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Hunting and Gathering on the Legal Information Savannah*

Susan Nevelow Mart,** Adam Litzler,*** and David Gunderman****

No, no . . . you are not thinking; you are just being logical.[1]

This article asks, what is it like for novice researchers to research real-world legal problems using four platforms: Bloomberg Law, Fastcase, Lexis Advance, and Westlaw? The study findings produced some surprises, as well as some clear implications for teaching legal research.

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* © Susan Nevelow Mart, Adam Litzler, and David Gunderman, 2022. Inspiration for our title came from B C. O'C , J H. C J L. K , H G I S : C M H S A (2003).

** Professor and Director of the Law Library, University of Colorado Law School, Boulder, Colorado.

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*** Master's Student in the Applied Mathematics Department and Statistical Collaborator in the Laboratory for Interdisciplinary Statistical Analysis, University of Colorado, Boulder, Colorado.

**** PhD Candidate in the Applied Mathematics Department and Statistical Collaborator in the Laboratory for Interdisciplinary Statistical Analysis, University of Colorado, Boulder, Colorado.

1. Niels Bohr, quoted in D R F , W L I R 95 (1980).

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doom—has not diminished with the rise of massive online legal research platforms and their reliance on complex natural language processing.[10] If we want to empower law students and attorneys to be in control of the process in complex legal platforms, instead of having them be the passive recipients of algorithmic results, we need to keep poking under the hood.

¶3 This article's narrative shares what we found poking under the hood, using a small sample of 12 real-world research problems. Some findings will surprise no one. Researchers did not always find it easy to navigate to relevant sources. Researchers who were unable to find good secondary sources were not confident in their conclusions. More surprising was the finding that knowledge did not equal ease in finding results. One might expect that researchers, after completing a first search using one legal research platform, which helped them to define the parameters of the legal conclusion, would have an easier time doing the research in other legal research platforms. Not so. In 11 out of 12 problems, the time to complete the research in each of the subsequent platforms did not get much better with knowledge of the legal sources needed to come to a legal conclusion. It is heartening to know that even novice legal researchers continue to rely on expert secondary sources to guide their research and confirm their conclusions. Legal research platform providers need to embed more point-of-need navigation, to help researchers see how the user-interface is involved in and directing their research, for course correction. And legal research teachers need to explicitly teach students how to be thoughtful platform navigators.

Navigating the Connected World: Communication

¶4 We live and work in a connected environment where the interfaces we use to complete tasks have profoundly changed the way we process and evaluate information. In the world of the digital interface, how we solve our legal information needs has evolved since the earliest computer-assisted research platforms. Figure 1[11] is an early representation of the online information-seeking flow where "the [human] subject was envisioned as a smooth space for the transfer of information between the inner and the outer worlds, between the registers of analysis and stimulus."[12]

10. More nuanced views of achievement or doom have certainly been the subject of writing on the current state of AI-assisted programs. For a collection of current views, see P M : 25 W (sin)4,0

Figure 1. Information Transfer

¶5 Figure 1 shows the space in the middle as the place where the match happens; that space is also the space for interference, as illustrated in figure 2, which represents the central noise that always interferes with the transmission of information to its destination.[13]

Figure 2. Mathematical Theory of Communication

¶6 Communication theory posits that interference will always exist between the information source and the destination; for legal researchers, that interference is between the entry of a research request and the results obtained.[14] Our everyday experience bears out the fact that language can be an imperfect carrier of meaning.[15]

13. C E. S W W , T M T C 34 (1963).

14. Id.

15. The difficulties of clear communication between humans is an entire subject of its own. For an overview, see, e.g., Richard J. Lanigan, Information Theories, in T M C 59, 73 (Paul Cobley & Peter J. Schultz eds., 2013); see also Juri Lotman, The Sign Mechanism of Culture

¶9 Our understanding of information-seeking behavior has evolved since Bates's early representation of the relationship between the information need and relevant

human algorithm creator is relying mostly on connectors[22] and field limiters.[24] The need to think clearly about what the researcher wants to achieve by a natural language search is a different form of translation: there are rules of "speech" in natural language for effective searching, including word order and number of search terms. Natural language or keyword searching tends to be somewhat reductionist. The researcher needs to think of the exact words or phrases that will retrieve a document that would help resolve the legal question, or part of it, and then enter them into the search box. In the background, the platform is using an array of tools, including Boolean logic, to translate those terms into credible results.[25] Knowledge of how those tools work is helpful in creating a keyword search.[26] As one example, algorithms differ in how they treat proximity—how close words in a document need to be to each other. Just knowing that and thinking about it when formulating a keyword search can help the researcher think through the problem.

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23. C

¶12 Here is one example of how different algorithms parse the same search. If a researcher is looking for cases about administrative searches and whether that kind of search requires a Fourth Amendment warrant, one search might be:

> administrative search 4th amendment warrant requirement

Any attorney with even a limited amount of subject-matter expertise can articulate what the underlying legal issue requires: cases on administrative searches and whether the searches require a Fourth Amendment warrant. Natural language algorithms do not yet do as well. When putting the same query into the same reported case dataset in six different legal research platforms, the top results varied enormously, and not all the top results were relevant.[27] Each of the algorithms had a different way of parsing the meaning of a human's translation of a legal concept,[28] and none of the algorithms was successful at turning that translation into 10 relevant documents.[29] The study illustrated that variability in algorithmic implementation has an outsized impact in returning results.

¶13 Searching for cases in a case database is only one element in a researcher's plan to solve a legal research problem. However, in the massive search interfaces legal platform providers offer for fulfilling a research need, interfaces and their intersections with algorithms can aug5 (io1vs (u)-5 (5 (lger)6 (s7(l)-5 (l)12.1 (u)3 (s)5 (t).9 (d e(d1(t)-(s

[illegible] tional dept").

29. Mart, supranote 25, no¶¶ 45–48; seea]TJ /T1_2 1 Tf 0 Tc 0 Tw 13.377 0 Td ( )Tj /T1_3 1 Tf -0.011 Tc 0.0
may b(l)12. incidental (en)19 b(en)1izar.9 (r)13 (e i)3 (s s)-8 (e)-5 (co)12 (n)4 (d)--3 ar

Hunting and Gathering: On the Road to a Methodology

Gathering Problems

¶15 The current literature analyzing search results has focused on individual processes in legal research platforms, such as the digest function,[31] the citator function,[32] how statutes are annotated,[33] or how case law can be searched.[34] Those individual

axiomatic that thinking through the problem, identifying appropriate resources to search, and formulating the search in a way that facilitates the algorithms are still the first steps for a successful search.[39]

¶23 When lawyers learn about an area of law and focus on specific facts for a specific research problem, they construct a matrix in their minds of resources where the facts are similar or not, the law is similar or not, and the outliers.[46] For experts, that matrix persists, and new facts or new rules and norms can be put into that matrix easily, for a quick analysis of the state of the law on a particular topic.[47] After learning about the mental model framework for determining relevancy, the research assistants were told to code legal resources in their result sets as follows:

1 = most relevant—would definitely go into my research pile

2 = probably relevant—would go in my secondary research pile because it might turn out to be helpful after further thinking or by analogy

3 = probably not relevant—can't think of any way this might relate to my specific research problem

4 = not at all relevant—what is this case about per se? Its importance doing in the results of my research about the SEC?

