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Barbara Bintliff is the Nicolas Rosenbaum Professor of Law and Director of the William A. Wise Law Library at the University of Colorado Law School in Boulder. She is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, symposia, and research guides that could prove useful to instructors of legal research and writing and their students. Also included are citations to related resources that may be of interest to those who teach legal research and legal writing. It includes sources noted since the previous issue of Perspectives, but does not include articles in Perspectives itself.

Ted Becker & Rachel Croskery-Roberts, *Avoiding Common Problems in Using Teaching Assistants: Hard Lessons Learned from Peer Teaching Theory and Experience*, 13 *Legal Writing* 269–312 (2007).

Examines the role of legal writing teaching assistants, discussing both the benefits to be gained by using TAs and the potential pitfalls that are inherent in the process. The article is organized into three parts: an overview of surveys relating to the use of TAs and the extent to which TAs are used; the benefits of using TAs in the classroom; and the problems associated with using TAs, including a discussion of how such problems may be avoided.

Berkolow, *Much Ado About Pluralities: Pride and Precedent Amidst the Cacophony of Concurrences, and Re-percolation After Rapanos*, 15 *Va. J. Soc. Pol’y & L.* 299–354 (2008).

Using the *Rapanos* case (*Rapanos v. United States*, 126 S. Ct. 2208 (2006)), in which the Court dealt with the issue of determining what are “navigable waters” in the context of the Clean Water Act, 33 U.S.C.A. § 1362(7) (West 2005)) as a case study, the author discusses the problem with plurality opinions: that they may be precedential or may amount to little or nothing. This six-part article examines the role of precedent in law; provides a general background on *Rapanos* and the controversy surrounding its interpretation; and offers an introduction to the then-existing doctrine’s ability “to assist jurists and others who are wrangling with precedents laden by pluralities.”

Abstract. It uses *Rapanos* as an illustration of the difficulty of extracting precedent from opinions rife with concurrences; explains “the potential effect of pluralities on the percolation of legal issues”; and describes “the judicial motives associated with concurrences.” *Id.* at 304. (Note: the authors, writing as Berkolow, are: Melissa M. Berry, Donald J. Kochan, and Matthew Parlow, all from Chapman University School of Law.)

Ruth Bird, *Law of the Pacific Islands: A Guide to Web Based Resources*, LLRX.com, July 31, 2008 (available online at <www.llrx.com/features/pacific.htm>).

“Ruth Bird’s guide is expertly updated by Dianne Thompson and Anna Matich, each of whom possesses comprehensive legal research expertise on this topical area. Editor’s note: This article is an update to the *Law of the Pacific Islands: A Guide to Web Based Resources*, (published October 16, 2000 and April 15, 2002).” Publisher.

Nancy Carol Carter, *American Indian Water Rights: Law and Research*, 27 *Legal Reference Services Q.* No. 1, 2008, 1–48.

The article explains U.S. water law briefly, identifies the legal basis of Indian reserved water rights, and presents case studies illustrating tribal efforts to secure water rights, many of which have been the object of dispute for decades. Research considerations and a selected, annotated bibliography are included.

Barbara Chernow, *Beyond the Internet: Successful Research Strategies*, 2007 [Lanham, MD: Bernan, 138 p.]

Chernow provides a guide to research that highlights the limitations of the Internet. Her book is a philosophy of research and learning that points to the depth of what is available only in print, and the benefits of research in print that simply can’t be matched online. While acknowledging the usefulness of Internet research, Chernow illustrates how students can improve their research experience by learning how to supplement online findings with those available in traditional and archival print sources.

Leslie Larkin Cooney, *Giving Millennials a Leg-Up: How to Avoid the “If I Knew Then What I Know Now” Syndrome*, 96 Ky. L.J. 505–525 (2007–2008).

Offers the theory that “Millennials,” the generation born since 1981, are increasingly hands-on learners who may stand to learn the most through clinical education. Using a clinical approach can benefit this generation by teaching them using a method to which they will best adapt and from which they will gain the most effective education.

Cara Cunningham & Michelle Streicher, *The Methodology of Persuasion: A Process-Based Approach to Persuasive Writing*, 13 Legal Writing 159–205 (2007).

Examines the teaching of persuasive writing and the challenges associated with such a curriculum. The article discusses both the limitations of a “learn by example” approach to teaching persuasive writing, and the method developed by the authors for teaching it.

