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Book Review - Florida Legal Research: Sources, Process, and Analysis

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BOOK REVIEW

FLORIDA LEGAL RESEARCH: SOURCES, PROCESS, AND ANALYSIS

Suzanne E. Rowe, Barbara J. Busharis & Lisa Kuhlman Tietig.
Carolina Academic Press, 1998. Pp. 213. \$19.95.

A. DARBY DICKERSON*

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I. INTRODUCTION

Legal research is a process.¹ It is not enough for students simply to know what sources exist. Instead, they must understand how to find the source, how to use the source, and how to update the source. They must understand when to look for and use one source versus another. They must understand which sources will bind a court and which will merely persuade. They must understand, once they locate the correct source, how to analyze its contents, because the lawyer's

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1. As Rowe, Busharis, and Tietig observe, "[W]hile there may not be 'an answer' to a legal problem and no 'right way' to research, legal research is a methodical, logical process. Once students learn the basic steps of this process, the process is readily transferable to any legal problem." SUZANNE E. ROWE ET AL., *FLORIDA LEGAL RESEARCH: SOURCES, PROCESS, AND ANALYSIS: TEACHER'S MANUAL* 14 (1999) [hereinafter *TEACHER'S MANUAL*]; see also Michael J. Lynch, *An Impossible Task but Everybody Has to Do It—Teaching Legal Research in Law Schools*, 89 *LAW LIBR. J.* 415, 415 (1997) (commenting that "[l]egal research is not merely a search for information; it is primarily a struggle for understanding"). Several legal research and writing texts now emphasize process over product. See, e.g., LINDA H. EDWARDS, *LEGAL WRITING: PROCESS, ANALYSIS, AND ORGANIZATION* (2d ed. 1999); J. MYRON JACOBSTEIN ET AL., *FUNDAMENTALS OF LEGAL RESEARCH* ch. 2 ("The Legal Research Process") (7th ed. 1998); CHRISTINA L. KUNZ ET AL., *THE PROCESS OF LEGAL RESEARCH* (4th ed. 1996). The MacCrate Report also highlighted the importance of process. See AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, *REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP* 145 (Robert MacCrate ed., student ed. 1992) ("In order to conduct legal research effectively, a lawyer should have a working knowledge of the nature of legal rules and legal institutions, the fundamental tools of legal research, and the process of devising and implementing a coherent and effective research design . . .").

job is to solve clients' problems and to prevent potential problems. By learning the research process—as opposed to learning about sources without the larger framework—law students have a better chance to master the all-important skills of problem solving and problem prevention.

It is the process of legal research that Rowe, Busharis, and Tietig emphasize and explain in *Florida Legal Research*. They have, with their new book, sought to fill a niche: a book on Florida research for law students and beginning researchers.² The authors have, in my estimation, achieved their goal. They have written an imminently readable, clear book that Florida law students can use as a guide for learning the process of legal research and legal problem solving.

In this Review, I will evaluate the organization, content, and depth of the book, discuss the target audience for and uses of the book, compare the book with other books on Florida legal research, and comment on the accompanying *Teacher's Manual* and Web site.

II. ORGANIZATION, CONTENT, AND DEPTH

Florida Legal Research contains twelve chapters, arranged as follows: Reporters and Digests; Statutes and Constitutions; Shepard's Citators; Secondary Sources; Legal Research Method and Organization; Administrative Law; Court Rules; Form Books; Legislative History; Computer Assisted Legal Research; Looseleaf Services; and Citation.³ The organization is based on the authors' first-year legal writing course at Florida State University College of Law, in which the first writing assignment is a closed-universe memorandum.⁴

As the authors realize, it is impossible to please everyone with the selected order of presentation.⁵ In my own course, I start with an overview of the legal research process, give an overview of categories (primary, secondary, and finding tools), move to the various secondary sources, and then proceed to primary sources and citators. I do this because I want students to have an overview of the process as a framework for learning individual sources and to learn the sources in the order they should consult them when researching any unfamiliar topic. Although Rowe, Busharis, and Tietig do not disagree with my

2. See SUZANNE E. ROWE ET AL., *FLORIDA LEGAL RESEARCH: SOURCES, PROCESS, AND ANALYSIS* at xvii (1998) ("This book is intended for law students and other beginning legal researchers.").

3. *Id.* at vii.

