

## WHICH LEGAL RESEARCH TEXT IS RIGHT FOR YOU?

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Isn't it handy when you can buy something "one size fits all"? Maybe, but this "miracle of modern science" doesn't work well for shoes, and it doesn't work well for legal research texts, either. We all have different teaching styles, time and budget constraints, and goals for our classes. Every couple of years the legal research landscape changes, and so we update the content we present and tweak the techniques we use to present them. We also reexamine the available textbooks from time to time to see which one best meets our needs. Sometimes we find a book that does everything we want it to. More often, however, we make compromises, choosing a book that has some features we deem essential even though it misses the mark in other areas.

There are so many legal research texts to choose from that we thought it would be nice to get a leg up in our evaluation process by finding out what other people do. We asked subscribers of LAW-LIB and LEGWRI-L to let us know which legal research text they use and why. What are its greatest strengths and weaknesses? Does the text address electronic research and technology adequately? Does it discuss the integration of manual and electronic research? Is supplemental material (like a workbook) available? Does the instructor use the accompanying materials, or does the instructor prepare his or her own research problems? We received a total of 30 responses. This is what we learned about how some of the texts are being used:

### Texts with Multiple Recommendations

*Basic Legal Research*, by Amy Sloan (Aspen 2000).

The greatest number of respondents are using the new kid on the block, *Basic Legal Research*. Sloan's book is being used in first-year programs by eight of our respondents, and three more first-year programs are moving to it next year. Those who used this text were generally satisfied with their choice: "After several years of frustration because I could not find a text for first-year students that seemed to be up-to-date and yet addressed research basics in a way that was palatable to law students, we chose Amy Sloan's new text published last fall by Aspen for our first-year course, which integrates research and writing." "It's the right size for a first-year course, at least one that is really only 10 class sessions. I guess that would depend on how much legal research instruction you really have in the first year." *Basic Legal Research* is being used in both integrated legal research and writing programs and stand-alone legal research classes. In some cases the text was chosen by librarians. In other cases the text was chosen by legal writing faculty, even though the research classes themselves were taught by librarians.

#### Strengths:

Most of the proponents of Sloan's text praised the quality of the writing, organization, and illustrations. They favored the book's conciseness, stating that it did not overwhelm the reader with too much detail, yet covered what is needed to instruct first-year law students. In addition, they appreciated that the text is up-to-date and contains good sample pages and checklists for types of sources. People also commented on the conscious way research process was stressed over bibliographic material, and on the way Sloan's integration of print and electronic formats made it clear they are just different sources of the same material. Respondents felt the book was easier to teach from, and therefore easier to learn from, than its competitors:

- "We have been happy with the text because it is not overwhelming and I think it may be a plus that it was written by someone who

“We all have different teaching styles, time and budget constraints, and goals for our classes.”

teaches writing and brings that perspective rather than the overly bibliographic perspective of a librarian.”

- “The strengths of Sloan’s book are that it is concise (much shorter than the Kunz book [*The Process of Legal Research*, by Christina Kunz et al.]); has lots of illustrations; is graphically pleasing with the use of diagrams, space, and color; and covers all that I need for the first-year students.”
- “Sloan is less detailed, better written, easier to teach from and, I think, to learn from. And it is better organized.”
- “Sloan’s book has the great virtue of being concise and up-to-date on all aspects of legal research. While it doesn’t strive for the kind of comprehensiveness that is provided by others, it is a wonderful teaching tool for 1Ls because, in lucid and well-illustrated ways, it gets the students started so that they can learn by doing their own research. Thus, I am convinced after this first year of using it that Sloan’s book is the right one for the basic class in legal research and writing.”
- “Her charts and sample pages are very useful as well as her checklists. For our purposes her text is current and covers exactly what we want to cover in an introductory first-year course.”
- “We selected it because it *is* basic. It is also extremely well written. The basic tools are covered, of course, and she keeps focused on the process. Electronic sources are integrated into each chapter, and because the text is new it includes good coverage of Internet resources. For example, the chapter on federal legislative history research includes Thomas, GPO Access, and Congressional Universe. There is also a separate chapter on electronic research, generally. Each chapter ends with a checklist.”

