Should You Use a Textbook to Teach Legal Research?[*]

Nancy P. Johnson[**]

Legal research professors have struggled with the question of assigning and using a text in class. Because there are many excellent legal research texts available, instructors may feel their students need the safety net of a printed textbook. For professors who decide to use a textbook, this article includes reviews of selected current legal research texts. On the other hand, professors may believe that many students do not read their legal research texts and prefer teaching without a textbook. Instead, they may use a series of web sites, PowerPoint slides, tutorials, podcasts, and electronic texts. The article discusses student reaction to a legal research course at Georgia State University College of Law that does not use a textbook.

Introduction

¶1 Throughout the years, many great law librarians have authored legal research texts, including Frederick Hicks,[1] Miles Price,[2] William Roalfe,[3] Myron Jacobstein,[4] Roy Mersky,[5] Morris Cohen,[6] Bob Berring,[7] and Kent Olson.[8] Beginning in the 1980s, attorneys joined the legal research text market with nontraditional approaches to the topic.[9] In addition, legal writing instructors devised new approaches to legal research training and wrote a number of texts.[10] The late

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    **   Associate Dean for Library and Information Services and Professor of Law, Georgia State University College of Law Library, Atlanta, Georgia.

    1.   *See, e.g.*, FREDERICK C. HICKS, MATERIALS AND METHODS OF LEGAL RESEARCH (1923).

    2.   *See, e.g.*, MILES O. PRICE & HARRY BITNER, EFFECTIVE LEGAL RESEARCH (1953).

    3.   HOW TO FIND THE LAW (William R. Roalfe ed., 6th ed. 1965).

    4.   *See, e.g.*, J. MYRON JACOBSTEIN, ROY M. MERSKY & DONALD J. DUNN, FUNDAMENTALS OF LEGAL RESEARCH (8th ed. 2002).

    5.   *See, e.g.*, *id.*

    6.   *See, e.g.*, MORRIS L. COHEN, ROBERT C. BERRING & KENT C. OLSON, HOW TO FIND THE LAW (9th ed. 1995); MORRIS L. COHEN & KENT C. OLSON, LEGAL RESEARCH IN A NUTSHELL (10th ed. 2010).

    7.   *See, e.g.*, ROBERT C. BERRING & ELIZABETH A. EDINGER, FINDING THE LAW (12th ed. 2005); MARCI B. HOFFMAN & ROBERT C. BERRING, INTERNATIONAL LEGAL RESEARCH IN A NUTSHELL (2008); KENT C. OLSON & ROBERT C. BERRING, PRACTICAL APPROACHES TO LEGAL RESEARCH (1988).

    8.   *See, e.g.*, KENT C. OLSON, LEGAL INFORMATION: HOW TO FIND IT, HOW TO USE IT (1999); KENT C. OLSON, PRINCIPLES OF LEGAL RESEARCH (2009).

    9.   For example, of the authors of books reviewed *infra*, Stephen Elias is an attorney.

   10.   For example, of the authors of books reviewed *infra*, Oates, Enquist, Sloan, and Kunz are current or former legal writing professors.

1980s brought an impassioned exchange between librarians Bob Berring and Kathleen Vanden Heuvel and lawyers Christopher Wren and Jill Wren on the teaching of legal research by using the bibliographic approach versus the "process-oriented" one.[11] According to the Wrens, the bibliographic approach is tied to the role of librarians in teaching research and authoring textbooks while the "process approach" uses real problems. The Wrens authored two editions of their book, *The Legal Research Manual*, but it has not been updated since 1986.[12] Today, law librarians and legal writing instructors continue to debate the optimal way to teach legal research by utilizing the best materials available.[13]

¶2 This article begins with a brief discussion of the history of legal research texts. Following this, it considers why some legal research professors do not use a textbook.[14] For a variety of reasons, professors of many disciplines, including legal research, have recently started questioning whether to assign a textbook at all. Included in this discussion are the pros and cons of developing one's own teaching materials. Other professors firmly believe in the value of a legal research text and have good pedagogical reasons for assigning and using a text in their courses. Thus, at the end of the article, I list and review a number of the leading texts that can be used in legal research courses.

¶3 As in other disciplines, legal research professors usually give some thought to using a text versus using their own materials. Professors usually make a text selection that best suits their syllabus, including length of the course, integration with other courses, and personal preferences (or prejudices). Legal research professors usually make independent decisions in choosing a textbook, unless there is a directive by a more senior professor.

A Brief History of Legal Research Textbooks

¶4 Several writers have documented the history and evolution of the casebook.[15] However, legal research textbooks are not casebooks; rather, they are hornbooks, nutshells, or legal treatises. Steve Barkan's review of the second edition of

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11. Christopher G. Wren & Jill Robinson Wren, *The Teaching of Legal Research*, 80 LAW LIBR. J. 7 (1988); Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: Should Students Learn It or Wing It?*, 81 LAW LIBR. J. 431 (1989); Christopher G. Wren & Jill Robinson Wren, *Reviving Legal Research: A Reply to Berring and Vanden Heuvel,* 82 LAW LIBR. J. 463 (1990); Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: A Final Response,* 82 LAW LIBR. J. 495 (1990). *See also* Paul Douglas Callister, *Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Education,* 95 LAW LIBR. J. 7, 11–22, 2003 LAW LIBR. J. 1, ¶¶ 8–33 (providing a history of the debate and its aftermath).

12. CHRISTOPHER G. WREN & JILL ROBINSON WREN, THE LEGAL RESEARCH MANUAL (2d ed. 1986).

13. The Legal Writing Institute offers programs on teaching legal writing and legal research. *See, e.g.*, "Integrating Legal Writing and Legal Research: Collaborating with Librarians to Improve How Legal Research Is Taught," presentation at the 14th Biennial Conference of the Legal Writing Institute, Marco Island, Fla., June 29, 2010, *summary available at* http://indylaw.indiana.edu /LWIconference/2010/schedule.cfm?eid=223.

14. The terms "professor" and "legal research professor" as used in this article include all instructors who teach legal research even though they have a number of different titles.

15. *See, e.g.*, Matthew Bodie, *The Future of the Casebook: An Argument for an Open-Source Approach*, 57 J. LEGAL EDUC. 10, 11–13 (2007); Douglas W. Lind, *An Economic Analysis of Early Casebook Publishing*, 96 LAW LIBR. J. 95, 2004 LAW LIBR. J. 6.

Jacobstein and Mersky's *Fundamentals of Legal Research* describes the history of authoring and publishing legal research textbooks.[16] It begins with the first West Publishing Company text on the subject, *Brief Making and the Use of Law Books*, written in 1906.[17] Barkan explains that law book publishers, rather than the law schools, deserve the credit for creating an interest in the formal study of the use of law books.[18] He also discusses iconic works, including the various editions of *Fundamentals of Legal Research,* beginning with the 1956 edition by Ervin Pollack.[19] According to Barkan, there is a "gestalt to legal research that is difficult to capture" in books on legal research.[20] When writing a legal research text, the author needs to synthesize the relevant conceptual systems:

> First, the nature of the relationship between the law and its resources requires that some of the substance of the law and the nature of the legal system be grasped before the bibliography of the law can be comprehended. Second, the functional unity of legal bibliography requires that resources be considered in relation to each other. And, third, the interdependency of the analytic, searching, and applications aspects of research suggests that each should be viewed in the context of the others.[21]

¶5 The history of writing legal research texts would not be complete without a discussion of the works of Frederick C. Hicks.[22] He is widely recognized as having established the standard for the legal research texts of today.[23] In his works, Hicks described sets of books, but he also taught research as a process. Hicks defined legal research as "the summation of all those processes by which legal material is found, digested, arranged, tested, and compared."[24]

Choosing Not to Use a Legal Research Textbook

¶6 Because skills courses lend themselves to more innovation than traditional doctrinal courses, legal research instructors may prefer teaching without a textbook. When studying about finding the law, the "point-and-click" generation may prefer a series of web sites, PowerPoint slides, tutorials, podcasts, and instructional

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16. Steven M. Barkan, *On Describing Legal Research*, 80 Mich. L. Rev. 925 (1982) (reviewing J. Myron Jacobstein & Roy M. Mersky, Fundamentals of Legal Research (2d ed. 1981)).