Diana Donahoe, TeachingLaw.com, 2007 [Waltham, MA: Aspen Publishers]

TeachingLaw.com is an online, interactive book platform for legal research, writing, and citation that includes course management capabilities for assignment creation and distribution. The author is professor and chair of Legal Research and Writing at Georgetown University Law Center. TeachingLaw.com integrates a course of law into an interactive, electronic format and paperless classroom experience, providing professors with all the content and resources they need to teach and manage their course. Above all, its online platform gives professors an innovative way to engage their students in class by utilizing multimedia examples, interactive exercises, and self-assessments. Publisher.

George D. Gopen, *CCISSR: The Perfect Way to Teach Legal Writing*, 13 Legal Writing 315–330 (2007).

Gopen’s keynote address offers suggestions for ways to teach legal writing that move away from traditional methods, the latter often used from the time students are small children. He suggests emphasizing the

interaction between good writing and legal thinking, rather than teaching writing in a vacuum. He introduces a new teaching method to accomplish this: Color Coding for the Interpretation of Syntactic and Substantive Relationships (CCISSR), which uses colors to highlight, differentiate, and answer essential questions about a piece of writing.

Sanford N. Greenberg, *Legal Research Training: Preparing Students for a Rapidly Changing Research Environment*, 13 Legal Writing 241–268 (2007).

Based on results from a survey of practicing attorneys, the author explores the quandary presented by an increasingly Internet-based research approach. Weighs the merits of teaching students to research in print, as contrasted with today’s tech-savvy students who may see printed materials as obsolete.

Kenney F. Hegland, *Introduction to the Study and Practice of Law in a Nutshell*, 5th ed., 2008 [St. Paul, MN: Thomson West, 462 p.]

“Like other introductory books, [this book] covers reading and briefing cases, preparing for class, outlining and study groups, and taking exams. Exercises are included so that [the reader] can apply what [has been] learned. In addition to these essentials, the book focuses on what is often elusive: legal analysis, why courts follow precedent, how cases are applied and distinguished, and how ambiguous language is interpreted.”
Publisher.

Gerald F. Hess, *Collaborative Course Design: Not My Course, Not Their Course, but Our Course*, 47 Washburn L.J. 367–387 (2008).

Explores the idea that students in higher education should play a larger role in crafting their own education. This four-part article discusses empirical research on the topic, summarizes literature on effective syllabi, explores examples of student participation in course design at various levels of higher education, and analyzes how and when such collaborative efforts should be employed.

Marci Hoffman & Mary Rumsey, *International and Foreign Legal Research: A Coursebook*, 2008 [Leiden, The Netherlands: Martinus Nijhoff Publishers, approx. 324 p.]

“[E]mphasizes legal research strategies applicable across the landscape of research sources. Topics covered in the book range from a general chapter on basic concepts to five chapters on particular subjects of international law. Each major aspect of research, such as using periodical indexes, is treated once in depth. Elsewhere in the book, other sections refer readers to that in-depth treatment, while adding information specific to the topic being discussed. A companion website is also made available to help users of the book stay up-to-date on new sources and strategies.” Publisher.

Dennis R. Honabach, *Responding to “Educating Lawyers”: An Heretical Essay in Support of Abolishing Teaching Evaluations*, 39 U. Tol. L. Rev. 311–322 (2008).

Honabach proposes eliminating the use of teaching evaluations because they do not help law professors become better instructors. Such evaluations may be biased and do not necessarily reflect a professor’s actual ability, may ask the wrong questions, and overlook numerous elements that make up a student’s experience. The author argues that the focus of evaluating a teacher should be on the students’ learning, not the instructor’s instruction.

H. Kumar Percy Jayasuriya & Melanie Oberlin, *Admiralty and Maritime Law Articles Published in Non-Maritime Law Journals* (2007), 39 J. Mar. L. & Com. 229–273 (2008).

A survey of admiralty and maritime law articles published in 2007. “Highlights of this year’s scholarship include discussion of limitation of liability, piracy, ocean management, jurisdiction, fisheries regulation, marine environmental regulation, ship-discharge, pilotage, and sovereign immunity in admiralty. One significant theme was the increasing impact of the United Nations Convention on the Law of the Sea, and the effect of the ongoing refusal of the U.S. to ratify the convention.” *Id.* at 229.

