Legal Research Textbook Reviews

One of the initial challenges for the instructor teaching a basic legal research course is selecting a textbook. In the past decade the choices have multiplied dramatically making the task even more difficult. The texts themselves have expanded to cover an ever-growing range of topics and features. Several years ago the RIPS-SIS jumped into action and utilized the accumulated expertise of its members to provide some guidance. By presenting reviews of what is currently on the market we hope to direct potential users to a text that matches their needs and philosophy. New reviews are added periodically as textbooks are updated or new titles become available.

Marc Silverman
Barco Law Library
University of Pittsburgh

Table of Contents:

Title: Basic Legal Research: Tools and Strategies
Authors: Amy Sloan
Edition: 4th
Publisher: Aspen Publishers
Year: 2009
Length: 386 pages
Price: $82.00

Reviewed by: Dan Baker, Reference/Research Librarian, University of Houston Law Center, O'Quinn Law Library

Review:

The fourth edition of Amy Sloan's Basic Legal Research continues the tradition of quality legal instruction established in the earlier editions of her guide. Clearly intended as a textbook for students new to legal research, descriptions and explanations tend to be concise and perhaps a bit simplistic. Sloan begins with an overview of all general aspects of legal research, including an explanation of the American legal system as well as a discussion of legal citation, which seems rather long (and possibly confusing) considering she addresses this topic in detail in each of the chapters on the various types of legal authority. After the introduction and a brief chapter on generating search terms, Sloan then devotes a separate chapter to each type of authority. Although she begins with secondary sources before addressing the different types of primary authority (with separate chapters on citators, federal legislative history, federal administrative law, and subject-matter services), each chapter is designed to stand alone, and an instructor can easily re-order the chapters to fit her own syllabus. Sloan also provides a separate chapter on electronic legal research that addresses general aspects of the topic, such as how to search using Boolean terms and connectors or natural language; the more specific aspects of electronic research, including appropriate sources and strategies, are included in the previous, authority-specific chapters. Sloan concludes with a chapter that provides excellent tips on creating an overall research plan when confronting a legal issue. Each chapter is filled with screenshots and other illustrations that allow the student to place the information in context and also concludes with a "checklist" that summarizes the information included in the chapter, which can be used as a mini-self-test. Keeping with the increased emphasis on electronic research, Basic Legal Research concludes with an appendix containing "Selected Internet Research Resources"; an index is also provided. An online version is also available through TeachingLaw.com, and an accompanying workbook is coming soon.

Title: Fundamentals of Legal Research
Authors: Steven M. Barkan, Roy M. Mersky, & Donald J. Dunn
Edition: 9th
Publisher: Foundation
Year: 2009
Length: 810 pages (with appendices beginning at page 649).
Price: $98.00

Reviewed by: Michael H. Roffer, Associate Librarian for Reader Services and Professor of Legal Research, New York Law School Mendik Library

Review:

Intended Audience: Lawyers, law librarians, and advanced law students.

Accompanying materials: Available for separate purchase ($31) is a volume entitled Assignments to Fundamentals of Legal Research (9th Ed.), which covers all chapters beginning with Chapter 5. Faculty may request a copy of the Instructor's Manual, which contains answers to all of the problems in the Assignments book.

Illustrations: Screen captures, facsimiles of print resources, diagrams. Many of the graphics have been helpfully annotated with explanatory text boxes and indicating arrows pointing toward relevant material. All images are black and white.

Gaps in coverage: There is no real discussion of Lexis Headnotes and Topics. Discussion of online legal research systems beyond Lexis and Westlaw, including Bloomberg Law, FastCase, Loislaw, HeinOnline, BNA and CCH, is somewhat cursory and not developed sufficiently to satisfy today's researchers' needs. No mention of WestlawNext or LexisNexis Advance.