17. William M. Lile et al., Brief Making and the Use of Law Books (Nathan Abbott ed., 1906).

18. Barkan, *supra* note 16, at 927.

19. Ervin Harold Pollack, Fundamentals of Legal Research (1956) (now in its ninth edition: Steven M. Barkan, Roy M. Mersky & Donald J. Dunn, Fundamentals of Legal Research (9th ed. 2009)).

20. Barkan, *supra* note 16, at 926.

21. *Id.* (footnotes omitted).

22. See Stacy Etheredge, *Frederick C. Hicks: The Dean of Law Librarians*, 98 Law Libr. J. 349, 2006 Law Libr. J. 18, for a recent biographical sketch of Hicks and his importance to law librarianship.

23. *See* Robert C. Berring, *How to Be a Great Reference Librarian*, Legal Reference Services Q., Spring 1984, at 17, 19–21; *see also* Robert C. Berring, Jr., *Twenty Years On: The Debate over Legal Research Instruction*, 17 Perspectives: Teaching Legal Res. & Writing 1, 4 (2008).

24. Hicks, *supra* note 1, at 29.

electronic texts. E-textbooks match the way that students study and access their media, so an e-textbook may provide them with a better experience.[25]

¶7 Even with many excellent options available, professors admit that many first-year students do not read the assigned legal research texts on an ongoing basis. One 2004 study of students in psychology courses found that about thirty percent of the students read the assigned text before class, whereas around seventy percent of them read the text before the exam.[26] These percentages are most likely also applicable to the majority of legal research courses. From a law student's perspective, reading a legal research text for a low-credit course competes with reading cases in contracts, torts, and other substantive law courses. It is not surprising that first-year law students focus on courses that demand more of their attention and yield more credit.

¶8 Some professors choose library course reserves as one mechanism to help them deal with requiring a textbook.[27] Others find that sending students to legal research texts on reserve shelves is not a better option than requiring them to purchase a textbook. Most librarians know that nonrequired texts are rarely requested when on reserve.

¶9 Concerns about textbook affordability dominate conversations about the future of the textbook.[28] The student Public Interest Research Groups (student PIRGs) have been at the forefront of raising awareness about textbook affordability since 2003.[29] A study they conducted found that a new edition cost twelve percent more than a new copy of a previous edition and forty-five percent more than a used copy of a previous edition.[30] One author wrote that a typical first-year law student, who uses some of the more popular texts, could spend up to $1000 just for casebooks, even without the supplementary materials.[31]

¶10 Georgia State University's first-year law students were asked in a fall 2010 survey[32] to estimate how much money they spent on law textbooks for that semester. The price range varied, with the highest number (32.3%) stating that they

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25. *See* Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the "MTV/Google" Generation*, 54 Loy. L. Rev. 775, 777 (2008) (exploring "the characteristics members of the Generations X and Y exhibit as those characteristics relate to their experience in law school").

26. Michael A. Clump et al., *The Extent to Which Psychology Students Read Textbooks: A Multiple Class Analysis of Reading Across the Psychology Curriculum*, 31 J. Instructional Psychol. 227, 229 (2004).

27. Anne Christie et al., *Student Strategies for Coping with Textbook Costs and the Role of Library Course Reserves*, 9 Portal: Libr. & Acad. 491, 491 (2009).

28. Jon T. Rickman et al., *A Campus-Wide E-Textbook Initiative*, Educause Q., vol. 32, no. 2, 2009, http://www.educause.edu/library/EQM0927 (stating that nearly forty percent of college students do not buy textbooks because of the cost).

29. *See Make Textbooks Affordable*, Student PIRGs, http://www.studentpirgs.org/textbooks (last visited Apr. 14, 2011).

30. State Public Interest Res. Groups, Ripoff 101: How the Publishing Industry's Practices Needlessly Drive Up Textbook Costs 1 (2d ed., Feb. 2005), *available at* http://www.studentpirgs.org /textbooks/reports/ripoff-101-2nd-edition.

31. David M. Skover, *Electrified Law: A Brief Introduction to the Workshop on the Future of the Legal Course Book*, 33 Seattle U. L. Rev. 287, 288 (2010).

32. The survey is discussed in more detail in the next section.

spent between $300 and $400, and 30% stating that they spent between $700 and $800. Several students who had a full course load stated that they spent more than $1000 for one semester. Although legal research textbooks cost less than casebooks, which have a list price of approximately $150 to $175 each,[33] they still cost between $35 and $88.[34] Textbooks are an expensive part of obtaining a law degree.

¶11 It has been said that the textbook market does not operate according to the same economic principles as a normal consumer market.[35] First, the consumers (i.e., students) do not select the product, and the people choosing the product (i.e., the faculty) do not purchase the product. Therefore, price is removed from the purchasing decision, giving the producer (i.e., publishers) disproportionate market power to set high prices.

¶12 In 2005, a Government Accountability Office report entitled *College Textbooks: Enhanced Offerings Appear to Drive Recent Price Increases* indicated that, in addition to the sharp rise in the prices of textbooks, specific concerns have arisen about the so-called "bundling" of supplements with textbooks into a single package. This practice may "limit students' ability to reduce their costs by purchasing less expensive used books and choosing which, if any, supplements they want to purchase."[36]

¶13 Given the unusual economic principles of the textbook market, it is not surprising that the subject of textbook affordability has entered the political arena. In 2008, Congress passed the Higher Education Opportunity Act, which stated that publishers would have to be clear, in all promotional materials, about their textbooks' wholesale prices, the copyright dates of previous editions, summaries of substantial content revisions, and other formats in which products are available.[37] The act states: "the Secretary shall not promulgate regulations with respect to this section."[38] Therefore, the language of the law stands on its own.

¶14 In an attempt to make college more affordable, a bill entitled "The Open College Textbook Act of 2010" was proposed in 2010.[39] Although the bill raised more policy issues than it resolved, it attempted to make college more affordable. The proposed legislation addressed open licensing in relation to textbooks, including a related college affordability law.

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33. Most casebooks from Thomson/West cost between $150 and $175. WEST STORE, http://west.thomson.com (last visited May 10, 2011).

34. For example, *The Process of Legal Research* is $83, *Basic Legal Research* is $81, *Legal Research in a Nutshell* is $35, and *Fundamentals of Legal Research* is $88. *Id.*; ASPEN PUBLISHERS, http://www.aspenpublishers.com (last visited May 10, 2011).

35. *See* JAMES V. KOCH, AN ECONOMIC ANALYSIS OF TEXTBOOK PRICES AND TEXTBOOK MARKETS 2 (Sept. 2006), *available at* http://www.ed.gov/about/bdscomm/list/acsfa/kochreport.pdf.

36. U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-05-806, COLLEGE TEXTBOOKS: ENHANCED OFFERINGS APPEAR TO DRIVE RECENT PRICE INCREASES 16 (2005).

37. 20 U.S.C. § 1015b (Supp. III 2009).

38. *Id.* § 1015b(i).

39. Open College Textbook Act of 2010, H.R. 4575, 111th Cong. (2010). *See also* Nicole A. Nguyen, Legislative Update, *Not All Textbooks Are Created Equal: Copyright, Fair Use, and Open Access in the Open College Textbook Act of 2010*, 21 DEPAUL J. ART, TECHN. & INTELL. PROP. L. 105 (2010).