¶24 The research assistants were asked to determine whether a specific resource would help define the contours of the legal issue. This type of research is "creative problem solving under conditions of uncertainty and complexity."[48] The uncertainty and complexity exist in the indeterminacy of the law, in both its language and its application.[49] Since machine learning bypasses analogic reasoning in favor of statistloD2our0

performed in 4 le3 11 0 0 11 66 577.0031 Tm [(p)-9 (er)he30 1 Tf /Fm0 Do Q BT /T1_1 1

Gathering Knowledge—Unpacking the Coding

¶27 To determine statistically whether there are any relationships in the data, we considered each attempt at solving a problem to be one experimental unit.[55] The problem number, research platform, and order in which the research platforms were attempted were predetermined. The research assistants recorded the total time to reach a legal conclusion, the total number of access points needed to come to a legal conclu-

Figure 4. Time to Complete by Platform

¶29 We then looked at each of the research platforms and their effects on the total number of access points used to reach a legal conclusion. Figure 5 shows the boxplot of research platform versus the total number of access points used. In the “total number of access points used” model, we obtain an F statistic of 1.015 for a p-value of 0.397. We fail to find statistical evidence that platform type statistically affects the total number of access points used among legal platforms.

Figure 6. Time to Complete by Platform Order of Attempt

¶31 We also looked at the first access point type to see whether this affected either time to complete or the total number of access points used to solve. We categorized these first access points as:

"File Tree" (11 problem attempts);

"File Tree Search" (23 problem attempts); and

"Main Search Bar" (6 problem attempts).

For a File Tree access point, the research assistant navigated through the file structure of the research platform to the table of contents of a specific secondary source and opened relevant sections. For a File Tree Search, the research assistant navigated through the file structure to a potentially relevant database (such as "secondary sources" generally or with a subject-specific limitation) and then performed a terms and connectors or keyword search to locate potentially relevant material. For a Main Search Bar

their own conclusions when they could not find relevant secondary sources to confirm their research conclusions.[59] This certainly supports the importance of teaching students the value of secondary sources. The ease or difficulty of locating secondary sources is something legal research platform providers should further consider in interface design. If, because of licensing agreements or other market forces, there simply are no relevant subject-specific secondary sources, embedding help in accessing more general collections of secondary sources, such as law reviews or encyclopedias, would be

¶37 Fastcase has made the filtering process transparent with guided pop-ups highlighting the navigation on the results page, as figure 9 shows.

¶39 In Bloomberg Law, a pop-up highlights help with the difficult task of how to retrieve a docket by docket number, as figure 11 shows.

Figure 11. Bloomberg Law[64]

¶40 Legal research platform providers need to continue adding embedded help that highlights next steps in the research process, both for algorithmic transparency and for direction to related and available resources within the platform. Reducing interference

caused by the complexity of the user interface design is a form of algorithmic accountability.

¶41 For legal research pedagogy, the study confirms that research courses should include the metacognitive skills necessary to approach new platforms. In my own courses, I teach students to take the time to reflect on the interface of the platform they are approaching for the first time. I suggest they ask questions like these:

- What resources or filtering elements is the platform provider highlighting in the F-shaped pattern on the main page[65] or on internal pages?
- Are those the resources or filtering elements that the student is looking for?
- If not, what are the next steps?

This is another pedagogical example emphasizing that thinking is an important first step in formulating a research plan.[66] To make sure that students internalize the process, so that they have the scaffolding necessary to apply this knowledge to new interfaces, this year I added a mapping exercise comparing different interfaces. A sample mapping exercise is available in appendix B.[67] Although attorneys in law firms may balk at exercises, highlighting the mapping necessary to find typical resources for a practice group when offering training on a new interface may help cement the correct pathways. In subject-specific areas, legal research platform providers could consider adding specific pop-ups for training for typical search patterns within that subject area.

Conclusion

¶42 Communication with and within massive online legal research platforms is a complex matter, as there is always communicative interference between the humans who design the systems and the humans who use the systems. The study raises some interesting issues about how we communicate with and interrogate research universes.

¶43 The study highlights some of the difficulties novice researchers face when using a research interface for the first time. A novice might not be a law student or new associate. A novice could be anyone entering a new online research platform for the first time. As the platforms increase the number of databases and the number of documents in their systems, sophisticated, point-of-need navigation help becomes critical. Although each of the legal research platforms incorporates embedded help in its user interfaces, the study suggests that still more help is needed. For teaching legal research, the study suggests that it is important to teach law students to be thoughtful database navigators.

¶44 The study confirms that human expertise is still important to researchers. The researchers who did not locate relevant secondary sources were uneasy about the

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65. Kara Pernice, F-Shaped Pattern of Reading on the Web: Misunderstood, But Still Relevant (Even on Mobile), N N G (Nov. 12, 2017), https://www.nngroup.com/articles/f-shaped-pattern-reading-web-content/ [https://perma.cc/B2RP-V6G9].

66. Callister, supra note 39; Mart et al., supra note 3.

67. Appendix B,

comprehensiveness of their analysis. Simply researching primary law without guidance has never been the best way to grasp the complexities of a subject-specific legal domain. The legal profession has a rich body of subject-specific treatises, practice guides, en tho

Appendix B: Sample Research Assignment

Metacognition—Mapping the Research Universe by Comparisons

¶46 I use the following exercises for a class on basic administrative law resources. These types of exercises can also be used to compare massive legal resource platforms, to the same ends. Students find illuminating the task of listing the steps in limiting results in a case database search to a specific jurisdiction and type of case; there are so many pathways! Try asking students to limit the results of a search you give them to Southern District of New York reported cases, and then have students map the process in a few different research platforms. Eye opening!

First Comparison: Locating the Unified Agenda

In small groups or breakout rooms: You are looking for any upcoming meetings on the Disposal of Coal Combustion Residuals from Electric Utilities; Legacy Surface Impoundments (40 C.F.R. 257). [Of course, you should update this with something from a current Unified Agenda.]

Each of you choose one of the following websites to investigate:

- reginfo.gov
- regulations.gov
- govinfo.gov

A ,

.

- What was the first tab or link you clicked on? Where was it on the landing page?
- How many clicks did it take you to find the information you needed?
- How long did it take you to find the relevant information?
- On a scale of 1 to 5, with 5 being the easiest, how easy would you say it was to find the meeting information?

In class, poll the students: which was the easiest resource?

Then have a student from each breakout room share their screen, and follow the mapping on the website to their result, emphasizing the ease or difficulty of the interface.

Second Comparison: Finding a Proposed Regulation

You are looking for a proposed regulation titled "Strengthening the H-1B Nonimmigrant Visa Classification Program." [Update as needed.]