**Weaknesses:**

- “The Sloan book has no weaknesses for my purposes; however, for some, it may not be sufficiently comprehensive. May not be enough for a course addressing advanced research topics.”

- “The only disconnect for us in using the Sloan research text this year was that her citation discussion is geared to *The Bluebook* format rather than ALWD [Association of Legal Writing Directors] and we elected to use the new *ALWD Citation Manual* this year, but it was not a big problem.”
- “No exercises. I don’t like the fact that it does not come with a workbook.”

**Supplemental Materials:**

- “I found her teacher’s manual with suggested problems and class plans also practical and useful.”
- “There is a teacher’s manual, but we created our own assignments.”

***The Process of Legal Research*, by Christina Kunz et al. (Aspen 2000).**

This text is also used by many programs, although some of these programs have migrated or are considering migrating to the Sloan text next year. General comments on *The Process of Legal Research*:

- “I use Kunz and love it. I teach research as a component of Legal Research and Writing. I cover all secondary sources, enacted law, and case law; the students have a comprehensive assignment for each of these. I cover manual research first, then online research. Students have to submit a research plan that integrates manual and online resources before they can do full-text searching online.”
- “We are a first-year required, four-credit course over two semesters. We cover research throughout and writing as well.”
- “I don’t currently use a text for my Advanced Legal Research; although the Kunz book is recommended, it is not assigned.”

**Strengths:**

The strengths of the Kunz book are that it has exercises that require application for each step in the research process and that its coverage is very comprehensive, so it is useful for Advanced Legal Research classes. The text addresses electronic research and technology adequately and discusses the integration of manual and electronic research.

- “Kunz has good graphics, good structure, good organization, and encyclopedic coverage

and works well as a reference book for students later on in summer positions with law firms or with judicial clerkships.”

- “It is strong in coverage and depth, with good, detailed exercises. The exercises are time-consuming, but they do get the students into the books.”
- “Lots of great examples, a hypothetical that students work with all the way through for text examples, and 10 variations on each exercise with a common hypothetical for each variation that students carry through all exercises. The continuity of hypotheticals, as well as the multiple variations on each exercise, was a real attraction for us.”
- “The text integrated print and electronic resources in each chapter—I think it was done very well.”
- “Only textbook that starts with secondary sources.”
- “Most of the other legal research texts are more appropriate to a legal bibliography course, rather than an actual research course. Kunz’s publication, on the other hand, is geared more toward the actual research process.”

**Weaknesses:**

- “The weakness of the Kunz book is that it was too long and my students were not reading it.”
- “It covers topics in such excruciating detail that it may put law students to sleep.”
- “Just did not work for me. Too detailed, I think, for one thing.”

**Supplemental Materials:**

- “It has problem sets in the back, although we do not use them. We make up our own research exercises because we use the book year in, year out.”
- “I use the detailed exercises. Students rarely come back and complain that they did not learn what to do. The drawback is that the exercises are time-consuming, long, and arduous. As a result, I have them work in groups. Also, some libraries do not have all the materials needed.”
- “The exercises, however, were extremely frustrating to the students—they had

difficulty at times figuring out what was expected of them. If we use this book again, we will not use the accompanying exercises.”