¶15 In 2009, the student PIRGs conducted a study of opinion on new technologies among 1133 students.[40] The results show that students were initially interested in e-readers, but they became less interested upon learning of their costs.[41] As an interesting note, seventy percent of those surveyed would prefer to read textbooks in print, rather than on a computer, if cost were not a factor. And, if cost were not a concern, approximately thirty percent of the students said that they would pay extra to have both print and digital versions of their textbooks.[42]

¶16 The Workshop on the Future of the Legal Course Book, held at the Seattle University School of Law on September 27, 2008, brought scholars together to discuss the future of electronic law books.[43] The various sessions focused on the print casebook and its electronic alternatives. Both professors and publishers explored the alternatives to the traditional law school text. In addition to addressing the high costs of textbooks, professors want more flexibility, such as the ability to add their own information to the text and provide links. However, the conversion to electronic casebooks continues to present challenges. Inherent in the discussion are concerns about copyright and the ability to protect electronic casebooks from piracy. Although users will soon be able to highlight and write notes in online books, these features are not yet widely available. Law publishers such as Thomson/West, Aspen Publishing Company, and LexisNexis have been slow to enter the e-publishing arena, although all legal publishers are moving in that direction. In 2007, West launched its first electronic casebook[44] and is now investing in an interactive casebook series. LexisNexis is offering e-books,[45] and Carolina Academic Press is publishing casebooks in electronic format.[46] Aspen also offers its Studydesk software and TeachingLaw.com.[47]

¶17 There is also the issue of students with visual disabilities being unable to use e-book readers. In January 2010, the Justice Department reached an agreement with several universities regarding the use of the e-book reader in a classroom setting. The e-reader, which was part of a pilot program, is not yet fully accessible to vision-impaired students. Although the e-reader can convert book text into synthesized speech, audio playback is not offered for its menu and navigational controls.

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40. Student Public Interest Res. Groups, High Tech Textbooks: A Snapshot of Student Opinions 1 (Oct. 2009), *available at* http://www.studentpirgs.org/textbooks/reports/high-tech-textbooks.

41. *Id.* at 4.

42. *Id.* at 5.

43. *See Transcript: Workshop on the Future of the Legal Course Book*, 33 Seattle U. L. Rev. 292 (2010) [hereinafter *Future of the Legal Course Book*].

44. Amanda Bronstad, *Eyeing "E-Books" for Future Law Students: Electronic Casebooks Discussed; Copyright, Piracy Issues a Concern*, Nat'l L.J., Sept. 22, 2008, at 4. The book was A. Benjamin Spencer, Civil Procedure: A Contemporary Approach (2007).

45. *LexisNexis E-Books*, LexisNexis, http://www.lexisnexis.com/ebooks/ (last visited May 10, 2011).

46. *See, e.g.*, *Civil Claims Settlement Laws: An Electronic Casebook*, Carolina Academic Press, http://www.cap-press.com/isbn/9781594607783 (last visited May 10, 2011).

47. AspenLaw Studydesk, http://www.aspenlaw.com/studydesk/ (last visited Apr. 30, 2011); TeachingLaw.com, http://www.teachinglaw.com (last visited Apr. 30, 2011).

Because the e-book reader is not fully accessible to visually impaired students, four colleges agreed to stop promoting them to students.[48]

¶18 The benefits of digital textbooks are numerous: they are potentially cheaper, better for the environment, weigh less, can be updated more easily, are effortlessly searched, and will soon allow users to annotate the digital text. Authors of legal research textbooks, who realize that technology's growth outpaces the speed of their print publications, could easily update and correct information in electronic versions.

¶19 Additionally, professors can customize web-based materials to the number of weeks for which a legal research course is taught. Nothing elicits student complaints more than assigning a book and using only a small part of it. Digital materials can also be tailored to meet local legal interests. Customized legal research sources are extremely useful because most legal research courses must cover state-specific material and many students practice in the same state as their law school.

¶20 In the early 1990s, Ronald Staudt was one of the first professors to experiment with electronic casebooks.[49] Staudt used HyperPad and a product he called Computer Law on Disk. In a 2009 article, Staudt continued to question why the electronic casebook concept did not take off.[50]

¶21 Open access to information has been a hot topic for debate among librarians, professors, and publishers over the last few years. The growth of this movement is partially in response to the high cost of many scholarly journals.[51] Open access ensures long-term free access to articles. One author explains that open-access scholarly information has three advantages over the traditional publishers' approach: "(1) free electronic access to the materials, (2) the chance for individuals to access, copy, and even change the materials in electronic form, and (3) the chance to collaborate with others outside the constraints of a commercial and/or copyright-protected regime."[52] One example of the open access movement in law is The Open Access Law Program. This is "part of the Science Commons Publishing Project, which . . . is working to support open access to scholarly research in a wide range of disciplines including agriculture, entomology, biology, anthropology, and now law."[53]

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48. U.S. Justice Dep't, Off. of Public Affairs, Press Release, *Justice Department Reaches Three Settlements Under the Americans with Disabilities Act Regarding the Use of Electronic Book Readers* (Jan. 13, 2010), http://www.justice.gov/opa/pr/2010/January/10-crt-030.html.

49. *See* Ronald W. Staudt, *An Essay on Electronic Casebooks: My Pursuit of the Paperless Chase*, 68 Chi.-Kent L. Rev. 291 (1992).

50. Maria Kantzavelos, *Technology Evangelist Keeps Faith in Legal Aid*, Chi. Law., Apr. 2009, at 32, 33.

51. *See* James M. Donovan & Carol A. Watson, *Citation Advantage of Open Access Legal Scholarship* 8–11 (Univ. of Ga School of Law Research Paper Series 11-07, 2011), http://ssrn.com/abstract=1777090 (discussing the reasons for the open access movement). For a listing of open access journals, see DOAJ: Directory of Open Access Journals, http://www.doaj.org (last visited May 10, 2011).

52. Matthew T. Bodie, *Open Access in Law Teaching: A New Approach to Legal Education*, 10 Lewis & Clark L. Rev. 885, 886 (2006).

53. *Open Access Law Program*, Sci. Commons, http://sciencecommons.org/projects/publishing/oalaw (last visited May 10, 2011).

¶22 In the Legal Education Commons, which provides a variety of educational materials, law professors and librarians can exchange and access teaching resources under open Creative Commons licenses.[54] Georgia State University College of Law's Patrick Wiseman—"inspired by CALI's eLangdell and Legal Education Commons projects, dismayed by the evisceration of the cases in the latest edition of what had hitherto been [his] favorite constitutional law casebook, and empowered by the . . . repository of United States Supreme court opinions . . . decided that the time had come to go all online with [his] constitutional law courses."[55]

¶23 Another professor, Robert Laurence, described his positive experience of creating a course book by downloading the material to a web page using LexisNexis.[56] He used links to cases and statutes as well as his own annotations on those materials. Laurence was so happy with his online casebook experience that he thinks regular casebooks are "toast."

Teaching Legal Research Without a Textbook

¶24 At Georgia State University College of Law, legal research professors prepare their own materials for the first-year legal research course.[57] First-year students are required to take the one-credit, pass/fail course that is offered in the fall semester. Additionally, 1L students are required to take a two-semester graded Research, Writing, and Advocacy (RWA) course. The librarian professors use Westlaw TWEN or LexisNexis Blackboard and share the same syllabus. Using screen grabs and illustrations from texts, we post self-authored "chapters." Additionally, we post PowerPoint slides and citations to other materials. We also include a chapter on Georgia legal research, which is essential to our course. CALI legal research lessons are assigned to supplement traditional readings and assignments.[58] By using the custom polling feature or clicker technology, we give weekly quizzes to reinforce what was taught the previous week.

¶25 In fall 2010, we examined whether students were receptive to our use of web-based materials, rather than a legal research textbook. Specifically, we were interested in quantifying students' impressions and opinions on learning legal research without a textbook.[59]

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54. *Legal Education Commons*, CALI, http://www.cali.org/content/legal-education-commons (last visited Apr. 21, 2011).

55. Patrick Wiseman, *The Demise of the Constitutional Law Casebook: Project Description*, http://www.cali.org/wiseman/project.html (last visited Apr. 21, 2011).

56. Robert Laurence, *Casebooks Are Toast*, 26 SEATTLE U. L. REV. 1 (2002).

57. For more information on the course, see Nancy P. Johnson, *Best Practices: What First-Year Law Students Should Learn in a Legal Research Class*, 28 LEGAL REFERENCE SERVICES Q. 77 (2009).

58. There are currently over 115 CALI legal research lessons. *Lessons: Legal Research*, CALI, http://www.cali.org/category/cali-topics/1l-first-year-lesson-topics/legal-research (last visited Apr. 30, 2011). Other legal research courses use them as well. *See, e.g.*, Elizabeth G. Adelman, *CALI Lessons in Legal Research Courses: Alternatives to Reading About Research*, 15 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 25 (2006) (describing survey findings that most students in the author's class would rather do a CALI lesson than read a legal research textbook); Deborah Hackerson, *Legal Research: A Guide to Online Tutorials for First-Year Law Students*, LEGAL REFERENCE SERVICES Q., vol. 25, nos. 2–3, 2006, at 153.