Each of you choose one of the following websites to investigate:

- reginfo.gov
- regulations.gov
- federalregister.gov
- govinfo.gov

A ,

.

- What was the first tab or link you clicked on? Where was it on the landing page?
- How many clicks did it take you to find the information you needed?
- How long did it take you to find the relevant information?
- On a scale of 1 to 5, with 5 being the easiest, how easy would you say it was to

Appendix H: An Alternate View of the Statistical Data[70]

Experiment Description	Total # of completed problems	P value for anova	File Tree	File Tree Search	Main Search Bar
Time to complete (hrs) by First access point type	40	0.898	3.18	5.00	3.33
Access Points to complete by First access point type	40	0.051	1.43	1.61	1.49

Experiment Description	Total # of completed problems	P value for anova	First database mean	Second database mean	Third database mean	Fourth database mean
Time to complete (hrs) by Platform Order	40	0.847	4.1	4.09	4.9	3.89

Experiment Description	Total # of completed problems	P value for anova	Westlaw mean	Lexis mean	Bloomberg mean	Fastcase mean
Time to complete (hrs) by Platform	40	0.935	1.48	1.72	1.39	1.58
Access Points to complete by Platform	40	0.397	4.82	4.45	4.44	3.11

70. Appendixes C, D, E, F, and G are available online. See notes 37, 43, 44, and 55, supra

various subjects that, although marketed as law school study aids, often serve as a starting point for research by even experienced lawyers—are ubiquitous.[2] Accordingly, this article seeks to fill the gap.[3]

W P C : O , G , L (1969); Ross E. Davies, How West Law Was Made: The Company, Its Products, and Its Promotions, 6 C L. R . 231 (2012); Robert M. Jarvis, John B. West: Founder of the West Publishing Company, 50 A . J. L H . 1 (2010) (hereinafter Jarvis, West History); Thomas A. Woxland, "Forever Associated with the Practice of Law": The Early Years of the West Publishing Company, 5 L R S . Q. 115 (1985).

2. In the 2007 movie American Gangster (Universal Pictures), for example, a copy of Legal Research in a Nutshell can be seen sitting on the desk of Detective Richard M. "Richie" Roberts (Russell Crowe) as he studies for the July 1970 New Jersey bar exam. (The scene appears 23 minutes into the movie; at 58 minutes into the movie, Roberts receives a letter dated August 12, 1970, advising him that he has passed the exam.) To avoid a possible claim of copyright infringement, the filmmakers slightly altered the cover. See Email from Professor Kent C. Olson, University of Virginia School of Law, to the author, Apr. 5, 2020, 11:45 AM (copy on file with the author) (explaining that "the movie's use of white 'in a nutshell' letters inside a darker nutshell inside a white square box [does not] match any of the [book's actual] editions. . . .").

In a 2011 novel, the following dialogue appears:

> "Necessity is a defense to unlawful entry," Jaycee says with a law school professor's assurance.
>
> "What?"
>
> "In New York, an action taken out of necessity to protect life is a defense to the crime of unlawful entry, including criminal trespass," Jaycee recites confidently.
>
> "How do you know that?"
>
> She digs into her backpack, takes out a copy of New York Criminal Law in a Nutshell, and drops it onto the table between them.
>
> I know from David's law school days that the Nutshell books—an endless series covering virtually every law school subject—are a distillation of the so-called black letter law regarding the titled subject. Law school students use the books to prepare for finals, which cover half a year, sometimes even a full year, of material in one grueling four-hour exam.
>
> "Page one sixty-seven," Jaycee says.
>
> "You can't plan an entire defense around one sentence in a Nutshell. You have no idea what you're talking about."

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laws, and did not expect to hear the case branched out into such variety of curious learning. That the merits lay in a nutshell."[11]

¶6 In the United States, the first such reference appeared in 1835. In Bushman v.

15, 1964.[15] True to its title, it was short—a mere 223 pages—and cost just $12.00.[16] A nod to its intended audience, the dedication read: "TO OUR STUDENTS[:] Who, to Face the Future, must Master the Present and the Past."[17]

¶9 Ehrenzweig and Louisell were faculty members at the University of California–Berkeley: Ehrenzweig since 1948[18] and Louisell since 1956.[19] While Ehrenzweig was an expert in conflicts of laws and jurisprudence,[20] Louisell was an expert in civil procedure and evidence.[21] In 1962, West had published Ehrenzweig's 824-page treatise on the law of conflicts,[22] which had earned excellent reviews.[23] As such, the company was eager to have another manuscript from him.[24]

¶10 By 1964, both men held named chairs at Berkeley: Ehrenzweig was the Walter Perry Johnson Professor of Law[25] and Louisell had succeeded Dean William L. Prosser as the Elizabeth Josselyn Boalt Professor of Law.[26] Nevertheless, Ehrenzweig and Louisell had not worked together as coauthors,[27] and it is not known how they came to

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[15] 2[illegible]

collaborate on Jurisdiction in a Nutshell. Clearly, however, the project was a mere trifle to them. In his heartfelt tribute to Ehrenzweig, for example, Louisell made clear how close they were—both professionally and socially—but said nothing about their only joint work.[28]

¶11 Although some law professors readily welcomed the book,[29] Ehrenzweig and Louisell worried that others would take a dimmer view. Thus, they included a defense

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> The authors of this little volume—whose title may be somewhat misleading as to the content and authority of their work—are well known. It has long been recognised that jurisdiction—in the broadest sense of that term—is at the heart of the problems of conflicts of law. Consequently, the English lawyer in particular will find this work of great value to provide him with a carefully chosen selection of authority and a guide to the trends in the American state and federal courts on the rules of conflicts of laws. It provides brief but sure-footed insights into the role of the United States Constitution (full faith and credit and inter-state commerce clause machinery for harmonisation), federal jurisdiction (the particular problems of diversity jurisdiction), and on such current developments as the new expanding reach of the principle of "presence," "consent" and "doing business" for jurisdictional purposes as applied by American courts to corporations or other forms of business enterprise. The lawyer who is willing to read the cases referred to in this book along with the commentary which the book provides will be richly rewarded with a minimum of wasted effort in securing his bearings in the American system of conflicts of laws, and in achieving a good awareness of its possibilities and limitations.[34]

¶13 In advertising the book, it is obvious that West had little idea what to do with it. A large display ad on the outside back cover of the October 1964 issue of the Student Lawyer Journal, for example, proclaimed, "West's Famous Hornbook Series," and then listed 28 titles, which were described as "Indispensable For—Class review; Collateral reading; Reference; Bar examination revie; eral ET

¶15 In 1921, the venerable British publisher Sweet & Maxwell[38] released Roman Law in a Nutshell: With a Selection of Questions Set at Bar Examinations,[39] a 48-page book

in 1972, Garsia's nutshells had become so famous that the Times of London began to

That, at least, is what West believes. In a letter dated September 18, 1986, Roger F. Noreen, the vice president of West's law school division, responded to an inquiry from Arthur Austin, a law professor at Case Western Reserve University, by saying: "We believe that he [Ehrenzweig] came up with the suggested title through his familiarity with succinct legal texts that were published in England and possibly other European countries as 'Nutshells.'"[46]

