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BOOK REVIEW

REFERENCE GUIDES TO STATE LEGAL BIBLIOGRAPHY: A COMPOSITE REVIEW

*Reviewed by Marvin Roger Anderson**

Lawyers, law faculty, law students, and paralegals share a common perplexity when a question can be solved only with recourse to the legal or legally related materials published in another state. Others, such as law and public librarians, sociologists, economists, political scientists, and educators, are confronted with the same problem when knowledge of these materials is important to their research. For nonlegal researchers, the cause of bewilderment can be traced to a lack of skill in legal bibliography;¹ the researcher does not know where or how to begin. For persons with legal training the explanation is not so simple.

At present, the curriculum at almost all law schools includes a first-year course teaching the fundamentals of the legal method. The practical value of these courses, however, has been questioned.² One criticism of the current course structure is the overemphasis placed on the basics of legal research³ and legal writing to the detriment of legal bibliography.

More pertinent to this review is another practice of these classes—the use of certain national-in-scope legal research texts⁴ that cannot treat fully the many special characteristics of published legal materials in the various states. To know that states have similar publishing practices for codes, session laws, and case reports is not enough. In the history, type, number, and frequency of each state's published legal materials there are significant variations that

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1. "Legal bibliography is the description of the published sources and materials of the law. It includes the primary sources of the law itself, secondary or descriptive writings about the law, and the finding tools and search books which are essential for carrying on research in those materials." Cohen, *Preface to HOW TO FIND THE LAW*, at xv (7th ed. M. Cohen ed. 1976).

2. See Mills, *Legal Research Instruction in Law Schools, The State of the Art or, Why Law School Graduates Do Not Know How To Find the Law*, 70 *LAW LIB. J.* 343 (1977).

3. "Legal research is the functional counterpart of legal bibliography—it consists of the techniques and methodology for using the published sources efficiently and effectively." Cohen, *supra* note 1, at xv.

4. E.g., M. COHEN, *LEGAL RESEARCH IN A NUTSHELL* (2d ed. 1971); J. JACOBSTEIN & R. MERSKY, *FUNDAMENTALS OF LEGAL RESEARCH* (1977); M. PRICE & H. BITNER, *EFFECTIVE LEGAL RESEARCH* (3d ed. 1969); *HOW TO FIND THE LAW* (7th ed. M. Cohen ed. 1976).

cannot be covered adequately by the standard texts or taught fully in most courses. Therefore, only a limited, general approach to finding relevant materials can be conveyed.

Fortunately, in recent years at least fifteen manuals⁵ have appeared that offer assistance to persons needing specific information on state legal bibliography. Although the titles, scope, and coverage of these manuals are varied, they share a common goal: "to give a comprehensive view of those law books in common use in a particular state . . . with emphasis on their contents and peculiarities."⁶ For the most part, these manuals omit basic legal research techniques. "[T]he object has been to supplement, not supersede, the more general legal bibliographies in which the basic techniques are well covered."⁷

With few exceptions, these manuals represent the initial appearance of a book compiling the legal bibliography for their respective states. All provide a good, general introduction to the structure of the judicial and governmental system, the legal and legally related publications, checklists, case reports, statutes, session laws, forms, and other important resources necessary for effective research in state law. Some are better written than others; a few include more information than others. One or two are examples of outstanding scholarship.

A standard review of these manuals might be based on more evaluative comments on their contents. Such an emphasis, however, would be too narrow. As already mentioned, in the majority of instances, no other books on their subjects were previously available. To the extent these guides have plugged an informational gap or have improved and updated existing material, the value of their contents should be acknowledged.

These books are specialized reference manuals on specialized topics. Consequently, the way the information is presented and the format in which it is published are as important as the content and style of what is written. Therefore, instead of commenting on content, this review focuses on five criteria by which the effectiveness of these manuals can be measured. The five categories are: (1) author's statement; (2) organization; (3) miscellaneous information; (4) index; and (5) supplementation. If in the preparation of the

5. For a list of these manuals, see the APPENDIX. Two more manuals for Minnesota and Georgia are near completion.

6. B. DAVIES & F. ROONEY, *Foreword to RESEARCH IN ILLINOIS LAW*, at 5 (1954).

7. *Id. Contra*, D. HENKE, *CALIFORNIA LAW GUIDE* (2d ed. 1976) (which includes detailed instruction in how to do legal research). See also L. LEBOWITZ, *LEGAL BIBLIOGRAPHY AND RESEARCH* (2d rev. ed. 1957).

manual, the author has been concerned with these elements, a researcher can use the book in an efficient manner. These components were gleaned from an examination of the best and most useful features of the manuals. Once isolated they tended to form the five categories outlined above. Each of the available manuals was perused in light of their contents and these elements. The results are in the annotations that follow the identification of a particular guide in the Appendix. A brief explanation of the categories follows.