59. The survey is included *infra* as the appendix. All survey results are on file with the author.

¶26 All students in the first-year legal research course were asked to volunteer to participate in the survey after they signed the appropriate informed consent forms. Students submitted their responses anonymously through SurveyMonkey. The survey, which had a 55% response rate, included twenty questions. A few of those were open-ended questions, but most were multiple choice with an option to comment. The demographics of the 2010 entering class at Georgia State University College of Law indicate that the average respondent age is twenty-eight. Among all age groups, those respondents who were twenty to thirty years old were most likely to respond (72% response rate).

¶27 The survey aimed to determine the level of the students' technology skills and experience, and 95% stated that they had a good grasp of electronic databases for finding information. Fortunately, 65% did not have any technology difficulties accessing the materials. For those who had problems (25%), they cited slow response time as the primary challenge. (The remaining 10% did not answer this question.) Many of the students (38%) had had previous "textbookless" experiences during undergraduate or graduate studies, which probably influenced their comfort level in working with the material. Their comments about those previous experiences were quite positive: "It was amazing. My instructor was not bound by a textbook, we saved money, and it provided a wonderful customized experience."

¶28 Next, students were asked to rate the web material's layout. Course web sites contained background readings from texts and other sources, PowerPoint slides, and links to CALI lessons. For the week devoted to Georgia legal research, the instructors provided books and articles on Georgia legal research and legislative history. Students overwhelmingly (74%) responded that the background readings were appropriately detailed. When asked if the PowerPoint slides emphasized important points of the course materials, students had mixed responses despite the question's ninety percent positive response rate. One stated, "The PowerPoint slides had no explaining text in many of the slides so you were left trying to figure out what the diagrams were trying to convey." Even when students thought the slides contained adequate information, some felt that the material would have been better learned by traditional assignments.

¶29 When asked if the CALI lessons, which students prefer to use to review and reinforce the material, provided a deeper understanding of the topic, forty-two percent of the students responded that they did not use them. Of those students who used the CALI lessons on an ongoing basis, many gave favorable responses: "The CALI lessons are amazing—they really forced you to learn. I would have forgotten most of the stuff if I hadn't used CALI," and "[the lessons were] better after the class to reinforce, rather than before."

¶30 Two of the most important questions for evaluating the effectiveness of teaching without a textbook consisted of determining what the students liked and disliked about the virtual textbook for the course. We designed these open-ended questions to solicit frank feedback and we received fifty-seven responses to what they liked and thirty-one responses to what they disliked. Students most commonly liked the cost savings of not having to purchase a book for the course and the ability to access the materials from any location. Some students commented on the digital format's "green" character and noted that digital materials removed "the unneces-

sary information that would be in a larger textbook." On the negative side, the comments did not fall into easily recognized categories, and comments included several complaints about organization: "While it was nice not to have a large textbook to carry around, I prefer the use of an actual book in terms of organization," "I can't stand virtual textbooks. I print the material to read and take notes on it directly during class anyway," and "Although I read all of the available information in preparation for class, I'm not sure how valuable it is as a reference guide."

¶31 Very few students (10%) preferred reading lengthy passages on a computer screen, while an overwhelming percentage (74%) printed out the material and read it on paper; the remainder stated they had "no preference." Having seventy-four percent of students printing the digital material negates our "green" approach to providing digital information.

¶32 The students were asked to estimate how much money they spent on textbooks for the fall semester, excluding study aids. The responses were split between $300 to $400 (32%) and $700 to $800 (30%), which can be partly explained by the fact that part-time students spend less because they take fewer courses.

¶33 Students were asked if, assuming that cost was not a factor, they would prefer a print textbook, web-based materials, or a combination of the two. The most frequent response (45%) was for a combination of the print textbook and web materials, with web-based materials alone receiving 36% and the print textbook alone 19%. One thoughtful response to this question suggested that the hybrid model reflected changing professional practices: "I don't think you can rule out cost, but even so, I feel reading information on a computer screen is more in line with practicing law in the near future." A summer 2010 survey conducted by student PIRGs of 1428 students from ten campuses found that students are split between print and digital formats, with a large majority preferring print, and that a combination of print and electronic may be best for some students.[60]

¶34 The last question in our survey, which was also the most frequently answered, asked if students would prefer to use a textbook on an e-reader. Sixty-six percent responded "No." Although most students answered negatively, the students who answered positively were outspoken. Some interesting comments were "Assuming that you could highlight and make notations on a reader, I think that would be a great option," "I like having books, but if I could keep it on an iPad it would be very useful (versus having tons of books at home that I cannot bring anywhere)," and "Absolutely! If our textbooks were available on e-readers, we wouldn't have lockers, rolling luggage, and backaches!"

¶35 Without diminishing the importance and value of a good legal research textbook as a resource, the survey sought to examine the necessity of the textbook, and the feedback on the approach of not using a textbook proved valuable. Students responded that they were grateful for not having to buy yet another book and that the material was easily accessible from any computer.

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60. Nicole Allen & the Student PIRGs, A Cover to Cover Solution: How Open Textbooks Are the Path to Textbook Affordability 9 (Sept. 2010), *available at* http://www.studentpirgs.org/textbooks-reports/a-cover-to-cover-solution.

¶36 When preparing materials using Westlaw's TWEN, LexisNexis's Blackboard, or a web site, professors should be prepared to spend an enormous amount of time writing about legal research sources, compiling PowerPoint presentations, or gathering instructional web sites.[61] Dividing the workload among a number of legal research instructors, when possible, is recommended.

Choosing to Use a Textbook

¶37 Many professors value a textbook as a teaching resource, although they recognize that students need the expertise and enthusiasm of an instructor in the legal research classroom to complement the text. Many students value the safety net of a printed textbook and the positive pedagogical practice of engaging with the text by "writing in the margins."[62] For many students, the idea of reading words on a screen is not as appealing as reading a printed page.[63] These facts will most likely change as more so-called "digital natives"[64] progress into law school and as e-book reader technology improves.

¶38 An entire body of literature exists on the value and use of textbooks. In fact, the term "textbook pedagogy" is used to discuss research on the classroom use of textbooks and learning materials.[65] Considering that classroom time is usually limited to one or two hours per week, textbooks can fill in the gaps in content that professors cannot cover in class. Texts can also act as a reference guide when students have a specific question about a book or a database. Textbooks are particularly valuable for inexperienced teachers, since texts keep them on track. The authors of these books are experts who understand the structure of legal research and know how to organize it in a pedagogically effective manner.

¶39 Most students learn visually and are uncomfortable having nothing to read. Learning theorists have demonstrated that people vary in the manner in which they absorb, process, and recall what they are taught.[66] Of the three types of learners—aural, experiential, and visual—aural learners, those who learn by hearing, constitute thirty percent of the general population. Aural learners benefit from class lectures and from discussion of class materials in study groups or in oral presentations, and they would prefer to learn through CDs or by reading their notes aloud. Kinesthetic or experiential learners, about five percent of the population, learn

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61. *See* Laurence, *supra* note 56, at 8 (describing the time commitment required to prepare his electronic course materials).

62. Diane Harley, *Affordable and Open Textbooks: An Exploratory Study of Faculty Attitudes*, 2 CAL. J. POL. & POL'Y 10, at 4 (2010), http://www.bepress.com/cjpp/vol2/iss1/10/ (subscription required for access).

63. Richard Warner et al., *Teaching Law with Computers*, 24 RUTGERS COMPUTER & TECH. L.J. 107, 133 (1998) (discussing a study of Chicago-Kent's E-LEARN program by Peter Martin, which found that the majority of students did not read the relevant material on the computer, but preferred the print version).

64. This term is taken from the title of JOHN PALFREY & URS GASSER, BORN DIGITAL: UNDERSTANDING THE FIRST GENERATION OF DIGITAL NATIVES (2008).

65. *See, e.g.*, Richard Walker & Mike Horsley, *Textbook Pedagogy: A Sociocultural Analysis of Effective Teaching and Learning*, *in* EFFECTIVE SCHOOLS 105 (Dennis M. McInerney et al. eds., 2006).

66. MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS 55–56 (2d ed. 2008).

from doing and touching. They excel in clinical work, moot court, and role-playing exercises. Visual learners, also called read/write learners, constitute nearly sixty-five percent of the population and need to see what they are learning through text-books or other visual materials. Applying these results to law students, the greatest percentage of law students are therefore visual learners. They enjoy the comfort of a textbook, in addition to outline summaries, diagrams, tables, columns, and time lines. Visual learners may also benefit from the enhanced learning experience of an electronic format as well as from video files. In addition, a fourth learning style labeled "multimodal" applies to those students who learn readily in several of the above modes. Some say that multimodal learners make up as much as sixty percent of the population.[67]

¶40 In the survey of Georgia State University College of Law students, we asked if they were aural, experiential, or visual learners. The highest percentage of students (72%) responded that they were experiential, with visual ranking a close second (62%). Because legal research is a hands-on course, it makes sense that a high percentage of students responded that they are experiential learners. Students may also have checked several categories because the question asked the respondents to "check all that applies."

¶41 A very interesting study of legal research and writing courses at St. John's University School of Law found that law students were diverse in their learning styles, and encouraged law professors to use a diagnostic assessment of their classes so that they could teach to various learning styles.[68] Because testing may not be possible in a large course, the authors suggested using a combination of instructional methods and materials to reach the majority of learners.

¶42 Although some professors enjoy compiling their own teaching materials, one author suggests that there are three primary obstacles to compiling course materials: a lack of motivation, a lack of manageability, and copyright concerns.[69] Copyright concerns present real difficulties for compiling teaching materials. Copyright protections limit the use of law review articles, restatements, and other commentary so that authors might have to use exclusively noncopyrighted documents.

¶43 Additionally, law professors may lack the motivation to contribute to an open access project, since there would be no remuneration for such work. However, many professors do not write texts for the royalties.[70] Some professors would even

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67. *Multimodal Study Strategies*, VARK, http://www.vark-learn.com/english/page.asp?p=multimodal (last visited May 10, 2011). A good introduction to learning styles is VARK, which stands for Visual, Aural, Read/Write, and Kinesthetic. VARK: A GUIDE TO LEARNING STYLES, http://www.vark-learn.com (last visited May 10, 2011) (includes the online assessment tool on which its materials are based). *See also* Diane Murley, *What Second Life Taught Me About Learning*, 100 LAW LIBR. J. 787, 2008 LAW LIBR. J. 46 (recommending evaluating one's own learning style); Christine E. Rollins, *Using the Vark: A Writing Department's Commitment to "Turning the Light Bulbs On,"* THE SECOND DRAFT, Spring 2008, at 15 (describing a teaching approach by the writing faculty at Saint Louis University tailored to fit the learning styles of their students).

68. Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 216 (1998).

69. Bodie, *supra* note 15, at 23.

70. *See Future of the Legal Course Book*, *supra* note 43, at 320.

be willing to exchange royalties for readers.[71] And though students do not have to spend cash on a text for this type of material, they must still pay for printing. If the law school pays for printing, then the lack of a textbook would cause the law school to absorb additional costs for student printing.

¶44 One striking difference exists between a doctrinal textbook and a legal research textbook. Many doctrinal textbooks and casebooks have no value as a treatise.[72] Casebooks, with their limited shelf lives, become office decorations. However, legal research textbooks maintain their value even after students become lawyers, partly because good indexes turn a legal research textbook into a very usable reference source.

¶45 Several legal research texts include tailored accompanying materials, which can include assignments, PowerPoint slides, and test banks.[73] Amy Sloan's book, *Basic Legal Research: Tools and Strategies*, includes quizzes and exercises delivered either in a workbook or online with assessment reports via the TeachingLaw.com platform.[74] The assignment book *Legal Research Exercises* can complement any legal research textbook,[75] and experts designed assignments in Barkan, Mersky, and Dunn's *Assignments to Fundamentals of Legal Research and Legal Research Illustrated* to supplement the textbook's information.[76] The most recent edition of *The Process of Legal Research* includes extensive, well-researched problem sets on a CD included with the book.[77] *Just Research* also offers a CD workbook to accompany the textbook.[78]

¶46 Once a professor decides to use a textbook, the next step is to review and select a text from available choices. In addition to the reviews included in this article, there are a number of other sources legal research professors can use when selecting a textbook.

¶47 In 2001, Joan Shear and Kelly Browne asked subscribers of the LAW-LIB and LEGWRI-L discussion lists which legal texts they used and why, and the findings are reported under the description of each book reviewed in their article.[79] In 2006, three members of the AALL Reader Services SIS (RIPS-SIS)—Lynn Murray, Marc Silverman, and Christopher Vallandingham—created an annotated bibliography of legal research texts.[80] It is a useful guide for those selecting an appropriate

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71. Eugene Volokh, *The Future of Books Related to the Law?*, 108 Mich. L. Rev. 823, 837 (2010).

72. Bodie, *supra* note 15, at 13.

73. Simon Canick, *Legal Research Assessment*, 28 Legal Reference Services Q. 201 (2009) (summarizing various means of assessment in legal research courses).

74. Amy E. Sloan, Basic Legal Research, at xv (4th ed. 2009).

75. Susan T. Phillips & Nancy P. Johnson, Legal Research Exercises (11th ed. 2011) (the first edition, written by Lynn Foster and Elizabeth Slusser Kelly, was published in 1983).

76. Steven M. Barkan, Roy M. Mersky & Donald J. Dunn, Assignments to Fundamentals of Legal Research and Legal Research Illustrated (9th ed. 2009).

77. Christina L. Kunz et al., The Process of Legal Research (7th ed. 2008).

78. Laurel Currie Oates & Anne Enquist, Just Research (2d ed. 2009).

79. Joan Shear & Kelly Browne, *Which Legal Research Text Is Right for You?*, 10 Perspectives: Teaching Legal Res. & Writing 23 (2001).

80. Lynn Murray, Marc Silverman & Christopher Vallandingham, RIPS-SIS Legal Research Text Annotated Bibliography (Spring 2006), *available at* http://www.aallnet.org/sis/ripssis/PDFs/Bibliography.pdf.

legal research text. At the 2001 American Association of Law Libraries' annual meeting, there was a panel discussion on legal research texts.[81] And in a 2000 survey about advanced legal research courses, Ann Hemmens found that seventy-four percent of responding schools stated that a textbook was either required or recommended.[82] There were two clear favorites: *Fundamentals of Legal Research* and *Finding the Law*.[83]

Reviews of Selected Legal Research Texts

¶48 Because there are many excellent legal research texts available, I was unable to review all of them; I chose to concentrate on the more popular books.[84] To present a variety of writing styles and audiences, I explored the texts' different approaches to finding the law as seen through the eyes of their authors—law librarians, legal writing instructors, and attorneys. In my reviews, I used the following criteria, which were listed by Richard Danner in his article *Reading Legal Research*:[85]

1. Illustrations are necessary. One of the main practices in teaching legal research is holding a book and saying, "This is the Supreme Court Reporter." Students need to look at sample pages while you are discussing a title.
2. Authors should write the book "with its audience in mind, understanding that the first-year law student needs a ready means to grasp the basics of legal research before having to locate the materials for a first writing assignment."[86]
3. The book should be organized into chapters that can be assigned out of order to accommodate a variety of syllabi.
4. The book should also be "usable as a reference source for students."[87] It should have a comprehensive index.

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81. "Teaching Roles and Realities: Choosing the Legal Research Text That's Right for You," presentation at the Annual Meeting of the American Association of Law Libraries, Minneapolis, Minn., July 14, 2001 (the moderator, Kelly Browne, created the program in a "talk show" format, offering advice on what to look for when choosing a text).

82. Ann Hemmens, *Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools*, 94 Law Libr. J. 209, 228, 2002 Law Libr. J. 17, ¶ 49.

83. *Id.* at 228 tbl.10.