***Fundamentals of Legal Research* and its abridgement, *Legal Research Illustrated*, by J. Myron Jacobstein, Roy M. Mersky, and Donald J. Dunn (Foundation Press 1998).**

This title, or its abridgement, is being used in two different year-long stand-alone legal research classes taught by librarians and in a third program that didn’t state whether librarians were involved in teaching research. *Fundamentals of Legal Research* is also being used as a text in an Advanced Legal Research course and as an instructional supplement to the instructor of another Advanced Legal Research course. Each respondent felt his or her choice was the best book for the particular class, but none found it to be a perfect fit. Only one of the three who used *Fundamentals of Legal Research* in a first-year program actually stated that he or she liked the text. The second user chose *Fundamentals of Legal Research* as the lesser of available evils, while the third confessed that he or she hasn’t found a suitable research book for his or her program. A librarian who taught Advanced Legal Research this past fall used a different text in class but read extensively in *Fundamentals of Legal Research* to provide more fodder for lecture notes and additional background. This novice teacher found the combination quite effective, both by giving her something to say during class that the students had not already read, and by providing different approaches to some subjects.

**Strengths:**

- “Its strength is as a reference text. The way the book satisfactorily blends information about electronic format is useful since my class very much focuses on the books.”
- “Compared with other texts, *Fundamentals of Legal Research* is much more up-to-date, especially in its coverage of CALR [computer-assisted legal research].”

**Weaknesses:**

On the weakness side of the equation, one respondent mentioned that *Fundamentals of Legal Research* didn’t interface smoothly with his or her problem-oriented teaching method, but then

again none of the other books did, either. One of the respondents presents the material in class in a sequence very different from how it is presented in the book.

**Supplemental Materials:**

One instructor tried using the assignment manual accompanying *Fundamentals of Legal Research* but found it riddled with typos and is determined never to use it again. Another instructor assigns the book *Fundamentals of Legal Research* for pre-class reading only, to give the students some background in the material they are about to look at, and so does not use any supplements that are available.

***Finding the Law*, by Robert C. Berring and Elizabeth A. Edinger (West Group 1999).**

*Finding the Law* is used in a two-semester Legal Research class taught as part of the Legal Process course to all first-year students at one institution. It is also used at two other schools for Advanced Legal Research classes.

**Strengths:**

This text was repeatedly praised as concise and easy to understand and for doing a fine job of integrating print and electronic resources. People liked the light style and practice orientation. The Web site allows the book to keep up with important changes in legal publication since it was published.

**Weaknesses:**

One user wished *Finding the Law* had some of the better graphics and charts found in other texts. Another user thought the book was particularly weak in its coverage of secondary materials. The instructor of one advanced legal research class lamented that the book did not present material in the same order as it is presented in class (beginning with secondary sources, which is the way most people would approach a legal research problem in an area they were unfamiliar with).

**Supplemental Materials:**

Accompanying exercises have been used in the past, especially when one program was short-staffed, but most users prefer to use their own customized exercises.

***Legal Research in a Nutshell*, by Morris L. Cohen and Kent C. Olson (West Group 2000).**

*Legal Research in a Nutshell* is being used by two first-year programs and one Advanced Legal Research course. One of these instructors was also planning (pending approval by the curriculum committee) to teach a legal research class during summer intersession (three weeks in May) aimed at students who are worried about summer jobs and don't remember much from their legal research class—a sort of legal research “boot camp.” After debating what text to use, if any, this instructor decided to probably just stick with the *Nutshell* since half of the students who might sign up for the class already have that book. However, this “boot camp” will rely mostly on handouts, in-class exercises, and homework.

**Strengths:**

- “It provides a concise review without overwhelming and boring the students with too much bibliographic detail, and it includes the international and foreign materials that I like to cover in Advanced Legal Research. I have tried the larger, more detailed research texts for this class and always come back to Cohen.”
- “I would say the *Nutshell's* strengths are its brevity and simplicity. Personally, I think first-year legal research should be kept pretty simple because it really is hard for a 1L to grasp. That's why I like the *Nutshell*.”

**Weaknesses:**

- “I don't really like the way the *Nutshell* addresses CALR resources. It mixes them in with the print sources, which in a way is good. However, the *Nutshell* does not discuss *how* to use Westlaw® and LEXIS® very much, which I see as a major weakness because different approaches are needed. The *Nutshell* also doesn't say anything about when to use CALR and when to use manual sources. So I put together some handouts and talked about that in class. But then again, a lot of students don't bother to read the text anyway (at least here) so I guess it doesn't matter a whole lot!”