4. See *TEACHER'S MANUAL*, *supra* note 1, at iii ("We assign the closed memorandum about four to six weeks into the semester."). A closed-universe assignment is one in which the students are given not only a fact pattern with a hypothetical client problem, but also a set of sources sufficient to analyze and write a memorandum on that problem.

5. See *id.* at i-vii (explaining the book's organization and offering suggestions about altering the order of presentation to fit different course structures).

premise,⁶ they choose to start with the two primary sources—cases and statutes—that first-year students use most often. This organization is typical of some well-established research texts⁷ and has a certain appeal. What I appreciate most, however, is that the authors recognize in the *Teacher's Manual* that there is not one “right” order in which to teach legal research.⁸

With that point in mind, let me offer a few suggestions I think would improve the book's large-scale organization. First, context is key. As a new researcher, I would want to know what legal research is and why I need to master it before I start learning about individual sources. Therefore, I would move Chapter Five, “Legal Research Method and Organization,” to the front of the book.

In addition, regardless of whether the course begins with primary or secondary sources, I would suggest grouping the chapters that concern primary sources. Specifically, Chapters One and Two discuss three of the four categories of primary sources:⁹ cases, statutes, and constitutions. However, the other category of primary authority, administrative law, does not appear until Chapter Six. Sandwiched in between are chapters on Shepard's, secondary sources, and legal research and method. With this organization, students might not fully grasp the place of administrative regulations and decisions in the universe of legal resources.¹⁰

I must note, however, that the authors selected their organization with care and in accordance with their philosophy. As they explain in the *Teacher's Manual*, “A discussion of research methods should come after the students have been introduced to the major research sources . . . and just before they are asked to do comprehensive research on their own.”¹¹ Moreover, they reserved administrative law for a later chapter because “[a]dministrative law is difficult for first-year law students to comprehend” and “most students have had very little exposure to administrative agencies.”¹² Thus, while I disagree

6. Indeed, in their chapter on secondary sources, they advise: “You should always start with a secondary source when researching an unfamiliar area of law.” ROWE ET AL., *supra* note 2, at 49.

7. See, e.g., JACOBSTEIN ET AL., *supra* note 1; LAUREL CURRIE OATES ET AL., *THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH, AND WRITING* (2d ed. 1998).

8. See TEACHER'S MANUAL, *supra* note 1, at iii-iv.

9. Primary sources are those that contain “authorized statements of the law by governmental institutions.” JACOBSTEIN ET AL., *supra* note 1, at 2. Secondary sources contain “statements about the law and are used to explain, interpret, develop, locate, or update primary authorities.” *Id.*

10. The authors do, however, stress the importance of administrative law in legal research. See ROWE ET AL., *supra* note 2, at 97 (“The administrative agency is one of the most important units of government in the United States today.”); see also TEACHER'S MANUAL, *supra* note 1, at 15 (commenting that “most students don't understand that administrative regulations have the force of law, just like any other primary authority”).

11. TEACHER'S MANUAL, *supra* note 1, at 14.

12. *Id.* at 15.

with the placement of two chapters, I respect the thought the authors put into the structure.

With regard to small-scale organization, the authors deliver what they promise in the book's title. In each chapter, other than Chapter Five on research method and organization, they introduce and describe the source; they describe the process of finding, using, and updating the source; and they typically conclude with advice about how to use the source to analyze a problem. For example, Chapter One ends with a section called "Case Analysis" that discusses analogic reasoning,¹³ and Chapter Two ends with a section on statutory interpretation.¹⁴

In a few places, however, the internal organization could be stronger. At one place in Chapter One, for instance, the authors mention "West reporters" with no further explanation.¹⁵ I doubt many law students would fully understand or appreciate the reference without a bit more explanation. Also in Chapter One, the authors put the discussion of reporters before the discussion of the Florida court system.¹⁶ Reversing the order would seem to provide more context for law students.

