

LEGAL RESEARCH AND WRITING RESOURCES:
RECENT PUBLICATIONS

COMPILED BY DONALD J. DUNN

Donald J. Dunn is Associate Dean for Library and Information Resources and Professor of Law at Western New England College in Springfield, Mass. He is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, and research guides that could potentially prove useful to both instructors and students and includes sources noted since the previous issue of Perspectives.

Stephen R. Barnett, *From Anastasoff to Hart to West's Federal Appendix: The Ground Shifts Under No-Citation Rules*, 4 J. App. Prac. & Process 1 (2002).

A lively analysis of opinions in two federal cases from different circuits discussing whether an unpublished opinion is citable and, if so, whether it is binding precedent or should be used only for its persuasive value. Briefly discusses the emergence of West's *Federal Appendix*, which reports "unpublished" federal opinions since January 1, 2001.

Bibliography Issue [on Dispute Resolution], 17 Ohio St. J. on Disp. Resol. 711 (2002).

An annual issue of this journal, this one contains more than 200 pages of annotations of books and articles on the topic of alternative dispute resolution.

Diana Botluk, *The Legal List: Research on the Internet*, 2002 ed. [St. Paul, MN: West, 320 p.]

Provides legal research starting points for legislative resources for the federal and state governments; the judiciary and their opinions; secondary sources and reference tools; news, media, and business; legal ethics and professional responsibility; and international and foreign law. Shows how to make contact with other professionals.

Valerie J. Atkinson Brown, *Legal Research via the Internet*, 2001 [Albany, NY: West/Thomson Learning, 96 p.]

A basic guide to conducting legal research on the Internet designed for attorneys, paralegals, law clerks, and law enforcement personnel. Part of the West Legal Studies series.

Nancy Carol Carter, *Native Hawaiians: History, Law and Research*, Legal Reference Services Q, No. 1, 2002, at 5.

"[E]xamines Native Hawaiian legal issues and sovereignty aspirations against a backdrop of the long and unsavory history of American involvement in the Pacific Islands that became our fiftieth state." *Id.* Discusses legal issues still unfolding; includes a selected annotated bibliography.

Saul Cornell, "Don't Know Much About History": *The Current Crisis in Second Amendment Scholarship*, 29 No. Ky. L. Rev. 657 (2002).

Examines the often conflicting opinions relating to interpretation of the Second Amendment, showing which authors have staked out various positions. Argues that a "more sophisticated and historically grounded interpretation of the Second Amendment" is needed. *Id.* at 682.

Joyce H. Corrington comp., revision by James R. Elkins, *John William Corrington: A Bibliography*, 26 Legal Stud. F. 899 (2002).

A bibliography of the publications of John William Corrington (1932–1988), a frequent writer of legal fiction.

Howard Darmstadter, *Hereof, Thereof, and Everywhereof: A Contrarian Guide to Legal Drafting*, 2002 [Chicago, IL: ABA Section of Business Law, 179 p.]

Much of the material is from the author's column, "Legal-Ease," in *Business Law Today*. Offers tips designed to improve most legal documents by removing obsolete legal conventions and writing in a style suited to current conditions.

Mark Davis, *The Concise Dictionary of Crime and Justice*, 2002 [Thousand Oaks, CA: Sage Publications, Inc., 296 p.]

Contains more than 2,000 definitions of criminal justice terms. Discusses, for example, abduction, cycle of violence, eyewitness testimony, facial reconstruction, habeas corpus, and typology.

Daphne A. Dukelow, *Pocket Dictionary of Canadian Law*, 3d ed., 2002 [Ontario, Canada: Carswell Company, 550 p.]

Provides information on current Canadian legal definitions. Includes more than 7,000 definitions, citations of authority, and cross-references.

Bryan A. Garner, *Effective Writing Requires Lifelong Commitment to Honing the Craft*, *Stud. Law.*, at 10, Sept. 2002.

Suggests that to be a good writer one must not isolate himself or herself from criticism, learn to achieve simplicity, and develop an easy-going, sensible (nonlegalistic) writing style.

John J. Hasko, *Persuasion in the Court: Nonlegal Materials in U.S. Supreme Court Opinions*, 94 *Law Libr. J.* 427 (2002).

Examines the use of nonlegal sources by the Supreme Court of the United States from the October Term 1989 through the October Term 1998.

Gary L. Hill et al., eds., *Teaching Legal Research and Providing Access to Electronic Resources*, 2001 [Binghamton, NY: Haworth Press, 224 p.]

Discusses, among other topics, electronic resources, first-year and advanced research, teaching research in government and law firm libraries, and foreign and international law research. Published simultaneously as *Legal Reference Services Quarterly*, volume 19, numbers 3/4.

Diana C. Jaque & Lee Neugebauer comps., *Legal Reference Books Review*, 94 *Law Libr. J.* 519 (2002).

Succinct reviews of nine legal reference books published in 2001. Continues the reviews from earlier issues of *Law Library Journal*.

Sally J. Kelley, *Agricultural Law: A Selected Bibliography, 2001*, 55 *Ark. L. Rev.* 303 (2002).

