

**Legal Information and the Development of American Law:
Readings for Thinking about the Thoughts of Bob Berring**

compiled by
Richard A. Danner
Rufty Research Professor of Law
Senior Associate Dean for Information Services
Duke Law School
21 October 2006

- Arewa, Olufunmilayo. "Open Access in a Closed Universe: Lexis, Westlaw and the Law School." (March 2006) (Case Legal Studies Research Paper No. 06-03). Available at: <http://ssrn.com/abstract=888321>.
- Barkan, Steven M. "Deconstructing Legal Research: A Law Librarian's Commentary on Critical Legal Studies." 79 *Law Library Journal* 617- 637 (1987).
- Barkan, Steven M. "Book Review: *The Electronic Media and the Transformation of Law*." 10 *Northern Illinois University Law Review* 365-379 (1990).
- Barkan, Steven M. "On Describing Legal Research." 80 *Michigan Law Review* 925-941 (1982).
- Barkan, Steven M. "Response to Schanck: On the Need for Critical Law Librarianship, or Are We All Legal Realists Now?" 82 *Law Library Journal* 23-35 (1990).
- Barratt, Amanda. "New Rights--New Laws: South African Legal Literature in a Time of Transition." 32 *International Journal of Legal Information* 390-416 (2004).
- Bast, Carol M. & Ransford C. Pyle. "Legal Research in the Computer Age: A Paradigm Shift." 93 *Law Library Journal* 285-302 (2001).
- Berring, Robert C. "Chaos, Cyberspace and Tradition: Legal Information Transmogrified." 12 *Berkeley Technology Law Journal* 189-212 (1997).
- Berring, Robert C. "Collapse of the Structure of the Legal Research Universe: The Imperative of Digital Information." 69 *Washington Law Review* 9-34 (1994).
- Berring, Robert C. "Deconstructing the Law Library: The Wisdom of Meredith Willson." 89 *Minnesota Law Review* 1381-1406 (2005).
- Berring, Robert C. "Full-Text Databases and Legal Research: Backing into the Future." 1 *High Technology Law Journal* 27-60 (1986).
- Berring, Robert C. "Legal Information and the Search for Cognitive Authority." 88 *California Law Review* 1673-1708 (2000).

- Berring, Robert C. "Legal Research and Legal Concepts: Where Form Molds Substance." 75 *California Law Review* 15-27 (1987).
- Berring, Robert C. "Legal Research and the World of Thinkable Thoughts." 2 *Journal of Appellate Practice and Process* 305-318 (2000).
- Berring, Robert C. "On Not Throwing Out the Baby: Planning the Future of Legal Information." 83 *California Law Review* 615-635 (1995).
- Bintliff, Barbara. "From Creativity to Computerese: Thinking Like a Lawyer in the Computer Age." 88 *Law Library Journal* 338-351 (1996).
- Bowker, Geoffrey C. & Susan Leigh Star. *Sorting Things Out : Classification and its Consequences*. Cambridge, Mass.: MIT Press, 1999.
- Burson, Scott F. "A Reconstruction of *Thamus*: Comments on the Evaluation of Legal Information Retrieval Systems." 79 *Law Library Journal* 133-143 (1987).
- Callister, Paul D. "Law's Box: Law, Jurisprudence and the Information Ecosphere." 74 *UMKC Law Review* 263-334 (2005).
- Cohen, Morris L. "Research in a Changing World of Law and Technology." 13 *Dalhousie Law Journal* 5-19 (1990).
- Cohen, Morris L. "The Common Law in the American Legal System: The Challenge of Conceptual Research." 81 *Law Library Journal* 13-32 (1989).
- Cohen, Morris L. "An Historical Overview of American Law Publishing." 31 *International Journal of Legal Information* 168-178 (2003).
- Collins, Ronald K.L. & David M. Skover. "Paratexts." 44 *Stanford Law Review* 509-552 (1992) .
- Dabney, Daniel P. "The Curse of *Thamus*: An Analysis of Full-Text Legal Document Retrieval." 78 *Law Library Journal* 5-40 (1986).
- Dabney, Daniel P. "A Reply to West Publishing Company and Mead Data Central on The Curse of *Thamus*." 78 *Law Library Journal* 349-350 (1986).
- Danner, Richard A. "Justice Jackson's Lament: Historical and Comparative Perspectives on the Availability of Legislative History." 13 *Duke Journal of Comparative & International Law* 151-194 (2003).

