

“By setting a form or discipline, we can force ourselves to be creative and interesting for at least two or three minutes in a two-hour legal research class.”

## EINE KLEINE LEGALRESEARCHMUSIK<sup>1</sup>

BY JAMES R. FOX

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For some of us who have taught legal research forever, the task may become a sterile exercise and any trickery to bring life to the exercise bears consideration. Most artists have, until the last century, used a form to discipline and channel their creativity. Poets follow the form of the sonnet or haiku. Musicians compose waltzes or classical symphonies. Adopting a form or discipline guides, and can inspire, the creativity of the artist. The poet has to find a clever rhyme, the musician the resonant counterpoint. By setting a form or discipline, we can force ourselves to be creative and interesting for at least two or three minutes in a two-hour legal research class. Not quite the composition of a sonnet, my Advanced Legal Research class discipline for the last several years has been the use of theme music for each class. Here are a few (actually most) of the themes I have conjured up for my classes.

Japanese flute music<sup>2</sup> introduces my first class, which looks at sources of law used by different legal systems. The flute music is to the Western classical idea of music as common law and civil law are to Chinese law. In the West we look for practical rules, while other systems look to divine revelation in order to behave as the Creator wishes (Muslim law) or to an ideal of societal behavior in which law plays a marginal role (Chinese law). But we see that our system has some things in common with these other systems. For the next class students are assigned to use LexisNexis™ or Westlaw® to find an example where a judge in the United States has cited an unusual source such as rock lyrics, or quotes from movies or the Bible.

Before the first class a short assignment has the students find if blasphemy is still a crime in

England, the common law definition of blasphemy (using Blackstone's *Commentaries*), and when it was last prosecuted in a U.S. state of their choice. Should blasphemy be a crime? I then play “Oh Lord, Won't You Buy Me a Mercedes Benz,” by Janis Joplin.<sup>3</sup> Is it blasphemous?

Early in the semester the class takes up the problem of how we organize information. The students are given a list of book titles to alphabetize. Which goes first: *Aardvark, My Pal* or *A. A. Milne, a Biography*? It becomes obvious that alphabetizing involves a number of arbitrary rules that, if ignored, can lead to not finding what you want. To drive home the point, six Chinese characters are presented to be ordered and the students are challenged to develop rules for their ordering. The class goes on to an examination of menus such as the Yahoo menu and the hierarchical outlines used in digests. The obvious choice of a theme for the class is something by Mozart or Bach, *Eine Kleine Nachtmusik* or the *Goldberg Variations* played by Glenn Gould.<sup>4</sup> Indexing is a fugue.

Lest you think I am a classic-loving nerd librarian, my next selection is “Godzilla” by Blue Oyster Cult.<sup>5</sup> “History shows again and again, how Nature points out the folly of man, Godzilla.” Relying on technology can be our downfall is the message of a class about how media affect research techniques. A review of various information storage media questions their reliability for archival purposes. Will your great-granddaughter be able to read the personal narrative you stored on a floppy disk? Interestingly, on the cover of the album, Blue Oyster Cult poses in front of a bookcase full of old law reports, a great graphic for your PowerPoint presentation.

The most obvious rock music theme for a class is John Cougar Mellencamp's “Authority Song.” “I fight authority, authority always wins.” This goes with a class on court reports, court rules (particularly, rules about what gets published), depublishation, stare decisis, and all that.

The Internet and, in particular, NORML (the National Organization for the Reform of

<sup>1</sup> A longer, incomprehensible version of this article, “A Hermeneutic on the Utilization of Polyphony as an Ancillary Tool in Legal Research Instruction,” will not be published anywhere.

<sup>2</sup> *Japan Shakuhachi—The Japanese Flute*, Kohachiro Miyata, shakuhachi (CD, Electra Nonesuch 9 72076-2).

<sup>3</sup> *Pearl*, Janis Joplin (CD, Sony/Columbia B00000K2VZ).

<sup>4</sup> Johann Sebastian Bach, *Goldberg Variations*, Glenn Gould (CD, BWV 988/Sony Classics SMK 52 594).

