

Legal Research and Writing Resources: Recent Publications

Compiled by Barbara A. Bintliff

Barbara A. Bintliff is the Nicolas Rosenbaum Professor of Law and Director of the William A. Wise Law Library at the University of Colorado Law School in Boulder. She is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, symposia, and research guides that could prove useful to instructors of legal research and legal writing and their students. Also included are citations to related resources that may be of interest to those who teach legal research and legal writing. It includes sources noted since the previous issue of Perspectives, but does not include articles in Perspectives itself.

Kenneth A. Adams & Alan S. Kaye, *Revisiting the Ambiguity of “and” and “or” in Legal Drafting*, 80 St. John’s L. Rev. 1167–1195 (2006).

“[E]xamines the ambiguity engendered by plural nouns, a topic that is closely related to the ambiguity of and and or. ... [D]iscusses in turn the ambiguity engendered by and and by or and closes with a discussion of and/or and the ambiguity of and used in conjunction with or.” *Id.* at 1167. Numerous examples are included.

Zenon Bankowski & James MacLean, eds., *The Universal and the Particular in Legal Reasoning*, 2006 [Aldershot, Hampshire, England; Burlington, VT: Ashgate, 292 p.]

A tribute to Neil McCormack, a leading legal philosopher from Britain, whose earlier works on legal reasoning and legal theory are standards. Chapters are written by leading scholars.

William C. Burton, *Burton’s Legal Thesaurus*, 4th ed., 2007 [New York: McGraw-Hill, 1040 p.]

This new edition of a standard work adds more than 1,000 words and terms, including some nonlegal terms in common use by attorneys.

Kenneth D. Chestek, *MacCrate (In)action: The Case for Enhancing the Upper-Level Writing Requirement in Law Schools*, 78 U. Colo. L. Rev. 115–145 (2007).

“The article examines the 2001 amendment to the ABA Standards for Accreditation,

which required, for the first time, an ‘additional rigorous writing experience after the first year,’ to see if it had the intended impact. The research presented herein concludes that the amendment had little or no effect on how law schools educate law students in practice skills and suggests that the amendment constituted a missed opportunity to move schools toward a more practical approach to legal education.” *Id.* at 115.

Terrye Conroy, *The Voting Rights Act of 1965: A Selected Annotated Bibliography*, 98 Law Libr. J. 663–690 (2006).

A selective bibliography intended to introduce researchers to the issues involved in the debate of the reauthorization and future implementation of the Voting Rights Act of 1965.

Helene E. Davis, *Keeping Validity in Cite: Web Resources Cited in Select Washington Law Reviews, 2001–03*, 98 Law Libr. J. 639–661 (2006).

An analysis of three years of law review articles reveals high invalidity rates for URLs, raising concerns about the impermanence of Web resources.

Lee Epstein, Andrew D. Martin & Matthew M. Schneider, *On the Effective Communication of the Results of Empirical Studies, Part I*, 59 Vand. L. Rev. 1811–1871 (2006).

Examines the use and presentation of statistical information in legal writing. The authors conclude that a large percentage of legal empirical works would be improved, and the level of intellectual discourse raised, by a more understandable presentation of statistical information. Included as part of the 2006 *Vanderbilt Law Review Symposium: Empirical Legal Scholarship*, 59 Vand. L. Rev. 1811–2094 (2006).

Dorothy H. Evensen, *Group Learning Contexts and Processes Within Law Schools*, 2006 [Newtown, PA: Law School Admission Council, 104 p.] [LSAC Research Report 04-03] (available online at <members.lisacnet.org>).

Results of a three-year investigation into the operations and outcomes of study groups in law schools. The conclusion was that, while

only a small number of law students valued group study experiences, participation in study groups by first-year students correlated with higher academic performance.

Michael P. Forrest & Mike Martinez Jr., *Too Broke to Hire an Attorney? How to Conduct Basic Legal Research in a Law Library*, 9 *Scholar* 67–86 (2006).

“This article targets as its audience *pro se* patrons—individuals who cannot afford counsel and need to conduct their own legal research. The poor and disenfranchised have historically had difficulty getting equal access to justice. . . . A solution might be self-representation, which presents its own difficulties. In the latter role, the *pro se* litigant will likely need to access resources in a law library.” *Id.* at 67–68.

