RIPS-SIS Legal Research Text Annotated Bibliography
Produced Spring 2006

Contributors

Lynn Murray
Head of Research Services
Southern Methodist University Underwood Law Library

Marc Silverman
Associate Director for Public Services
University of Pittsburgh Barco Law Library

Christopher Vallandingham
Faculty Services Librarian
University of Florida College of Law Legal Information Center

Introduction

Three of your RIPS colleagues, listed above as contributors, have kindly created an annotated bibliography of legal research texts. They selected eleven legal research texts and drafted brief reviews/annotations. For each, they sum up such parameters as length, price, publisher, currency, intended audience, unique appendices, and a series of other factors.

The bibliography will hopefully prove useful to instructors facing the task of selecting an appropriate legal research text either for first years or upper-level students. At minimum, it will obviate the need to start from scratch in surveying and evaluating options. This inaugural version of the bibliography excludes legal writing texts that also cover research and also excludes research texts that are significantly out of date.

The plan is for this to be an evolving document. We would like to see it grow in scope and to be continually updated to include newly published research texts. If you are interested in adding titles, or providing additional comments for texts you have used or evaluated, please get in touch with our incoming Chair, Jessie Wallace Burchfield at **jwburchfield@ualr.edu**. Enjoy!

Titles Covered

Basic Legal Research: Tools and Strategies
Finding the Law
Fundamentals of Legal Research
Just Research
Legal Information: How to Find It, How to Use It
Legal Research: How to Find and Understand the Law
Legal Research Illustrated
Legal Research in a Nutshell
Legal Research Survival Manual
The Process of Legal Research
Where the Law Is: An Introduction to Advanced Legal Research

Reviews/Annotations

Basic Legal Research: Tools and Strategies

Authors: Amy E. Sloan
Edition: 3rd
Publisher: Aspen Publishers
Year: 2006
Length: 381 pages
Price: $55.00
Intended audience: Law students new to legal research.
Illustrations: Heavily illustrated with screen captures, facsimiles of print resources, and charts.
Gaps in coverage: Attorney general opinions, court rules, executive orders, practice materials, legal ethics.
Unique appendices: "Selected Internet Research Resources"
Major strengths: Easy-to-use, descriptions are relatively brief. The illustrations are excellent; the key features of each are highlighted. Coverage of electronic resources is integrated into the text, but there is little instruction on how to choose between print and online sources. Thorough explanations of how to cite each source according to both the Bluebook and the ALWD Citation Manual. Each chapter ends with a checklist summarizing the main points. The book concludes with flowcharts for different types of research situations.
Major weaknesses: Heavy use of screen captures will frustrate users when the actual websites change their appearance.
Comments: There is a companion workbook of legal research exercises. Unfortunately, the exercises may be too simple to be effective.
Recommendation: Recommended for introductory legal research courses. [CV]

Finding the Law

Authors: Robert C. Berring and Elizabeth A. Edinger
Edition: 12th
Publisher: Thompson/West
Year: 2005
Length: 443 pages
Price: $38.00
Intended audience: Law students.
Illustrations: Screen captures (color), sample pages, charts. The key features of some illustrations are highlighted.
Gaps in coverage: None.
Unique appendices: A single case with analysis as an example of the interplay of legal sources with Shepard's & Keycite reports; state legal research guides & bibliographies.
Major Strengths: Witty writing style. Strikes a good balance of providing sufficient information without overwhelming with detail.
Major weaknesses: Not indexed.
Comments: In its twelfth edition (final editing April 2005), *Finding the Law* has become one of the classic American legal research texts. Berring and Edinger in a witty relaxed style cover the basics of legal research. The book describes both electronic and print resources and highlights

