"Who Are Those Guys?": The Results of a Survey Studying the Information Literacy of Incoming Law Students

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"WHO ARE THOSE GUYS??*: THE RESULTS OF A SURVEY STUDYING THE INFORMATION LITERACY OF INCOMING LAW STUDENTS

IAN GALLACHER**

Summary: This article presents the results of a summer 2006 survey of students about to begin their first year of law school. In total, 740 students from seven different law schools responded to the survey. The survey gathered general information from the students, as well as self-evaluative data on student reading, writing, and research habits in an attempt to understand how the students perceive their skills in these crucial areas. The survey data suggest that while there is some positive news to report, incoming law students overestimate their writing and research skills and come to law school inadequately trained in information literacy. The article concludes with an analysis of some of the broad conclusions suggested by the data from this survey and from other studies of law students and new lawyers, and proposes some possible remedies for the skills deficits displayed by incoming law students.

* The question posed several times during the movie BUTCH CASSIDY AND THE SUNDANCE KID (Twentieth Century-Fox 1969).

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I. INTRODUCTION

We are awash in a sea of bad news about information literacy skills. Recent studies from the National Endowment for the Arts, the National Center for Education Statistics, and the National Commission on Writing indicate that societal literacy skills are declining, and studies directed specifically at lawyers suggest that

1. The skills necessary to locate, assimilate, and reproduce information—reading, writing, and research, and not the narrower meaning of research skills alone, sometimes given to it.


3. Nat’l Ctr. for Educ. Statistics, U.S. Dept. of Educ., National Assessment of Adult Literacy: A First Look at the Literacy of America’s Adults in the 21st Century 4 (2005), available at http://nces.ed.gov/NAAL/PDF/2006470.PDF (concluding that while the percentage of adults with intermediate document literacy increased 4% between 1992 and 2003, and the number of adults with intermediate quantitative literacy increased by 3% during the same period, the percentage of adults with basic literacy skills was essentially unchanged between 1992 and 2003, and the number of adults with proficient prose or document literacy fell by 2% during the same period).

4. The Commission has issued three reports that analyze the decline in literacy skills in the American population: Nat’l Comm’n on Writing in Am.’s Schs. & Colls., The Neglected “R”: The Need for a Writing Revolution 3 (2003), available at http://www.writingcommission.org/prod_downloads/writingcom/neglectedr.pdf (concluding that “[a]lthough many models of effective ways to teach writing exist, both the teaching and practice of writing are increasingly shortchanged throughout the school and college years”); Nat’l Comm’n on Writing for Am.’s Families, Schs., & Colls., Writing: A Ticket to Work . . . Or a Ticket Out 4 (2004), available at http://www.writingcommission.org/prod_downloads/writingcom/writing-ticket-to-work.pdf (concluding that “[m]ore than 40 percent of responding firms offer or require training for salaried employees with writing deficiencies” and that “[b]ased on the survey responses, it appears that remediying deficiencies in writing may cost American firms as much as $3.1 billion annually”); Nat’l Comm’n on Writing for Am.’s Families, Schs. & Colls., Writing: A Powerful Message from State Government 3 (2005), available at http://www.writingcommission.org/prod_downloads/writingcom/powerful-message-from-state.pdf (concluding that “despite the high value that state employers put on writing skills, a significant numbers [sic] of their employees do not meet states’ expectations” and that “[t]hese deficiencies cost taxpayers nearly a quarter of a billion dollars annually”).

5. See Kathryn HensiaK et al., Assessing Information Literacy Among
things are no better in our profession despite the recent increase in emphasis on skills training in law schools.6

Some of the pessimism concerning lawyer literacy might be more of a cultural artifact than a genuine reflection of a decline in standards.7 But whether or not things actually are getting worse,


7. Certainly criticism of lawyers’ writing is nothing new. See David M. Becker, My Two Cents on Changing Times, 76 WASH. U. L.Q. 43, 53 (1998) (“Do [law] students of the nineties write better or at least as well as students of the sixties and seventies? The answer is: no, they do not even write as well!”); Albert P. Blaustein, On Legal Writing, 18 CLEV.-MARSHALL L. REV. 237, 237 (1969) (“Virtually all legal writing is atrocious!”); K.N. Llewellyn, On What is Wrong with So-Called Legal Education, 35 COLUM. L. REV. 651, 660 (1935) (“I want every law student to be able to read and write. Half of my first-year students, more than a third of my second-year students, can do neither.”); William L. Prosser, English as She is Wrote,
practicing lawyers and legal academics certainly seem to think they are, and this is an area where reality is perhaps less important than perception.

Missing from the chorus of voices bemoaning the downward slide in information literacy skills are those of the students whose work is being scrutinized. Yet their opinions are significant; only they can tell us what they read, how they communicate, and how they go about finding information. And if law students believe their information literacy skills to be adequate or better, they likely will not understand the very different perception of their teachers and future employers.

This article reflects the results of a survey designed to generate data about incoming law students and their perceptions of the information literacy skills they bring to law school. The survey presents self-evaluations by incoming law students of their reading, writing, and research habits, and allows us to better understand the nature and dimensions of the problems facing law students during their first year in law school.

After describing the methodology used to obtain the data in Part II, Part III offers some general information that helps to place the data in context. Parts IV, V, and VI present the survey data concerning incoming law student responses to questions about their reading, writing, and research habits. Part VII analyzes the data and compares it to other research data. This analysis suggests that the data indicate some broad conclusions—that incoming law students read substantially more than the national average; that incoming law students will experience some reading problems in their first year of law school; that incoming law students overestimate their writing skills; that incoming law students overestimate their research skills;

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7 J. LEGAL EDUC. 155, 157 (1954) ("Very, very many of [my students] are hopelessly, deplorably unskilled and inept in the use of words to say what they mean, or, indeed, to say anything at all"); Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38, 38 (1936) ("There are two things wrong with almost all legal writing. One is its style. The other is its content."); Arthur T. Vanderbilt, *A Report on Prelegal Education*, 25 N.Y.U. L. REV. 199, 209 (1950) ("[There is a] well-nigh universal criticism respecting the inability of law students to think straight and to write and speak in clear, forceful, attractive English.").

8. Detailed information about student reading habits is contained in five appendices which summarize student responses to questions about their favorite book, least favorite book, last book they read, book they were reading when they responded to the survey, and book they were planning to read next.
and that law schools must take student writing and research deficits into account when developing skills criteria—and then examines each of these conclusions in detail.

The article concludes that there is work to be done in order to help law students improve their information literacy. While the data suggest that incoming law students have a strong self-belief in their reading, writing, and research skills, it appears that this belief is founded on the perception that previously successful strategies for performing well in an academic setting will continue to prove effective in law school. But studies of law student performance, and surveys of legal employers, suggest that this perception is flawed, and that not enough students develop strong legal information literacy skills in law school.

II. METHODOLOGY

The survey was conducted during the summer of 2006. The survey’s questions were designed to generate some general information about the responding students and sought specific information about student reading, writing, and research habits. After the questions were prepared, law schools were invited to participate by means of a posting to the DIRCON and LWI listservs and seven schools ultimately took part in the survey. Permission to proceed was received from the Institutional Review Boards of all participating schools.

9. 2006 Incoming Law Student Survey. A copy of the full survey results is on file with the author. For purposes of brevity, and to avoid pages of “id.” footnotes, this article will not cite to the survey every time information from it is referred to in the body of the text. References to the survey in the text should be sufficiently self-evident that constant citation is not necessary, and all other sources will be fully cited.