Ian Gallacher, *Cite Unseen: How Neutral Citation and America’s Law Schools Can Cure Our Strange Devotion to Bibliographical Orthodoxy and the Constriction of Open and Equal Access to the Law*, 70 *Alb. L. Rev.* 491–536 (2007).

Includes a review of the history of legal citation, a discussion of how citation rules affect our ability to cite to court opinions, and a scrutiny of some proposed alternatives to present citation practices and the reasons those alternatives have not, as yet, become standard. *Id.* at 499. The author suggests that the strict adherence to legal citation form results in impeding the free and open access to the law, and he concludes that the current citation form has an unintended consequence of strengthening the “preeminent positions” of Westlaw® and LexisNexis® as providers of American legal information. *Id.* at 500.

Paul Hellyer, *U.N. Documents in U.S. Case Law*, 99 *Law Libr. J.* 73–86 (2007).

The author explores the role played by U.N. documents in the opinions of United States courts. He examines the subject matter of opinions in which U.N. documents were cited, the types of documents that were cited, the purpose of the citations, the treatment received by the cited documents, and the time periods in which the citations occurred. Abstract.

Carole A. Levitt & Mark E. Rosch, *The Lawyer’s Guide to Fact Finding on the Internet*, 3d ed., 2006 [Chicago, Ill.: American Bar Association, Law Practice Management Section, 850 p. plus CD]

Categorizes and describes hundreds of free, fee-based, and subscription Internet resources of interest to attorneys. Also includes information on blogs, search engines, browsers, library databases and catalogs, and other resources.

Pamela Lysaght, *Michigan Legal Research*, 2006 [Durham, N.C.: Carolina Academic Press, 128 p.]

Explanation of Michigan legal resources, including information on research methods and strategies.

Matthew Mantel, *Private Bills and Private Laws*, 99 *Law Libr. J.* 87–100 (2007).

An in-depth investigation into the history and use of private laws, with suggestions as to why their use seems to be declining.

Elisa Mason, *Guide to International Refugee Law Resources on the Web*, LLRX.com, May 29, 2007 (available online at <www.llrx.com/features/refugee.htm>).

This guide directs readers to some of the key texts and resources available on the Web including U.N., international, regional, and state instruments and commentary, periodicals and bibliographic tools, and leading associations. Updated version of the July 2000 guide.

James G. Milles, *Redefining Open Access for the Legal Information Market*, 98 *Law Libr. J.* 619–637 (2006).

Argues that the open access movement in legal scholarship fails to address—and in fact diverts resources from—the real problem facing law libraries today: the soaring costs of non-scholarly, commercially published, practitioner-oriented legal publications. The author suggests that one solution to this problem is for law schools to redirect some of their resources—intellectual capital, reputation, and student labor—to publishing legal information for practitioners rather than legal scholars. Abstract.

Marilyn J. Raisch, *European Union Law: An Integrated Guide to Electronic and Print Research*, LLRX.com, May 29, 2007 (available online at <www.llrx.com/features/eulaw2.htm>).

Comprehensive research guide and bibliography presented in the context of research strategies. The five major institutions of the European Union are covered, along with treaties, draft constitution, legislation and legislative history, cases, and secondary sources. Finding tables for both print and electronic formats simplify locating major resources. Citation guides and links to related information are included

Gail S. Stephenson & Linda C. Fowler, *Keeping It Real: Developing a Culturally and Personally Relevant Legal Writing Curriculum*, 10 J. Gender Race & Just. 67–92 (2006).

This article explains the concept of a culturally and personally relevant curriculum. The effectiveness of such a curriculum is illustrated by describing how the goals of cultural and personal relevance were achieved in the authors' legal writing curricula. It includes suggestions for ways in which legal writing instructors can create problems that will be relevant to their own students.

William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law*, 2007 [San Francisco: Jossey-Bass/Wiley, 240 p.]

Presents the results of a two-year, comprehensive study of American and Canadian legal education. The study encourages a rethinking of the concept of “thinking like a lawyer,” which is a guiding principle in legal education today. It encourages additional scholarship and dialogue about teaching and learning the law. Prepared under the auspices of the Carnegie Foundation for the Advancement of Teaching.

Symeon C. Symeonides, *Conflict of Laws Bibliography: U.S. Sources, 2005–2006*, 54 Am. J. Comp. L. 789–798 (2006).