the important qualities and roles of each. There are numerous screen shots from Lexis, Westlaw, and Internet sites. As one might expect they cover everything a first year law student would be expected to know on both a state and federal level: cases, digests, statutes, administrative materials, citators, and secondary sources. There are also a few surprises including coverage of constitutional law, court rules, legislative history, and practice materials - all subjects that seem to get short shrift in the first year. The text wraps-up with a chapter on research strategy which is followed by an appendix presenting a single case with analysis. This is done as an exercise in understanding the structure of a legal opinion and more importantly as an example of the interplay of legal sources used to research and craft the opinion. Throughout the work illustrations are interspersed with text but not to the degree that they overwhelm the book and hide the text. One of the strengths of this title is the balance it strikes in providing just enough detail to reveal the essence of a research tool without stumbling into the minutia. This will not be the book to keep at the reference desk to use when confronted with those once in a lifetime obscure resources but should do the trick when it comes time to explain case digests to the 1L's.
Recommendation: Recommended for introductory and advanced (if supplemented) legal research courses. [MS]

Fundamentals of Legal Research

Authors: Roy M. Mersky & Donald J. Dunn.
Edition: 8th
Publisher: Foundation Press
Year: 2002
Length: 822 pages
Price: $64.00
Intended audience: Lawyers, law librarians, and law students (basic and advanced).
Illustrations: Screen captures, facsimiles of print resources, diagrams, all images are black and white.
Gaps in coverage: Practice guides, publications geared to legal specialties
Unique appendices: Table of Legal Abbreviations, State Guides to Legal Research, Legal Research in Territories of the United States, State Reports, Coverage of the National Reporter System, Fundamental Lawyering Skills § 3 Legal Research, Selected Law-Related Internet Sources, Chart on Legal Research Procedure
Major strengths: Great reference work on legal research, provides a ready resource for librarians who need to brush up on a particular topic such as English case law.
Major weakness: Contains more material than necessary for an introductory course and, because of that, it may seem intimidating for a first-year law student, who might want less historical background and more focus on doing problems likely to be encountered in an introductory legal research course. Some information is dated.
Comments: Many chapters of the text provide useful background information for understanding the evolution of various forms of statutes and regulations. There is a companion workbook of research exercises.
Recommendation: Not recommended for an introductory legal research course. Might be appropriate for advanced legal research courses. [CV]

Just Research

Authors: Laurel Currie Oates & Anne Enquist.
Edition: 1st
Publisher: Aspen
Year: 2005
Length: 391 pages with research exercises on CD.
Price: $42.00.
Intended audience: Law students in introductory legal research courses.
Illustrations: Numerous screen captures, some sample pages.
Gaps in coverage: Minimal coverage of most sources. Restatements, executive orders are not covered at all.
Unique appendices: Glossary of research sources and terms.
Major strengths: None.
Major weaknesses: Over-emphasis of electronic sources. Simplistic sample research strategies. Occasional bad advice. Search instructions and illustrations are heavily weighted towards Westlaw.
Comments: *Just Research* takes a process based approach to legal research. In the preface the authors state that they are going to have to deal with issues rather than sources and that they are going to emphasize Internet and fee-based electronic resources. This approach in this particular instance leads to failure on many levels.

Even in a process-oriented legal research text eventually you are going to have to talk about sources. The authors' descriptions of primary and secondary sources are at best fragmented and woefully incomplete. As an example, federal regulations are covered in four short paragraphs. Absolutely no mention is made of the *C.F.R.* or *Federal Register* organizational structure, publication pattern, updating, or almost anything other than where the *C.F.R.* or *Federal Register* can be found on the web. I can easily see a first year student searching for regulations in the *Federal Register,* retrieving the preamble to a recent promulgation and being totally confused. While librarians might have a tendency to provide too much detail when talking about a research source there is a baseline that is necessary for elementary problem solving and in most instances this book doesn't approach it. For some tools such as case reporters more information is given but unfortunately it is scattered throughout the book.

Despite the planned reliance on electronic sources the authors repeatedly mention print publications in situations where electronic equivalents are scarce. Again, minimal description of these sources is provided. Also, I'm not sure we are quite at the point where all aspects of legal research can be done thoroughly with only electronic tools. Certainly the majority of legal treatises have yet to appear in an electronic format. In addition numerous recent commentators have pointed out their preference for doing statutory research using print products. It won't be long before print research tools cease to be discussed in research texts but the authors have jumped the gun here.