**Supplemental Materials:**

*Legal Research: A Practical Guide and Self-Instructional Workbook*, by Ruth Ann McKinney

(West Group 2000), may be used alone or in conjunction with the *Nutshell*. Comments on this book appear later in this article.

***Winning Research Skills***, by Nancy P. Johnson, Robert C. Berring, and Thomas A. Woxland (West Group 1999).

*Winning Research Skills* is being used by librarians teaching legal research at two different schools. One of these schools teaches first-year students legal research in the second semester only. The other didn't specify the details of its instructional program.

**Strengths:**

- "It is free from West Group. When necessary, we use supplementary readings and other materials, but we find that the book covers over 80 percent of what we need. So why require students to spend big bucks on a full-fledged textbook for the other 20 percent?"
- "We're using it because it is concise and we only have the spring semester for legal research classes, which is not enough time to do anything in depth or deal with legislative history. We used to use the Kunz book, but it was too much."
- "It covers the research basics, including cases, statutes, administrative law, secondary sources, and citators. There are a number of illustrations, used effectively. There is a fine discussion of the research process."

**Weaknesses:**

- "It's a bit West-centric, but the authors were given enough freedom so that Shepard's®, Am Jur®, USCS [*United States Code Service*], and other competing products are covered."
- "It is heavily weighted to West products, so we try to be more balanced."

### Happily Being Used by At Least One Person

***Legal Research: A Practical Guide and Self-Instructional Workbook***, by Ruth Ann McKinney (West Group 2000).

**Strengths:**

- "Everyone here is a big fan of the McKinney workbook and I'm glad they came out with a new edition this year that also included a small electronic legal research supplement."

**Weaknesses:**

- "Last year, we used McKinney but the problem with McKinney is that it's meant to be used with the *Nutshell* (Cohen). So, we used the *Nutshell* last year as our textbook and we hated it. The workbook does list the *Nutshell* reading assignment pages so that is why we used the *Nutshell*. But we hated it. So this year we used Sloan, but on the first day of class and on the syllabus told the students the corresponding pages in Sloan and told them to read that rather than when it says to read the *Nutshell*. The combination worked well and I think that is what we will use again."

**Supplemental Materials:**

Teachers' manual and computer-assisted legal research problem set by Phillip K. Woods.

***Legal Research—Without Losing Your Mind***, by Edward C. Good (LEL Enterprises 1993).

This text is used by a teacher of legal research and writing who has been doing this for five years.

**Strengths:**

- "Professor Good is able to explain legal research in a context that is more enjoyable for most students than the technical descriptions typically contained in most texts."
- "A single hypothetical is used throughout the text employing comical characters to illustrate various legal research techniques, making it possible for teachers to assign chapters out of sequence."

**Weaknesses:**

- "Some of the information in this book is out-of-date."
- "There are some factual errors in this book."
- "This book does not cover electronic legal research."

***How to Find the Law***, by Morris L. Cohen, Robert C. Berring, and Kent C. Olson (West 1995).

*How to Find the Law* was used by one librarian teaching advanced legal research this past fall. This novice teacher read extensively in another legal research text to give herself something to say in class that her students hadn't already read. Also,

she enjoyed the different approaches that the books took on some subjects, such as CALR.

**Weaknesses:**

This book is somewhat out-of-date, especially with respect to electronic resources.

**Supplemental Materials:**

*Legal Research Exercises, Instructor's Manual*, by Nancy P. Johnson and Susan T. Phillips (6th ed. 1999).

***Legal Research and Citation*, by Larry L. Teply (West Group 1999).**

*Legal Research and Citation* is used in one integrated LRW program, which supplements Teply's exercises with some locally developed research notes in which students use a variety of sources to answer the question presented by the factual scenario. "As with the Teply exercise book, this reinforces how all of the research tools can be used to solve a problem. With the research notes, students must prepare a written memo of their findings. A full-length open memo is the final project for the fall."