<sup>5</sup> *Spectres*, Blue Oyster Cult (CD, Sony/Columbia, B0000025BW).

Marijuana Laws) has ruined a great statutory law exercise that I used for years. How much marijuana must I possess in California before I have committed a felony? With no obvious starting place in the index under marijuana, this question sent students to several different places in the code. One needs to determine both the amount of marijuana and the definition of a felony. Unfortunately, NORML's Web site answers the question with links to all the relevant statutory cites.<sup>6</sup> The theme for this class was the Red Hot Chili Peppers' *Californication*.<sup>7</sup> I have to go back to the drawing board on this class. Wanting to keep the Chili Peppers in my repertoire, this summer I will look for another California criminal statute that does the trick. I still have "Supercallousmeanandnastyrightwinglegislation" by the Capitol Steps<sup>8</sup> to introduce the legislative history class. I have a life-size cutout of Newt, our guest "speaker" for the class, but he is fast becoming ancient history.<sup>9</sup>

Not all of the musical themes come from mainstream commercial sources. At least one comes from a distinctively nonmainstream yet commercial source. Back in the good old days when West was West, Bill Lindberg and his cohorts in the Law School group produced entertaining shows at the American Association of Law Libraries annual meetings with parodies such as "Old-Fashioned Book" or "Walt's Waltz." (You remember the WALT terminal don't you?)

So there are some of the themes that I use. But the challenge is for you to be creative and match other themes to your classes. Vonda Shepard's songs from *Ally McBeal* come to mind as a fertile resource ("I've been down this road?").<sup>10</sup> It is helpful to have a teenager in the house and actually listen to the music (after the obligatory admonition to turn the volume down). Next year I am

determined to work in a song by my son's favorite group, Weezer.<sup>11</sup>

In my favorite class I tap into my collection of fiddle tunes and other real country music on Rounder Records.<sup>12</sup> I live on a small farm five miles west of Carlisle, Pennsylvania, and have one class there with a picnic thrown in. The farm provides a setting for some unusual topics. Before the class the students go to the courthouse to do a deed search on the property. They check the property information available on LexisNexis or other online databases. When the students arrive they "field" research about 10 questions about the farm (How many outbuildings? Where is the septic system? How far is the house from the road?). Professor Noel Potter of the Dickinson College Geology Department demonstrates how a survey is done and we discuss the fact that the metes and bounds in the deed description do not close. This leads to questions about practice materials—how do we correct the mistake? Plat books and local historical maps answer questions about reference points used in older descriptions of the property. U.S. Geological Soil Survey material raises questions about the development taking place around the farm. In turn, questions of local codes and ordinances arise. Then we eat.

You may choose another rule to add a little je ne sais quoi to your classes. In Air and Space Law I try to pepper my PowerPoint presentations with visual art. Most people miss the tiny figure of Icarus falling into the sea in Brueghel's *The Fall of Icarus*. As I visit museums I am always on the lookout for a painting to use, just as a tune may find its way into an Advanced Legal Research class, if I am a little creative.

Finally, the last class ends with Roy and Dale singing "Happy Trails."<sup>13</sup>

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<sup>6</sup> <www.norml.org>.

<sup>7</sup> *Californication*, Red Hot Chili Peppers (CD, Wea/Warner Bros., B00000J7JO).

<sup>8</sup> *A Whole Newt World*, The Capitol Steps (audiotape, Capitol Steps Productions, CSC1015).

<sup>9</sup> Life-size cardboard figures are available from <www.elifesize.com> or <www.cardboardcutouts.com>.

<sup>10</sup> "Searchin' My Soul," *Songs from Ally McBeal Featuring Vonda Shepard* (CD, Sony/550 B00000608D).

<sup>11</sup> *Weezer* (Green Album), Weezer (CD, Uni/Geffen, B000051CAW) (a cut called "Simple Pages" may have possibilities).

<sup>12</sup> E.g., *The Fuzzy Mountain String Band* (LP, Rounder Records 0010).

<sup>13</sup> *Happy Trails: The Roy Rogers Collection, 1937–1990* [Box Set] (CD, Wea/Rhino B000001Q18) or download the clip of the song from <www.amazon.com>.

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