10. A listserv for legal writing directors hosted by the Association of Legal Writing Directors.

11. A listserv for legal writing teachers hosted by the Legal Writing Institute.

12. The following schools participated in the survey: Syracuse University College of Law, Washington College of Law, Marquette University Law School, Rutgers School of Law, Camden, Thomas Jefferson School of Law, John Marshall Law School, and University of Baltimore School of Law. Several other schools expressed an interest in participation, but circumstances prevented them from joining the survey in 2006.
The survey was internet-based; the survey form was generated using Cicada Consulting Group’s online survey generating program, and the incoming students answered the questions by typing a uniform resource locator (URL) into the address line of their web browsers and going directly to Cicada’s survey site. Once there, the survey questions were grouped in the general areas outlined above, with a “comments” section after each cluster of questions. It was anticipated that the survey would take approximately one hour to complete.

The ability to use an internet-based survey format made this project possible. The cost of Cicada’s services was relatively low and the ease of setup, distribution, and results analysis meant that the work could be done by one person, thereby eliminating the need for research assistants. And, of course, the internet is a more environmentally-friendly medium with which to conduct what would otherwise be a paper-intensive activity like survey taking.

Students were notified about the survey either by emails, with the URL embedded as an active link, or in person during law school.

13. Although Cicada drafted an early generation version of the survey form, I was able to create the final form with much gentle hand-holding from the Cicada staff. This final form, consisting of 121 questions, was drafted in a little over two hours, although the time was substantially reduced by being able to cut and paste questions from previous drafts directly into this final version. Once familiar with the vagaries of the form generation program, the process was remarkably straightforward and uncomplicated, allowing a neophyte survey preparer like myself to develop a variety of different question types, including questions calling for answer ranges, “yes/no” answers, short textual answers, and general response boxes in which survey takers could write as much or as little as they desired.

14. But not eliminating the need for help completely. I would be remiss if I did not comment on the professionalism, helpfulness, and cheerfulness displayed by everyone at Cicada. They are a flexible and responsive group of people who never once showed irritation with my limited understanding of the technology I was using. Working with them was a pleasure, and without their level of support this project would not have been possible.

15. I perceived two downsides to using an internet-based approach: (1) the survey would only reach, or could be answered by, those students with internet access, and (2) technological problems might interfere with the reception and processing of results. The first of these issues I discounted, believing that almost all incoming students would have internet access either at home or once they arrived at law school. And while a technical glitch in the previous year had caused the pilot survey to be offline for some time, there was no report of any technological problem during this survey period.
orientation. In all, 740 students responded to the survey. Responses were viewable instantly, and Cicada's service provides a raw number and percentage based summary of all received responses, thereby allowing hour by hour results tracking. Because the survey asked respondents to identify themselves as male or female, the results can also show gender disparity in the answers.

The data are presented here without any claims to statistical significance, but are offered to give insight into what our students believe about their information literacy. Where the responses reflected what appeared to be a significant disparity in responses based on gender, those differences have been identified.

III. GENERAL INFORMATION

In addition to the survey's principal focus on information literacy, it also collected some general information about those incoming law students who responded to the survey. Some of that data is included here in order to place the students' answers into a broader context.

A. Time Between Undergraduate Degree and Law School

Of the responding students, the majority had spent some time between obtaining an undergraduate degree and coming to law school. More than 57% had at least one year of work experience before coming to law school, 35.3% were attending law school directly after completing an undergraduate degree, and 4.2% were attending law school directly after completing a graduate degree. Of those students

16. Or at least, began to respond. In a survey of this sort, where no control over how many questions a student answers can be exerted, almost every question contains a different number of actual responses. The length of the survey likely caused some students to stop answering, and because no personal information concerning the students was collected, it was impossible for students to answer part of the survey in one sitting and return to complete their answers later. The results of the survey are given here in terms of percentages of the 740 students who began to respond. The complete survey results also include numbers of students who responded to each question.

17. Another benefit of this method is that results could be analyzed in a variety of ways with great ease. As a result, the participating schools were able to get not only the total results but also the results for that school, thereby allowing an insight into each school's incoming class.
who had at least a year between completing their undergraduate degree and coming to law school, 18% had worked for one year, 13.3% had worked for two years, and 26% had worked for more than two years.

A substantial number of responding students, who worked for at least a year before coming to law school, worked in the law in some capacity or other. Approximately 34% of the responding students had worked in a law firm or in a legal department of some form: 27.6% in a law firm, 4.2% in the legal department of a company, and 2.7% in the legal department of a government agency. By contrast, 49.6% of responding students had no legal work experience. Some students had worked for federal or state government: 4.2% directly for a federal or state legislator and 8.8% for the government in some capacity.

B. Class Preparation

When asked about preparation for classes as undergraduates,18 7.6% of responding students indicated that they had not prepared for classes, while 16.5% answered that they had spent less than an hour and 28.3% answered that they spent about an hour preparing for classes, while 22.2% indicated that they had spent about two hours and 21.5% indicated that they had spent more than two hours preparing for classes.

In contrast to these numbers, the responding students appeared to anticipate a greater commitment to class preparation in law school: no students answered that they would not prepare for class and only 1% of students responded that they would prepare for less than one hour. Only 5.3% of responding students indicated that they would prepare for about an hour for law school classes, while 22.8% indicated that they would prepare for about two hours and 67.4% indicated that they would spend more than two hours preparing for classes in law school.

C. Learning Styles

The survey asked students to identify their preferred way of learning. Of the single options, 10.3% of responding students

18. The students were asked “as an undergraduate, how much time did you spend each day preparing for classes.” Accordingly, the answers to this question relate to the time they spent preparing for all classes, not just each individual class.
identified “doing” as their preferred learning style, with “discussing the subject with others” (9.9%), “reading” (7.7%), and “listening” (5.5%) as the other responses. The clear favorite among students, however, was “a combination of some or all of these,” with 61.5% of responding students selecting this option.

There was some gender disparity in these results, as indicated below:

**D. Preferred Practice Area**

One of the more interesting pieces of general information the survey recorded was the preferred practice areas of the responding students. The survey listed 21 possible choices, with an “other” option for those students who would have selected a different alternative had it been available. Of those choices selected by more than 5% of the responding students, the clear winner was international law, with 15.8% of the total responses. Surprisingly, perhaps, public interest and criminal litigation were tied with 9% of total responses, and both beat civil litigation, which was selected by only 7.8% of responding students.

The ranking of preferred practice areas selected by more than 5% of the responding students was as follows:
The data reflect some gender differences in the responses to preferred practice areas, with almost twice as many men (10.4%) as woman (5.5%) preferring civil litigation, but slightly more women (9.6%) preferring criminal litigation to men (9.0%), and more than twice as many women (12.7%) preferring public interest to men (6.1%). The gender difference by practice area selected by more than 5% of total responding students is as follows:

E. Importance of Skills and Ease of Acquisition

The survey sought to identify student reactions to some of the various skills they would learn in law school. Predictably, the incoming students ranked legal analysis, written communication, and oral communication as the three most important skills, although the
gap between these three skills and the remaining three is larger than might have been anticipated.