84. In general, a popular textbook is one that has stood the test of time and one the publisher continues to publish in new editions. Of course, the author's reputation, cost, and readability also play a part in making a textbook popular. Some of the excellent, current textbooks not reviewed here are Robert C. Berring & Elizabeth A. Edinger, Legal Research Survival Manual (2002); Deborah E. Bouchoux, Legal Research Explained (2d ed. 2010); Specialized Legal Research (Penny A. Hazelton ed., 2010); Marci B. Hoffman & Robert C. Berring, International Legal Research in a Nutshell (2008); J. Paul Lomio et al., Legal Research Methods in a Modern World (3d ed. 2011); Ruth Ann McKinney et al., Legal Research: A Practical Guide and Self-Instructional Workbook (5th ed. 2008); Michael D. Murray & Christy H. Desanctis, Legal Research Methods (2d ed. 2009); Nadia E. Nedzel, Legal Reasoning, Research, and Writing for International Graduate Students (2d ed. 2008); Mark K. Osbeck, Impeccable Research: A Concise Guide to Mastering Legal Research Skills (2010). There are also many research books in the Carolina Academic Press Legal Research Series, which is edited by Suzanne E. Rowe.

85. Richard A. Danner, *From the Editor: Reading Legal Research*, 79 Law. Libr. J. 1, 5–6 (1987).

86. *Id.* at 5.

87. *Id.* at 6.

Armstrong, J.D.S., and Christopher A. Knott. *Where the Law Is*. 3d ed. St. Paul, Minn.: Thomson/West, 2009.

¶49 For a law librarian, the title of this book is equally as captivating as a statement made early on in chapter 1: "You must know that you have looked for the law in all the right places" (p.1). Blog reviewers professed their overwhelming support, and one reviewer stated, "I never came across a textbook I would require my students to buy for my Advanced Legal Research course until now."[88] Another suggested that if the authors "delete[d] 'advanced' in the subtitle . . . . [the book] would be the greatest contribution to improving 1L research and writing programs in living memory."[89]

¶50 While other legal research texts dance around audience identification, this book clearly defines its audience as advanced legal research students. The book focuses on culling only the information that researchers need, rather than referencing any single publication. It begins with statutes, and the authors state: "The first step in deciding legal obligations and rights is to determine whether there is a statute that governs the situation" (p.14).

¶51 Because the book is directed at advanced legal research students, the authors describe the sources in more depth than others do. For example, there are excellent discussions of the distinctions between different code indexes, identifying and accessing congressional committee hearings, the nuances of using journal indexes to search for articles, and a thorough explanation of the C.F.R. The text is for those researchers who have already mastered "the nuts and bolts of legal information" and takes a problem-solving approach to answering legal research questions.

¶52 Oddly enough, the book does not include illustrations, and the authors never mention screen grabs or sample pages. However, the tables provide URLs, sample searches, and some bibliographic information, and the index is detailed and useful. Humor is hard to come by in a legal research text, but the authors have a refreshing writing style that holds the reader's attention. For example, in a discussion of when to stop researching case law, the authors use the analogy of being at a cocktail party (p.125).

¶53 Every law librarian should use this text in teaching and daily reference work, and even seasoned researchers will glean gems of information from it. If professors supplemented the text with sample pages and screen grabs, it would work well in any advanced legal research course. Because the authors also cover foreign and international legal research, professors could incorporate this text into a course covering those topics.

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88. Virginia C. Thomas, *Review of* Where the Law Is, Law Librarian Blog (Feb. 23, 2005), http://lawprofessors.typepad.com/law_librarian_blog/2005/02/review_of_emwhe.html.

89. Joe Hodnicki, *Sending Income to Course Book Authors Who Don't Share Your Ideological Predisposition*, Law Librarian Blog (Aug. 18, 2008), http://lawprofessors.typepad.com/law_librarian_blog/2008/08/sending-incom-1.html (emphasis omitted).

Barkan, Steven, Roy M. Mersky, and Donald J. Dunn. *Fundamentals of Legal Research*. 9th ed. New York: Foundation Press, 2009.

¶54 As stated in its preface, this book is designed for students new to legal research. Despite this claim, the book's main strength is as a text for law librarians and upper-class students, rather than for new law students. As one legal research professor stated about the 1998 edition, it "provide[s] . . . fodder for lecture notes and additional background."[90] The RIPS-SIS annotated bibliography states that the eighth edition of the text "[c]ontains more material than necessary for an introductory course and, because of that, it may seem intimidating for a first-year law student . . . ."[91] The ninth edition of this work includes revised versions of all chapters in the eighth edition, plus a new chapter introducing forms and processes of legal research.

¶55 Each chapter is written by an experienced law librarian, so it is not surprising that they target the law librarian audience by including a history of various titles. For example, a detailed footnote explains the scope of the years covered in *West's Federal Practice Digest*, 3d and 4th series—a level of detail any law librarian would welcome.[92] As evidenced by the number of footnotes, the book draws from a wide variety of materials. It is a great reference work on legal research with a comprehensive index.

¶56 The book's unique features include a glossary of terms used in legal research, a table of legal abbreviations, guides to legal research in states and territories of the United States, as well as information on legal citation form, international and U.K. legal research, and federal tax research. Illustrations use boxes to highlight sources. Because of its broad survey of topics, this text would work wonderfully if it were an electronic text from which professors could choose the chapters appropriate for their advanced courses.

Cohen, Morris L., and Kent C. Olson. *Legal Research in a Nutshell*. 10th ed. St. Paul, Minn.: West, 2010.

¶57 This edition is the sole work of Kent C. Olson; however, "the book remains [Morris Cohen's] in both content and spirit" (p.vii). An integrated approach to print and electronic sources intentionally pervades most of this text, as this is what shapes the actual practice of modern legal research. The book presents legal materials in an order that beginning researchers will find intuitive. It begins with secondary materials before discussing case law, constitutions, and statutes. The final two chapters introduce research in international and foreign law. As one of the few texts that cover international and foreign law, the book includes materials suitable for an advanced legal research course.[93] The unique appendixes include sources for state appellate court cases, state research guides, and topical loose-leaf and electronic services. A chapter on reference resources is useful to librarians but likely, and unfortunately, ignored by law students.

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90. Shear & Browne, *supra* note 79, at 25.
91. Murray, Silverman & Vallandingham, *supra* note 80, at [3].
92. Barkan, Mersky & Dunn, *supra* note 19, at 85 n.6.
93. *See* Shear & Browne, *supra* note 79, at 26 (reviewing the 2000 edition).

¶58 *Legal Research in a Nutshell*'s companion web site provides an updated set of links to all sites mentioned in the book.[94] Few illustrations from printed materials appear in the book, and the print in the facsimiles of resources is very small and almost impossible to read. Additionally, the screen grabs are printed sideways and are difficult to read. Although the visuals detract from the readability of this pocket-sized book, they are strategically placed at the end of each chapter so students can avoid them.

¶59 As with other books in the Nutshell series, this *Nutshell* crams a lot of information into a small book. The chapters are brief—about thirty pages per chapter—but thorough.

Elias, Stephen, and the editors of Nolo. *Legal Research: How to Find and Understand the Law*. 15th ed. Berkeley, Calif.: Nolo Press, 2009.

¶60 If Amazon reviews were an indication of the popularity of a book, Elias's work would be the winner, with numerous reviews giving the book five stars. Some of the most-common terms used to describe it are "user-friendly," "excellent resource," and "straightforward." Since 1971, Nolo's goal has been simple: to make America's legal system accessible to everyone.[95] However, this legal research book is not for John Q. Public, but more for a paralegal student, a library science student, or, in part, a first-year law student.

¶61 The book adheres to its mission as stated in the introduction—to serve "as your map (or in modern parlance, your GPS locator)" (p.1). It covers the basics of the law; where to find legal resources; how to frame a legal issue; and how to find, use, and validate legal resources. It begins with a brief description of what law is, the sources of law, state versus federal law, and the court system. The author describes the sources clearly and the text is easy to follow.

¶62 The book does a good job of explaining free research web sites, and the author sprinkles the text with tips and warnings. The next hundred pages are a glossary of legal jargon, and it would have been helpful for the author to include a legal research glossary similar to the one available on Nolo's web site.[96]

¶63 The chapter on identifying legal issues is particularly useful for new law students, because the ability to identify issues is the key to successfully using indexes. According to the author, the easiest way to identify issues is to note all the major words used and then list their synonyms. Law students often miss the important step of narrowing their issue before researching, and this can help solve that problem.