Author's Statement: Researchers need to know what to expect from the reference book they are using. They should not have to speculate about the coverage of the contents. Initially, only the author knows what is contained within the pages of his work. The foreword, preface, introduction, or chapter note becomes the bridge over which the content, scope, and organization of the manuscript travels from author to user. To write that the work is or is not comprehensive is not enough; the basis for the inclusion or exclusion of certain materials should be made known. Weaknesses as well as strengths in the selection and composition of topics must be mentioned. Researchers of law need the most specific answer in the most specific source they can locate. If that source is outside the limits of the work, its absence must be acknowledged by the author. Henke's *California Law Guide*,⁸ Wallach's *Research in Louisiana Law*,⁹ and Laska's *Tennessee Legal Research Handbook*¹⁰ include good examples of author's statements. In *Illinois Legal Research Sourcebook*, Boast's chapter contains an excellent scope of chapter note.¹¹

Organization: Effective organization often is as informative as an author's statement. An examination of the table of contents will clearly indicate the book's structure and will reflect a logical development if one exists. When done correctly, a well-organized table of contents achieves a purpose far beyond cosmetic appearance. It provides direct visual support that enables researchers to determine at a glance which chapters or sections they need to study. The Henke, Wallach, and Laska books are model examples.¹² Good organization is evident in several others.¹³

Miscellaneous Information: The manuals are reference books.

8. D. HENKE, *supra* note 7.

9. K. WALLACH, *RESEARCH IN LOUISIANA LAW* (1958).

10. L. LASKA, *TENNESSEE LEGAL RESEARCH HANDBOOK* (1977).

11. Boast, *Practitioner's Books and Miscellaneous Legal Publications*, in *ILLINOIS LEGAL RESEARCH SOURCEBOOK 5-1* (Illinois Institute for Continuing Legal Education ed. 1977).

12. D. HENKE, *supra* note 7; L. LASKA, *supra* note 10; K. WALLACH, *supra* note 9.

13. *See, e.g.*, I. KAVASS & B. CHRISTENSEN, *GUIDE TO NORTH CAROLINA LEGAL RESEARCH* (1973); R. MILLS & J. SCHULTZ, *SOUTH CAROLINA LEGAL RESEARCH HANDBOOK* (1976).

All describe the legal publications, the structure of the judicial and governmental system, and important resources for effective research in the law of the state. The best manuals also contain an assortment of hard-to-find bits of useful information, including explanations or definitions of terms that would be unfamiliar to an out-of-state user.¹⁴ A popular name table for state cases and statutes also is helpful.¹⁵ The inclusion of legal newspapers, addresses, lists of professional services, directories, local periodicals, journals, and library information is useful as well.¹⁶ The "miscellaneous information" can be as broad and diverse as the imagination of the author. Done properly, it will reflect the unique tapestry of legal materials found in each state.

Index: The indexes to these state manuals are used by a diverse group of readers. Their use of the manuals and the terms for which they will look in the index will be as different as their backgrounds. An index must anticipate the various approaches. It must contain many broad terms, cross references, and subdivisions to satisfy an audience larger than legally trained persons. Evidently, Laska and Henke realized the importance of indexes to their works; it shows in their guides.¹⁷

Supplementation: The value of a reference book diminishes with age. Harriet L. French states the matter quite clearly in the foreword to her revised edition of *Research in Florida Law*:¹⁸ "One must stop and go to press knowing that there is no good stopping point. Florida is a state on the move. Nothing stands still here, . . . the blank note pages after each chapter . . . will enable the student to fill in for himself new publications and developments." Blank pages are not a sufficient solution. Henke's first edition was supplemented with a pocket part—another possible answer to this problem. The loose leaf format of the *Illinois Legal Research Sourcebook*,¹⁹ however, makes it the only manual physically capable of accommodating constant change by permitting the rapid insertion of new material and data.