Likewise, when the court system is discussed, the concept of stare decisis is explained, but the appellate process is not.¹⁷ The authors seem to assume that the students already possess this knowledge. Thus, I would suggest a few paragraphs, and maybe a chart, regarding which party can appeal to which court; a few sentences on the vocabulary of the court system and appellate process would also help.¹⁸

A similar problem exists in Chapter Four, which discusses choosing secondary sources before describing the types of secondary sources available.¹⁹ Finally, although the authors did a good job cross-referencing topics, some readers will be frustrated by the authors repeatedly stating that points will be discussed later.²⁰

Concerning content, the authors succeeded in including those topics first-year students must learn, while eliminating topics and distracting details that they do not need. In addition to covering the obligatory topics of primary sources, finding tools, citators, and "traditional" secondary sources, such as legal encyclopedias and legal periodicals, *Florida Legal Research* also devotes sections to continuing

13. See ROWE ET AL., *supra* note 2, at 18-20.

14. See *id.* at 29-32.

15. See *id.* at 4.

16. See *id.* at 16 (Florida court system).

17. See *id.* at 16-17.

18. For example: Plaintiff, defendant, appellant, appellee, petitioner, and respondent.

19. See *id.* at 50-51.

20. See, e.g., *id.* at 7, 9, 17, 22.

legal education material,²¹ court rules,²² form books,²³ and looseleaf services.²⁴ These sources can be invaluable if law students and lawyers know when and how to use them. And, as with all sources covered in the book, Rowe, Busharis, and Tietig provide just such advice.

As the title suggests, the book's emphasis is on Florida sources. Analogous sources of federal law are also identified, but they are not treated in any depth. The authors appear to have included the federal material more for purposes of comparison than anything else.²⁵ However, since the authors are trying to fill a niche, their emphasis on Florida law is correct. Moreover, legal teachers, scholars, and researchers should appreciate this focus. Over eighty-five percent of students who graduate from Florida law schools remain in Florida to practice.²⁶ Thus, Florida cases, statutes, court rules, and administrative regulations will be the sources on which their client's cases and transactions will pivot.²⁷

From a student's perspective, the book is chock full of pithy advice. As I read the book, I recognized several points that I emphasize in my own research classes:

Some students initially try to carry analogical reasoning too far by looking endlessly for a single case with facts exactly like the facts of their assignment.²⁸

....

Some legal researchers prefer to begin with the pocket part to ensure they find the most recent statutory language and annotations.²⁹

....

... [S]top researching when all of the sources are leading back to the same primary authority or rules of law.³⁰

....

21. *Id.* at 63-64.

22. *Id.* at ch. 7.

23. *Id.* at ch. 8.

24. *Id.* at ch. 11.

25. See *TEACHER'S MANUAL*, *supra* note 1, at i (indicating that that the text "focus[e]s on Florida research because the popular research texts include sufficient instruction in federal research materials" and noting that the book "focus[es] on Florida sources, but also identifi[es] the analogous sources of federal law, so an instructor does not have to require other texts in an introductory research course").

26. See NATIONAL ASSOCIATION FOR LAW PLACEMENT, CLASS OF 1997: EMPLOYMENT REPORT & SALARY SURVEY 37 (1998) (reporting that 85.6% of graduates from Florida law schools obtain employment in the state).

27. Cf. Lydia M.V. Brandt, *The MacCrate Report and the Teaching of Legal Research: A Justified Scenario for Educational Malpractice*, 2 TEX. WESLEYAN L. REV. 123, 125 (1995).

28. ROWE ET AL., *supra* note 2, at 19.

29. *Id.* at 23. I wish, however, that more overall emphasis had been placed on the importance of pocket parts.

30. *Id.* at 88.

One of the most time-wasting mistakes made by novice researchers is trying to do all of the research before they begin writing.³¹

This practical advice will stay with students long after they have forgotten the color of the most recent Shepard's update and whether *Florida Statutes* is reissued in even- or odd-numbered years. This practical advice also emphasizes the authors' commitment to, and focus on, process over "book finding."³²

A topic that a reader might not expect to find in a research book, but that is essential to good lawyering, is ethics. Throughout the book, the authors remind readers about how ethics and research go hand-in-hand and about how poor research can irrevocably damage an attorney's credibility.³³ Bravo!

The book concludes with a chapter on citation³⁴—which is something near and dear to my heart,³⁵ but not to most students'. This chapter, however, is necessary and is well written. It is, to the best of my knowledge, the only source that compares in detail the *Bluebook's* citation system with the Florida citation system included in Florida Rule of Appellate Procedure 9.800³⁶ and supplemented by Florida State's *Florida Style Manual*.³⁷ The chapter also contains a list of "common errors" that can be easily understood by Bluebookphiles and Bluebookphobes alike. This chapter will definitely appear on my next Research and Writing syllabus as required reading for the "Florida Citation Form" class.