Unique appendices: Appendix B is State Guides to Legal Research, covering 47 states plus D.C. (New Hampshire, North Dakota, and Utah are the three states for which guides are unavailable). Appendix A – spanning 103 pages – provides a comprehensive table of legal abbreviations. Appendix C provides a brief introduction to legal research in territories of the United States, including American Samoa, Guam, Puerto Rico, and the Virgin Islands.

Major strengths: Comprehensive and authoritative treatment of most covered subjects. The coverage is particularly strong in the chapters on Federal Legislation, Federal Legislative Histories and Administrative Law.

Major weaknesses: The index is fairly basic. Although it comprises 27 pages, only the broadest topics appear as subject headings. Moreover, very few indexed terms provide more than a single page reference. The Citation chapter relies on the now outdated eighteenth edition of The Bluebook and the third edition of the ALWD Citation Manual.

Comments: The Preface to Fundamentals of Legal Research candidly acknowledges what is perhaps the work's biggest limitation: "Although legal research has always been an evolving field, the print-on-paper environment was relatively static in comparison to today's dynamic electronic environment. . . . At best, a book about legal research can provide no more than the proverbial snapshot of the research environment at a point in time – in our case, December 31, 2008" (p. vi). Fortunately, this snapshot is well-composed, well-focused, and perfectly clear. And, while it has begun to yellow around some edges, it continues to offer readers an excellent opportunity to learn and understand the process of legal research against the backdrop of both traditional and newer research sources and tools.

The work draws on the talents of a host of authors. Sixteen of its twenty-five chapters and five of its six appendices were each authored by different academic law librarians throughout the country. Although it is difficult to weave together into a single text the work of that many separate authors, Fundamentals succeeds in retaining a more or less uniform style and approach. And, the writing itself is consistently clear and direct.

This latest edition adds one entirely new chapter, titled Communicating Research Results Through Writing, which "briefly describes the types and forms of legal writing, describes common strategies for legal writing, discusses the general process of legal writing, and provides a list of selected writing sources"(p. 21). Ironically, this chapter seems targeted to first-year law students and is less likely to be of value to the principal audience for the book, which is second- and third-year law students, law librarians, and practicing attorneys.

One big plus is the inclusion of chapters devoted to three specialized subject areas of legal research: International Law; Legal Research in the United Kingdom; and Federal Tax Research.

The Citation chapter does a good job of highlighting and summarizing the major citation concepts, addressing both The Bluebook and ALWD. Unfortunately, its 2009 publication date prevented incorporation of the latest editions of The Bluebook (19th edition) and the ALWD Citation Manual (4th edition), both of which were released in 2010. Nonetheless, Fundamentals does offer a helpful discussion of the advent and potential expansion for the use of "neutral" or "universal" citation (also known as "public domain" citation), and refers readers to AALL's Universal Citation Guide, first published in 1999 and about to be re-issued in an updated and revised version (through the efforts of AALL's Digital Access to Legal Information Committee (DALIC) (formerly ELIACC).

The Electronic Legal Research chapter may prove surprisingly simplistic for what has become a more sophisticated digital generation, yet it does provide an excellent overview of the most important elements of the Internet and the Web (including the often overlooked distinction between the two) and online searching generally, particularly with respect to Lexis and Westlaw. One of the drawbacks of a print resource in the electronic age is the inability to offer up-to-the-minute discussion and commentary on new and always changing online sources. Thus, the book's discussion of the use of electronic resources beyond Lexis and Westlaw is disappointingly spare, making little more than mention of sources today's law students and practicing lawyers are turning to and relying on with increasing frequency (e.g., HeinOnline, Loislaw, FastCase, BNA, CCH, etc.). Indeed, some of the "law-related cyber-research print