¶17 A second possibility is that Ehrenzweig and Louisell were influenced by Professor W. Barton Leach's 1938 Harvard Law Review article "Perpetuities in a Nutshell."[47] Leach had joined the Harvard Law School faculty in 1931,[48] and the first paragraph of his 1938 article describes Ehrenzweig and Louisell's book to a T:[49]

> We school teachers have delighted to make a mystery of the Rule against Perpetuities. We love to tell the old, old story of its tangled history; we love to trace its development through English cases which deal with settlements of incredible complexity; we love to point the finger of scorn at the mistakes of courts on both sides of the Atlantic; and most of all we love to spin out our webs of theory on relatively obscure points. The result is a very highly elaborated field of the law—a great advantage to those who know their way around in it, but precious little help to the ordinary practitioner who has had no particular occasion to explore this terrain but who finds himself with a perpetuities problem to handle. Such a one needs a guide book to the law of perpetuities which will enable him to analyze his case and acquire a sound background without unreasonable expenditure of time and effort. This paper seeks to supply that need.[50]

In the years following its publication, Leach's article spawned a host of imitators,

in 1965 Leach himself published a sequel in the Harvard Law Review

be helpful and are often more readily available in a small library than some of the text books.

professor at Saint Louis University.[66] Cohen's nutshell was 233 pages and cost $3.50;[67] Phipps's nutshell was 277 pages and likewise cost $3.50.[68]

¶23 In addition to Cohen's and Phipps's nutshells, 1968 saw the release of the second edition of Ehrenzweig and Louisell's Jurisdiction in a Nutshell,[69] which now ran 315 pages (a 41 percent increase in size) and also cost $3.50.[70] With four nutshells, West now had a "series." Thus, rather than being merely "Other West Law School Publications," West's advertising now described "West's Nutshell Series" as being:

- Designed for Law School course review.
- Unequaled for Bar Review purposes.
- All titles by outstanding authorities and recognized experts.[71]

¶24 Enhanced advertising was not the only change, for the four books now also had a uniform look:

> West's Nutshell Series was launched in 1964 with Jurisdiction in a Nutshell: State and Federal by Albert A. Ehrenzweig and David W. Louisell, both professors at the University of California, Berkeley. Ehrenzweig also published Conflicts in a Nutshell the following year. These early Nutshells were the same size as later volumes, but it took a few years for West to standardize the format. The cover of the first volume was beige, and the second a pale blue. Only with the 1968 appearance of [Morris L. Cohen's] Legal Research in a Nutshell and Oval A. Phipps's Titles

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came to write his nutshell, see Olson, *supra* note 55. As Olson explains, Cohen dedicated his nutshell "to the long-suffering law students who may be introduced to legal research through these pages." Id. at 66. In a 2007 interview, Cohen mixed up his dates and cited 1964 as the book's publication date: "My other project was writing Legal Research in a Nutshell, this little teaching text on legal research, which was first published in 1964[.]" See Bonnie Collier, Reflections: An Interview with Morris L. Cohen, 104 L. L. J. 149, 155, 2012 L. L. J. 15, ¶ 66.

66. For the details of Phipps's life (1909–75), see Oval A. Phipps Dies at 64, S. L. P.-D., June 30, 1975, at 9B. In a tribute to Phipps, Missouri Court of Appeals Judge Joseph J. Simeone, who had been a longtime faculty colleague of Phipps, listed all of Phipps's writings in his piece's sole footnote but mentioned only Phipps' nutshell in the text:

> His books and articles will be read, digested, and studied for years to come. His Titles in a Nutshell has been and will be the "bible" for students[,] not only at St. Louis University but throughout the country. Those who ponder that little book will not have the benefit of his personal touch explaining the doctrines embodied therein. But he will be there leaning over the shoulder of each one saying, "Don't you understand? . . . Hands of those who see that."

Oval A. Phipps: Friend and Scholar, 19 S. L. U. L.J. 463, 464 (1975) (ellipses in original).

67. See Books Received, 55 A.B.A. J. 270 (1969).

68. See P. ' W., Mar. 24, 1969, at 119.

69. See A. A. E. D. W. L., J. N.—S. F. (2d ed. 1968). The second edition of Conflicts in a Nutshell appeared in 1969. See A. E., C. N. (2d ed. 1969).

70. See 2 BPR: B. P. R.—C., 1965–1969, at 1884 (1970).

71. This language was featured prominently on the outside back cover of each nutshell. See, e.g., "MPTrading17," B., https://perma.cc/G5WH-5W3K (eBay webpage displaying photographs of the spine and outside front and back covers of the second edition of Jurisdiction in a Nutshell (hereinafter "E & L 1968 eBay").

> in a Nutshell was the series given a standard green cover with a line drawing of half of a walnut shell[.][72]

Also on the outside front cover, in the lower right-hand corner, was the familiar West Key Number System key.[73]

Growth of the WestNutshell Series

¶25 West could not have picked a more auspicious time to launch the Nutshell Series, for law school enrollment was about to skyrocket due to the civil rights movement, the Vietnam War, and the women's liberation movement. In 1967, there were 136 law schools and 61,084 law students.[74] By 1977, there were 163 law schools and 113,080 law students (an 85 percent increase).[75] As one commentator noted:

> Interest in going to law school had grown dramatically in the late 1960s, as students decided, probably using as a role model a handful of civil rights lawyers, that law was where the action was. Between 1968–69 and 1971–72 the number of persons taking the LSAT doubled from 60,000 to 120,000. The law school industry grew. It has been estimated that the income of law schools rose from $17 million in 1948 to $275 million in 1976.[76]

Just as the number of law students rose, so, too, did the number of law professors.[77] The result was that the market for law school products suddenly was enormous, and the skilled labor needed to supply it was in place.

¶26 At first, however, West moved slowly. Just how slowly can be seen from a 1969 parody in the Journal of Legal Education about a bewildered first-year law student named Blackie Stone III.[78] In "Torts in a Devil's Nuts-9 (n)(D.26 0 0 7h 32(ts)4 (- (h)34(l)7 (y.

was keeping up with the latest news from West and knew that it did not have a torts nutshell.[80]

¶27 In 1970, West published its fifth nutshell: Evidence in a Nutshell by Professor Paul F. Rothstein of Georgetown University.[81] At 406 pages and costing $4.50,[82] rep-

and gift taxation,[88] local government law,[89] real property,[90] and the Uniform Commercial Code.[91] There also were updated editions of Jurisdiction in a Nutshell[92] and Conflicts in a Nutshell.[93]

¶29 Each of these nutshells bore the series' new cover design, which had been adopted in 1973. Gone was the former uniform green cover with its simple line drawing

Process in a Nutshell, Gellhorn, C. XII, p. 262.[96] This marked the first judicial citing of a West nutshell.[97]

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96. Id. at 347. Had the court provided a full cite, it would have read: "E G , A L P N 262 (1972)."