94. *Legal Research in a Nutshell Links*, Virginia Law, http://www.law.virginia.edu/nutshell (last visited Apr. 23, 2011).

95. *About Nolo*, NOLO, http://www.nolo.com/about.html (last visited Apr. 30, 2011).

96. *See Laws and Legal Research*, NOLO, http://www.nolo.com/legal-research (last visited May 10, 2011) (section entitled "Definitions—the Jargon Used in Legislation").

Kunz, Christina L., et al. *The Process of Legal Research*. 7th ed. New York: Aspen
    Publishers, 2008.

¶64 In what Aspen Publishers calls "a continual best seller,"[97] the five faculty
members and librarians who authored this book describe legal research as a pro-
cess and introduce hypothetical research problems while holding bibliographical
detail to a minimum. The authors also lead students to a meaningful understand-
ing of the whats and whys of legal research such as, "What Is an Agency Decision
and Why Would You Research Agency Decisions?" Information on legal authority
is presented on a need-to-know basis, and each type of authority is described
through current best practices. In this edition, each authority has a separate tem-
plate; the case law template includes the issue, citation information, search and
find, and next steps. The number of illustrations enhances the text.

¶65 After an excellent overview of legal research, the authors discuss secondary
materials, which some legal research professors feel is the best starting point for a
text.[98] The authors attempt to make the process of researching the law easier by
starting with the commentary and then proceeding to one or more types of law.

¶66 The introductory chapter focuses on an assessment of the strengths and
weaknesses of print and electronic media. By integrating both print and electronic
media in the text, the authors can and do focus on the "dominant mode" of
research for each source. The authors later provide guidance on when and how to
choose between print and electronic media. This edition also includes expanded
coverage of online sources other than LexisNexis and Westlaw.

¶67 The strength of this book is its extensive, clear illustrations and examples.
Reprints of sample pages and screenshots from various sources are not always
illustrated sideways, allowing the student to maneuver easily through the book.
Many of the illustrations consist of entire pages from books and complete screen-
shots, making it unnecessary for professors to hold up the book in class.

¶68 Due to the book's first-year law student audience, the authors do not cover
foreign and international materials. However, professors will be pleased to see cov-
erage of legal ethics.

¶69 The RIPS-SIS annotated bibliography recommends the book for advanced
legal research courses. It questions whether, even with the reduction of some tech-
nical details, the information still may be too much for a first-year legal research
course.[99] The detailed index makes the book a great reference tool. In response to
students' questions about the correct way to cite sources, this book covers the
ALWD Citation Manual as well as *The Bluebook*.

Oates, Laurel, and Anne Enquist. *Just Research*. 2d ed. New York: Aspen Publishers,
    2009.

¶70 According to its authors, *Just Research* breaks with tradition in two ways:
the book is organized around issues, rather than sources, and it emphasizes the use

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97. *The Process of Legal Research*, ASPENLAW, http://www.aspenlawschool.com/books/kunz_legal
research/default.asp (last visited May 10, 2011).
    98. *See, e.g.*, Penny A. Hazelton, *Why Don't We Teach Secondary Materials First?*, 8 PERSPECTIVES:
TEACHING LEGAL RES. & WRITING 8 (1999).
    99. Murray, Silverman & Vallandingham, *supra* note 80, at [9].

of free web sources such as Google and fee-based electronic sources such as Westlaw and LexisNexis.

¶71 This is indeed a different type of legal research text. For professors who are more accustomed to a discussion of sources, this text is not suitable. On the other hand, it may speak to new legal research students, because each chapter describes how to research a particular type of issue. This book would work very well for an electronic research course. The text explains the process of legal research, shows students how the same process applies to dissimilar problems, and describes how to apply the same process in law practice.

¶72 Numerous screen captures punctuate the chapters, and although most legal research books have too few screen grabs and visuals, this book contains too many. In addition, the authors leave something to be desired in their discussion of sources. According to the RIPS-SIS annotated bibliography, "The authors' descriptions of primary and secondary sources are at best fragmented and woefully incomplete."[100]

¶73 Some of the chapters would work well in an advanced legal research course, especially those about researching corporations, medical information, and product information. The text goes beyond the basics by showing students how to research issues governed by court rules and local law and how to locate reliable information.

¶74 Many research professors stress the importance of a research log, and this is one of the few books that discusses research plans. One student wrote of this feature: "The biggest takeaway point from the book and the most useful nugget of wisdom is to develop a research plan ahead of time. . . . The book presents a number of excellent roadmaps for categorizing, planning and implementing legal research."[101]

Olson, Kent C. *Principles of Legal Research.* St. Paul, Minn.: Thomson/West, 2009.

¶75 This is the long-awaited successor to the 1989 classic, *Finding the Law.*[102] According to Olson's preface, this book began as a long-overdue revision of *How to Find the Law*, a work that was first published in 1931. It is part of Thomson/West's Concise Handbook Series, which attempts to offer a lower-priced alternative to the traditional, hardbound hornbook. *Principles of Legal Research* provides a discussion of print and online materials, including free and subscription online resources, and covers over eight hundred print and online resources.

¶76 To avoid the entire "process versus bibliographic" discussion, the author explains that the book, in its unusual presentation, does not prescribe a single path for learning about legal information. For example, discussions of the legislative, executive, and judiciary branches follow a chapter on constitutional law research. Secondary and reference sources follow the primary sources, because, as Olson explains, "secondary sources are often the easiest place to begin research, but to

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100. *Id.* at [4].
101. Paul Lomio, *The Research Plan for Maximizing Effective Legal Research*, Legal Research Plus Blog (June 5, 2009), http://legalresearchplus.com/?s=%22just+research (quoting a student review from a course project).
102. Berring & Edinger, *supra* note 7.

understand them you need to know something about the primary sources they discuss" (p.v). Enough said on that topic.[103] The first twelve chapters focus on research in U.S. law, while the final two chapters provide a brief, forty-six-page treatment of international and foreign legal research.

¶77 Instead of screenshots, the illustrations in the book are based on print sources and online PDFs. Olson explains that a browser window makes a relatively poor book illustration, but, to make up for this shortcoming, he provides references to hundreds of web sites that are linked from the University of Virginia Law Library web site.[104]

¶78 The appendix lists treatises and services by subject and could be very useful to a law student who is unaware of the wealth of resources in treatises.

¶79 In this well-written text, the number of footnotes adds to the depth of information about each source. Although not explicitly defined, the audience is clearly librarians and upper-level researchers in need of a manual for legal research. The author draws in bibliophilic readers with numerous citations to both print and online sources, and the text's depth of knowledge demonstrates that the author is a very experienced legal scholar and authoritative source.

Sloan, Amy E. *Basic Legal Research: Tools and Strategies.* 4th ed. New York: Aspen Publishers, 2009.

¶80 Amy Sloan's text provides a pleasing balance of print and electronic sources. Each chapter contains subparts addressing the source in its print and electronic formats, with corresponding descriptions of how to conduct research in each. An entire chapter is devoted to the description of electronic research techniques and contains a useful discussion on deciding between print and electronic sources.

¶81 The first edition of Sloan's book received multiple recommendations from legal research professors.[105] Proponents of Sloan's text praised its "quality of writing, organization, and illustrations. They favored the book's conciseness, stating that it did not overwhelm the reader with too much detail . . . ."[106]

¶82 The book is well written, and first-year law students should easily grasp its material. According to the author, the text does more than explain the bibliographic features of various research sources—it also provides instruction in research as a process. The book includes an overview of research sources and the research process as well as a framework for creating a research plan. The topic of weight and hierarchy of authority, a challenging one for first-year students, is covered in the introduction.

¶83 The strength of Sloan's book is her clear sample pages, screenshots, and diagrams, which further highlight the key features of a page or screen. Helpful to new researchers are chapter-end research checklists summarizing the research pro-

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103. For more on this debate, see Donald J. Dunn, *Why We Should Teach Primary Materials First*, 8 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 10 (1999); Hazelton, *supra* note 98.

104. *Principles of Legal Research Links*, VIRGINIA LAW, http://www.law.virginia.edu/plr (last visited Apr. 23, 2011).

105. *See* Shear & Browne, *supra* note 79, at 23.