The model research strategies Oates and Enquist develop often seem simplistic. There isn't enough emphasis on alternatives. I also think there are a couple of instances where the advice they give is just plain bad. In several places they state or imply, "When the statute and any applicable regulations answer your question, you do not need to look for cases that interpreted or applied the statute." (Page 101) I'm sorry, but even if I think a statute is crystal

clear I want to see if the courts agree with me.

The book is overly illustrated with computer screenshots flooding the pages. Too many of these illustrations are depicting banalities like Google or Westlaw search screens with search terms entered into the blocks. Certainly any first year student is savvy enough to allow you to skip this. Search instructions and illustrations are heavily weighted towards Westlaw.

In addition to common law and statutory research strategies the text also deals with legislative history , municipal ordinances, constitutional law, court rules, forms, and people/business research. A glossary of research sources and terms is included.

Oates and Enquist get some points for thinking outside the box, but this first attempt isn't successful. Perhaps the next edition will be better.

Recommendation: Not recommended. [MS]

Legal Information: How to Find It, How to Use It

Author: Kent C. Olson
Edition: 1st
Publisher: Oryx Press
Year: 1999
Length: 333 pages.
Price: $75 cloth, $47.95 paper.
Intended audience: Law students, library science students, librarians.
Illustrations: Charts, samples pages, screen captures.
Gaps in coverage: None.
Unique Appendices: None.
Major strengths: Engaging writing style. Thorough information. Heavily footnoted. Excellent index.
Major weaknesses: No unifying discussion of process and strategies. Some sections are dated, particularly information regarding electronic resources. Too detailed for most legal research courses.
Comments: Kent Olson has written a wonderful legal research reference book packed with a wealth of detail, enlightening comparisons, and even more surprising for a legal research treatise it is written in a thoroughly engaging style. It sounds too great to be true and in a way it is. Perhaps this title would work as a textbook for a legal bibliography course in library school but there simply is too much detail, too many facts, and too much history to hold the attention of the average law school student. I should point out that there is no evidence that the author intended this work to be used as a textbook.

The book is divided into four sections. The first of these is a brief overview of the U.S. legal system and a full chapter devoted to dictionaries, abbreviation guides, style manuals and the like. Olson just doesn't describe a tool, he uses it, points out its strengths and weaknesses, and compares it to others. In the dictionary chapter he doesn't limit his discussion to *Black's* and *Ballentine's* but goes on to talk about some of the lesser known and less expensive legal dictionaries available. He picks a couple of terms and compares actual definitions, noting obscure usage and thoroughness. Throughout the book every discussion is loaded with citations to additional articles and treatises on the topic. The other major divisions in this work cover secondary sources and federal and state primary law.

This is very much a source intensive work containing a modest but adequate selection of

illustrations. I do wish the illustrations were enhanced in some way (arrows, notes, color changes) to highlight features discussed in the text. My only serious complaint with the work is that it is missing a unifying discussion of process. While there is an explanation of how to use each research source, nothing links all the tools together in one overarching strategy. The book is also a little dated, particularly in the discussion of electronic resources, but this is what you would expect from a work published six years ago.

Olson's research guide belongs in all public and general academic libraries. Reference librarians in every type of law library will benefit from reading this work, no matter how many years of experience they might have.   However, in the end I'm just not convinced that it is a good fit for the law school research curriculum.

Recommended: Recommended for library collections, but not for law school courses. [MS]

Legal Research: How to Find and Understand the Law

Authors: Elias, Stephen and Susan Levinkind.
Edition: 13th
Publisher: NOLO Press
Year: $39.99
Length: 376 pages
Price: $39.99
Intended audience: Non-lawyers.
Illustrations: Charts, sample pages, drawings.
Gaps in coverage: Very little coverage of Lexis and Westlaw.
Unique appendices: Hypothetical problems with answers and a glossary.
Major strengths: Research exercises accompany each resource described.
Major weaknesses: Coverage of some subjects is too brief and/or sloppy.
Comments: At first glance there is nothing about this basic legal research treatise that seems any different from half a dozen other books on the topic. The usual core of primary and secondary sources are covered with reasonable depth and competence. Internet resources are discussed at various places throughout the text but the treatment is hardly exhaustive. The book is amply illustrated with charts, sample pages, and even original drawings of people engaged in research. What is a little different about this manual is the balance between process and sources that is blended throughout the text.