During his long career, Gellhorn (1935–2005) was associated with six law schools, including three as dean: Arizona State University, Case Western Reserve University, and the University of Washington. See D. Daniel Sokol, Ernest Gellhorn Passes Away May 7,

¶33 Soon, West was rolling out nutshells in areas far removed from the mainstream law school curriculum, including art law,[102] environmental law,[103] military law,[104] and welfare law.[105] It also published its first nutshells written by women.[106]

¶34 A 1985 book review of The Law of the Sea in a Nutshell began by noting: "[T]he Nutshell series by West Publishing Company . . . now includ[es] some 90-plus titles by recognized scholars in their fields[.]"[107] That the series had grown from two books in 1965 to more than 90 in the space of just 20 years indicates how committed West had become to the series and how eager law professors were to have a nutshell on their resumes.[108] Moreover, West's editors constantly were on the lookout for emerging fields of law, resulting in the publication of nutshells on such subjects as AIDS law,[109] elder law,[110] and sports law.[111][112]

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102. See L D. D B , A L N (1984).

103. See R W. F D A. F , E L N (1983).

West had given a contract for this nutshell years earlier to Professor Georgina B. Landman (University of Tulsa). See Seminar Will Focus on Riverfront Uses, T (Davenport, Iowa), May 2, 1976, at 18A (reporting that Landman, "a specialist in urban law, environmental law and land use planning . . . is under contract with West Publishing Co. to write 'Environmental Law in a Nutshell' for the company's Nutshell series."). Shortly after this article appeared, Landman decided to return to private practice. See Georgina Landman, Dies W , May 1, 1994, https://www.tulsaworld.com /archive/georgina-landman-dies-rites-scheduled-monday/article_6bf41467-288a-5ade-9ca3-7e33f37b cec4.html [https://perma.cc/4PAX-V9A3] (explaining that Landman left the law school in 1976). As a 3 (e)1.As a

¶35 As intended, the main market for nutshells was law students. But because of

West Nutshells in the Early 21st Century

¶37 In 1996, West's 200 shareholders sold the company to Toronto's Thomson Corporation for $3.4 billion,[119] and in 1997 West became known as the West Group.[120] In the meantime, the number of nutshells continued to grow.

¶38 An April 1999 display ad on the inside front cover of Student Lawyer magazine, for example, depicted a man's hand reaching into a knapsack and pulling out a copy of Criminal Law in a Nutshell. The copy above the photograph read:

> Get a grip on the law.
>
> A compact, softbound Nutshell offers you an easy, economical way to get a grip on a complex legal topic.
>
> Each Nutshell is written by a legal expert in the field—and explains the law to you in plain English.
>
> Nutshells are brought to you by West Group, the same publisher who brings you the Hornbook G-6 (h)1 149.9 (t)0..t rpdt(h)4 (e l)-(3Tw 1n)]T(h)4 (e)4 (l)w0 (l)5 (s)10 ( )06n

nutshells are shaped by the personalities and experiences of their authors, Chow's was particularly personal:

> This book is based upon several years that I lived in the People's Republic of China in the late 1990s when I took a leave of absence from my academic duties at the Ohio State University College of Law to serve as in-house counsel for a multi-national enterprise with substantial China operations and ambitious plans for expanding its China business. . . .
>
> As a busy lawyer in an understaffed legal department, I had many different responsibilities and opportunities to meet with high-level officials of China's many different governmental organs. . . . I also had many opportunities to learn about China's illegal underground economy with its many dangerous and nefarious characters. My work in protecting the company's intellectual property led me on investigations and raids of underground factories, markets, and warehouses dealing in pirated, counterfeit, and smuggled products. . . .
>
> Outside of work, I benefited from many opportunities to learn about the life of China's people and to interact with many associates, colleagues, and friends in social settings. . . . During my years in China, I had many frank discussions with Chinese from all walks of life about China's problems and prospects and the complex relations between the United States and China. Not all of these discussions were amicable nor were all of my relationships harmonious, but I learned and benefited from them all. . . . These experiences form the basis for this volume.[126]

¶41

> Few companies have been as successful at that proposition as Thomson, which has transformed itself from a prosperous newspaper chain started in sleepy Timmins, Ontario, into a financial information powerhouse that[,] once the proposed deal is completed[, will] have combined revenue of almost $12 billion. . . .[128]

¶43 One year later, the Great Recession of 2008 began, bringing with it major changes to law schools:

> Between 1976 and 2000, law schools steadily enrolled between ~40,000 and ~44,000 new students each year. From 1976 to 1987, the average was 40,973. From 1988 to 2000, the average was 43,497—a little over 6% higher. But between 2000 and 2002, law schools increased first-year enrollment 11.2%. In subsequent years, enrollment steadily [crept] up, with minor ebbs and flows, until peaking in 2010 at 52,404. As law schools were pressured to become more transpar ent about job outcomes beginning in 2010, the media and prospective law students took notice of inflated enrollment, inadequate job prospects, and high prices—and enrollment dropped. After 1L enrollment peaked in 2010 at 52,404 new students, enrollment fell dramatically in each of the next three years. . . .[129]

¶44 Even as the recession took its toll on law schools, new nutshells continued to appear including, for example, ones on animal law,[130] bioethics law,[131] and legal malpractice law.[132] Moreover, in 2009 the series was given a face-lift when a new front cover design was introduced, the first since 1973.[133] The geometric nutshell, which had dominated the cover for decades, now was reduced to a mere speck and superimposed on the words “West Nutshell Series,” which appeared, in a near-microscopic font, as an identifier running along the cover’s top left edge. The author’s name was moved from the center bottom to the upper right-hand corner. Most dramatically, the cover’s main feature now was three lines of lowercase type spread against a light-colored background that read: “in a nut shell.”[134]

¶45 In 2012, the ambiguously named Gaming Law in a Nutshell dc0,c (c0ge)-5 (d)1

¶48 In addition to growing the series, West Academic has made two other changes. First, it has pushed further into e-book formats[143] and has touted this fact in its advertising.[144] Second, it has reworked the front cover. In particular, it has fixed the title so that "nutshell" again is one word; dropped the word "West" from the top left-hand corner's identifier; moved the author's name back to the bottom half; made the color

A look at the Nutshell Series' four cover designs—the earliest version is in the upper le -hand corner, while the current version is in the lower right-hand corner (photograph by Michael Hopkins of Gerlinde Photography (www.gerlinde.com))

¶49 Like everything else, the price of a nutshell has increased over time. When the Nutshell Series debuted in 1968, nutshells were priced at $3.50,[146] equivalent today of $26.08.[147] In 2020, all nutshells carry a price tag of $49.00.[148] Of course, most current nutshells are twice the size of the 1968 nutshells,[149] and the longest title in the series is nearly four times as long.[150]

146. See supra text accompanying notes 67–70.
147. See Friedman, supra note 114.
148. See Store, supra note 142.
149. See id (indicating that most current nutshells are between 400 and 600 pages).
150. See K C. B , F I T C S N (8th ed. 2018), which clocks in at 988 pages.

internet, cybersecurity, or social m ÿ ± ðo• ñƒ¤š Ò”š–Ñ)•ôš– ï :– ø•ë‰# - ñƒYÀÞ š–Ñÿ 6

Applying Motivation Theory to Improve 1Ls' Motivation, Self-Efficacy, and Skill Mastery*

Nathan A. Preuss**

This article discusses how understanding two motivation and learning theories— expectancy-value and attribution—can help instructors to improve first-year law students' motivation, self-efficacy, and mastery of the knowledge and skills needed for success in law school as well as in their future careers.

