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Review of “Finding the Law: A Guide to Legal Research,” By David Lloyd

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BOOK REVIEW

FINDING THE LAW: A GUIDE TO LEGAL RESEARCH. By David Lloyd.¹ Dobbs Ferry, New York: Oceana Publications, 1974. Pp. v, 119. \$4.00.

Reviewing a philosophical, jurisprudential, or legal work of substance can be a great challenge because the book, by its nature, will demand close reading, perspicacious analysis, and lucid criticism. This examination of *Finding the Law* is also a challenge, but for entirely different reasons. It is not a philosophical, jurisprudential, or legal work of substance. It is void of plot, thesis, or excitement. It is short, fact-loaded, and colorless. It is, to put it concisely, "an elementary book aimed at assisting first-year law students and novices in the law to use the law library on a very basic level."² To review a book of this genre for the *Law Quarterly* is a challenge indeed.

It should be understood initially that *Finding the Law* is only one of the more than seventy titles that comprise Oceana Publications' Legal Almanac Series, a series intended to provide nontechnical treatment of many legal subjects for the informed layman as well as the lawyer. In preparing the book for this series, the author undoubtedly attempted to modify his legal bibliography class materials to serve as a vehicle for both nonlawyer users of the Legal Almanacs and first-year law students.

The first four chapters provide brief but standard fare for the regular user of general legal bibliographies. A seven-page introduction to law in Chapter One treats the legal system, the lawyer's role in that system, the institution of judicial appeals, and the relation between state and federal government. One point made by the author is that lawyers spend less time in court and more time in research than conventional wisdom might suggest.³ While this comment can be attributed to understandable puffing as part of an exhortation used by all instructors of legal bibliography to encourage student interest, it is interesting to note that another commentator asserts: "The truth is that

1. Law Librarian and Assistant Professor of Law, Brigham Young University.
2. D. LLOYD, *FINDING THE LAW* at v (1974).
3. *Id.* at 3.

we know embarrassingly little about what lawyers do and how they do it."⁴ And yet another states: "Most lawyers spend most of their time in the law office with their doors closed talking to clients."⁵ A Canadian study, which attempted to dispel this embarrassing cloud of nonknowledge about what lawyers do, found, however, that on the average only about seven percent of a lawyer's total time was involved in finding the law.⁶ If the American experience is similar, the oft-used exhortation in support of the teaching of legal bibliography might be characterized less as puffing and more as misrepresentation.

Chapter Two provides a twenty-page review of the highlights of locating judicial authority. The search tools and techniques most often used in legal research are briefly mentioned, each in turn. The reliance on text, without the inclusion of sample pages, tends to promote an unrelieved fact repetition that would, it is imagined, be quite unintelligible to the layman or novice law student. Consequently, it is suggested that maximum profit from this book can be gained only by reading it in conjunction with actual manipulation of the materials it describes. This section also contains a unique table that can be used to convert the abbreviation of any current American report citation to the court or jurisdiction from which the report arose. In addition, the name of the official reporter and the appropriate regional reporter of the National Reporter System can also be determined.⁷ It is difficult to predict the utility of what seems such simple and, from this vantage point, almost obvious information, but perhaps this reviewer, a Michigan lawyer, was merely piqued over the failure of the table to refer to *Mich. App.* when *Mo. App.*, *Ill. App.*, and *Ind. App.* all deserved mention.⁸

Research into constitutions, statutes, and delegated legislation is featured in Chapter Three. Although state materials are mentioned, primary attention is given to federal law. This federal emphasis can be supported both in terms of prospective wide interest and the difficulty of dealing with the uneven materials of fifty jurisdictions.

4. Address by Spencer L. Kimball, Director of the American Bar Foundation, quoted in Sievert, *Law Schools Talk Reform*, CHRONICLE OF HIGHER EDUCATION, Jan. 13, 1975, at 5, col. 1.

5. Shaffer, *What Most Lawyers Do for a Living Law Students Are Seldom Taught*, LEARNING THE LAW, Fall 1974, at 40.

6. See BUREAU OF MANAGEMENT, CANADA DEP'T OF JUSTICE, OPERATION COMPLEX: INFORMATION NEEDS OF THE PRACTICING LAWYER 65 (1972).

7. D. LLOYD, FINDING THE LAW 16-22 (1974).

Chapter Four contains a brief discussion of legal periodicals and their indexes, treatises, use of the card catalog, and government documents, but Chapter Five, with its fourteen guides to conducting legal research in specialized areas, is more significant. Among the topics selected for the fourteen guides are environmental law, criminal law, property law, and taxation. Each of these guides provides useful information on where the researcher can locate relevant statutes, cases, and commentary regarding a specialized area. The commentary sections are mini-bibliographies of leading works and would be well received by anyone unfamiliar with these areas who is required to do research in them for the first time. Additionally, the occasions are many when a nonlaw visitor to a law library could profit immensely from the five minutes necessary to read one of these sections.

The book concludes with a series of appendixes, among them a description of a law library, a brief summary of legal citation form, and a table of the more commonly used legal citations, all of which might be useful to the uninitiated layman.

Works on legal bibliography can probably be classed under two headings. First, there are those of a comprehensive nature designed to support extensive courses in legal bibliography or serve as basic reference manuals for the law library. Price and Bitner's *Effective Legal Research*,⁹ Jacobstein and Mersky's *Pollack's Fundamentals of Legal Research*,¹⁰ and Roalfe's *How to Find the Law*¹¹ are the primary current examples of this group. Second, there are the shorter and perforce less comprehensive works usually designed to support time-limited instruction in legal bibliography. The works in this latter genre are those with which *Finding the Law* must be compared. Unfortunately, it must be stated that *Finding the Law* does not reach the overall quality of either Cohen's *Legal Research in a Nutshell*,¹² Statsky's *Legal Research, Writing and Analysis*,¹³ or Surrency's *Guide to Legal Research*.¹⁴ The instructor in Legal Bibliography, or anyone who

9. M. PRICE & H. BITNER, *EFFECTIVE LEGAL RESEARCH: A PRACTICAL MANUAL OF LAW BOOKS AND THEIR USE* (1953).

10. M. JACOBSTEIN & R. MERSKY, *POLLACK'S FUNDAMENTALS OF LEGAL RESEARCH* (4th ed. 1973).

11. W. ROALFE, *HOW TO FIND THE LAW* (6th ed. 1965).

12. M. COHEN, *LEGAL RESEARCH IN A NUTSHELL* (2d ed. 1971).

13. W. STATSKY, *LEGAL RESEARCH, WRITING AND ANALYSIS: SOME STARTING POINTS* (1974).

14. E. SURRENCY, B. FELD & J. CREA, *A GUIDE TO LEGAL RESEARCH* (supplemented ed. 1966).

desires a short bibliography text, would do well to review those works as well as the abridgments of *Effective Legal Research*¹⁵ and *Pollack's Fundamentals of Legal Research*¹⁶ (granted that these two works are more expensive than *Finding the Law*, it is arguable that they are not so much more expensive that they should be excluded from consideration as a text) before opting for the Lloyd book. Notwithstanding these observations, as a general summary of legal bibliography for a nonlaw library, or any library that subscribes to the Legal Almanac Series, *Finding the Law* would be worth its price.

ROGER F. JACOBS*

15. M. PRICE & H. BITNER, *EFFECTIVE LEGAL RESEARCH* (3d ed. 1969).

16. M. JACOBSTEIN & R. MERSKY, *LEGAL RESEARCH ILLUSTRATED* (4th ed. 1973).

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