resources" offered as noteworthy (p. 553) are rapidly becoming dated. Only one of the referenced articles was from 2008 and some went back as far as 2005 or 2003. This does not reflect any fault on the part of the authors but rather is emblematic of the problem facing print publications in an online world. Equally important, little time is devoted to the subject of free online sources which, in a budget-reducing world, are becoming a more important tool for lawyers looking to control costs. Thus, government sources like THOMAS and GPO Access (now known as FDSYS), are afforded only a short paragraph each in this chapter and there are no cross-references to those sources where they appear in the chapters on statutes, legislative history and administrative law. Sources such as the Public Library of Law, Justia, and Cornell's Legal Information Institute (LII) receive just a sentence or two. Other sources, like Google Scholar and Google Books, are not discussed at all. Even more disappointing is the brief discussion of web site evaluation. Although notions of authority and reliability are addressed, there is no real effort to spell out even the basic techniques that are required for critical evaluation of web-based information.

Recommendation: Despite some limitations, Fundamentals remains a solid reference work for traditional aspects of legal research but, like other texts, it loses its currency (and therefore some of its usefulness) soon after publication. In light of its size and cost, it may not be well-suited for classroom use but it is a must-have for any law library.

Title: Impeccable Research, A Concise Guide to Mastering Legal Research Skills
Author: Mark K. Osbeck
Edition: 1st
Publisher: West
Year: 2010
Length: 168 pages
Price: $44.00

Reviewed by: Helen Frazer, Associate Director& Head of Public Services, Charles N. & Hilda H. M. Mason Law Library, University of the District of Columbia David A. Clarke School of Law

Review:

Impeccable Research is one of a kind. It shows readers how to do thorough and professional legal research, with an emphasis on legal research strategy. And it comes at a good time, when the ABA is now drafting accreditation standards that require teaching legal research as a professional skill and measuring the students' learning outcomes. Overall, Impeccable Research is an outstanding resource for learning and teaching how to conduct or do legal research as it is done by professionals, attorneys and law librarians. It would be invaluable for students beginning a clinic course, or an internship or externship in a judge's chambers or law firm.

This treatise emphasizes that professional research is about finding "answers, not just authorities." Professor Osbeck is an attorney and faculty member in the Legal Practice Program at the University of Michigan. He has written this primer on real life legal research strategy and higher order analytic thinking from the perspective of his legal practice experience, including many years as an attorney and partner, and big firm practice in Washington, D.C. Part II of the book gives expert advice for the summer associate and beginning lawyer about how to handle research assignments and work with senior associates and partners. This part addresses typical problems that come up in research and provides strategies for solving them. The final third of the book summarizes how to use the principal sources of law, secondary and primary, but in the context of the research strategy he developed in the main section of the book.

Basically, Prof. Osbeck uses the research method that law librarians advocate. He puts it into sharp focus as a five step process: (1) create a research plan and generate search terms, (2) consult secondary sources, (3) look for primary authorities, (4) review and expand case research results (and statues and regulations), and (5) "analyze and organize your research results." He shows how this plan is organized for efficiency, starting with controlling main authority and then expanding it. By expansion, he means finding all the relevant law, e.g., for statutory research that means finding other statutes in the code that may be relevant, looking for implementing administrative regulations authorized by the statute(s), updating and expanding the regulatory research, looking for cases interpreting the statutory language, then updating all the cases, looking for legislative history, and even looking for interpretations of similar statutory language in the same and other jurisdictions. In other words, Prof. Osbeck's guidance for legal research is impeccably thorough, efficient, transparent, and doable.

Law librarians will be pleased to see Osbeck recommends using topical indexes, actually reading enabling statutes to understand the regulations, starting with a research plan, consulting secondary sources for purpose and context, using practice manuals and looseleafs, and focusing on answering the research question presented.

Osbeck writes in a conversational style. It's like having your personal trainer/coach sit down with you and talk you through how to do legal research at the professional level a law firm partner or a judge would expect. It is a book every law librarian would want to have as a resource to refresh one's memory for teaching the legal research process, for advising patrons how to proceed, and possibly providing some new perspectives on legal research. For students, this book would be invaluable as they begin doing legal research at the professional level.