Introduction 59
Review of Theory 60
John Atkinson's Achievement Motivation Theory 60
Expectancy-Value Theory 61
Attributional Theory 64
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¶2

¶6 Probability of success is in individual actors' perceptions or subjective beliefs about whether they can be successful. Incentive value is the pride in one's accomplishment. Easy tasks tend to inspire less pride, so generally they produce little incentive. Challenging tasks increase the chance of failure, thereby lowering the probability of success and the motivation to pursue that task. Tasks of intermediate difficulty tend to become the most highly motivating, but only for those with high approach-to-success and low avoidance-of-failure characteristics. Students with high failure avoidance and low in the approach to success will be more likely to choose easy tasks (low chance of failure) or challenging tasks (little expectation of success).[5]

¶7 In Atkinson's model, incentive value and probability of success inversely relate to task difficulty. By defining "incentive value as 1.0 minus the probability of success,"[6] Atkinson makes the determination of success probability all-important while making value secondary. Expectancy-value theory, discussed next, is an attribution theory built on Atkinson's theory, but it diverges on this point, highlighting the importance of subjective perceptions of value for individual motivation.[7]

Expectancy-Value Theory

¶8 Eccles, Wigfield, and their collaborators are the most important scholars in the development of expectancy-value theory.[8] This theory focuses on and demonstrates the role of "students' expectancies for academic success and their perceived value for

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5. Id.
6. Id. at 50.
7. Id. at 51.
8. See generally Jacquelynne S. Eccles et al., School and Family Effects on the Ontogency of Children's Interests, Self-Perceptions, and Activity Choices, in P M 145 (J.E. Jacobs ed. 1993); Jacquelynne S. Eccles, Subjective Task Value and the Eccles et al. Model of Achievement Related Choices, in H C M 105 (A.J. Elliot & C.S. Dweck eds. 2005) (hereinafter Eccles, Subjective Task Value); Jacquelynne S. Eccles & Allan Wigfield, Motivational Beliefs, Values, and Goals, 53 A . R . P . 109 (2002); A. Wigfield et al., Development During Earla EMC 413 To

academic tasks.[9] Two elements—expectation of success and subjective task value—are the "most important predictors of achievement behavior" in this model.[10]

¶9 Expectation of success refers to how one judges one's capability to complete a task successfully. Subjective task value describes why one would or would not link their beliefs and interests to participating in a task.[11] Imagine two students: the first, with a 4.0 GPA and a high LSAT score, applies to law school only because her lawyer-parents encourage her to go to law school. This student may have a high expectancy of her ability to complete law school successfully. However, if she hates her prelaw courses and dreams of stage acting instead of law practice, her subjective task values in the context of practicing law may not be well suited to that career choice. Should this student attend law school, she may have difficulty maintaining interest, engagement, and persistence in a demanding field in which she has no interest. The second potential law student, who has always dreamed of being a lawyer, barely passes his undergraduate classes and scores too low on the LSAT to attend even a fourth-tier law school. As a result, he may feel that he lacks the skills to succeed in law school, even though his subjective task value for attending law school is a strong match.

¶10 Expectations for success and subjective task values are developed over time by affective reactions and memories, goals, and self-schemas.[12] One can have an affective reaction to completing a particular task once or several times, such that the perceived expectation going forward will be similar. For example, if a law student does well on all of her doctrinal law courses (i.e., contracts, property, and torts) but feels that she badly embarrassed herself during the mock appellate argument at the end of her legal writing course, she may avoid appellate or trial advocacy opportunities in favor of transactional law. This affective reaction could influence her perceived expectation for similar activities in the future or lower her subjective task value for oral advocacy roles for attorneys. Goals are "cognitive representations" of desired future outcomes that can be short or long term. Reaffirming students' goals for attending law school and joining the legal profession when they have not met their short-term goal of getting the desired grade are essential elements in assisting students who have previously measured success as being at the top of their class. Self-schemas are constructs that individuals have about their own beliefs and self-concepts.[13] For example, a law student is likely to have had a great deal of academic success overall before law school but may have struggled in one or several particular subjects. Therefore, the student could have a self-schema for over all academic ability that is very high, but a subject-specific self-schema about chemistry courses that is very low.

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9. S et al., supra note 1, at 51.
10. Id.
11. Id. at 47.
12. Id. at 54.
13. Id.

¶11 Legal research instructors will benefit from the knowledge of how these concepts relate to and influence academic outcomes and whether students engage in adaptive or maladaptive scholarly/professional behavior on the road to professional mastery of subject matter knowledge and skills. Cognitive engagement, effort, persistence, and choice are a few of the outcomes associated with expectancies and self-perceptions of ability.[14] Cognitive engagement refers to the mental involvement that students employ in the classroom or while studying. Not all strategies are equal. Eccles and Wigfield demonstrate that the strongest predictor of grades in mathematics and English among upper-elementary and middle-school students are their self-perceptions of ability and expectations for success.[15]

¶12 Additionally, students with strong self-competence beliefs are more likely to engage in deeper processing of academic subject matter by engaging cognitive strategies (methods of processing information), and metacognitive strategies (methods of controlling cognition) such as planning, reviewing, and putting learned information in the student's own words. These adaptive strategies are linked to self-perceptions of ability, and result in not just spending more time studying but using the time effectively.[16]

¶13 Four components comprise subjective task value: (1) interest value, (2) attainment value, (3) utility value, and (4) relative cost.[17] Interest va01 Tc 0.094 Tw 0.31 0 Te5 (01

Attributional Theory

¶15 Bernard Weiner, along with a handful of colleagues, is the most influential attribution theorist with regard to educational settings.[23] Two assumptions underlie attribution theory. The first is that people are motivated to master themselves and their

¶17 Now consider Angelica, who also received a disappointing result on the LSAT.

that students have over what they study and the type and content of their assessments, the higher their motivation will be.[30]

¶21 In Weiner's separation of locus and control, the control dimension is measured on a continuum from stable to unstable. Ability and effort are both internal, but ability is relatively stable over time, whereas effort is unstable. Students who attribute failures to unstable causes, like effort, are much more likely to have a sense of self-efficacy

learn for long-term professional mastery, as opposed to learning just to pass a test and then move on with life.

¶25 Utility-value interventions arise from expectancy-value theory. The contention by Eccles et al. is that expectations of success and the extent to which a task or topic is valued are the "most proximal predictors of achievement and achievement-related choices (e.g., which courses to take, how hard to study for an exam)."[36] The students who are most at risk academically have low expectations of success and see little value in what they are learning.[37] While first-semester, first-year law students probably expect

interventions integrate well into coursework for immediate results; these form part of the synthesized intervention plan discussed in the next section.