<table>
<thead>
<tr>
<th></th>
<th>Oral Communication</th>
<th>Written Communication</th>
<th>Knowledge of Substantive Law</th>
<th>Knowledge of Procedural Law</th>
<th>Legal Analysis</th>
<th>Legal Research</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most Important</td>
<td>23.4%</td>
<td>25.1%</td>
<td>5.5%</td>
<td>4.2%</td>
<td>31.5%</td>
<td>6.9%</td>
</tr>
<tr>
<td>Easiest to Learn in Law School</td>
<td>15.9</td>
<td>19.9</td>
<td>16.2</td>
<td>12.6</td>
<td>10.7</td>
<td>21.2</td>
</tr>
<tr>
<td>Most Difficult to Learn in Law School</td>
<td>27.0</td>
<td>9.7</td>
<td>13.2</td>
<td>11.6</td>
<td>23.8</td>
<td>10.9</td>
</tr>
</tbody>
</table>

More surprising, perhaps, is the confidence displayed in their information literacy skills by the incoming law students. Nearly 20% of responding students believed that written communication would be the easiest skill they would have to learn in law school with slightly fewer than 10% responding that it would be the most difficult skill they would learn, while more than 21% thought that legal research would be the easiest skill to learn with almost 11% responding that it would be the most difficult skill to learn.

19. It is possible that these results were affected by other factors. For example, a student might be influenced by the way a law school grades its legal research and writing class, believing that a pass/fail grading protocol indicates that the class is easier than others, and therefore the subject will be easier to acquire. Conversely, the student may believe that if the school has drawn particular attention to its writing and research program in promotional materials, the subject might be more difficult to learn than other subjects. The results here are, however, consistent with the responding students’ self-evaluations of their writing and research skills. See infra pp. 172-73, 178-80.
IV. READING

The survey sought to capture some general information about incoming student reading habits as well as specific information about student informational and educational reading.

It is no great insight to recognize that reading is of crucial importance to lawyers and law students.\textsuperscript{20} Ours is a profession of words, and the better we understand the meaning of those words—not just the dictionary definitions but the deeper, contextual meaning where the law lives—the better law students will be able to understand what courts and lawyers actually say when they write. So being simple readers of words is not enough for our students; they must become what Ruth McKinney calls “expert readers.”\textsuperscript{21} “[T]he successful study and practice of law requires all students and all practitioners to read with vigor and with accuracy, critically examining words in the context of action taken by the courts and legislatures, challenging assumptions, finding patterns, generating new ideas.”\textsuperscript{22}

There has been much concern recently that the population as a whole is not reading.\textsuperscript{23} In particular, there is concern that the generation from which our students are now drawn is not engaged in literary reading.\textsuperscript{24} This is of concern to law professors because of reading’s importance in forming a vocabulary, in learning rhetorical

\textsuperscript{20} “One of the most important skills in law school is the ability to read a judicial opinion efficiently and accurately . . . .” Leah M. Christensen, \textit{Legal Reading and Success in Law School: An Empirical Study}, 30 \textit{Seattle U. L. Rev.} 603, 603 (2007).


\textsuperscript{22} \textit{Id.} at 53.

\textsuperscript{23} See, e.g., \textit{NEA Study, supra} note 2. The NEA concluded that “[l]ess than half of the adult American population now reads literature” and that there was a 10% reduction in literary reading between 1982 and 2002. \textit{Id.} at ix. Moreover, the Study found that in 2002, only 56.6% of the American population had read any book and only 46.6% had read a work of literature. \textit{Id.} Although reading rates increased with educational levels, reading among every group declined between 1992 and 2002. \textit{Id.} at xi.

\textsuperscript{24} See \textit{id.} at ix-xi. The NEA Study set the bar for “literary reading” very low. See \textit{id.} at 1-2. Novels, short stories, poetry, and plays, counted as a literary work for purposes of the NEA Study. \textit{Id.}
strategies, in assimilating the importance of narrative, and for many other reasons.\textsuperscript{25}

\textbf{A. General Reading Information}

When asked to characterize their reading habits, 30\% of the responding students described themselves as "avid readers," while 48.9\% responded that they "enjoy reading." Only 8.9\% responded that they read when they are bored, 0.7\% responded that they "don't enjoy reading," and 3.8\% responded that they only read when they have to.\textsuperscript{26} When asked to rank reading among their other activities, 25\% of responding students identified it as "very important," 41.8\% as "important," 21.2\% as "neither important nor unimportant," 2.7\% as "unimportant," and 1.5\% as "very unimportant."

The survey indicated some significant gender differences in the way responding students described their reading habits, with women appearing to be much more enthusiastic about reading than men. The responses by gender were as follows:

\begin{center}
\begin{figure}
\centering
\includegraphics[width=\textwidth]{chart.png}
\caption{Reading Habits by Gender}
\end{figure}
\end{center}

\textsuperscript{25} For an example of the importance of critical reading skills, see Debra Moss Curtis & Judith R. Karp, "In a Case, In a Book, They Will Not Take a Second Look!" \textit{Critical Reading in the Legal Writing Classroom}, 41 \textit{Willamette L. Rev.} 293 (2005); Elizabeth Fajans & Mary R. Falk, \textit{Against the Tyranny of Paraphrase: Talking Back to Texts}, 78 \textit{Cornell L. Rev.} 163 (1993).

\textsuperscript{26} While these numbers are encouraging, they still indicate that more than 13\% of responding students are less than enthusiastic readers.
This gender disparity was also detectible when students were asked to rank reading against their other activities, with women again showing much more interest in reading than men. The responses by gender were as follows:

The survey also asked students to identify how many books they owned, excluding textbooks. Two students, or 0.3%, responded that they owned no books, 6.3% responded that they owned between one and ten books, 26.3% responded that they owned between eleven and fifty books, 22.3% responded that they owned between fifty-one and one hundred books, and 37.1% responded that they owned more than one hundred books. When asked about writing reference books, 75.9% of responding students indicated that they owned a print dictionary, 16.5% indicated that they did not, and 69.3% indicated that they owned a book on grammar and punctuation, while 22.7% indicated that they did not.

The survey also asked questions which allowed the students to estimate the time they spend reading for information and pleasure and contrast that with television watching and computer game playing.
The results were as follows:

<table>
<thead>
<tr>
<th>Time</th>
<th>Reading for Pleasure</th>
<th>Reading for Information</th>
<th>Watching Television</th>
<th>Playing Computer Games</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Hours</td>
<td>4.6%</td>
<td>1.8%</td>
<td>5.5%</td>
<td>60.8%</td>
</tr>
<tr>
<td>Less than 1 Hour</td>
<td>37.6%</td>
<td>38.6%</td>
<td>27%</td>
<td>22.3%</td>
</tr>
<tr>
<td>1-2 Hours</td>
<td>41.8%</td>
<td>43.1%</td>
<td>38.5%</td>
<td>8.5%</td>
</tr>
<tr>
<td>2-3 Hours</td>
<td>10.1%</td>
<td>10.1%</td>
<td>15.4%</td>
<td>2.7%</td>
</tr>
<tr>
<td>3-4 Hours</td>
<td>1.5%</td>
<td>1.6%</td>
<td>5%</td>
<td>1.5%</td>
</tr>
<tr>
<td>4-5 Hours</td>
<td>0.4%</td>
<td>0.4%</td>
<td>2.2%</td>
<td>0.9%</td>
</tr>
<tr>
<td>More than 5 Hours</td>
<td>0.7%</td>
<td>0.9%</td>
<td>2.7%</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

The data reflect some gender similarities and differences in these responses.

Time spent reading for pleasure:

[Graph showing time spent reading for pleasure by gender.]

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Time spent playing computer or video games:

![Bar chart showing time spent playing computer or video games by men and women.]

**B. Informational Reading**

In the section on reading to learn information, the survey first asked students to describe their newspaper reading habits. The total responses indicated that 41.8% of responding students read newspapers daily, 32.0% read them a few times each week, 6.9% read them once a week, 8.1% read them a few times each month, and 3.3% never read newspapers.