Anne Joseph, *Potential Pitfalls in Conducting Empirical Legal Research*, 32 Am. Indian L. Rev. 42–59 (2007–2008).

Examines the benefits and the drawbacks to using empirical research in the law. The author notes that empirical research can help “to answer some positive questions, and it can help us support various normative and public policy arguments, but empirical work doesn’t answer the normative inquiries.” *Id.* at 43.

Laurie C. Kadoch, *The Third Paradigm: Bringing Legal Writing “Out of the Box” and into the Mainstream: A Marriage of Doctrinal Subject Matter and Legal Writing Doctrine*, 13 Legal Writing 55–77 (2007).

Kadoch argues that legal writing can serve as a much-needed bridge between the theory taught in law school and the practice of law.

Dennis C. Kim-Prieto, *En la Tierra del Ciego, el Tuerto es Rey: Problems with Current English-Spanish Legal Dictionaries, and Notes Toward a Critical Comparative Legal Lexicography*, 100 Law Libr. J. 251–278 (2008).

“In the past ten years more than thirty English-Spanish legal dictionaries have been published. In reaction to the wide variation in the quality of these dictionaries, this article attempts to articulate the beginnings of a rubric for the evaluation of English-Spanish legal dictionaries, borrowing from Bryan Garner’s work with legal dictionaries, then turning to the literature evaluating bilingual dictionaries and bilingual legal dictionaries. The article concludes with an annotated bibliography of major titles in this narrow, but increasingly significant, field.” *Id.* at 251.

Chunyu Kit & Tak Ming Wong, *Comparative Evaluation of Online Machine Translation Systems with Legal Texts*, 100 Law Libr. J. 299–321 (2008).

“The authors discuss both the proper use of available online machine translation (MT) technologies for law library users and their comparative evaluation of the performance of a number of representative online MT systems in translating legal texts from various languages into English. They evaluated a large-scale corpus of legal texts by means of BLEU/NIST scoring, a de facto standard way of exercising translation-quality evaluation in

the field of MT in recent years and a method that provides an objective view of the suitability of these systems for legal translation in different language pairs.” *Id.* at 299. The objective of the article was to explore which translation technology worked best with which word pairs. Systems examined include Babel Fish, Google, PROMT, WorldLingo, and Systran. Strengths and weaknesses of each are included.

Michael J. Madison, *Writing to Learn Law and Writing in Law: An Intellectual Property Illustration*, 52 St. Louis U. L.J. 823–841 (2008).

Examines the theory that legal writing in law school may be more effective if used as a means to teach students to practice like a lawyer, rather than simply teaching them to think like a lawyer. This theory is one component of the “writing across the curriculum” movement in legal writing education. *Id.* at 825.

Matthew Mantel, *Congressional Investigations: A Bibliography*, 100 Law Libr. J. 323–361 (2008).

“Mantel provides a selected, annotated bibliography on the topic of congressional investigations. He also includes a short history of these types of investigations and a discussion of the major issues raised by these investigations.” *Id.* at 323.

Peter W. Martin, *Reconfiguring Law Reports and the Concept of Precedent for a Digital Age (Donald A. Giannella Memorial Lecture)*, 53 Vill. L. Rev. 1–45 (2008).

Using Kansas law as an illustration, the author explores precedent, law reports, and digital technologies. He describes the problem of analyzing legal precedent, necessary in order to adhere to the consistency that we seek in our judicial system, in light of the increasing digital publishing of legal opinions. Martin posits that “the operation of precedent is dependent upon and therefore inescapably affected by the information dissemination, storage and retrieval systems available to judges, lawyers and others who would seek to gather case law bearing on a particular issue. This article examines that connection.” *Id.* at 8–9.

Deborah B. McGregor & Cynthia M. Adams, *The International Lawyer’s Guide to Legal Analysis and Communication in the United States*, 2008 [Waltham, MA: Aspen Publishers, approx. 464 p.]

McGregor and Adams present a guide designed to teach international lawyers about analysis and communication within the U.S. legal system. Topics covered include a basic introduction to the U.S. legal system, legal analysis of the common law, the anatomy of a case, practical guidance for success in both legal practice and the classroom, pitfalls associated with plagiarism, legal drafting, statutory interpretation, and an overview of citation rules. Also included are examples and exercises and a glossary of legal terms.

John E. Montgomery, *Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students*, 39 U. Tol. L. Rev. 323–352 (2008).