¶26 Interventions that derive from attribution theory are generally called attribution retraining. Their goal is to shift students who exhibit maladaptive attribution styles to adopt adaptive attribution styles.[43]

> [A]n adaptive attributional style involves attributing the causes of success to stable, controllable and internal factors (such as ability) and those of failure to unstable, controllable and external factors (such as effort). Research has shown that students who hold these attributional styles have more confidence in their academic progress and work harder towards reaching their goals . . . . In contrast, effective learning is hindered when individuals attribute success to external, unstable and uncontrollable factors (such as luck) and failure to internal, stable and uncontrollable factors (such as lack of ability). Such a maladaptive attributional style has been linked to students holding pessimistic views about their future success and withdrawal of effort on tasks they perceive to be difficult . . .[44]

While these interventions succeed in the classroom with breakout groups of at-risk students, studies show that all students can learn from these interventions so that class-wide interventions can be beneficial.[45]

¶27 Another effective intervention is to give regular verbal feedback linking past achievements with effort, which increases

> motivation, self-efficacy, and skill acquisition, better than linking [students'] future achievements with effort . . . or not providing effort feedback. For effort feedback to be effecting, students must believe that it is credible; that is, students realistically must work hard to succeed. This suggests that effort feedback may be especially influential during the early stages of skill learning when more effort typically is required to succeed.[46]

Instructors must give accurate feedback to students, who are likely to perceive inaccurate feedback as noncredible, even if the instructor's intention is to encourage. Therefore it would be better to find out how much effort the student believes he put intndi6u

overall performance of the students on a particular assessment that the assignment was too easy for the students, the teacher should refrain from falsely associating the results with effort.

Synthesized Intervention Plan

¶28 Familiarity with data-based understanding of cognitive processes and the psychological theoretical constructs that inform the process and behavior of learning creates better teachers and students. There are straightforward interventions or teaching strategies that any legal research instructor can employ. Identifying the students who are most at risk can be problematic for several reasons, including lack of knowledge and skill on the part of the instructor and the possibility of stigma for identified law students in a highly competitive academic environment. In my class, I integrate several tests and

¶30 The responses to these questions help me better understand students' prior attribution styles, how they perceive the value of legal research, and their professional goals. To the extent possible, I create assessment options from which students can select (e.g., alternative assignments to choose from based on legal topic). In-class activities, homework, quizzes, project hypotheticals, etc. should reflect varied practice settings, gradually increased realism, having upper-level law students and new attorneys physically or virtually visit the class to discuss legal research in practice and, time permitting, to offer some instruction on study and test-taking methods that are specific to law school.

Expected Outcome

¶31 The goal in using research-based interventions like these is to improve-the performance and engagement for the bottom performers in my class. Increased interest across the board would be incredible, but the self-efficacy and intrinsic motivation of students at or near the top of their class in law school means that those students will take care of themselves. Making sure that any student who graduates from our law school can become professionally competent and have a mastery-goal orientation is much more important than making incremental improvements with the top of the class.

Conclusion

¶32 Applying research-based motivation theories to the experiences of first-year law students can help correct students' maladaptive learning strategies, which may hinder their progress and success not only in law school but later during their professional

Keeping Up with New Legal Titles[*]

Compiled by Susan Azyndar[**] and Susan David deMaine[**]

Contents

the people who participated in the trial enliven the narrative. Besides Ruby, portrayed as a minor mob figure, other participants merit attention. One example is Melvin Belli, Ruby's defense counsel, a colorful character in his own right. While he sought to protect Ruby with an elaborate argument of temporary insanity, Belli did so without the Texas twang that a Dallas judge and jury would be comfortable hearing.

¶5 Kennedy's Avenger fits into the true crime genre with its focus on the character of Ruby and his criminal trial. This book is a popular read, so it lacks the substance an

doctrine of fair use, a topic near and dear to the hearts of law librarians. Under the transformative use doctrine, many fan-created works may be considered fair use. One of Greenberg's refrains is the tension between the right of the author of an original work to control its copyright versus the right of fans to express themselves by creating derivative works that arguably offer some creative value of their own.

¶9 Greenberg emphasizes the significant discretion that copyright holders have in enforcing their intellectual property rights against fan creators. A copyright infringement suit against a fan creator could generate bad publicity for the copyright holder and risk alienating a fan base. The desire to engage with fans rather than sue them is one practical reason Greenberg posits relatively few infringement lawsuits are filed against fan creators.

¶10 Greenberg addresses issues specific to certain types of fan-created works, some moving beyond the world of copyright. Cosplay, he notes, tends to raise a less significant copyright concern due to the ephemeral nature of wearing a costume, the high cost of litigation and, again, the risk of bad publicity. Conventions have created guidelines, however, to address inappropriate conduct, particularly nonconsensual touching and assault against cosplayers. The book also briefly touches on issues of trademark law, right of publicity law, and obscenity law that have the potential to impact fan-created works.

¶11 Greenberg attempts to appeal to multiple audiences, including law students, practitioners, acafans, and fan creators. Writing for such a broad spectrum of readers is a challenge for any author. Fortunately, Greenberg's clear and direct prose is accessible to nonlawyers and informative to generalists and IP experts alike. However, the book's accessibility does suffer slightly from the inclusion of some overly lengthy excerpts from statutes(si)4 (b)7 (l310 ((t)-76 342.0031p)11 (ts fxs(f s)-8 (a)9 (r)-10.t)6 (1

¶19 Fun stuff to look forward to: the book is interspersed with several woodcut prints created by the author and a "can you see the cat" puzzle at the end. Additionally, be on the lookout for a little secret that Hayes discloses that quite neatly ties things together. More practically, the book also includes a comprehensive list of resources, notes, and an index.

¶20 The Book of Trespass is both engaging and enraging. It will likely raise strong emotions, propel interesting debate, and raise questions. You may even find that you see fences and walls in a totally different light. I recommend this title for the academic law library where it could be used in any number of law classes, from property to environmental law to immigration law, to spark lively discussion. An enjoyable and informative read for everyone.

Joyner, Zanada, and Cas Laskowski, eds. *Introduction to Law Librarianship*. Tucson: Daniel F. Cracchiolo Law Library, 2021. 371p. $0 (e-book). https://lawlibrarianship.pressbooks.com/ [https://perma.cc/3KTD-5WFA]

Reviewed by Amy A. Wharton[*]

¶21 In publishing *Introduction to Law Librarianship*, editors Zanada Joyner and Cas Laskowski team up with a group of knowledgeable and insightful authors to weaken a barrier to entry into the field of law librarianship: a born-digital textbook on law librarianship is now freely available to anyone on the planet with internet access. In its foreword, Teresa M. Miguel-Stearns underscores the significance of this achievement: "This textbook will allow us to reach beyond our borders to support the growth of the profession around the world" (p.xvii).