My primary quibble with *Florida Legal Research* is the depth with which it covers each topic. Many important topics, such as the court

31. *Id.* at 89.

32. See also Lynch, *supra* note 1, at 425 (noting that "[a] poor understanding of a lawyer's problem might arise from failure to locate the right material, but it is more likely to arise from inadequate thinking about the material").

33. See, e.g., ROWE ET AL., *supra* note 2, at 46-47 (addressing ethics in the context of updating research and discussing cases in which attorneys were reprimanded for not conducting adequate research); *id.* at 87 (reminding readers that "an attorney has a professional and ethical duty to inform the court of negative, binding authority that is directly on point"); *id.* at 117-18, 121 (discussing Florida ethics rules and how to conduct research regarding those rules). The book also reminds students to use common courtesy by reshelving their library books. See *id.* at 9.

34. See *id.* at ch. 12.

35. See A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 STETSON L. REV. 53 (1996); A. Darby Dickerson, *It's Time for a New Citation System*, THE SCRIVENER, Summer 1998, at 2; A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 SCRIBES J. LEGAL WRITING 75 (1996-97).

36. FLA. R. APP. P. 9.800 (1998).

37. FLORIDA STATE UNIVERSITY LAW REVIEW, FLORIDA STYLE MANUAL (4th ed. 1997), available in 24 FLA. ST. U. L. REV. app. (1997).

system,³⁸ case analysis,³⁹ federal research,⁴⁰ statutory interpretation,⁴¹ and treatises⁴² are covered in only two or three pages.⁴³ Other topics are introduced, but never developed. For instance, at one point, the authors warn readers: "[D]o not forget legal newspapers and practice journals,"⁴⁴ but never explain what those sources are or how they might be used. There is a fine line between providing sufficient information on each source and overwhelming the reader. If first-year law students are truly the intended audience, and if *Florida Legal Research* is designed to be the only research text in a course, the authors have not provided the required depth on all sources.

The authors did, however, strike a nice balance in many areas. The book, for example, contains a section on how to Shepardize that is straightforward yet thorough.⁴⁵ Further, the sections on research notebooks,⁴⁶ administrative law,⁴⁷ court rules,⁴⁸ form books,⁴⁹ and legislative history⁵⁰ provide enough detail for readers to understand the source and how the source fits into the research process but eliminate the minutiae that might overwhelm or frustrate the beginning researcher.⁵¹

III. TARGET AUDIENCE AND USE

Rowe, Busharis, and Tietig consciously targeted their book for "law students and other beginning legal researchers."⁵² Except for my criticisms about some depth of coverage,⁵³ the authors hit their mark. The book is readable. Indeed, I read it cover to cover in just a few hours. The tone is encouraging, not intimidating. The language is clear; jargon is avoided. The book is written to get and keep students' attention.

38. ROWE ET AL., *supra* note 2, at 16-17.

39. *Id.* at 18-20.

40. *Id.* at 28-29.

41. *Id.* at 29-31.

42. *Id.* at 59-61.

43. Moreover, the book's dimensions are relatively small: 5½-by-8½ inches.

44. *Id.* at 54.

45. *Id.* at 36-42.

46. *Id.* at 90-94.

47. *Id.* at ch. 6.

48. *Id.* at ch. 7.

49. *Id.* at ch. 8.

50. *Id.* at ch. 9.

51. See TEACHER'S MANUAL, *supra* note 1, at vii (recognizing that "students are often overwhelmed by the complexity of legal research" and instructing that "[i]n teaching legal research, patience is not just a virtue; it is a necessity" (citing Paula Lustbader, *Teach in Context: Responding to Diverse Student Voices Helps All Students Learn*, 48 J. LEGAL EDUC. 402, 406 (1998))).