The survey results suggest that men are more regular readers of newspapers than women, but that women were more likely to read newspapers occasionally.

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27. “Information” was broadly defined by the survey. Information sources included newspapers, newsmagazines such as *Time* or *Newsweek*, entertainment magazines such as *People* or *Entertainment Weekly*, and lifestyle magazines such as *Cosmopolitan* or *GQ*. 

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Published by CWSL Scholarly Commons, 2007
When asked how they read newspapers, only 17.4% of responding students answered that they read them in print form, while 16.7% responded that they read them only online, and the overwhelming majority—55.5%—responded that they read them in both print and online formats.

As might be expected, the internet is now by far the most important source of news information for responding students. Asked how they learned about the news, students responded as follows:

Newsmagazine readership was predictably less extensive than newspaper readership. Of those students who responded, 15% answered that they read such magazines more than once a week, 20.1% read them once a week, 38.1% read one every two to three weeks, and 18.8% never read newsmagazines.
Again, there were notable gender differences among the answers:

Readership of entertainment and lifestyle magazines was much lower, although here again gender differences were apparent. Of those students who responded, 5.9% read more than one entertainment magazine each week (4.3% of men and 7.8% of women), 18.4% read one per week (10.6% of men and 27.8% of women), 26.9% read one every two to three weeks (22.1% of men and 33.3% of women), and 40.4% never read one (55.7% of men and 26% of women). For lifestyle magazines, 3.6% read more than one a week (1.3% of men and 6% of women), 8.5% read one a week (4.2% of men and 13.6% of women), 33.2% read one every two to three weeks (23.7% of men and 45.2% of women), and 45.9% never read one (62.7% of men and 30.4% of women).

C. Pleasure Reading

The data from the pleasure reading section of the survey reflected the gender disparities identified in the general reading information section.28 When asked how many books they read for pleasure, a total of 5% responded that they read more than one book a week, 20.4% responded that they read one book a week, 31.8% responded that they read one book a month, 26.2% responded that they read fewer than one book a month but more than one a year, 3.5% responded that they read one book a year, and 1.6% responded that they read fewer than one book a year.

Broken down by gender, these responses are as follows:

Gender differences can also be identified when looking at the writing styles incoming law students most enjoy reading. Overall, the total responses were as follows:

- Literary Fiction 36.3%
- Poetry 0.1%
- Genre Fiction 17.5%
- Biographies 4%
- Non Fiction 25.9%
- Self-Help 1.3%
Identified by gender, the responses were as follows: 29

V. WRITING

Writing is, of course, a core lawyering skill, 30 and forms a central part of at least the first year curriculum 31 at most American law schools. 32 But despite the attention paid to writing in law school, it is a generally held perception that new lawyer writing is “marred by basic writing problems” 33 and that the problem is getting worse. 34 Since law

29. Although they track slightly different results, the data here reflect the same trend as the data announced by the NEA Study, which concluded that women were significantly more likely to engage in literary reading (55.1%) than men (37.6%). NEA STUDY, supra note 2, at x. The survey also noted that literary reading in both groups had dropped in the twenty years since 1982, with women’s literary reading falling by 7.9 percentage points and men’s literary reading falling by 11.5 percentage points. Id.

30. Although the MacCrate Report did not specifically list writing as a “fundamental lawyering skill,” it is subsumed within “Communication,” the fifth of ten fundamental skills identified by the report. See MACCRATE REPORT, supra note 6, at 172.

31. The ALWD SURVEY reports that 166 responding law schools offered upper-level writing courses. ALWD SURVEY, supra note 6, at 20-21.

32. See ALWD SURVEY for current specific information on legal writing instruction in American law schools.

33. See Kosse & ButleRitchie, supra note 5, at 85-86. This survey found remarkable unanimity among the four respondent groups it polled about the fact that legal writing is weak. Id. at 85. 92.5% of attorneys, 93.6% of state judges, 93.8% of
schools are now paying such close attention to writing, it seems that the reason for any decline in writing standards must lie in the writing instruction students receive before attending law school. 35

The survey gathered general data about incoming law students' perceptions of their writing skills. Specifically, the survey gathered information on their experiences in writing for communication and their previous academic writing experience. The goal of the survey was to discover how much and what type of writing experiences the students reported having.

A. General Information

Students seem generally satisfied with their technical writing skills. When asked to evaluate their writing, spelling, grammar, and punctuation skills, the results were as follows:

<table>
<thead>
<tr>
<th></th>
<th>Very Strong</th>
<th>Strong</th>
<th>Average</th>
<th>Weak</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Writing</td>
<td>23.1%</td>
<td>47.8%</td>
<td>12.7%</td>
<td>0.9%</td>
<td>0%</td>
</tr>
<tr>
<td>Spelling</td>
<td>26.6%</td>
<td>30.5%</td>
<td>18.4%</td>
<td>7.7%</td>
<td>1%</td>
</tr>
<tr>
<td>Grammar</td>
<td>23.9%</td>
<td>41.9%</td>
<td>15.7%</td>
<td>2.7%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Punctuation</td>
<td>23.1%</td>
<td>36.2%</td>
<td>21.9%</td>
<td>2.7%</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

Students also indicated that writing is an important skill for them. When asked how important writing was to them now, 41.6% federal judges, and 95.1% of legal writing teachers responding that they perceived problems in legal writing. Id.

34. See, e.g., Becker, supra note 7, at 53 (“[D]o students of the nineties write better or at least as well as students of the sixties and seventies? The answer is: no, they do not even write as well!”).

35. Id. at 55 (“[T]he decline [in writing standards] . . . [H]as to do with a student’s previous education—in particular college education.”). This is not a new insight. In 1969, Albert Blaustein noted that law schools “have put the major blame [for poor legal writing] on the failure of high school and college English composition teachers to send a better trained writer on to the graduate schools.” Blaustein, supra note 7, at 239. And even earlier, Arthur Vanderbilt wrote:

It is no secret that our law school authorities generally are far from satisfied with the intellectual attainments of their incoming students. . . . More acute than the complaints as to inaccurate or hazy knowledge . . . is the well-nigh universal criticism respecting the inability of law students to think straight and to write and speak in clear, forceful, attractive English. Vanderbilt, supra note 7, at 209.
responded “very important,” 34% responded “important,” 8.1% responded “neither important nor unimportant,” 0.4% responded “unimportant,” and only one student—representing 0.1%—responded “very unimportant.” And the students appeared to recognize the importance of writing to lawyers. When asked how important writing would be to them as lawyers, 77.7% responded “very important,” 6.6% responded “important,” 0.1% responded “neither important nor unimportant,” 0.1% responded “unimportant,” and no student responded “very unimportant.”

B. Writing for Communication

The survey sought to discover how students use writing to communicate. It gathered data on the number and types of letters students write, and the numbers and types of electronic communications the students send and receive each day.