For researchers who have more than an occasional need to know the source or content of state legal materials, this reviewer recom-

14. For example, Louisiana civil law terms are given their common law equivalent in K. WALLACH, *supra* note 9.

15. See A. POLDERVAART, *MANUAL FOR EFFECTIVE NEW MEXICO LEGAL RESEARCH* 64 (1955).

16. See, e.g., D. HENKE, *supra* note 7.

17. D. HENKE, *supra* note 7; L. LASKA, *supra* note 10.

18. H. L. FRENCH, *Foreword* to revised edition of *RESEARCH IN FLORIDA LAW* at vii (2d ed. 1965).

19. *ILLINOIS LEGAL RESEARCH SOURCEBOOK* (Illinois Institute for Continuing Legal Education ed. 1977).

mends the acquisition of the state legal bibliography manual. For the legally trained researcher, the existence of these guides should be welcome news. This reviewer, without hesitation, would recommend that all of the available manuals be acquired. Publishing variations from state to state, frequent governmental reorganizations, and the inability of general texts to cover local characteristics not only create a continual need for the publication of these guides but also supply the sufficient demand to justify their publication. One should be published for each state.

APPENDIX

California:

RESEARCH IN CALIFORNIA LAW, 2d ed. By Myron Fink. Buffalo: Dennis & Co., 1964. Pp. 132. \$10.00. This is a concise description of the state legal bibliography. It lacks an author's statement. Each chapter's organization is adequate. The miscellaneous information includes a brief discussion about the process of legal research and library information. The index is broad and contains cross-references. No plans for supplementation or revision are indicated. Most of the material is superseded by Henke.

CALIFORNIA LAW GUIDE, 2d ed. By Dan Henke. Los Angeles: Parker & Son Publications, 1976. Pp. 757. \$40.00. This is the definitive state reference manual. The author's statement fully satisfies the requirements of a good one. The organization is good and useful for the topical approach because chapter outlines reveal the organizational pattern. It contains very broad miscellaneous information including chapters on legal research that contrast traditional methods with the modern electronic data processing research services, and information on federal and British Commonwealth sources. The index is comprehensive and has ample cross- and see-also-references. The first edition of this guide was supplemented with a pocket part, a practice that undoubtedly will be repeated.

Florida:

RESEARCH IN FLORIDA LAW, 2d rev. ed. By Harriet L. French. Dobbs Ferry, N.Y.: Oceana Publications, 1965. Pp. 80. Out of print. This is a concise description of the legal bibliography of Florida. The author's statement acknowledges the weaknesses in the text. The organization is adequate, and the manual contains miscellaneous information including publications not dealing primarily with law. It also contains ample indexing, including cross- and see-also-

references and abbreviations. Plans for updating or revising the material are not indicated.

Illinois:

RESEARCH IN ILLINOIS LAW. By Bernita J. Davies and Francis J. Rooney. Dobbs Ferry, N.Y.: Oceana Publications, 1954. Pp. 68. Out of print. This is a concise description of the legal bibliography of Illinois. The author's statement acknowledges exclusions from the text. The organization is adequate. As miscellaneous information, brief library information is given as well as a table of Illinois abbreviations. The index is adequate. The manual needs to be updated or revised. Most of the material is superseded by *Illinois Legal Research Sourcebook*.

ILLINOIS LEGAL RESEARCH SOURCEBOOK. By Illinois Institute for Continuing Legal Education. Springfield, Ill., 1977. \$36.75. Several authors produced this comprehensive update, revision, and expansion of *Research in Illinois Law*. Each author wrote a separate scope of chapter note. The organization is very good; the chapter outlines are detailed. Also, tabs are inserted for quick reference. The manual contains very broad miscellaneous information, including a lengthy chapter on practitioner's books, computer-assisted legal research, and other topics. The index is ample, but it lacks cross- and see-also-references. The loose leaf format permits the quickest way of updating or revising the material.

Louisiana:

RESEARCH IN LOUISIANA LAW. By Kate Wallach. Baton Rouge: Louisiana State University Press, 1958. Pp. 238. \$5.00. Part I is a concise description of the state legal bibliography. Part II is a clear, straight-forward discussion of the historical sources (Roman, French, and Spanish) of Louisiana law. Both the author's statement and the organization are adequate. The miscellaneous information includes common law equivalents of civil law terms. The index is comprehensive. Except for Part II, it needs updating or revising.