“A promising opportunity to strengthen the professionalism of lawyers now exists in an unlikely vehicle: the concept of emotional intelligence. Without great cost or even restructuring the standard law school curriculum, it can be easily incorporated into legal education.” *Id.* at 325.

Stefano Moscato, *Teaching Foundational Clinical Lawyering Skills to First-Year Students*, 13 Legal Writing 207–240 (2007).

Moscato argues that clinical instruction is essential to a law school education, so that students are better prepared with the skills they will need to practice. The article argues that such skills should be taught as part of the first-year curriculum, though it may have to be done at the expense of legal writing instruction because students resent being diverted from their doctrinal learning.

Mitchell Nathanson, *Dismantling the “Other”: Understanding the Nature and Malleability of Groups in the Legal Writing Professorate’s Quest for Equality*, 13 Legal Writing 79–112 (2007).

Nathanson explores the phenomenon by which legal writing professors are classified apart from the rest of the law school faculty, and the idea that this professional grouping is arbitrary and irrational.

Richard K. Neumann Jr. & Sheila Simon, *Legal Writing*, 2008 [Waltham, MA: Aspen Publishers, approx. 432 p.]

Neumann and Simon present a textbook for basic legal writing courses that is designed to be student-friendly. It is a guide to the CREAC formula, and includes step-by-step guidance in its short chapters. The content covers office memos, motion memos, and appellate briefs. Further, it is supplemented by an interactive Web site to enhance the student experience and a detailed teacher's manual to improve that of the instructor.

Sabrina I. Pacifici, *Competitive Intelligence: A Selective Resource Guide*, LLRX.com, June 1, 2008 (available online at <www.llrx.com/features/ciguide.htm>).

This "revised and updated pathfinder focuses on leveraging selected reliable, focused, free and low cost sites and sources to effectively profile and monitor companies, markets, countries, people, and issues. This guide is a 'best of list' of web and database products, services and tools, as well [as] links to reliable sources produced by governments, academia, NGOs, the media and various publishers." Publisher.

Radical Proposals to Reform Legal Pedagogy Symposium, 43 Harv. C.R.-C.L. L. Rev. 595–650 (2008).

Erwin Chemerinsky, *Rethinking Legal Education*, 43 Harv. C.R.-C.L. L. Rev. 595–598 (2008).

Examines changes being made in legal education, emphasizing the need for increased clinical education to prepare students for the actual practice of law.

Beth D. Cohen, *Legal Learning for Life: Legal Immersion Fluency Education (LIFE)*, 43 Harv. C.R.-C.L. L. Rev. 605–609 (2008).

Advocates an immersion method for legal education, similar to language programs designed to teach students a foreign language, placing students directly in the legal community including through volunteer work, clinical work, externships, court visits, and shadowing practitioners into and throughout their legal education.

"Ambassadors" would tailor a program that best suits students' individual needs, expectations, and aspirations before the students embark on the legal immersion fluency education program (or LIFE). *Id.* at 605–606. The author concludes that "students immersed in the law will have their views challenged and will come away with a better understanding of themselves and others. Once students have successfully completed the LIFE program of study, they will be able to attend to the real tasks of lawyering in a more holistic and humanistic way, and they will feel at home in the world of lawyering." *Id.* at 608.

Amy E. Sloan, *If You Can't Beat 'Em, Join 'Em: A Pragmatic Approach to Nonprecedential Opinions in the Federal Appellate Courts*, 86 Neb. L. Rev. 895–954 (2008).

Examines the pros and cons of new procedural rule Federal Rule of Appellate Procedure (FRAP) 32.1, which permits the "citation of all nonprecedential opinions issued on or after January 1, 2007." *Id.* at 900. Discusses the history of the rule, the language and potential interaction of the rule with local rules, and next steps to be taken regarding the use of nonprecedential opinions.

Lisa Smith-Butler, *Cost Effective Legal Research Redux: How to Avoid Becoming the Accidental Tourist, Lost in Cyberspace*, 9 Fla. Coastal L. Rev. 293–346 (2008).

"To assist law students with evaluating legal web sites containing primary and secondary sources of law, this article reviews certain free Internet sites pertaining to primary sources of federal and state law as well as secondary sources." *Id.* at 298.

Sophie Sparrow, *Practicing Civility in the Legal Writing Course: Helping Law Students Learn Professionalism*, 13 *Legal Writing* 113–157 (2007).