106. *Id.*

cess. The RIPS-SIS reviewers recommend this text for introductory legal research courses.[107]

¶84 Chapters begin with an overview of the type of authority discussed and an explanation of both the print and electronic research processes. Following the discussion of the research process, students have access to the greatly sought-after information on citation format. Additionally, the text discusses cost considerations when using electronic sources. An appendix of selected Internet research resources includes free and fee-based web sites.

¶85 The companion web site includes study materials, practice exercises, and quizzes.[108] Additionally, professors can access their syllabi, download assignments, and upload finished work and can incorporate all course communications and assignments into the web site.

Conclusion

¶86 In the legal field, there are three types of textbooks: the traditional print textbook, digital textbooks available on commercial publishers' web sites, and, less commonly available, textbooks under a Creative Commons[109] or other open license. Additionally, many legal research professors use CALI lessons, online tutoring systems,[110] and podcasts[111] in place of printed or digital textbooks.

¶87 Legal research professors can and should experiment with digital textbooks, using links to web sites and allowing students to interact with the material in a way that the traditional textbook does not permit. In no way should textbooks be discarded. Instead, they should be used as one possible resource. In fact, legal research textbooks are invaluable to legal research professors in presenting differing views of particular sources. A traditional textbook is usually ideal for a course where content remains uniform over time. Digital texts are suitable where technology renders traditional textbook options obsolete. This is the case for legal research instruction.

¶88 Digital textbooks and web-based materials are indeed game changers. But student opinion on digital textbooks is still divided. On the pro side, the cost of textbooks is driving students to consider alternatives to purchasing books. In addition to cost, students are familiar with the options that technology provides for personalized access to information and accessibility anytime, anywhere. On the con side, students do not like to read text on a screen and insist on printing out the materials for easy reading and annotating. In our course, the instructors drew a line in the sand and developed web content. However, as seen from our survey, although the students are grateful not to purchase another expensive law book, they prefer a mix of digital and print materials. For teaching legal research, the instructors feel

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107. Murray, Silverman & Vallandingham, *supra* note 80, at [2].

108. Teaching Law.com, http://teachinglaw.com (includes Diana Donahoe's *Legal Research and Writing* and Amy Sloan's *Basic Legal Research*) (last visited Apr. 23, 2011).

109. *See* Creative Commons, http://creativecommons.org (last visited Apr. 30, 2011).

110. Hackerson, *supra* note 58.

111. *See* Diane Murley, *Podcasts and Podcasting for Law Librarians*, 99 Law Libr. J. 675, 679, 2007 Law Libr. J. 40, ¶ 20 (discussing possible use of podcasting in legal research courses).

that the benefits of electronic materials far outweigh the disadvantages because they make it much easier to update links and screen grabs and to add new research sources. And although I am personally a big fan of digital textbooks, I still appreciate a well-written and well-researched legal research textbook. While unfortunately very few law students value such textbooks, professors and librarians continue to appreciate the pedagogical features found in these works.

¶89 As law librarians discuss the pedagogy of legal research, they should continue to include instructional materials in the discussion. Fortunately, these discussions have begun and will continue over the next few years, thanks to such conferences as the Boulder Conference on Legal Research Education.[112] In addition to discussions on learning styles and instructional materials, we should include questioning strategies, print versus online sources, learning goals, and instructional materials. The future of legal research instruction can only be helped by these discussions.

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112. Such discussions took place at the first and second Conference on Legal Research Information: Scholarship and Teaching at the University of Colorado Law School in Boulder, Colorado, in July 2009 and July 2010. The purpose of the 2010 conference was to continue to foster legal information scholarship and instruction in accord with the Boulder Statement on Legal Research Education (June 22, 2009), *available at* http://www.colorado.edu/law/events/legalResearchEducation .pdf.

Appendix

Student Survey on Teaching Legal Research Without a Textbook

The purpose of this study is to determine the effectiveness of instructor-written materials in your Legal Research course. Materials are currently available on either TWEN or LEXIS web courses. We will ask you questions on the format and layout of the items on the web pages. We will also ask questions about the background readings, PowerPoint slides, and CALI lessons. You will be asked to state what you liked and disliked about the "virtual textbook."

Professors and librarians remain concerned about textbook affordability; therefore, there are a few questions on the costs of law textbooks. The benefits of digital textbooks are numerous, but there are pros and cons of both printed and digital textbooks. We are also interested in emerging technology in the textbook market.

If you choose to participate in this study, you will complete the online survey that includes questions about the effectiveness of the materials. The survey should take ten minutes to complete. Any information that is obtained in connection with this survey will remain completely anonymous and no participant will be individually identified. Your participation in this study is voluntary. You may withdraw at any time without penalty.

Thank you for the valuable help that you are providing by participating in this research study.

First, we are going to ask about your technology skills and experience.

1. **What are your technology skills? Check all that apply.**

   __ I have designed a web page
   __ I have used electronic databases for finding information
   __ I use the basic Google search
   __ Other (please specify)

2. **Do you use Westlaw TWEN or LexisNexis WebCourse for your Legal Research course?**

   __ Westlaw TWEN
   __ LexisNexis WebCourse

3. **Describe any technology problems you had accessing the materials for your Legal Research course. Check all that apply.**

   __ Problems with passwords
   __ Slow response time
   __ No problems
   __ Other (please specify)

4. **In undergrad or graduate courses, have you taken courses that relied solely on the material available over the Internet (web courses, etc.)? In other words, you did NOT use a textbook for the course.**

    __ Yes
    __ No

If yes, please comment on the experience.

5. **What is your age?**

    __ 20–30
    __ 31–40
    __ over 40

Now we are going to ask you about your experience with your Legal Research web pages.

6. **Who is your Legal Research professor?**

7. **List items included on your Legal Research web site. Check all that apply.**

    __ Background readings
    __ PowerPoint slides
    __ References to CALI lessons
    __ Other material

8. **What items were not included on the Legal Research website that would have been helpful?**

9. **Rate the layout of the items on the web pages.**

    __ Always made sense
    __ Somewhat made sense
    __ Never made sense

10. **Describe the background readings.**

    __ Appropriately detailed
    __ Not sufficiently detailed
    __ Never read them

11. **The PowerPoint slides emphasized the important points of the course materials.**

__ True
__ False

Comments:

12. **CALI lessons gave me a deeper understanding of the topic.**

__ True
__ False
__ Did not use the CALI lessons

Comments:

13. **Tell us what you liked about the "virtual textbook" for Legal Research.**

14. **Tell us what you disliked about the "virtual textbook" for Legal Research.**

Just a few questions on your learning style.

15. **The literature states there are three or four types of learners: aural, experiential, and visual or a mix of the three. Aural learners learn by hearing. Experiential learners learn from doing. Visual learners need to see what they are learning. Which learning styles are you? Check all that apply.**

__ Aural—hearing: CDs or read their notes aloud
__ Experiential—doing: clinical or role-playing
__ Visual—need a textbook or other visual material

16. **Do you prefer to read lengthy readings on a computer screen or print out the material and read it in paper?**

__ Prefer to read lengthy readings on screen
__ Print out the material and read it in paper
__ No preference

Information on cost of textbooks and digital textbooks.

We are concerned about textbook affordability; therefore, there are a few questions on the cost of textbooks. We also realize the marketplace is changing and one question investigates whether these new alternatives are desirable.

17. **Estimate how much money you spent on law textbooks this semester. Do not include study aids (i.e., exclude Understanding series, Gilbert's, etc.).**

    __ $0–$300
    __ $300–$400
    __ $500–$600
    __ $700–$800
    __ No idea
    __ Other (please specify)

18. **Which of the following best describes your behavior when enrolled in any course?**

    __ I always read the assigned portions of the text
    __ I sometimes read the assigned portions of the text
    __ I rarely read the assigned portions of the text
    __ I never read the assigned portions of the text
    __ Other (please specify)

19. **Assuming cost is not a factor, which of the following options would you prefer for a Legal Research textbook?**

    __ Print textbook
    __ Web course
    __ A combination of print textbook and web course
    __ Other (please specify)

20. **Would you prefer a textbook for any course on an e-reader, such as Kindle, iPad, Nook, etc.?**

    __ Yes
    __ No

Please explain your choice: