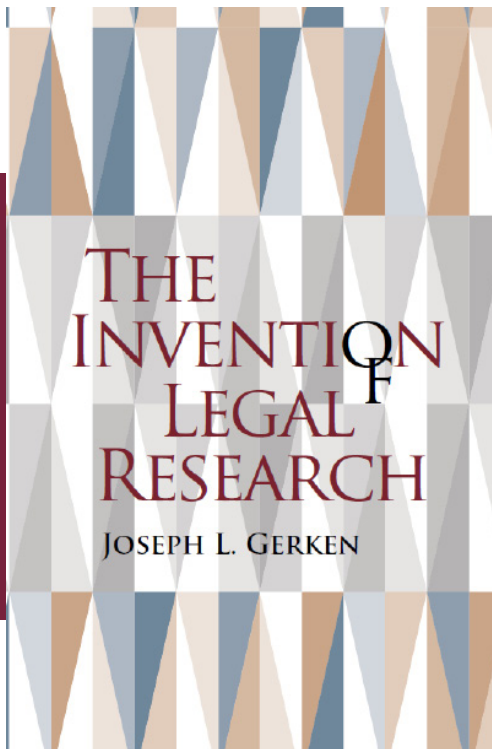




NEW!

AALL Publications Series No. 78



The Invention of Legal Research

By: Joseph L. Gerken

Explore the first revolution of legal research and development of research methodologies

The past three decades have witnessed a revolution in legal research methodology. Legal research databases have transformed research from an entirely print-based process to one dominated by online methods. Researchers can also access virtually every law review article written since 1918, the text of the entire Congressional Record and its predecessors, myriad government publications, court cases and even some treatises. All these sources and more are available at the touch of a few keystrokes, and research is more effective than it ever could be when it was confined to print sources.

This online revolution is not unprecedented, however, and it is not a stretch to think that law practice was transformed during the period from 1870 to 1890 as much as it has been the past thirty years. *The Invention of Legal Research* by Joseph L. Gerken is the story of those “golden decades”. This book is an expanded version of the author, Joseph L. Gerken’s award-winning paper, which received the AALL’s Call for Papers Award (Open Division) in 2013.

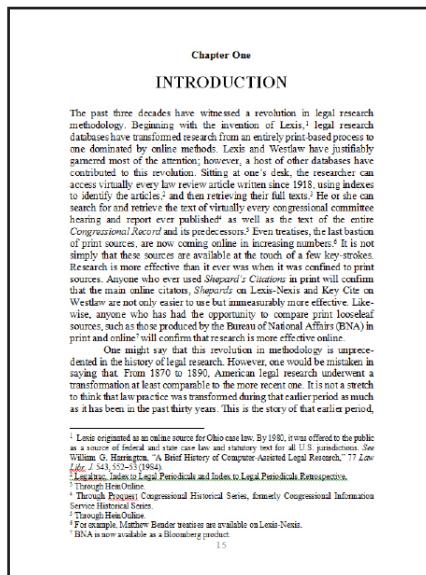
This title focuses on three types of resources: case reporters, digests, and citators, culminating in each instance with a source that came to dominate the profession: the West National Reporter System, West Digests, and Shepard’s citations. These were all introduced within a relatively short period, from 1875 to 1889. However, once the pieces were in place, there were virtually no significant developments in legal research methodology for almost a century. This title uncovers the reasons for this confluence of developments in such a short period and tells the story of the years leading up to the decades in which legal research was transformed.

The Invention of Legal Research also explores the relationship between the revolution in legal research and two phenomena that occurred during the same period: courts’ adoption of the doctrine of stare decisis in deciding cases, and the implementation of the case method of instruction in law schools. And finally, the book traces the subtle but quite significant shift of emphasis in litigation-related research: from a search for legal principles as defined in treatises to a search for precedent as expressed in case law.

This title is most of all a narration of the stunning accomplishments of a remarkable generation of innovators.

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Joseph L. Gerken is a reference librarian at University at Buffalo Law Library. He previously worked as a legal advocate for people with disabilities and for state prisoners, and as confidential law clerk for U.S. District Judge M. William Skretny. Mr. Gerken authored *What Good Is Legislative History? Justice Scalia in the Federal Courts of Appeals* (William S. Hein & Co. 2007) and several articles on legal research.

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