- Danner, Richard A. "Contemporary and Future Directions in American Legal Research: Responding to the Threat of the Available." 31 *International Journal of Legal Information* 179-204 (2003).
- Delgado, Richard. "The Imperial Scholar: Reflections On a Review of Civil Rights Literature." 132 *University of Pennsylvania Law Review* 561-578 (1984).
- Delgado, Richard & Jean Stefancic. "Why Do We Tell the Same Stories: Law Reform, Critical Librarianship, and the Triple Helix Dilemma." 42 *Stanford Law Review* 207-225 (1989).
- "The Development and Practice of Law in the Age of the Internet." 46 *American University Law Review* 327-475 (1996) [Conference Remarks of Katsh, Martin and others]
- Doyle, John. "WESTLAW and the American Digest Classification System." 84 *Law Library Journal* 229-258 (1992).
- Duguid, Paul. "The Social Life of Legal Information: First Impressions." *First Monday* (September 2002). At: http://firstmonday.org/issues/issue7_9/duguid/index.html.
- Farmer, Jill Anne. "A Poststructuralist Analysis of the Legal Research Process." 85 *Law Library Journal* 391-404 (1993).
- Grossman, George S., ed. *Legal Research: Historical Foundations of the Electronic Age*. New York: Oxford University Press, 1994.
- Haigh, Richard. "What Shall I Wear to the Computer Revolution? Some Thoughts on Electronic Researching in Law." 89 *Law Library Journal* 245-264 (1997).
- Hanft, John K. "A Model for Legal Research in the Electronic Age." *Legal Reference Services Quarterly*, Summer 1999, at 77-83.
- Hanson, F. Allan. "From Classification to Indexing: How Automation Transforms the Way We Think." 18 *Social Epistemology* 333-356 (2004).
- Hanson, F. Allan. "From Key Numbers to Keywords: How Automation Has Transformed the Law." 94 *Law Library Journal* 563-600 (2002).
- Hibbitts, Bernard J. "Coming to Our Senses: Communication and Legal Expression in Performance Cultures." 41 *Emory Law Journal* 873-960 (1992).
- Katsh, M. Ethan. "Communications Revolutions and Legal Revolutions: The New Media and the Future of Law." 8 *Nova Law Journal* 631-669 (1984).

- Katsh, M. Ethan. "Digital Lawyers: Orienting the Legal Profession to Cyberspace." 55 *University of Pittsburgh Law Review* 1141-1175 (1994).
- Katsh, M. Ethan. *The Electronic Media and the Transformation of Law*. New York : Oxford University Press, 1989.
- Katsh, M. Ethan. *Law in a Digital World*. New York; Oxford: Oxford University Press, 1995.
- Katsh, M. Ethan. "Law in a Digital World: Computer Networks and Cyberspace." 38 *Villanova Law Review* 403-485 (1993).
- Katsh, M. Ethan. "The Law Librarian as Paratrooper." 83 *Law Library Journal* 627-631(1991).
- Lien, Molly Warner. "Technocentrism and the Soul of the Common Law Lawyer." 48 *American University Law Review* 86-134 (1998)
- Markell, Bruce A. "Digital Demons and Lost Lawyers." 48 *Federal Communications Law Journal* 545-555 (1996). [reviewing Katsh (1995)]
- Martin, Peter W. "The Future of Law Librarians in Changing Institutions, or The Hazards and Opportunities of New Information Technology." 83 *Law Library Journal* 419-428 (1991).
- Martin, Peter W. "The Internet: Full and Unfettered Access to Law - Some Implications." 26 *Northern Kentucky Law Review* 181-209 (1999).
- Martin, Peter W. "Pre-Digital Law: How Prior Information Technologies Have Shaped Access to and the Nature of Law." 30 *La Revue Juridique Themis* 153-71 (1996).
- McDermott, Jo. "Another Analysis of Full-Text Legal Document Retrieval." 78 *Law Library Journal* 337-343 (1986).
- Meadows, Judy and Kay Todd. "Our Question–Your Answers [Is the Use of Digests Changing]." 13 *Perspectives: Teaching Legal Research and Writing* 113-115 (2005).
- Mersky, Roy M. "Renaissance of Law Librarianship in the Information Age: A Tempered View," in Richard A. Danner ed., *Toward a Renaissance in Law Librarianship* 131-141. Chicago: American Association of Law Libraries, 1997.
- Mersky, Roy M. "Rx for Legal Research and Writing: a New Langdell." *Legal Reference Services Quarterly*, no.1/2,1991, at 201-206.
- Milles, James G. "Leaky Boundaries and the Decline of the Autonomous Law School Library." 96 *Law Library Journal* 387-423 (2004).