The data indicate that the letter, while not the robust medium of communication it was before the advent of the internet, is nowhere near extinction yet. When asked which types of letters they had written in the past year, the incoming students responded as follows:

- School Application Letters 46.2%
- Letters to Friends or Family 8.8%
- Postcards to Friends or Family 1.9%
- Letters to Newspapers or Magazines 0.7%
- Personal Business Letters 4.3%
- Letters for Work 22.2%

By contrast, but predictably, electronic communication is thriving among incoming law students. Although email appears to be the most popular communication medium, the survey also recorded

36. This might not be the case much longer. The Pew Internet & American Life Project recently released a study concluding that “email may be at the beginning of a slow decline as online teens begin to express a preference for instant messaging.” AMANDA LENHART ET AL., PEW INTERNET & AM. LIFE PROJECT, TEENS AND TECHNOLOGY, at ii (2005), available at http://www.pewinternet.org/pdfs/PIP_Teens_Tech_July2005web.pdf. When asked to comment on the appropriate
substantial instant message and non-computer text message\textsuperscript{37} usage. The survey asked the students to record the number of each such communication they sent and received and the amount of time they spent engaging in electronic communication. The results are as follows:

**Mode of Electronic Communication:**

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>1-9</th>
<th>10-20</th>
<th>21-50</th>
<th>More than 50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emails sent each day</td>
<td>0.9%</td>
<td>55.7%</td>
<td>18.6%</td>
<td>7.3%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Emails received each day</td>
<td>0%</td>
<td>33.6%</td>
<td>29.3%</td>
<td>14%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Instant messages sent each day</td>
<td>36.7%</td>
<td>22.7%</td>
<td>11.1%</td>
<td>6.9%</td>
<td>6.8%</td>
</tr>
<tr>
<td>Instant messages received each day</td>
<td>37.1%</td>
<td>23.8%</td>
<td>10.1%</td>
<td>6.3%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Non-Computer text messages sent each day</td>
<td>31.6%</td>
<td>43.9%</td>
<td>7.3%</td>
<td>1.2%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Non-Computer text messages received each day</td>
<td>29.5%</td>
<td>46.2%</td>
<td>6.6%</td>
<td>1.2%</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

\textsuperscript{37} Uses for email, teens responded that "they view email as something you use to talk to 'old people,' institutions, or to send complex instructions to large groups." \textit{Id.}

37. Non-computer text message use would include text messages sent by cell phone, but would presumably not include emails sent by Blackberry-type devices.
Time Spent per Day in Electronic Communication:

<table>
<thead>
<tr>
<th></th>
<th>0 Min</th>
<th>1-5 Min</th>
<th>6-10 Min</th>
<th>11-30 Min</th>
<th>31-60 Min</th>
<th>1-2 Hours</th>
<th>More than 2 Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Writing Emails</td>
<td>0.7%</td>
<td>11.0%</td>
<td>17.6%</td>
<td>25.4%</td>
<td>18.1%</td>
<td>7.4%</td>
<td>4.7%</td>
</tr>
<tr>
<td>Reading Emails</td>
<td>0%</td>
<td>8.6%</td>
<td>17.7%</td>
<td>29.6%</td>
<td>16.3%</td>
<td>8.1%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Sending Instant</td>
<td>37.6%</td>
<td>7.7%</td>
<td>9.2%</td>
<td>13.1%</td>
<td>9.9%</td>
<td>4.7%</td>
<td>2.6%</td>
</tr>
<tr>
<td>Messages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reading Instant</td>
<td>37.2%</td>
<td>9.9%</td>
<td>9.0%</td>
<td>12.0%</td>
<td>10.3%</td>
<td>3.8%</td>
<td>2.6%</td>
</tr>
<tr>
<td>Messages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sending Non-Computer</td>
<td>31.3%</td>
<td>31.6%</td>
<td>13.6%</td>
<td>6.6%</td>
<td>0.9%</td>
<td>0.5%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Computer Text</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Messages</td>
<td>29.9%</td>
<td>38.6%</td>
<td>9.9%</td>
<td>5.0%</td>
<td>0.9%</td>
<td>0.4%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

C. Previous Academic Writing

The survey sought information about the type of writing students had undertaken during their previous academic careers. The responses seemed to indicate that a minority of students were asked to write a number of lengthy documents, while a substantial majority were asked to write shorter documents each semester. The responses also seem to indicate that a substantial number of students submitted the first drafts of these documents for a grade, that outlining was by no means a standard practice for writing such documents, and that while many students had collaborated on at least one writing project, the reaction was mixed as to how beneficial the experience had been.

When asked how many large thesis-type documents they were asked to prepare as undergraduates or graduate students, 24.3% of the responding students replied that they had not written such a document, 28.4% responded that they had written one, 16.2% responded that they had written two, and 14.5% responded that they had written more than two. By contrast, when asked how many term paper-type documents

38. Defined in the survey as a document averaging thirty pages or longer.
39. Defined in the survey as a document averaging thirty pages or less.
they were asked to prepare as undergraduates or graduate students, on average only 0.9% responded that they had not written such a document, while 8.1% replied that they had written one each semester, 46.3% responded that they had written between two and five each semester, and 27.7% responded that they had written an average of more than five each semester.

The survey also asked how long these term papers were, on average. Of those students who had written such documents, 5.5% responded that they were between one and five pages long, 37.3% responded that they were between six and ten pages long, 29.3% responded that they were between eleven and fifteen pages long, 8.8% responded that they were between sixteen and twenty pages long, and 1.9% responded that they were more than twenty pages long.

Many students reported that their writing was evaluated, at least in part, on more than substance alone. When asked how their writing was evaluated, the responses were:

<table>
<thead>
<tr>
<th>Purely on substance</th>
<th>Mainly on substance, but some attention paid to grammar, punctuation, form, and style</th>
<th>Evenly divided between substance, grammar, punctuation, form, and style</th>
<th>Mostly on grammar, punctuation, form, and style, with some attention paid to substance</th>
<th>Purely on grammar, punctuation, form, and style</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thesis-Type Documents</td>
<td>3.8%</td>
<td>45.1%</td>
<td>13.2%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Term Papers</td>
<td>1.8%</td>
<td>61%</td>
<td>20%</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

When asked how many drafts of a paper they prepared on average, 24.6% replied that they had only prepared one draft, while 45.6% responded that they had prepared between two and three drafts, 6.8% responded that they had prepared between four and five, and 2.2% responded that they had prepared more than five drafts of papers. And when asked if they prepared outlines for the documents they wrote, 13.1% of responding students answered "always," 20%
responded “usually,” 33.6% responded “sometimes,” and 16.3% responded “never.”

Asked if they were required to submit drafts to their teachers, only 1.3% responded that this was always required, 5.3% responded that they “usually” submitted such drafts, 55.8% responded that they “sometimes” submitted drafts, and 20.3% responded that they “never” submitted drafts. The numbers were similar when the students were asked if they discussed their written drafts with teachers or teaching assistants, with 2.3% responding that they “always” discussed drafts, 13.8% “usually” discussed drafts, 51.2% “sometimes” discussed drafts, and 14.9% “never” discussed drafts.

Interestingly, a majority of students had experience collaborating with other students on at least one writing assignment, with 55.1% responding that collaboration on at least one paper was permitted and 27.7% responding that they had not collaborated. Those students who had collaborated, however, were equivocal about the benefits of the experience, with 36.2% responding that collaboration was beneficial and 34.3% responding that it was not.

The large majority of students had taken at least one class that focused primarily on writing, with 5.7% responding that they had taken no such classes, 57.7% responding that they had taken between one and five writing classes, 10.9% responding that they had taken between six and ten writing classes, and 9.2% responding that they had taken more than ten writing classes. By the same token, a substantial majority of students had not used the services of a writing center, with 21.9% responding that they had and 61.5% responding that they had not.

40. This stands in stark contrast to law school, where multiple drafts and rewrites are the norm. In 2007, sixty legal writing programs required all major assignments to be rewritten at least once and 105 required rewrites of some, but not all, major assignments. ALWD Survey, supra note 6, at 13. A major assignment was defined as “one in which the final product is equal to or greater than 5 pages.” Id. Although the ALWD Survey did not capture information about the number of drafts required in a first year legal writing course, it collected data concerning upper-level writing requirements noting that ninety-seven schools “require a faculty member to review at least one draft before the student submits the final version of the writing project,” and that sixty-one schools require faculty members to meet with students at least once during the drafting stage to discuss the project. Id. at 75-76.
VI. RESEARCH

As with writing, criticism of lawyers’ research skills is nothing new. Recent surveys suggest that the problems start before students arrive in law school, and continue once law students graduate and enter practice. The survey attempted to generate data that would indicate how incoming law students conduct research and would capture their self-evaluation of their research skills.

The responding students showed an impressive degree of confidence in their research skills, with 37.1% responding that they were “very confident” in their research skills, 44% responding that they were “somewhat confident” in their research skills, and only 1.8% responding that they have “little or no confidence” in their research skills.

Those skills tend to be exercised on the internet rather than in the library. When asked where they conduct research, 11.3% of responding students answered that they always use the internet for

41. See Joan S. Howland & Nancy J. Lewis, The Effectiveness of Law School Legal Research Training Programs, 40 J. LEGAL EDUC. 381, 383 (1990) (reporting that 80% of polled law firm librarians found summer associates “less than satisfactory” in their ability to conduct legal research); Robin K. Mills, Legal Research Instruction in Law Schools, The State of the Art or, Why Law School Graduates Do Not Know How to Find the Law, 70 LAW LIBR. J. 343 (1977) (discussing the difficulties law school graduates experienced when trying to use the law library); Thomas A. Woxland, Why Can’t Johnny Research? or It All Started with Christopher Columbus Langdell, 81 LAW LIBR. J. 451, 451 (1989) (noting that “[m]any law [school] graduates are incompetent to perform adequately one of the most vital of lawyerly functions—legal research”).

42. AALL SURVEY, supra note 5, at 2-3 (concluding that students coming to law school “do not have basic research skills” and that “teaching legal research with an underlying assumption that entering first year students have basic research skills may be [a] flawed [approach].”).

43. See, e.g., 2007 LIBRARIAN SURVEY, supra note 5 (between 2005 and 2007, the number of new attorneys able to research efficiently dropped by almost half and the percentage of new attorneys unaware of print resources in their practice went up by 30%). This Librarian survey also found that new attorneys are trained to do legal research in 85.7% of responding law firms, suggesting at least a perceived inability of those new attorneys to research efficiently. Id.

44. Although the question in the AALL Survey was framed differently, the results of that survey indicated that 71% of respondents rated their research skills as good, very good, or excellent when compared to their peers. AALL SURVEY, supra note 5, at 2.
research, and 40.1% answered that they usually use the internet but will sometimes use the library. By contrast, 25.1% answered that they use the internet and library about the same amount for their research needs, 5.9% answered that they usually use the library but will sometimes use the internet, and only 0.4% (three students) answered that they always research in the library and never use the internet.45

The survey data indicates that incoming law students have a sense that the physical library retains some role in performing legal research but that they believe the internet is a more important source of legal information. Asked to respond to a series of statements, 4.3% of responding students agreed that “[t]he internet has all relevant information necessary to conduct legal research, 71.5% agreed that “[t]he internet is a valuable tool for legal research but it cannot be used to the exclusion of library research, 6.5% agreed that “[t]he internet is not as valuable for legal research as the library,” and 0.5% (four students) agreed that “[t]he internet is of little or no use for legal research.”

Predictably, most responding students use search engines frequently, with 66.3% responding that they use search engines more than once a day and 12.3% indicating that they use search engines about once a day. Surprisingly, 2.4% of responding students indicated that they only use search engines about once a week and 1.3% indicated that they only use search engines a few times a month.46

And the responding students appear to be comfortable with the results they achieve on the internet, with 18.6% responding that they are very confident that their searches disclose the most appropriate resource for them to answer their query, 56.2% responding that they are somewhat confident, 6.5% responding that they are not confident, and 1% responding that they do not know.

45. These numbers reflect more library use than a recent survey of undergraduate students, which found that 73% of students used the internet more than library resources while only 9% used the library more. STEVE JONES, P E W I N T E R N E T & A M. L I F E P R O J E C T, T H E I N T E R N E T G O E S T O C O L L E G E 12 (2002), available at http://www.pewinternet.org/pdfs/PIP_College_Report.pdf.

46. There should be no surprise, however, that Google was the overwhelming choice for internet search engine, with 70.9% of responding students indicating that it was the search engine they use most often. The only other search engine to achieve a significant number of users was Yahoo, with 9.5% responding that it was the search engine they use most frequently.
The students displayed some doubt as to the accuracy and timeliness of the information obtainable on the internet. When asked if they agreed that search engines are a fair and unbiased source of information, 19.1% students responded that they are and 62.7% responded that they are not. And while 2.3% of responding students agreed that the information provided by search engines is always correct, the majority of responding students—78.2%—were less sure, characterizing the information as “sometimes correct.” While 0.4% (three students), responded that information provided by search engines was rarely correct, 1.5% of responding students indicated that they did not know how correct such information is. And when asked if the information provided by search engines is up to date, 1.8% responded “always,” 56.9% responded “usually,” 22.1% responded “sometimes,” and 1.5% responded that they did not know.

Responding students were more certain about the benefits the internet had brought them. When asked if the internet was beneficial to them in their previous university education, 75.4% responded “yes” and only 6.5% responded “no.” When asked if the internet had been beneficial to their relationships with professors, 67% responded “yes” and 14.7% responded “no.” And when asked if the internet had been beneficial to their relationships with other students, 68.8% responded “yes” and 12.6% responded “no.”

VII. ANALYSIS

The data collected by this survey are preliminary and suggestive, rather than final and definitive. The relatively small number of schools involved and the relatively small number of responding students, compared to the total number of incoming law students at American law schools each year, mean that we cannot draw anything more than tentative conclusions from the responses.

But these data, especially when considered in combination with some of the other research data compiled recently about general literacy and information literacy among law students in particular, do suggest some broad conclusions that are relevant to law students and
teachers alike. These are:

- incoming law students read substantially more than the national average;
- incoming law students will experience some reading problems in their first year of law school;
- incoming law students overestimate their writing skills;
- incoming law students overestimate their research skills; and
- law schools must take student writing and research deficits into account when developing skills criteria.

The remainder of this article will explore these conclusions in more depth.

A. The Data Suggest That Incoming Law Students Read Substantially More Than the National Average

The data appear to disclose good news about the level of reading being conducted by incoming law students. Slightly more than one quarter of responding students indicated that they read at least one book each week, while more than half of the responding students read at least one book each month and 86.9% of incoming students responded that they read at least one book a year.

These numbers compare favorably to the NEA Study, which found that the college graduate or graduate student population was engaging in literary reading at a rate of 66.7%. Asked to describe their reading habits, 30% of incoming students selected "avid readers," and 25% indicated that reading was "very important" to them.

Reading is, of course, a core skill for law students and lawyers. But while the benefits of information transmission and knowledge

47. Five percent read more than one book a week and 20.4% read one book a week.
48. An additional 31.8% read one book a month.
49. An additional 26.2% responded that they read fewer than one book a month but more than one a year, and 3.5% responded that they read one book a year.
50. The NEA Study focused on literary reading whereas this study included all forms of reading, making a true comparison of the data impossible. See NEA STUDY, supra note 2, at ix.
51. Reading is not identified as a "fundamental lawyering skill" by the
generation through reading are clear and relatively well-understood, literary reading carries with it at least two additional benefits for law students that might be less immediately apparent.

