169 (2005).

An entertaining excursion into the development of popular names for statutes and the more recent trend of creating acronyms that spell out or suggest the focus of the act, e.g., CAN-SPAM Act of 2003 (Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003).

Michelle M. Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 Law Libr. J. 233 (2005).

Examines the competing opinions about whether it is necessary to maintain sources in multiple formats and concludes that “abandoning either format would translate into a failure of service to patrons, both present and future.” Abstract at 233.

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