Title: Legal Research Explained
Authors: Deborah E. Bouchoux
Edition: 2nd
Publisher: Wolters Kluwer
Year: 2010
Length: 432
Price: $78.95

Reviewed by: Patricia Dickerson, Reference/Student Services Librarian, North Carolina Central University School of Law Library

Review:

Intended audience: Law students

Illustrations: Screen captures, sample pages and forms, charts illustrating main points. All images are in black and white.

Gaps in coverage: None.

Unique appendices: Glossary of legal research terms, sample legal memorandum

Major strengths: Research assignments at the end of each chapter so readers can apply what they've read (both print and electronic assignments); ethics alerts to remind students that good legal research skills ensure they fulfill ethical standards; a chapter discussing E-Research including "apps" to work with legal databases; clear, conversational writing.

Major weaknesses: None.

Comments: Legal Research Explained, 2nd Edition is a fine text for readers unfamiliar with legal research. Bouchoux introduces the reader to the lay of the legal research landscape in a clear, conversational tone and then moves into the actual process of conducting legal research in a way that flows naturally from statutes and case law to secondary authorities to electronic research. Each chapter is concluded with two research assignments (one print and one electronic) allowing readers to use the skills they've been introduced to. These exercises start simple and increase in difficulty as readers are introduced to the more challenging aspects of legal research. The exercises also encourage students to be hands-on with the materials in a meaningful way – Bouchoux does not give students questions they can answer without taking the time to apply their new skills.

Bouchoux also exposes readers to more advanced legal research topics (administrative law, legislative history, and international law) in a way that isn't overwhelming. Instead of dedicating chapters to each specialized research area, Bouchoux devotes a few pages to each - laying out the basic materials and how to use them. This approach is beneficial to new legal researchers

because it introduces them to the tools and their basic uses, but doesn't overwhelm them with the intricacies of conducting advanced legal research before they are ready to do so.

Legal Research Explained also provides students with "extra" information to make them better in the form of ethics alerts, practice tips, and help lines. These "extras" reinforce for the reader the importance of legal research by showcasing how important it is to the successful practice of law. Recommendation: First year law students will benefit most from this text. More advanced students may find the information too basic to meet their needs, however it can still provide them with a good refresher on how to conduct various types of legal research if needed.

Title: Legal Research Illustrated
Authors: Steven M. Barkan; Roy M. Mersky; Donald J. Dunn
Edition: 9th
Publisher: Foundation Press, University Textbook Series
Year: 2009
Length: 595
Price: $72.00

Reviewed by: Kris Anne Tobin, Assistant Professor and Reference Librarian, University of Tennessee, Joel A. Katz Law Library

Review:

With seven years between the two latest editions I began the book review by tracking down the 8th edition of Legal Research illustrated for comparison to the new 9th edition. Fortunately, I had check out privileges at a greater Knoxville area local community college, where I located the 8th edition. I perused the preface of each tome for highlights of major changes between editions. The ninth edition's preface begins with the history of both Fundamentals of Legal Research and Legal Research Illustrated. Quite an enlightening history spanning 55 years, I might add.

The major changes listed to the ninth edition include an entirely new chapter devoted to "introducing the forms and processes of legal writing."[1] The new chapter 3 "Communicating Research Results Through Writing"[2] inserted directly after Legal Research Process is an excellent addition to this newest edition! In just eleven well-written pages, this chapter offers students an excellent overview of what to expect from a typical first year legal writing course. Also, the material is organized in such a way that it provides law professors with an excellent roadmap to use as a brief overview in syllabi. Alternatively, the roadmap could also be used in the classroom to introduce students to the mechanism by which legal research is interwoven into legal writing.

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[1] Steven M. Barkan, Roy M. Mersky & Donald J. Dunn, Legal Research Illustrated, at v (9th ed. 2009).
[2] Id. at 21.