Literary reading is one of the processes by which we learn to tell stories, and understanding how to construct a compelling narrative is a crucial skill for lawyers who seek to weave facts and law together in order to persuade a court, an opposing lawyer, or sometimes a client that a particular result is appropriate. Storytelling and narrative construction are being studied closely in the legal writing community and students with a deep immersion in literary reading will likely be better able to respond to the lessons being taught to them about narrative techniques that translate from literature to legal writing.

Less studied among lawyers, but no less significant, is the role all forms of literature play in transmitting common cultural memes, and the importance of being attuned to the role and details of

MacCrate report but is, presumably, subsumed within the “legal analysis and reasoning” skill. See MACCRATE REPORT, supra note 6, at 151-57. The MacCrate Report’s failure to identify reading specifically as a fundamental lawyering skill is, perhaps, representative of what Dorothy Deegan calls “[a] common-sense notion that most educated adults generally read the same way [that] pervades both lay and professional communities . . . despite clear evidence that differences in reading achievement levels increase with years of schooling.” Dorothy H. Deegan, Exploring Individual Differences Among Novices Reading in a Specific Domain: The Case of Law, 30 READING RES. Q. 154, 154 (1995). However, given the centrality of reading in legal education and the legal profession, and the evidence that not all law students employ effective reading strategies, see, e.g., infra notes 53-56, 58-63 and accompanying text, it is to be hoped that future studies of law school education will give greater emphasis to reading skills.

52. See MCKINNEY, supra note 21, at 62 (“[R]eading is an activity that requires the reader to respond to the writer’s message, constructing new information from the exchange that occurs between the writer . . . and the reader . . . .”); Fajans & Falk, supra note 25 (discussing the importance of reading as a process by which the reader actively locates legal texts in larger contexts than identifying simple “meaning” of words).


54. City University, London, and the Legal Writing Institute co-sponsored a conference, Once Upon a Legal Time: Developing the Skills of Storytelling in Law, devoted to the role of narrative in legal writing.
The ability to interpret and communicate in cultural shorthand should not be underestimated by lawyers and literary reading is one of the most effective ways to become versed in the themes of our shared cultural heritage.


56. Nor should lawyers be incapable of recognizing when the specifics of cultural mythology no longer serve to carry meaning. In 1950, Arthur Vanderbilt acknowledged the demise of a classical education as a cultural reference point when he wrote that “[n]o instructor in any class in any law school can make a reference to Plato or Aristotle, to the Bible or Shakespeare, to the Federalist or even the Constitution itself with any real assurance that he will be understood.” Vanderbilt, supra note 7, at 209. More recently, Ruth Ann McKinney made a similar admission when quoting Karl Llewellyn, noting that the courts’ adherence to precedent is “two-headed. It is Janus-faced.” McKinney, supra note 21, at 39 (quoting K.N. Llewellyn, THE BRAMBLE BUSH 74 (3d ed. 1960)). In a footnote to the quoted passage, McKinney explains that “Mr. Llewellyn’s reference to ‘Janus’ is to the Roman God, Janus, who is depicted with two faces on either side of his head.” *Id.* While those who grew up steeped in the tradition of Roman and Greek mythology might be exasperated by the explanation of such a seemingly straightforward reference, no objective law professor would expect the majority of contemporary law students to connect the name “Janus” with the image of a two-faced head. Indeed, students might recognize the name and image from the Janus Capital Group, a global investment manager that advertises on television, much more so than from an understanding of Roman mythology. Significantly, a Google search returned the Janus Capital Group’s website as the highest-ranked website featuring the name “Janus” and the Wikipedia entry for “Janus,” the Roman god, was second. Google, http://www.google.com/search?hl=en&q=janus&btnG=Google+Search (last visited Oct. 21, 2007).

57. This is not, of course, the only way. And there is a compelling argument to be made, for example, that no trial lawyer can be completely assured of communicating with a jury without an understanding of the way trials and trial lawyers are portrayed on television and in films. There is, for example, considerable debate in the legal academic community as to the existence of a “CSI Effect”—the alleged tendency of criminal juries to acquit defendants where the prosecution fails to present scientific evidence of the type portrayed on the television series *CSI: Crime Scene Investigation*. See Hon. Donald E. Shelton, Young S. Kim, & Gregg Barak, *A Study of Juror Expectations and Demands Concerning Scientific Evidence: Does the “CSI Effect” Exist?*, 9 VAND. J. ENT. & TECH. L. 331, 367-68 (2007) (concluding that while a “CSI Effect” might not exist, broader media effects on juror expectations do exist); Tom R. Tyler, *Viewing CSI and The Threshold Of Guilt*:
While not definitive, the data generated by this survey suggest that incoming law students stand a good chance of having been exposed to both a quantity of narrative writing and cultural information through their reading prior to entering law school.

B. The Data Suggest That Incoming Law Students Will Experience Some Reading Problems in Their First Year of Law School

The study's reading data are heartening,58 but one can also draw some less cheering information from them. If 25% of responding students indicated that reading was “very important” to them, then approximately59 three-quarters of the students who responded to the survey indicated that reading was something less than very important to them, and 70% of the responding students are less than “avid” readers.

Even more disturbing, perhaps, is the discovery that students spend as much or more time reading for information60 as they do reading for pleasure, and the fact that the preferred mode of reading newspapers is online as opposed to in print.61 With no evidence to support this proposition, except my own personal experience, it appears to be harder to engage in the kind of “expert reading”62

Managing Truth and Justice in Reality and Fiction, 115 YALE L.J. 1050 (2006) (questioning the existence of a “CSI Effect”). But whether or not there is a “CSI Effect” or a broader “media effect” operating on jurors, no competent criminal lawyer, representing either the prosecution or defense, can afford to be unaware of the possibility of such an effect and how it might affect trial strategy in a particular case.

58. Heartening though the numbers might be, they stand in isolation. One of the more disturbing elements of the NEA Study is the percentage reduction in literary reading over the past twenty years. See NEA STUDY, supra note 2, at ix. Literary reading among college graduates and graduate students, for examples, experienced a 7.9% reduction between 1982 and 1992, and a 15.4% reduction between 1982 and 2002. Id. at xi. The reading reported by incoming students will only truly be good news, then, if it can be repeated over time.

59. This number is approximate because not all responding students answered this question.

60. Defined in the survey as reading “newspapers or newsmagazines.”

61. Only 17.4% reported reading newspapers only in print form, contrasted with 16.8% who read newspapers only online and 55.5% who read them in both print form and online.

62. Expert reading implies a dynamic process in which the reader constructs
necessary to create meaning during the reading process and easier to engage in a passive form of reading in which "[s]ome limited flat information may . . . be transmitted, but no new meaning can be created."63

The ability to read and comprehend complex texts is such a fundamental skill for law students and lawyers that students’ reading skills are tested on the Law School Aptitude Test.64 Yet there can be little doubt that incoming law students can be located somewhere on a continuum of reading skill, and that law school student populations contain many students who employ reading strategies that do not serve them well.65 Indeed, after conducting a study of law student reading strategies, one researcher observed that “debriefing interviews revealed a deep insecurity and anxiety about reading.”66 And the same researcher noted that “[i]t was interesting that when asked why they volunteered for this study, many of the participants replied that they thought they might be able to talk to someone who understood their perceived, unvoiced, but very real concerns about reading.”67

Whether the students who perform worse in law school reading tasks are also the students who are less than enthusiastic readers

knowledge as a result of the interaction between text and the reader’s thoughts. See McKinney, supra note 21, at 52-53.

