



NEWSLETTER

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“FORTY-TWO: THE HITCHHIKER’S GUIDE TO TEACHING LEGAL RESEARCH TO THE GOOGLE GENERATION,” 39 AKRON LAW REVIEW 151 (2006).

In this article written by Ian Gallacher, Asst. Professor of Law and Director of Legal Research and Writing at Syracuse University, the need to continue the practice of teaching the use of print materials to law students is eloquently addressed. For legal information specialists and practicing attorneys there are many noteworthy statements.

“In effect, legal research is where law students first begin to think of the law in a problem-solving light and where, in true Kingsfieldian terms, they begin to think like lawyers.”

Professor Gallacher warns of the dangers of novice researchers relying solely on electronic resources since they “will almost certainly find some relevant information on the topic at hand and they will find [it] quickly and with ease. But that success might lead to overconfidence and incomplete research.”

Cited in Gallacher’s article is a 1998 article by Mark Herrmann, a partner in the Cleveland law firm of Jones Day, who stated “[m]ost new lawyers begin their legal research by turning on a computer. This is almost invariably wrong. The reason for his antipathy to computerized research at the beginning of a project, Herrmann tells us, is the inability of legal researchers searching primary law databases to map out the general contours of an area of law before they search for individual landmarks in that area. Accordingly, he notes, young associates in contemporary law firms should first utilize paper-based secondary sources such as treatises, then move on to case digests before reading cases.”

Learning this *contour* of the law and developing a sense of the interrelatedness of legal doctrines is how a researcher is able to cull an “answer” from “information.” Gallacher goes on to say that, “At its most fundamental, we research the law because we cannot think about the law until we know what the law is. Put simply, our ability to think about the law is limited by the completeness of legal information at our disposal.”

In April, the U.S. Supreme Court adopted a rule change that will allow lawyers to cite unpublished opinions in federal courts starting next year. In June, a national legal information database provider announced a restructuring of search charges in order to bill subscribers an additional cost for access to these opinions that heretofore had been included in the basic subscription rates. Robert Berring, former Dean of the School of Law at the University of California at Berkeley, refers to such a step as “the Rupert Murdoch scenario,” in which the legal information system could become hostage to the larger world of information commerce. Gallacher comments that “Certainly the economics of legal information, and the attractiveness of lawyer demographics, make this ‘nightmare’ situation a possibility.”

Whether or not the practice of law could fall victim to the quick and easy *Google*-type research with incomplete results or the avoidance of cost-prohibitive databases in order to reduce charges for clients, the need for practitioners to have available to them a stable and credible collection of tools has not been diminished by the benefits of electronic services nor its whimsical features.

“In effect, legal research is where law students first begin to think of the law in a problem-solving light and where, in true Kingsfieldian terms, they begin to think like lawyers.”

Gallacher concludes his article by stating, “One of the attractions of ‘The Hitchhiker’s Guide to the Galaxy’ is that it has the words ‘DON’T PANIC’ printed in large friendly letters on its cover.” In paraphrasing, it seems that “with care and attention, *the Dayton Law Library* should be able to give at least the same assurance to *practitioners* as they enter the complex world of contemporary legal research.

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- ADA** "Problem Employees: "Merely Cantankerous" or Substantially Limited in Their Ability to Interact with Others." 74 **University of Cincinnati Law Review** 1135 (Spring 2006, No. 3).
- ADVANCED DIRECTIVES** "Listening to the Disabled: End-of-Life Medical Decision Making and the Never Competent." 74 **Fordham Law Review** 2889 (April 2006, No. 5).
- BANKRUPTCY** "The Bankruptcy Abuse and Consumer Protection Act of 2005 Consumer Bankruptcy Amendments." 30 **ALI-ABA Business Law Course Materials Journal** 5 (April 2006, No. 2).
- "Bankruptcy and State Collections: The Case of the Missing Garnishments." 91 **Cornell Law Review** 603 (March 2006, No. 3).
- "The Discharge of Student Loans in Bankruptcy: A Debtors' Guide to Obtaining Relief." 32 **Ohio Northern University Law Review** 149 (2006, No. 1).
- "Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt." 74 **University of Cincinnati Law Review** 405 (Winter 2005, No. 2).
- "Are Consumer Bankruptcy Attorneys Considered "Debt Relief Agencies" Under the New Bankruptcy Act?" 77 **Cleveland Bar Journal** 14 (April 2006, No. 6).
- CONTRACT LAW** "Specific Performance Versus Damages for Breach of Contract: An Economic Analysis." 84 **Texas Law Review** 831 (March 2006, No. 4).
- CRIMINAL LAW** "When Punishing Innocent Conduct Violates the Eighth Amendment: Applying the *Robinson* Doctrine to Homelessness and Other Contextual 'Crimes.'" 96 **Journal of Criminal Law and Criminology** 329 (Fall 2005, No. 1).
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- "Pounding Square Pegs into Round Holes: Non-Compete Agreements for Temporary Employees Stand Existing Law on its Head." 21 **The Labor Lawyer** 199 (Fall 2005, No. 2).
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- FAMILY LAW** "Grandparents Raising Grandchildren and the Implications for Inheritance." 48 **Arizona Law Review** 1 (2006, No. 1).
- "Divorce for the Senior Citizen or Disabled Person." 16 **Experience** 12 (Spring 2006, No. 3).
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- "Crime and Parenthood: The Uneasy Case for Prosecuting Negligent Parents." 100 **Northwestern University Law Review** 807 (Winter 2006, No. 2).

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- LEGAL WRITING** “Write Briefs that use the Facts to Establish your Theme of the Case.” 92 **ABA Journal** 26 (April 2006, No. 4).
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