Unannotated bibliography of books, symposia, and articles and essays written in 2005–2006; part of a continuing series of bibliographies in this journal.

Symposium on Archival Legal Information, 75 UMKC L. Rev. (no. 1) 1–182, 283–332 (2006).

Articles of particular interest include:

Kathleen Hall, *File Sessions: Archival Court Records in Higher Education*, 75 UMKC L. Rev. 25–43 (2006).

Explains the educational potential, especially for law school courses, of archival court records, including how to read the files. Includes a summary of ideas generated by participants in the conference session on possible classroom uses for the records.

Mark Lambert, *More Than You Imagined: Sources of History in the Records and Papers of the Federal Courts of Texas*, 75 UMKC L. Rev. 81–101 (2006).

Explains the many uses of federal court records, including judicial manuscript collections; court history, judicial biography, and political, social, economic, and state and local histories can be enriched by these materials. The author gives examples of the historical sources available in the official court records and the manuscript collections of the judges for the federal courts of Texas.

Timothy Rives, *Legal History Research Opportunities and Resources at the National Archives and Records Administration—Central Plains Region*, 75 UMKC L. Rev. 137–148 (2006).

Explains the types of materials held by the National Archives and Records Administration (NARA), and describes opportunities for research in those records. The article provides an annotated finding aid to major legal history resources available in the National Archives—Central Plains Region (Kansas City).

Stephen Spence, *Addendum to Legal History Research Opportunities and Resources at the National Archives and Records Administration—Central Plains Region*, 75 UMKC L. Rev. 149–154 (2006).

Addendum to Rives (above), consisting of a selective listing of cases with records in the NARA—Central Plains Region archives. Includes Chuck Berry’s trial for “inducing and enticing” a 14-year-old girl to “give herself up to debauchery and to engage in other immoral practices” and similar high-profile cases. *Id.* at 149. Organized by topic including kidnap, murder, mayhem, and more; wartime; intellectual property; and constitutional and civil liberties.

Peter M. Tiersma, *The Textualization of Precedent*, 82 Notre Dame L. Rev. 1187–1278 (2007).

Traces historical development and resulting differences in interpretation of English and American judicial decisions. The American emphasis on writing and publication of judicial decisions has resulted in its increasing textualization, with fixed rules and principles replacing more conceptual opinions. As a result, Americans’ concept of what precedent means in terms of the common law is in flux, especially in view of the changes in citation rules for unpublished opinions.

Louise Tsang, *Legal Protection of Cultural Property: A Selective Resource Guide*, LLRX.com, April 24, 2007 (available online at <llrx.com/features/culturalproperty.htm>).

Coverage of print and electronic sources on the protection of cultural property in wartime, international trade in cultural property, and the laws relating to illicit trade of art and antiquities. Sections list major treatises, bibliographies, journals, proceedings from international conferences and meetings, treaties and international legal instruments, and national and international agencies dealing with cultural properties. Includes resources specific to Nazi-looted art and stolen cultural property in Iraq.

Mary Whisner, *How Do You Know When Research Is Good?*, 98 Law Libr. J. 721–725 (2006).

A short exploration of the common problem of determining when research is “good,” and whether the researcher has completed satisfactory research.

Lauren A. Wiggins & Timothy Sandefur, *A Bibliography of Sources on “Public Use” in Eminent Domain*, 10 Chapman L. Rev. 235–255 (2006).

Extensive, unannotated bibliography of articles (law reviews, legal magazines, and newspapers) and books, arranged chronologically from 1840 to the present.

Bryan Wright, Note, *But What Will They Do Without Unpublished Opinions?: Some Alternatives for Dealing with the Ninth Circuit’s Massive Caseload Post F.R.A.P. 32.1*, 7 Nev. L.J. 239–262 (2006).

Reviews the arguments for and against limited citation rules including a detailed look at limited citation rules in the context of precedent.

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Donald J. Dunn retired from the *Perspectives* Board in Spring 2007. He joined the original board in 1992. His annotated bibliographies on recent publications of legal research and writing resources appeared in every issue of the first 15 volumes. When announcing his decision, he wrote:

I have enjoyed my association with *Perspectives* immensely, and I know it will continue to grow in both distribution and stature. I want to express my thanks to the large readership that has developed. To my colleagues, thank you for making this such a wonderful experience for me.

Don, we’re grateful for your many years of service to the legal research and writing communities. Godspeed.