

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.

William Brescia et al., *Designing and Developing Web-Based Continuing Legal Education*, Legal Reference Services Q., Nos. 2/3, 2004, at 171.

“[P]rovides an account of the process of developing a course interface, through collaboration of a legal librarian and an educational technology class, integrating the needs of attorneys into the content area, and a description of the finished product [a Web-based CLE course entitled ‘Legal Research on the Web’].” *Id.*

Edward H. Cooper, *Restyling the Civil Rules: Clarity Without Change*, 79 Notre Dame L. Rev. 1761 (2004).

Discusses the Style Project for the Federal Rules of Civil Procedure, the purpose of which is “to translate present text into clear language that does not change the meaning.” *Id.* Concludes that the project, while ambitious, can be accomplished and that ambiguities can be removed, structure improved, and punctuation upgraded, all leading to improved clarity of the rules.

John Doyle, *Ranking Legal Periodicals and Some Other Numeric Uses of the Westlaw and Lexis Periodical Databases*, Legal Reference Services Q., Nos. 2/3, 2004, at 1.

“[A]n exploration of the opportunities and difficulties in extracting numeric information from the full-text legal periodical databases on Westlaw and Lexis.” *Id.* Reviews various ranking methods used previously. Produces rankings of the most cited general law reviews and specialized law journals.

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, 213 p.]

Describes how each type of writing can be accomplished, noting that the only “real differences among the three formats are in manuscript preparation (e.g., footnotes vs. endnotes) and, more importantly, in scale.” *Id.* at 5.

Judith D. Fischer, *The Role of Ethics in Legal Writing: The Forensic Embroider, the Minimalist Wizard, and Other Stories*, 9 Scribes J. Leg. Writing 77 (2003–2004).

Discusses what can happen when a lawyer’s writing does not comport with professional standards. Groups cases in which lawyers have been criticized or sanctioned under: “failing to state the law accurately, failing to state the facts accurately, poor writing, plagiarism, and lack of civility.” *Id.* at 79.

Lawrence J. Fox, *Those Unpublished Opinions: An Appropriate Expedience or an Abdication of Responsibility?* 32 Hofstra L. Rev. 1215 (2004).

Takes on the arguments that attempt to justify not using unpublished opinions and is especially critical of the position taken by Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit.

Kristin A. Henderson, *Lessons from Bankruptcy Court Public Records: A Conflict of Values for Law Librarians*, Legal Reference Services Q., Nos. 2/3, 2004, at 55.

Discusses how the need for access to information and the right of privacy creates special dilemmas in the bankruptcy context.

Joseph Kimble, *The Straight Skinny on Better Judicial Opinions*, 9 Scribes J. Leg. Writing 1 (2003–2004).

Using two cases, one an original and another a rewrite, the author demonstrates from survey results received from 251 Michigan attorneys and judges that they strongly prefer opinions that are “straightforward and lean.” *Id.* Also summarizes the results from three similar surveys.

Susan P. Liemer & Jan M. Levine, *Legal Research and Writing: What Schools Are Doing, and Who Is Doing the Teaching (Three Years Later)*, 9 Scribes J. Leg. Writing 113 (2003–2004).

Updates a survey from the 1999–2000 academic year. Shows in updated data current through January 2003 that legal writing programs continue to improve. Includes new data on the ability of legal writing faculty to vote in faculty meetings.

Mohamed Y. Mattar, *Trafficking in Persons: An Annotated Legal Bibliography*, 96 Law Libr. J. 669 (2004).

Identifies, organizes, and describes articles that examine trafficking of persons and how it has become a significant international human rights issue.

Matthew Parry, *Dieu li Volt? Employment Discrimination Against Muslims*, Legal Reference Services Q., Nos. 2/3, 2004, at 85.

A pathfinder designed “to make the Byzantine world of employment discrimination more accessible to Muslim employees.” *Id.* Focuses on issues that have arisen in a post-9/11 world.

Martha Dragich Pearson, *Citation of Unpublished Opinions as Precedent*, 55 Hastings L.J. 1235 (2004).

Proposes that if a decision “adds nothing new to the law, its opinion need only state and cite the controlling law.” *Id.* at 1240. Such opinions would be precedential. “[C]oncludes that limited publication and, especially, no-citation rules are fundamentally incompatible with a system based on the rule of precedent.” *Id.*

Wayne Schiess, *What Plain English Really Is*, 9 Scribes J. Leg. Writing 43 (2003–2004).

Responds to David Crump, *Against Plain English: The Case for a Functional Approach to Legal Document Preparation*, 33 Rutgers L.J. 713 (2002). Points out where the author agrees and disagrees with Crump. Also provides examples of what legal writing is all about. *Id.* at 71–75.

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review*, 2d ed. (2004) [New York, NY: Foundation Press, 262 p.]

Instructs students how to find a topic and how to develop it into a useful and publishable piece. Includes new chapters on getting on law review (especially about doing the write-on competition) and about submitting finished Notes to outside competitions.

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