52. ROWE ET AL., *supra* note 2, at xvii.

53. See *supra* notes 38-44 and accompanying text.

At Florida State University College of Law, *Florida Legal Research* is the primary legal text for the first-year writing program. Because federal sources are not covered in much depth,⁵⁴ I would be hesitant to use it in the same manner. At a minimum, I would feel obligated to supplement the book with other research sources mentioned in the "Additional Reading" sections that appear at the end of each chapter.⁵⁵

However, I think the book has many potential uses—some of which were suggested by the authors themselves.⁵⁶ First, I would like to hand the book to every law student who is about to start a summer clerking job in Florida and to every recent graduate about to complete his or her first research project for a Florida employer. The book is a quick read, and it provides a wonderful review of research, with an emphasis on Florida sources. As noted above, the book provides excellent reminders of important research pointers and also gives practical advice that young attorneys should find valuable.⁵⁷

Next, I would seriously consider assigning the book in a course on advanced legal research. Again, the book provides an excellent review of basic sources but shifts the emphasis to Florida materials. Because the book is readable and clear, the book would provide a solid foundation upon which to start the semester. For these reasons, I may very well assign the book to those upper level students who serve as teaching assistants in Stetson's writing program.

In addition, the book will help experienced attorneys who are new to Florida. I am licensed in Texas, and I found some interesting and helpful information about Florida research that I am sure other non-Florida attorneys—including new law professors—would also find useful.

Finally, the book is concise and clear enough that it could be assigned in both a course for paralegal training and in an undergradu-

54. See *supra* note 25 (reflecting the authors' express intent not to cover federal materials in detail).

55. Some of the "general" research books mentioned in the *Florida Legal Research* text or on the Web site are JACOBSTEIN ET AL., *supra* note 1, and KUNZ ET AL., *supra* note 1. I would encourage the authors to expand the list of sources contained at the end of each chapter. As just a few examples, I would include NORMAN J. SINGER, *STATUTES AND STATUTORY CONSTRUCTION* (5th ed. 1999) (commonly referred to as "Sutherland on Statutory Construction") on the Chapter Two list regarding statutes, and Judith D. Fisher, *Bareheaded and Barefaced Counsel: Courts React to Unprofessionalism in Lawyers' Papers*, 31 SUFFOLK U. L. REV. 1 (1997), on the Chapter Three list regarding ethics. I also suggest that they incorporate some of the additional sources mentioned in the *Teacher's Manual*. See, e.g., *infra* note 75.

56. *TEACHER'S MANUAL*, *supra* note 1, at i-iv.

57. For example, when discussing various Florida form books, the authors provide the following advice about *Trawick's Florida Practice and Procedure: Forms*: "Because this one volume contains the most common and basic Florida forms, many practitioners include it in their libraries, even when they have very few other books." ROWE ET AL., *supra* note 2, at 126.

ate pre-law curriculum. Moreover, portions of the book have been "adapted for legal research courses for non-legal professionals, including legislative aides."⁵⁸

IV. OTHER BOOKS ON FLORIDA LEGAL RESEARCH

Two other books provide current,⁵⁹ in-depth information about Florida legal research. The first, which is referenced in the Rowe, Busharis, and Tietig work, is *The Florida Bar's Guide to Florida Legal Research*.⁶⁰ The second, which is not mentioned, is *Florida Legal Research & Source Book* by Niki L. Martin.⁶¹ Both the *Guide to Florida Legal Research* and the *Florida Legal Research & Source Book* are expressly geared toward experienced practitioners.⁶² Thus, their focus is distinct from that in *Florida Legal Research*.⁶³ The most striking difference between *Florida Legal Research* and the other two sources is that *Florida Legal Research* is the only one with sustained coverage of process. While the other two might cover sources in more depth,⁶⁴ they ignore the all-important *process* of legal research, which should—and indeed must—be the focus of first-year legal research.⁶⁵ In this respect, *Florida Legal Research* has filled an important gap in the literature.

V. TEACHER'S MANUAL

The 1999 *Teacher's Manual* that accompanies *Florida Legal Research* is a helpful tool. Running forty-eight pages from cover-to-cover, it contains an introduction, sections that correspond to each chapter of the text,⁶⁶ and an appendix with sample syllabi, research worksheets, sample questions for a research quiz, and "Court System Flow Sheets."⁶⁷ It is written with the busy, non-librarian legal re-

58. Carolina Academic Press, *Florida Legal Research* (visited Apr. 22, 1999) <<http://www.cap-press.com/rowe/>>.

59. One other book, HARRIET L. FRENCH, *RESEARCH IN FLORIDA LAW* (2d ed. 1965), is not discussed because it is outdated.

60. BETSY L. STUPSKI, *GUIDE TO FLORIDA LEGAL RESEARCH* (5th ed. 1998).

61. NIKI L. MARTIN, *FLORIDA LEGAL RESEARCH & SOURCE BOOK* (1993).

62. See *Forward* to MARTIN, *supra* note 61, at 5 ("This book is not intended for novice researchers. It is not a replacement for first year law school instruction or the skills and research tools discussed in basic legal research materials."); STUPSKI, *supra* note 60, at v ("This manual is another work in a continuing series of publications designed to aid Florida lawyers to practice more efficiently and effectively.")