¶22 Though its status as the first open access e-textbook on law librarianship is enough to qualify *Introduction to Law Librarianship* as groundbreaking, novelty infuses every feature of this ambitious work. As an e-textbook, it employs pedagogical devices that distinguish educational materials from other readings. Each chapter opens with a bulleted list of "Key Concepts." Further in, one or more "Concept in Action" boxes present story narratives that help students personalize how a concept might play out in a real-life situation. Each chapter closes with a "Dive Deeper" box that offers a brief bibliography of additional readings.

¶23 The book is arranged in five parts. The first, "Universal Topics," includes several chapters on topics not covered in previous textbooks on law librarianship. For example, Susan David deMaine's chapter on accessibility introduces the concept of universal design for "those who think deeply about access and abilities" (p.20). "Critical Legal Studies," by Jennifer Allison, offers suggestions for applying critical principles to law librarianship to eliminate "aspects of the library that reflect and further marginalization and oppression" (p.34). Paul J. McLaughlin's "Advocating for the Law Library Profession," Brian R. Huffman's "Access to Justice," and a forthcoming chapter on

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"Diversity and Inclusion" cover topics that were once atypical finds in a textbook on law librarianship. The contemporary approach to these topics makes this book useful not just for graduate students but also for practicing law librarians at all experience levels.

¶24 The second, third, and fourth parts of the textbook cover the three types of law libraries: academic, government/public, and private. These parts mostly describe the nuts-and-bolts aspects of law librarianship, sprinkled with modern concerns such as developing cultural competency and citation counts for faculty. The final part, "Navigating a Career in Law Librarianship," provides practical advice on career development. Readers may find Babak Zarin's chapter on "Balance, Burn-out, and Mental

important, will the readings a professor selects for class over the summer be changed by the time students read them in the fall?

¶28 My hope is that changes can be made as the need arises, though they will need to be documented for readers. A few changes in both the text and the platform would be welcome. Some meaningless errors in the text, such as repeated words and stray bits of HTML code, detract somewhat from the quality of the work. I am also hopeful that biographical entries for the authors will be added soon, in part to more fully reflect the diversity of authorship described above. The Presswork platform is reader-friendly, but it supports only basic searching, and the book lacks an index to compensate. A PDF version is also available to download. Still, as it stands, Introduction to Law Librarianship is already a remarkable achievement. Like its readers, it has the capacity to improve with employment and time. Highly recommended for all law libraries.

Kohm, Lynne Marie, and Kathleen E. Akers. Law and Economics in Jane Austen.

as particularly imaginative, but Lotts alleviates those doubts early in the book, assuring readers that innovation has a unique manifestation in everyone. Lotts elaborates on the process and elements of creativity in a methodical way that encourages readers to har ness creativity—described as “not a superpower” (p.3) but a skill—by making unusual connections and incorporating the tenets of play many of us have not exercised since childhood.

¶37 Part 1 provides a conceptual foundation for getting started and presents a practical framework for creativity in terms of physical space and time management, as well as building teams and community partnerships. The author incorporates pragmatic concerns, like workflow and budget, while balancing less salient topics such as the connection between creativity and morale. Lotts describes failure as a way to grow and recalibrate, an opportunity to accommodate new developments and ideas. The impor tance of planning and assessing projects is emphasized, and readers will appreciate the assessment form and creativity worksheet included as exhibits A and B.

¶38 Part 2 provides specific examples of creativity at work in libraries. The author primarily describes her own efforts at Rutgers, such as the “Lego Playing Station,” button-making, zines, and art exhibition spaces. Another example comes from the Madison Public Library in Wisconsin, where a space called “The Bubbler” promotes a “maker mindset” by providing room for unique events, exhibits, and community collaboration. Lotts also highlights distinctive faculty writing retreats hosted by the Earl Swem Library at William & Mary in Virginia. Each brief chapter in part 2 opens with a description of an event or a program and concludes with a discussion of the endeavor’s outcomes.

¶39 Advancing a Culture of Creativity in Libraries was written during the COVID-19 pandemic, and the author incorporates ways the crisis disrupted library events and l12.9

¶46 While Neiman recognizes the gains made by proponents for true equality in the 20th and 21st centuries, he also provides evidence of renewed efforts to nullify those gains. State legislatures, under the guise of preventing voter fraud, have passed laws that disproportionally affect the ability of Blacks and People of Color to vote. Federal courts have made it harder to pass laws, regulations, or policies promoting affirmative action. Taking a page from the NAACP playbook, courts have begun to redefine civil rights remedies. From *Bakke* to *Shelby County*, the Supreme Court has held that remedies should focus on actual, present discrimination, not a history of discriminatory actions.[6]

¶47 Aside from being extremely well researched, this book is extremely well written. Neiman has avoided the dense prose common to many academic books.

filled me with concern that I would lose the most enjoyable 30 minutes of my commute each week, Amber McKinney and Alex Lawson continue to produce excellent episodes

disproportionately hit India's informal workers and migrants, many of whom were forced to walk hundreds of kilometers to reach their homes and who were sometimes beaten along the way by police enforcing the "no movement" mandate.

¶55 If individual chapters are dense and sometimes tedious, it is because they are packed with detailed legal and psychosocial analyses, supported with heavy citation. This is not light reading. Chapters address the impacts of COVID-19 on aviation, business supply chains, and religion, and the authors offer case studies to describe the steps governments did and should take to keep important industries functioning. These sections offer some interesting accounts, particularly in the chapter addressing the role of religion in containing COVID-19. For example, in Bhutan, religious officials equated physical distancing with the practice of mindfulness in Buddhism; and in Indonesia, one m (f)-10se(e)-6 (fr)13 cin4.1 (es (h) (l)-3)4 (e)0.6 (a(a,)]TJ u23 (mn)4 t)-5 (in Io)12 (r

"militia" when they drafted the first clause of the Second Amendment. Shusterman's definition relies on tracing the intellectual history of militias from the Roman Republic to the passage of the Second Amendment.

¶59 Armed Citizens'greatest strength is also its greatest weakness: Shusterman shows his brilliance in the way he marshals 10 historical events—11, if you count the epilogue—to illustrate the evolution of thought about militias. Each chapter analyzes a historical event to illustrate one part of the historical and intellectual underpinnings of the Second Amendment. The author briefly describes the historical context of each event, the event itself and, finally, how each event impacted the progression of thought concerning militias. Each chapter builds on the previous chapter, yet each chapter can easily be appreciated on its own as well, offering a good introduction to the role of the militia in particular historical moments. However, the relative brevity of each chapter—average length is 15 to 20 pages per event—forces leaps in the argument. Shusterman, constrained by his concise summaries, often oversimplifies complex events in an attempt to position militias as the primary focus. This tendency can cause consternation in historically minded readers.

¶60 Several of Shusterman's chosen events have tenuous connections to the drafting of the Second Amendment. For example, in the chapter on Machiavelli, the author

endnotes providing a starting point for more in-depth research. Law firm and government libraries will likely find this text adds little value to their collections unless they specialize in Second Amendment law.