Michigan:

MICHIGAN LEGAL LITERATURE. By Richard L. Beer. Rochester, Mich.: Fitzsimmons Sales, 1973. Pp. 142. \$9.95. This is a practical guide to Michigan legal bibliography. It lacks an author's statement, but each chapter has a brief introduction. The organization is adequate. It has no index and contains no miscellaneous information. Plans for updating or revising the material are not indicated.

New Mexico:

MANUAL FOR EFFECTIVE NEW MEXICO LEGAL RESEARCH. By Arie Poldervaart. Albuquerque: University of New Mexico Press, 1955. Pp. 135. Out of print. This manual contains a concise description of the legal bibliography of New Mexico and New Mexicana. Both the author's statement and the organization are adequate. The miscellaneous information includes a wide variety of material, such as a list of libraries where New Mexicana can be consulted, union lists of New Mexicana, tables of annotations and reviews of New Mexico court decisions, and a table of New Mexico statutes cited by popular name. The index is ample. Plans for updating or revising the material are not indicated.

North Carolina:

GUIDE TO NORTH CAROLINA LEGAL RESEARCH. By Igor I. Kavass and Bruce A. Christensen. Buffalo, N.Y.: William S. Hein & Co., 1973. Pp. 89. \$12.50. This work contains a concise description of both the past and present legal bibliography of North Carolina. The author's statement acknowledges exclusions from the text. The organization is very good. Each section is given a numbered subdivision. Blank pages are inserted for notes and additions of miscellaneous information. There is no index. Plans for updating or revising the material are not indicated.

Pennsylvania:

RESEARCH IN PENNSYLVANIA LAW, 2d ed. By Erwin C. Surrency. Dobbs Ferry, N.Y.: Oceana Publications, 1965. Pp. 118. Out of print. This is a concise description of the legal bibliography of Pennsylvania and local materials. The author's statement acknowledges weaknesses in the text. Each chapter has a separate introduction. The organization is adequate. The miscellaneous information includes a chapter on Municipal Law and a list of abbreviations commonly used in Pennsylvania. The index is adequate. Plans for updating or revising the material are not indicated.

South Carolina:

SOUTH CAROLINA LEGAL RESEARCH HANDBOOK. By Robin K. Mills and Jon S. Schultz. Buffalo, N.Y.: William S. Hein & Co., 1976. Pp. 113. \$10.00. This manual contains a concise description of both the past and present legal bibliography of South Carolina. Each chapter has a separate introduction. The organization is adequate. The miscellaneous information includes a section on legal research. The

index is adequate, but it lacks cross- and see-also-references. Plans for updating or revising the material are not indicated.

Tennessee:

TENNESSEE LEGAL RESEARCH HANDBOOK. By Lewis L. Laska. Buffalo, N.Y.: William S. Hein & Co., 1977. Pp. 203. \$17.50. Laska's work is a good example of a concise description of a state's legal bibliography. Exclusions from the work are acknowledged in the author's statement. Because it has a detailed table of contents with numbered subdivisions, its organization is one of the best of all the manuals. The miscellaneous information includes a list of special libraries and a section on municipal corporations. The index is comprehensive and well organized. It has ample cross- and see-also-references. Plans for updating or revising the manual are not indicated.

Texas:

A REFERENCE GUIDE TO TEXAS LAW AND LEGAL HISTORY. By Marian Boner. Austin and London: University of Texas Press, 1976. Pp. 108. \$10.00. This is a concise description of Texas legal bibliography and related materials. Both the author's statement and organization are adequate. The miscellaneous information includes a bibliography of further readings following each chapter, explanations of unfamiliar terms, Texas citation forms, and Texas biographical sources. The index is adequate. Plans for updating or revising the material are not indicated.

LEGAL BIBLIOGRAPHY AND RESEARCH: AN OUTLINED MANUAL ON THE USE OF LAW BOOKS IN THE TEXAS AND FEDERAL COURTS, 2d ed. By Leon Lebowitz. Austin: The author, 1957. \$6.50. This is primarily a legal research manual that attempts to cover both general and local materials. Portions are superseded by Boner's *A Reference Guide to Texas Law and Legal History*.

Wisconsin:

WISCONSIN LEGAL RESEARCH GUIDE, 2d ed. By William Knudson. Madison, Wisc.: University of Wisconsin Extension Department of Law, 1972. Pp. 88. \$5.00. Knudson has produced a practical guide to Wisconsin legal bibliography. It has no author's statement. The organization is adequate. The miscellaneous information includes additional references for further research where necessary. The index is adequate. Plans for updating or revising the material are not indicated.