The first couple of chapters go about giving a brief overview of the legal system and how to categorize and think about the law and research.   Summaries are presented in separate boxes after each major type of resource is discussed and research exercises are included after every tool or source is described. These exercises are a little different because they generally start out with a hypothetical and the answers are presented right alongside the questions. It is a surprisingly effective way of reviewing. There are also review questions at the end of each chapter but they seem less practical and something more akin to exam practice questions.

Towards the end of the book there is a research methodology chapter that takes a problem and demonstrates an ideal research process. There is also a chapter that explains how to bring all of your research together in the form of a self assigned written memorandum. Two appendices with hypothetical problems and answers round out the book along with a glossary.

There are a few minor problems with the manual. Some of the descriptions of resources are a little sloppy or too brief. The C.F.R. section only has one illustration while the A.L.R.

discussion is overflowing with eight sample pages. Small parts of the book seem dated, not by factual information but by examples or references. There are small lists of resources inserted at various points of the text but these are for the most part very incomplete. This is all overshadowed by the wealth of practical information conveyed throughout the work, the three page description of how to read a statute is but one example.

The big question in my mind is trying to figure out what audience this was written for. Because of NOLO Press' reputation one would automatically think it was written for the public. However, the inclusion of dozens of exercises might tilt the balance towards the educational market. It's hard to imagine some average citizen with a legal problem working through all these exercises. The lack of almost any discussion of Lexis or Westlaw (the authors play up VersusLaw as a low cost alternative) might work against its adoption for a law school research class. It doesn't seem to fit any market perfectly but with a little supplementation I believe it covers the bases well enough to work in a first year research and writing environment.
Recommendation: Recommended for first-year legal research courses if supplemented. [MS]

Legal Research Illustrated
Authors: Roy M. Mersky, Donald J. Dunn
Edition: 8th
Publisher: Foundation Press
Year: 2002
Length: 543 pages
Price: $53.00
Intended audience: Law students at law schools without formal courses in legal research, non-law students who need to conduct legal research
Illustrations: Screen captures, facsimiles of print resources, all images are black and white.
Unique appendices: State Guides to Legal Research, Legal Research in Territories of the United States, State Reports, Coverage of the National Reporter System, Fundamental Lawyering Skills § 3 Legal Research, Selected Law-Related Internet Sources, Chart on Legal Research Procedure.
Gaps in Coverage: None.
Major strengths: The glossary of terms used in legal research is a nice touch, but it omits a few important terms, e.g. advance sheet.
Major weaknesses: Some of the illustrations are a bit fuzzy. Also, while key parts of illustrations are highlighted, it is not done as clearly as in some other texts. The title does not contain any instruction on citation formats. Some sections are overly verbose, and some information is out of date.
Comments: This book is an abridgement of *Fundamentals of Legal Research*. There is a companion workbook of research exercises.
Recommendation: Appropriate for introductory and advanced legal research courses, but there are better choices. [CV]

Legal Research in a Nutshell
Authors: Morris L. Cohen & Kent C. Olson
Edition: 8th
Publisher: West
Year: 2003

Pages: 477
Price: $27.50
Intended audience: Law students in advanced and introductory legal research courses
Illustrations: Screen captures, facsimilies of print resources.
Unique appendices: Sources for State Appellate Court cases (includes online sources with coverage dates), State Research Guides, topical looseleaf and electronic services, index of websites cited in the text.
Gaps in coverage: Practice guides.
Major strengths: Most of the chapters are brief yet thorough. Includes a chapter on international & foreign law research and a chapter on non-legal research.
Major weaknesses: The size of the book limits the usefulness of the illustrations. Some chapters are overly verbose. Some information is out of date.
Comments: Contains information not necessary for an introductory legal research course.
Recommendation: Recommended for courses in advanced legal research, but there are better choices. [LM]