Re-titled "Constitutional Law and the Supreme Court of the United States,"3 the chapter 8 revision is incisive. It retains the topics of State and Foreign Constitutions. However, unlike the 8th edition, the topics of "Federal Constitution" and "Illustrations: Federal Constitution" have been reworked into the following three topics: "The Constitution of the United States," "Illustrations," and "Researching the Supreme Court of the United States."4

Something else worth noting is that you will no longer find the Annotated Law Reports (A.L.R.) in the primary source section of Legal Research Illustrated. It has a new home in a stand-alone chapter in the secondary sources section of the ninth edition.

Finally, the highlight among the various changes to the ninth edition includes an additional chapter solely devoted to "Legal Citation Form"5 (Chapter 23). Not contained in any previous edition, this new chapter covers both the Bluebook and the ALWD Citation Manual. It also provides a comparison of the two forms and an explanation of the differences between Electronic and Neutral Citation Systems.

At first blush I was disappointed to see the outward loss of Appendix E: Selected Law-Related Internet Sources. However, upon further perusal of the ninth edition an updated version of the list appeared on page 518 in the chapter covering Electronic Legal Research. This is a list of the finest, and most relevant, free resources available on the Internet for locating various law and legal related information. It is a great starting point for students seeking to build their own online law library.

The real outward loss of Appendix F: Chart on Legal Research Procedure is a truly disappointing loss. Warning! Do not discard the eighth edition without retaining this valuable chart! As a teaching tool, the chart can be broken into four separate charts. Each chart illustrates how to approach four different research scenarios: case law, statutory law, constitutional law and administrative law. The charts then provide a great teaching outline on each of the legal research topics above. Finally, as handouts, the individual charts also aid students by providing a framework for approaching four common legal research scenarios.

With the addition of the chapter devoted to Legal Citation Form Legal Research Illustrated becomes an apt textbook for an introductory legal research course. Keep in mind that the ninth edition of Legal Research Illustrated is an abridgment of Fundamentals of Legal Research. For this reason, this author believes that Fundamentals of Legal Research would be a better option for an advanced legal research course. To complete the set, a companion workbook of legal research exercises; Assignments to Fundamentals of Legal Research & Legal Research Illustrated along with an Instructor's Manual are also available as 9th editions.

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[3] Id. at 108.
[4] Id. at xiv.
[5] Id. at 527.

Title: Legal Research Online: A Practical Guide and Self-Instructional Workbook
Author: Ruth Ann McKinney, Scott Childs
Edition: 5th
Publisher: Thomson West
Year: 2008
Length: 334 pages; supplement 60 pages
Price: $76.00

Reviewed by: Meg Butler, International Law Reference Librarian & Professor of Legal Research, New York Law School Library

Review:

Intended Audience: Law students

Illustrations: Memos from "Assigning Partner" to "New Attorney" throughout; a few tables

Major Strengths: The workbook instructs users through research assignments and accompanying text. The assignments are based on client scenarios, and the accompanying text describing the legal research process uses accessible language, breaking research tasks down step-by-step. Tips and warnings are included in separate call out boxes. The research subjects covered include legal encyclopedias and periodicals, common law, state and federal statutory law, and administrative law. The text refers readers to more traditional legal research text books for further background reading. The teacher's manual contains helpful suggestions about motivating students to be active learners, a sample syllabus, and instructions for supplemental assignments.

Major Weaknesses: The main text focuses primarily on print resources, though there is some minor discussion of online resources such as Lexis and Westlaw. The supplement is styled as a fourth chapter to the main text focusing on online legal research. Students may describe the information about online resources as scattered, though the text clearly identifies when online sources such as Lexis or Westlaw are being used. Understandably, recent changes to the Lexis and Westlaw interfaces are not addressed.

Recommendation: The workbook and supplement are recommended for use in an introductory legal research course. Instructors may find it useful to consult the text when devising client, or problem, based assignments in a legal research course.