- Ogden, Patti. "Mastering the Lawless Science of Our Law: A Story of Legal Citation Indexes." 85 *Law Library Journal* 1- 48 (1993).
- Pantaloni, Nazareth A. M. III. "Legal Databases, Legal Epistemology, and the Legal Order." 86 *Law Library Journal* 679-706 (1994).
- Peoples, Lee F. "The Death of the Digest and the Pitfalls of Electronic Research: What is the Modern Legal Researcher to Do?" 97 *Law Library Journal* 661-679 (2005).
- Reusch, Rita. "The Search for Analogous Legal Authority: How to Find it When You Don't Know What You're Looking For?" *Legal Reference Services Quarterly*, Fall 1984, at 33.
- Ross, Richard J. "Communications Revolutions and Legal Culture: An Elusive Relationship." 27 *Law & Social Inquiry* 637-684 (2002). [reviewing Katsh (1989, 1995) and Collins & Skover (1992)]
- Runde, Craig E. & William H. Lindberg. "*The Curse of Thamus: A Response.*" 78 *Law Library Journal* 345-347 (1986).
- Samuelson, Pamela. "The Quest for Enabling Metaphors for Law and Lawyering in the Information Age." 94 *Michigan Law Review* 2029-2057 (1996). [reviewing Katsh (1995)]
- Schanck, Peter C. "Taking Up Barkan's Challenge: Looking at the Judicial Process and Legal Research." 82 *Law Library Journal* 1-22 (1990).
- Schanck, Peter C. "The Last Word (I Hope)" 82 *Law Library Journal* 37 (1990).
- Schauer, Frederick F. & Virginia J. Wise. "Legal Positivism as Legal Information." 82 *Cornell Law Review* 1080-1110 (1997).
- Schauer, Frederick & Virginia J. Wise. "Nonlegal Information and the Delegalizaion of Law." 29 *Journal of Legal Studies* 495-515 (2000).
- Sherwin, Richard K., Feigenson, Neal and Spiesel, Christina O. "Law in the Digital Age: How Visual Communication Technologies are Transforming the Practice, Theory, and Teaching of Law" (August 30, 2005) (NYLS Legal Studies Research Paper No. 05/06-6). Available at: <http://ssrn.com/abstract=804424>.
- Snyder, Fritz. "The West Digest System: The Ninth Circuit and the Montana Supreme Court." 60 *Montana Law Review* 541-597 (1999).
- Solon, Kasia. "Present in Its Absence: Law Librarians and Technology at the Founding of AALL." 98 *Law Library Journal* 515-530 (2006).

- Stefancic, Jean. "Listen to the Voices: An Essay on Legal Scholarship, Women, and Minorities." *Legal Reference Services Quarterly*, no. 3/4, 1991, at 141-149.
- Stefancic, Jean & Richard Delgado. "Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform?" *52 Ohio State Law Journal* 847-858 (1991).
- Sullivan, Thomas J. "The Perils of Online Legal Research: A Caveat for Diligent Counsel." *29 American Journal of Trial Advocacy* 81-100 (2005).
- Trosow, Samuel E. "The Database and the Fields of Law: Are There New Divisions of Labor?" *96 Law Library Journal* 63-93 (2004).
- Trosow, Samuel E. "The Ownership and Commodification of Legal Knowledge: Using Social Theory of the Information Age as a Tool for Policy Analysis." *30 Manitoba Law Journal* 417-462 (2004).
- Volokh, Eugene. "Technology and the Future of Law." *47 Stanford Law Review* 1375-1403 (1995). [reviewing Katsh (1995)]
- Vreeland, Robert C. & Bert J. Dempsey. "Toward a Truly Seamless Web: Bringing Order to Law on the Internet." *88 Law Library Journal* 469- 487 (1996).
- Wise, Virginia. "Of Lizards, Intersubjective Zap, and Trashing: Critical Legal Studies and the Librarian." *Legal Reference Services Quarterly*, no. 1-2, 1988, at 7-27.
- Woxland, Thomas A., ed. "Symposium of Law Publishers." *Legal Reference Services Quarterly*, no. 3/4, 1991, at 1-166.