Legal Research Survival Manual

Authors: Robert C. Berring and Elizabeth A. Edinger
Edition: 2nd
Publisher: Thompson/West: St. Paul
Year: 2002
Length: 93 pages
Price: $23.00
Intended audience: First-year law students.
Illustrations: Charts, screen captures, edited sample cases (not facsimilies), facsimilies of print resources.
Unique appendices: List of six helpful websites.
Gaps in coverage: Numerous; only discusses cases, citators, statutes, dictionaries, casebooks, and some study guides.
Major strengths: Succinct.
Major weaknesses: Significant gaps in coverage and only minimal coverage of the sources that are described.
Comments: This slim paperback volume can hardly be considered a legal research textbook, perhaps pre-text is a better way of describing it. It only covers a few research subjects: cases, case-finding, citators, and statutes, and even these receive minimal treatment. The initial chapter seems to be a warm-up for the first semester of law school with short discussions of casebooks, hornbooks, nutshells, dictionaries, and citation manuals. The rest of the book deals with the research topics listed above. There are a few illustrations scattered throughout but they serve only to familiarize the reader with the look of a resource. The authors acknowledge that this isn't a detailed comprehensive text. The big question is, how might this manual fit into a research and writing curriculum? There are two possibilities. The first is to function as a guidebook to those research related things that will arise during the first few weeks of law school but won't be explained until much later. I think this work might also have a role as a "cheat sheet" of sorts that can be consulted during some of the early legal research and writing assignments. The entire

volume can be read in two hours so it might be attractive to students in a school where legal research gets little attention.

Recommendation: Recommended only for very brief (e.g., six weeks at the most) introductory legal research courses. [MS]

The Process of Legal Research

Authors: Christina L. Kunz, Deborah A. Schmedeman, Ann L. Bateson, Matthew P. Downs, Susan L. Catterall
Edition: 6th
Publisher: Aspen Publishers
Year: 2004
Length: 489 pages
Price: $55.00
Intended audience: Law students in introductory and advanced legal research courses
Illustrations: Facsimiles of print resources, charts. The key features of each are highlighted.
Gaps in coverage: Practice materials, attorney general opinions.
Unique appendices: "Research Situations and Practice Sets" which includes research problems for all but three chapters.
Major strengths: Layout makes it easy to read. Process-oriented approach. Has chapters devoted to researching court rules and legal ethics, including several cases on unethical research. The authors emphasize best research practices and discuss how to choose the appropriate source and media for particular types of problems. Coverage of electronic resources is integrated into the text, with guidance on when and how to choose between print and electronic research, and how the choice of media may result in different methods, scope, and currency of materials.
Major weaknesses: None
Comments: This edition contains less detail than previous editions. It also contains a few brand-new research problems. Some of the research problems may be too difficult for first-year law students. Both the ALWD Citation Manual and the Bluebook are covered.
Recommendation: Appropriate for advanced legal research courses. Although less detailed than previous editions, it may still contain too much information for an introductory legal research course. [LM]

Where the Law Is: An Introduction to Advanced Legal Research

Authors: J.D.S. Armstrong & Christopher A. Knott
Publisher: Thomson/West
Year: 2004
Pages: 221
Price: $32.00
Intended Audience: Lawyers, law librarians, and advanced legal research students.
Illustrations: None.
Gaps in coverage: Practice guides.
Unique appendices: List of legal research guides for each of the fifty states.
Major Strengths: Great reference work on legal research; provides a ready resource for librarians who need to refresh their knowledge of a particular topic. Covers the more obscure aspects of statutory research. The authors frequently use humor in making their points which is a

nice touch. Good discussion on when print is better than online and visa versa. Foreign & international law research and legal ethics research are covered. Has a chapter on research strategies, shortcuts, and how to evaluate sources.
Major weaknesses: None.
Recommendation: Recommended for courses in advanced legal research. [LM]