Title: The Process of Legal Research
Authors: Christina L. Kunz, Deborah A. Schmedeman, Ann L. Bateson, Matthew P. Downs, and Mehmet Konar-Steenberg
Edition: 7th
Publisher: Aspen
Year: 2008
Length: 451 pages plus CD-ROM
Price: $83.00

Reviewed by: G. Patrick Flanagan, Reference Librarian and Lecturer in Law, Diamond Law Library, Columbia Law School

Review:

As the title suggests, "The Process of Legal Research" takes a process-oriented approach to finding, evaluating, and analyzing sources of United States law. The authors have organized their materials in a familiar way, proceeding through the various sources encountered in legal research. They bind them together with helpful checklists, "interludes" that relate the sections' contents to a specific research example, and plenty of exhibits and diagrams. Although the recipe nature of the process-oriented presentation might be too cluttered for the truly advanced researcher looking for a reference work, the authors present clear instructions and meaningful discussions for the developing legal researcher.

The authors have organized the materials with great care and detail. Broad unit and chapter groupings combined with logical and consistent section ordering make for flexible incorporation into a curriculum. Each unit and chapter contains a detailed introductory summary and list of exhibits that help reinforce the interconnected nature of the various sources of law. Although the heavy use of typographical roadmaps and graphical exhibits must necessarily break up the narrative of the text, the authors have not interfered with their clear explanations.

As in prior editions, the authors have interwoven an ongoing hypothetical research example throughout every section. For the seventh edition, the authors have pulled out discussions about the hypothetical into discrete "interlude" sections. This presentation provides a less cluttered and conversational narrative about how a researcher might put together the skills and sources encountered in each chapter.

The authors include many example images from paper and online sources. Despite the rapid changes in legal publishing and web-based content, their chosen examples have held up pretty well since 2008. They rightly focus on the relatively static content and organizational principles of the various sources, and mostly avoid the vagaries of web navigation and technical underpinnings. Additionally, the authors provide their own diagrams and models to reinforce key concepts. The student researcher thus has several conceptual avenues for approaching the material.

The included CD-ROM contains practice exercises, hypotheticals, and research templates keyed to the book's chapters. As one would expect, few of the exercises could be used in class as-is, and they are helpfully provided in Rich Text Format for easy customization. The use of templates reinforces the book's formulaic, step-by-step approach to most research tasks.

In sum, the authors present a methodical breakdown of the legal researcher's mission and workflow aimed at the uninitiated legal researcher. The book and supplemental materials are organized flexibly for both in-depth and abbreviated curriculums. This seventh edition responds to the rapid changes in legal publishing as well as clearly outlining the bedrock concepts that have shaped legal analysis.

Title: Where the Law Is: An Introduction to Advanced Legal Research
Authors: J.D.S. Armstrong & Christopher A. Knott
Edition: 3rd
Publisher: Thomson/West
Year: 2009
Length: 265
Price: $ 57.00

Reviewed by: Karin Johnsrud, Head of Reference, Fordham University Law Library, Leo T. Kissam Memorial Library

Review:

Intended Audience: Advanced legal research students, law librarians and lawyers

Illustrations: None

Gaps in coverage: None

Unique appendices: Legal research guides for all states

Major Strengths: Clear, straightforward and humorous writing; integrates print and electronic resources for all topics; tables of resources give information on how to access the materials.

Major weaknesses: None

Comments: Where the Law Is was created for an advanced legal research course, so its content and structure are derived from the course. This makes it a very usable and user-friendly legal research text. It is compact and presents the information in a straightforward manner. The authors' writing styles are approachable and include humor. This book gives all the material necessary to understand how to research not just the main primary sources, but also many other types of law. Inclusion of chapters on municipal law, court rules and legal ethics is exceedingly

helpful for upper-class students who are approaching practice and will need to understand these areas. There are also great chapters on the importance of research plans and understanding and evaluating resources. These practical considerations are vital to the research process and add context to the discussion of researching primary sources. Having used Where the Law Is for the advanced legal research courses I teach, I consider this to be excellent textbook for the class. In addition, a number of students have commented that it is the one textbook they intend to keep as a reference source, which shows its lasting value.