An annual listing of books and articles related to agricultural law and arranged under 37 subjects. The initial bibliography, covering 1985–1992, and its supplements are available at <www.NationalAgLawCenter.org>.

Thomas F. Kibbey, Note, *Standardizing the Rules Restricting Publication and Citation in the Federal Courts of Appeals*, 63 *Ohio St. L.J.* 833 (2002).

“[P]roposes a model rule that would standardize the federal courts of appeals’ rules restricting publication and citation of certain opinions.” *Id.*

Ruth Ann McKinney, *Legal Research: A Practical Guide and Self-Instructional Workbook*, 3d ed., 2001 [St. Paul, MN: West Group, 304 p.]

Can be used as a stand-alone text or as a supplement to another book. A *Teacher’s Manual* and a *Computer-Assisted Legal Research Supplement* are also available.

Buckner F. Melton Jr. & Jennifer J. Miller, *The Supreme Court and The Federalist: A Supplement, 1996–2001*, 90 *Ky. L.J.* 415 (2002).

An update of Buckner F. Melton Jr., *The Supreme Court and The Federalist: A Citation List and Analysis, 1789–1996*, 85 *Ky. L.J.* 243 (1996–97).

Kent Milunovich, *Designing and Maintaining Law Library Web Sites: Some Practical Considerations*, 94 *Law Libr. J.* 487 (2002).

“[E]xplores the design and maintenance of law library Web sites, describing a number of general design principles and identifying elements that are typically included in such sites.” *Id.*

William H. Putnam, *Legal Analysis and Writing for Paralegals*, 2d ed., 2003 [Florence, KY: Delmar Publishers, 450 p.]

Assists paralegals in understanding legal issues and providing written analyses of those issues. Part of the West Legal Studies Series.

Gail Levin Richmond, *Federal Tax Research*, 6th ed., 2002 [New York, NY: Foundation Press, 364 p.]

An excellent text for use in tax research or advanced research courses. Significantly expands the coverage of electronic sources, both subscription-based and those available without charge, and the coverage of treaties and international materials and of congressional and executive agencies. A *Teacher's Manual* is available.

Lauren Robel, *The Practice of Precedent: Anastasoff, Noncitation Rules, and the Meaning of Precedent in an Interpretive Community*, 35 Ind. L. Rev. 399 (2002).

Argues that the court in *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000), *vacated*, 235 F.3d 1054 (8th Cir. 2000) (en banc) [leaving open the question as to whether unpublished opinions have precedential value] was correct that the practice of designating opinions as “unpublished” or “uncitable” should be banned.

Suzanne E. Rowe & Barbara J. Busharis, *Florida Legal Research: Sources, Process, and Analysis*, 2d ed., 2002 [Durham, NC: Carolina Academic Press, 240 p.]

Provides an introduction to research methods combined with an overview of primary and secondary sources, with an emphasis on Florida legal resources.

Johanna S. Schiavoni, Comment, *Who's Afraid of Precedent?: The Debate over the Precedential Value of Unpublished Opinions*, 49 UCLA L. Rev. 1859 (2002).

Analyzes the conflicting opinions of *Anastasoff* and *Hart v. Massanari*, 266 F.3d 1155 (9th Cir. 2001), and proposes “a regime requiring official publication of all judicial opinions, thus giving all opinions precedential effect and replacing unpublished opinions with published precedential summary dispositions.” *Id.*

John Tessner, *Minnesota Legal Research Guide*, 2d ed., 2002 [Buffalo, NY: William S. Hein & Co., Inc., 479 p.]

A revision of the 1985 edition. Covers the historical beginnings of the Minnesota Constitution, legislation, executive and administrative law, the judiciary, finding aids and secondary sources, and institutions and organizations.

Kathryn M. Stanchi, *Feminist Legal Writing*, 39 San Diego L. Rev. 387 (2002).

Begins by summarizing “the traditions and conventions of persuasion and persuasive writing—how they are characterized in law and how they are taught in law school” and then moves to a discussion of a form of “antilanguage” intended to “persuade and to convey the author’s substantive (feminist) message.” *Id.*

Anne M. Stevens, *Finding, Reading and Using the Law*, 2002 [Albany, NY: West/Thomson Learning, 471 p.]

Designed primarily for paralegals. Includes sections on law libraries and how they are organized and a chapter on computer-assisted legal research.

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Robin S. Wellford, *Legal Reasoning, Writing and Persuasive Argument*, 2002 [Newark, NJ, LexisNexis, 300 p.]

Begins with instructing students on how to draft an office memorandum and then moves to discussions of client letters and persuasive arguments. Includes examples and exercises.

Claudia Zaher, *When a Woman's Marital Status Determined Her Legal Status: A Research Guide on the Common Law Doctrine of Coverture*, 94 *Law Libr. J.* 459 (2002).

“[C]ollects and annotates books and journal articles about the common doctrine of coverture, which held that a wife had no legal standing because her being was completely incorporated into that of her husband.” *Id.*

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