63. See ROWE ET AL., *supra* note 2 (concerning the target audience for *Florida Legal Research*).

64. In my opinion, the Martin and Stupski texts are too detailed for first-year students; moreover, they focus more on bibliographic matters and hardly at all on process. See generally MARTIN, *supra* note 61; STUPSKI, *supra* note 60.

65. See discussion *supra* note 1 (explaining the importance of process).

66. See text accompanying *supra* note 3 (listing the chapters).

67. TEACHER'S MANUAL, *supra* note 1, app. The authors give teachers copyright permission to reproduce the court system charts for classroom use. See *id.* at 3.

search teacher in mind.⁶⁸ The writing is clear, and the sections are short, but helpful and informative.

The introduction describes the authors' purposes and logic in writing and organizing the book.⁶⁹ The authors reveal assumptions about course structure⁷⁰ and offer advice about developing a syllabus for an "[i]ntegrated [a]pproach to [r]esearch [i]nstruction"—in other words, a syllabus to emphasize the process of legal research.⁷¹ For a new teacher, or a teacher about to adopt *Florida Legal Research*, this section is beneficial, as it gives ideas about the order of classes, timing, and exact reading assignments.⁷² For a more experienced teacher, or a teacher who is considering the book as a supplement to other course materials, the sample syllabi are less helpful, but the authors' written course description does generate ideas about alternative uses of the text.⁷³

The sections that correspond to chapters in *Florida Legal Research* vary in length from one to six pages. Like the main text, the material in the *Teacher's Manual* is encouraging and concise. Each section explains the main purpose of the chapter and the primary goals that should be set for the corresponding class. Each section then provides ideas about how to present material in class; many sections provide suggestions for in-class demonstrations and exercises. The *Teacher's Manual* also provides insights about the peculiarities of Florida research,⁷⁴ which will be helpful to those who, like me, were not Florida practitioners before entering academia.

In addition, the *Teacher's Manual* provides some solid advice on teaching, which will interest both new and experienced instructors.⁷⁵

68. See *id.* at i ("This teacher's manual should assist you in two primary ways. First, by explaining our approach to teaching research, we can help you understand better the material in the book and the organization of the book. Second, by providing teaching ideas for each area, this manual should act as a catalyst for presenting research material in new, insightful ways.")

69. See *id.* at i-ii.

70. See *id.* at i ("The manual assumes a two-semester, first-year course following the traditional research and writing format, which is the approach currently taken at FSU.")

71. *Id.* at iii-iv.

72. See *id.* at iii-iv & app. (containing sample syllabi).

73. See *id.* at iii-vii.

74. As just one example, the section on reporters and digests explains pertinent Florida Rules of Appellate Procedure, reminds the user of the exact states included in the *Southern Reporter*, explains the pre-1981 relationship between the United States Courts of Appeals for the Fifth and Eleventh Circuits, and provides tips on using *Florida Law Weekly*. See *id.* at 3-4.

75. For example, in the Shepard's section, the authors remind readers that Shepard's will provide booklets on Shepardizing for students and provides the toll-free phone number for obtaining them. See *id.* at 7. The authors also suggest taking actual Shepard's volumes to class, see *id.* at 8, which is a technique I also find effective. In the section on secondary sources, the authors voice a piece of advice that I too try to emphasize: "Students need to know the value of browsing the stacks, especially when looking for treatises." *Id.* at 12. One other point that illustrates the authors' good advice appears in the section on legal research methods:

Finally, the authors include references to other materials and sources the teacher might draw on to pique students' interest.⁷⁶ In short, the *Teacher's Manual* complements the text and is a must-read for any teacher who adopts *Florida Legal Research* in whole or in part.