Laments the deterioration of manners and work ethic among today's students, and emphasizes the need for an enhanced sense of professionalism. "This Article suggests

some concrete ways to teach civility—one component of professionalism—to law students.” *Id.* at 117.

Lee J. Strang & Bryce G. Poole, *The Historical (In)accuracy of the Brandeis Dichotomy: An Assessment of the Two-Tiered Standard of Stare Decisis for Supreme Court Precedents*, 86 N.C. L. Rev. 969–1031 (2008).

The authors examine the evidence that Justice Brandeis used to support his claim that the Supreme Court had applied a two-tiered standard for determining *stare decisis* of constitutional issues for more than 70 years, and then evaluate the authentic historical practice of the Court. “As a careful analysis of the Court’s precedents reveals, the Court did not utilize the two-tiered standard—at least, not until Justice Brandeis and the New Deal Court embraced it. Instead, the authors show that the authentic historical practice of the Supreme Court was to treat precedents involving constitutional interpretation the same as other types of precedents.” *Id.* at 969.

Ken Strutin, *Criminal Justice Resources: Sex Offender Residency Restrictions*, LLRX.com, July 20, 2008 (available online at <www.llrx.com/features/sexoffenderresidency.htm>).

“Ken Strutin’s guide collects recent court decisions, research papers and reports that have addressed the efficacy of exclusionary zoning laws and the impact of these restrictions on sex offenders reentering their communities.” Publisher.

Susan E. Thrower, *Teaching Legal Writing Through Subject-Matter Specialties: A Reconceptation of Writing Across the Curriculum*, 13 Legal Writing 3–53 (2007).

Discusses the merits of “writing across the curriculum,” that is, having students engage in legal writing that is tied to the material in theoretical courses. Thrower advocates tailoring the subject matter of legal writing courses not just to doctrinal subjects, but more specifically to a subject in which the student has expressed an interest. Legal writing courses in this model would explore the nuances of one area of legal practice

throughout, rather than jumping from, for example, civil procedure to criminal law.

Jonathan Uffelman, Note, *Hamlet Was a Law Student: A “Dramatic” Look at Emotion’s Effect on Analogical Reasoning*, 96 Geo. L.J. 1725–1774 (2008).

Using Hamlet as a vehicle for exploring issues of legal reasoning and emotion, the author examines the interaction of such reasoning and emotion in the law, and why emotion may play an important role in judicial decision making.

Nancy Ver Steegh, *Annual Survey of Periodical Literature*, 41 Fam. L.Q. 907–946 (2008).

A survey of law review articles in the field of family law scholarship, highlighting areas that are currently “hot topics.” Subjects included are adoption, alimony/maintenance, alternative dispute resolution, assisted conception, attorneys and professional responsibility, bankruptcy, child abuse and termination of parental rights, child custody and parenting time, child support, children’s rights, cohabitation, domestic violence, evidence, families and society, marriage, paternity, premarital agreements, property division, tax issues, and torts.

Charles M. Yablon, *Failed Lawyers and the Sources of Satire*, 15 Geo. Mason L. Rev. 775–805 (2008).

Offers the suggestion that a failed legal career may serve as excellent fodder for satire. Making fun of the legal profession in written works may be more interesting and a more fitting job for those who are not suited to the razor-sharp legal argument.

Deborah Zalesne, with David Nadvorney, *Integrating Academic Skills into First Year Curricula: Using Wood v. Lucy, Lady Duff-Gordon to Teach the Role of Facts in Legal Reasoning*, 28 Pace L. Rev. 271–296 (2008).

Acknowledging that there is a need to teach more practice-oriented skills in law school, rather than solely doctrinal material, the authors focus in part one of the article on the importance of teaching fact identification and fact analysis. In the

second part of the article, the *Wood v. Lucy, Lady Duff-Gordon* case is examined, and part three “sets forth concrete ways the *Lady Duff-Gordon* case can be used to teach the skills of fact identification and fact analysis.” *Id.* at 276.

Marcus P. Zillman, Guide to Financial Sources on the Internet, LLRX.com, August 23, 2008 (available online at <www.llrx.com/features/financialsources.htm>).

“Zillman’s guide is a bibliography of ... well vetted, reliable sites [free and low-fee based internet services] for researchers, focused on the following topics: Corporate Conference Calls Resources, Financial Sources, Financial Sources Search Engines, and Venture Capital Sources.” Publisher.

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