**Strengths:**

- "The research exercise book gives the students hands-on experience using library and CALR materials and is so comprehensive that each student does a different question for each problem. The book takes the problem approach so that the same fact pattern is used in all the different resources throughout the semester. This approach helps the students see how all the tools work together to solve a legal problem."

**Weaknesses:**

The only drawback mentioned is that the edition is not updated to cover the *ALWD Citation Manual* as well as *The Bluebook*.

**Supplemental Materials:**

*Legal Citation Exercises and Teacher's Answer Key*. Teply's *Citation Exercises* book is used to reinforce citation format. "We use some supplemental problem materials to cover local materials not included in the exercise books, such as [local state] statutes, administrative code, digest, form books, Shepard's, etc."

## Searching for Mr. Goodtext

A four-year-old integrated legal writing, research, and alternative dispute resolution program without library involvement has tried a couple of texts in the past. Having a number of new hires in the library has raised the hope that librarians will be able to assist in structuring the legal research portion of the course. This program provided insight for other professors of legal writing who hadn't really focused yet on the legal research portion of an integrated curriculum. One professor said, "Before the current program, it had just been assumed that a research text could be adopted and that portion of the curriculum could be put on autopilot. In the last four years, I've discovered that that is absolutely not true—like every other portion of the curriculum, the research part has to be well planned, integrating a number of resources along with materials specifically tailored to our program. This summer, for the first time, I'll be able to focus on the best way to handle research."

## Homegrown Materials

Some respondents prompted us to ask, "Why use a textbook at all?"

- "We thought about that this year but concluded it was too much work for us to gather all of the necessary Web sites. I mean, there are Web sites out there that tell you how to use a digest, what an annotated code is, etc. There are 'textbook' equivalents on the Internet, various legal research Web sources, links, etc. One possibility is to assign a bunch of Web sites as reading on how to do legal research. I don't think that personally will work for Advanced Legal Research yet because I have not seen the depth on the Web yet that you need to teach that course. But certainly there are Web sites that give you as much information about how to Shepardize® and update cases as any of the textbooks. And I think that might work better with this point-and-click generation we are educating. I did make it a point to refer to such Web sites in my class when I could, but it was not a complete substitute for a text."

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- “I don’t use a text for my Advanced Legal Research class. Most of my readings are available through links on my syllabus. I do, however, at several points suggest portions of *The Process of Legal Research*, 5th edition.”
  - “Some students were just not comfortable without having something to read, so often we would assign readings from the texts they used for legal writing, or else I would order multiple copies of various legal research texts and put them on reserve for students to check out whenever they felt they needed more or if they missed a class. The other reason I liked to have multiple copies of various texts on reserve was that some texts did a better job with certain kinds of research compared to other texts. That way, no one was tied to just one text.”
  - “I wanted to put my two cents in even though I am not teaching this year. I have always made up my own problems whenever I taught advanced legal research. None of the problems in the existing texts was ‘real enough.’ I would make up problems based on real cases that I had read about in *Lawyer’s Weekly*, *National Bar Journal*, or in the state and federal sections of some national paper. I would simply change the fact pattern to reflect whichever state the students intended to practice in. Very often there were no direct answers in their jurisdiction’s cases or statutes, but it would force the students to find materials upon which they could fashion an answer for their clients. Students would come to me and say, ‘I can’t find anything.’ I would say, ‘Yes, but this client is waiting for some kind of advice—what will you tell him or her?’ It was difficult to wean them from ‘finding the golden answer,’ but at the end of the semester they were always grateful for the hard work they had to do.”

## Conclusion

So has this survey made your job any easier? Do you now know which legal research text is right for you? Neither do we, but we sure have a lot to think about before designing our next research course!