VI. WEB SITE

As an updating mechanism, the authors have created a Web site.⁷⁷ Web sites are a new and exciting way to update books. I applaud the authors for selecting this progressive approach. Not only does the Web site permit the authors to avoid costly supplements, but it permits them to provide up-to-date information on new and important changes. The authors are not required to wait a year, or even more, for essential supplemental information to appear in print.

However, updating with Web sites contains some inherent dangers. Specifically, with immediate updating available, users will expect immediate updates. Moreover, the authors will have to ensure that their links are always accurate.

My first visit to the *Florida Legal Research* Web site in March 1999 was frustrating. First, I had trouble reading the site. On my computer screen, the menu bar had a dark blue background, but the chapter titles were in black and were thus barely visible. Next, since much has been made in the last few months about Westlaw losing its access to Shepard's,⁷⁸ I went directly to the update for Chapter Three

Students often do not understand that practice research assignments serve an important goal. Therefore, it is important for [legal research instructors] to explain to students not only that research assignments are an important step in building students' knowledge of the legal research process, but also how specific assignments are designed to further the overall goal.

Id. at 14. A more comprehensive compilation of the authors' good work in this regard would occupy more space than I have.

76. Also in the Shepard's section, the authors provide cases in which attorneys were criticized for failing to Shepardize carefully. *See id.* at 7 & n.1 (citing, in the following order, *Cimino v. Yale Univ.*, 638 F. Supp. 952, 959 n.7 (D. Conn. 1986); *Glassalum Eng'g Corp. v. 392208 Ontario Ltd.*, 487 So. 2d 87, 88 (Fla. 3d DCA 1986); *Golden Eagle Distrib. Corp. v. Burroughs Corp.*, 103 F.R.D. 124 (N.D. Cal. 1984), *rev'd*, 801 F.2d 1531, 1542 (9th Cir. 1986)). The authors also include a story from a former student who in 1995 was asked to update the Shepardizing of an already-filed complaint. *See id.* "She immediately discovered that every case cited in the complaint had been overruled by a major Florida Supreme Court case from 1985 . . . The firm she was working for had to withdraw the complaint to avoid facing sanctions." *Id.* What a wonderful way to grab students' attention during what can be a very boring and frustrating class!

77. *See* Suzanne E. Rowe et al., *Florida Legal Research: Sources, Process, and Analysis* (visited Mar. 26, 1999) <<http://www.law.fsu.edu/library/research/>>.

78. *See, e.g.,* Debra Baker, *The Enemy Is in Their Cites: Lexis-Nexis and Westlaw Battle over the Latest in Research Tools*, A.B.A. J., Oct. 1998, at 24; Barry D. Bayer, *Shepard's Citation Service Moving to LEXIS-NEXIS*, CHI. DAILY L. BULL., Nov. 20, 1998, at 2, available in LEXIS, Legal News, Current File; Darryl Van Duch, *Times Mirror Deal Shuts Out Westlaw*, NAT'L L.J., Dec. 14, 1998, at B1, available in LEXIS, Legal News, Current File.

on "Shepard's Citators," only to be disappointed that this important, new development was not mentioned. In addition, I could not gain access to update pages for several chapters.

My second visit to the Web site in May 1999 was much more encouraging. First, the black type had been replaced with white and yellow type, which made the blue menu bar very easy to read. Second, the information about Shepard's had been added, as had information about recent changes to the *Florida Administrative Code*. Finally, although the other chapters had either no or very minor updates, the pages were now accessible. These improvements make the Web update a much more valuable and user-friendly tool.

A nice feature of the site is that it reprints the complete text of Chapter One, "Reporters and Digests." For those interested in evaluating the book for possible adoption, I suggest you review Chapter One on the Web, because it represents the style and tone of the entire book.

VII. CONCLUSION

Those who teach legal research in Florida schools and those who supervise associate training in Florida law firms should consider incorporating *Florida Legal Research* into their programs. Although the book might not be sufficient to serve as the primary research text in all first-year research and writing courses,⁷⁹ it would make a nice supplement and could serve as a primary text in upper level research courses and in associate training programs.⁸⁰ With its focus on the *process* of using Florida sources, its solid advice about the realities of legal research, and its clear directions and explanations, the book can be a valuable tool for its intended audience—law students and beginning researchers in Florida—and for those who simply need a refresher in this area.

79. See *supra* notes 38-51, 54 and accompanying text.

80. See *supra* notes 56-58 and accompanying text.