Where the Law Is is also a helpful resource for law librarians who need a quick reference to location of materials, especially for legislative history sources and the tables of resources. The tables are especially valuable since they summarize all the places to locate a type of resource, both print and electronic. I have definitely used the book for that purpose and regard it as an important part of a reference collection.

Recommendation: Recommended for Advanced Legal Research courses and reference collections.

2006 Reviews

Titles Covered
- Basic Legal Research: Tools and Strategies – p. 13
- Finding the Law – p. 14
- Fundamentals of Legal Research – p. 15
- Just Research – p. 16
- Legal Information: How to Find It, How to Use It – p. 18
- Legal Research: How to Find and Understand the Law – p. 19
- Legal Research Illustrated – p. 21
- Legal Research in a Nutshell – p. 22
- Legal Research Survival Manual – p. 23
- The Process of Legal Research – p. 24
- Where the Law Is: An Introduction to Advanced Legal Research – p. 25

Title: Basic Legal Research: Tools and Strategies
Authors: Amy E. Sloan
Edition: 3rd
Publisher: Aspen Publishers
Year: 2006
Length: 381 pages
Price: $55.00

Reviewed by: Christopher Vallandingham, Faculty Services Librarian, University of Florida College of Law Legal Information Center

Review:

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.

Title: Finding the Law
Authors: Robert C. Berring and Elizabeth A. Edinger
Edition: 12th
Publisher: Thompson/West
Year: 2005
Length: 443 pages
Price: $38.00

Reviewed by: Marc Silverman, Associate Director for Public Services, University of Pittsburgh Barco Law Library

Review:

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.

Title: Fundamentals of Legal Research
Authors: Roy M. Mersky & Donald J. Dunn.
Edition: 8th
Publisher: Foundation Press
Year: 2002
Length: 822 pages
Price: $64.00

Reviewed by: Christopher Vallandingham, Faculty Services Librarian, University of Florida College of Law Legal Information Center

Review:

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.

Title: 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.

Reviewed by: Marc Silverman, Associate Director for Public Services, University of Pittsburgh Barco Law Library

Review:

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.

Title: 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.

Reviewed by: Marc Silverman, Associate Director for Public Services, University of Pittsburgh Barco Law Library

Review:

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.

Title: 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

Reviewed by: Marc Silverman, Associate Director for Public Services, University of Pittsburgh Barco Law Library

Review:

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.

Title: Legal Research Illustrated
Authors: Roy M. Mersky, Donald J. Dunn
Edition: 8th
Publisher: Foundation Press
Year: 2002
Length: 543 pages
Price: $53.00

Reviewed by: Christopher Vallandingham, Faculty Services Librarian, University of Florida College of Law Legal Information Center

Review:

Intended audience: Law students at law schools without formal courses in legal research, nonlaw 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.

Title: Legal Research in a Nutshell
Authors: Morris L. Cohen & Kent C. Olson
Edition: 8th
Publisher: West
Year: 2003
Pages: 477
Price: $27.50

Reviewed by: Lynn Murray, Head of Research Services, Southern Methodist University Underwood Law Library

Review:

Intended audience: Law students in advanced and introductory legal research courses

Illustrations: Screen captures, facsimiles 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.

Title: 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

Reviewed by: Marc Silverman, Associate Director for Public Services, University of Pittsburgh Barco Law Library

Review:

Intended audience: First-year law students.

Illustrations: Charts, screen captures, edited sample cases (not facsimiles), facsimiles 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

Title: 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

Reviewed by: Lynn Murray, Head of Research Services, Southern Methodist University Underwood Law Library

Review:

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.

Title: 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

Reviewed by: Lynn Murray, Head of Research Services, Southern Methodist University Underwood Law Library

Review:

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 vice 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.