63. Id. at 53.

64. “The LSAT is designed to measure skills that are considered essential for success in law school . . . [including] the reading and comprehension of complex texts with accuracy and insight . . . .” Law School Admission Council, Frequently Asked Questions - LSAT, http://www.lsac.org/LSAC.asp?url=/lsacfaqs-and-support-lsat.asp (last visited Oct. 21, 2007). The limitations of this approach have been noted by Fajans and Falk. Fajans & Falk, supra note 25, at 164. Professor Leah Christensen’s recent study suggests that information supplied by the LSAT’s reading score is less helpful in predicting a student’s success in law school than an identification of that student’s reading strategies. Christensen, supra note 20, at 633.

65. The context in which the reading is being conducted might also have a role to play in the skill with which law students read texts. See, e.g., James F. Stratman, When Law Students Read Cases: Exploring Relations Between Professional Legal Reasoning Roles and Problem Detection, 34 DISCOURSE PROCESSES 57, 57 (2002) (indicating that students reading from advocacy and policy perspectives performed better than students reading from academic class recitation perspective). Professor Christensen’s study observed results consistent with Stratman’s conclusions. Christensen, supra note 20, at 634.

66. Deegan, supra note 51, at 168.

67. Id.
before they come to law school is unclear. The data from this survey and the research conducted into law student reading suggest only that skill with “expert” reading strategies is crucial for success in law school, that not all incoming law students possess that skill, and that those students who lack “expert” reading skills will have difficulty performing well in law school.

C. The Data Suggest That Incoming Law Students Overestimate Their Writing Skills

The survey suggests that incoming law students are, in general, satisfied that they have the tools to cope with the writing tasks ahead. Research conducted among those who review law student and junior lawyer writing, however, suggests that the students are wrong to assume that their writing skills are adequate to cope with the demands placed on them in law school and in practice.

The survey data reveal that more than 70% of the responding students evaluated their own writing skills as “very strong” or “strong,” and therefore above average, the next selectable option. And while the responding students recognized the importance of legal writing, with 25% ranking it the most important skill for a practicing lawyer (second only to legal analysis, ranked first by 31.5% of

68. Professor Christensen has concluded that the type of reading strategies employed by first year law students differ, and that identifying a student’s reading strategies “was a better predictor of student success in law school than incoming [undergraduate] GPA and/or LSAT scores.” Christensen, supra note 20, at 633. Laurel Oates’ seminal study of reading strategies among law students admitted through alternative admissions programs also highlights the importance of reading strategies and concluded that successful students read differently from those who did not succeed. Laurel Currie Oates, Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs, 83 IOWA L. REV. 139, 139-40 (1997).

69. A recent study suggests that while students’ legal reasoning improves in some ways in between the first and second years of law school, they are still unable to distinguish between relevant and irrelevant rules and have “difficulty paying close attention to the details of the problem.” Stefan H. Krieger, The Development of Legal Reasoning Skills in Law Students: An Empirical Study, 56 J. LEGAL EDUC. 332, 352 (2007). Moreover, the study found little change between second and third year law students. Id. While the study did not draw an explicit link between its results and the reading strategies employed by the subject students, its results appear to confirm the results of studies specifically addressing student reading skills.
responding students), they also believed that it would be a relatively easy skill to learn, with nearly 20% responding that it would be the easiest skill to learn in law school (second only to legal research, at 21%) and 9.7% responding that it would be the most difficult (the lowest response).

This number suggests a possible reason for the discontent many first year law students express during their first year legal writing classes. Put simply, first year law students come to law school knowing little, if anything, about the legal doctrine they will learn in their torts, contracts, property, and other traditional law school classes. But they come with the strongly-held belief that they can write, that their writing skills have served them well in their prior academic careers, and that a course in legal writing is at best an easy “A” and at worst a waste of time they could otherwise spend preparing for their unfamiliar doctrinal classes. When they discover that their writing will be scrutinized in detail, that the legal writing course is time-consuming and difficult, and that by no means all students in the course will receive an “A,” first-year law students have an understandable, but regrettable, tendency to lash out at the course and its teachers.

Some of the survey data point to possible causes of writing problems among incoming law students. Almost one quarter of

70. There are many possible causes for this discontent. For a full discussion of this phenomenon, see Melissa Marlow-Shafer, Student Evaluation of Teacher Performance and The “Legal Writing Pathology:” Diagnosis Confirmed, 5 N.Y. CITY L. REV. 115 (2002). Professor Marlow-Shafer concludes that the causes of this pathology are multi-factored and include gender disparity within the legal writing field, course content, and institutional disrespect towards legal writing as a discipline. Id. at 139.

71. Id. at 128-29 (quoting Suzanne E. Rowe, Legal Research, Legal Writing and Legal Analysis: Putting Law School Into Practice, 29 STETSON L. REV. 1193, 1208-10 (2000)). The timing of legal writing grades also seems to play a part in this phenomenon. Id. at 129. Whereas most first year law students receive grades in their doctrinal classes well after the first semester is over (with the exception of those students who receive partial grades as the result of mid-term exams), and therefore well after course evaluations are conducted, legal writing teachers typically give detailed comments on student writing and intermediate grades throughout the first semester—well before student evaluations are conducted. Id. at 130-31. For a discussion of this phenomenon, see Peter Bayer, A Plea for Rationality and Decency: The Disparate Treatment of Legal Writing Faculties as a Violation of Both Equal Protection and Professional Ethics, 39 DUQ. L. REV. 329 (2001).
responding students indicated that they only prepared one draft of papers, meaning that they had little or no experience in the editing, proofreading, and rewriting, skills most legal writing teachers identify as crucial to generating polished and technically correct writing.  

Even when drafts were prepared, 20% of responding students indicated that they “never” submitted drafts to their teachers, and almost 15% indicated that they “never” discussed drafts with teachers or teaching assistants. This was so even though slightly more than 20% of responding students indicated that they had taken six or more classes that focused primarily on writing and 57.7% indicated that they had taken between one and five such classes.

The incoming students’ self-evaluations stand in marked contrast to the evaluations of junior lawyer writing conducted by Susan Kosse and David ButleRitchie. In their study, Kosse and ButleRitchie asked their respondents—attorneys, state and federal judges, and legal writing teachers—to identify the common mistakes they saw in legal writing, and 38.6% identified grammar, punctuation, or spelling errors, a number that presents a stark contrast to the survey’s incoming student self-evaluations. Overall, 93.5% of the respondents to the Kosse and ButleRitchie Study “found briefs and memoranda marred by basic writing problems.”

There are many possible reasons for the writing problems of junior lawyers identified by Kosse and ButleRitchie, and

72. See, e.g., RICHARD K. NEUMANN, JR., LEGAL REASONING AND LEGAL WRITING 65-66 (5th ed. 2005) (“At [the completion of a first draft], a writer who is satisfied is engaged in self-delusion. But an undeluded writer will rewrite, and rewrite, and rewrite—and rewrite again.”).
73. See Kosse & ButleRitchie, supra note 5.
74. Id. at 85-86.
75. Id. at 85.
76. Kosse and ButleRitchie identify twelve possible reasons. They propose that lawyers do not write well:
   1. because they did not take a writing class in law school[;] 2. because law schools devalue legal writing classes[;] 3. because they do not get enough practice in law schools[;] 4. because poor writing promotes their economic interests[;] 5. because of inertia[;] 6. because of deficiencies in their early education[;] 7. because the profession offers very little continuing education on improving writing skills[;] 8. because of time and financial constraints[;] 9. because they do not know they write badly[;] 10. because of the Generation X factor (in the case of new lawyers)[;] 11. because of
overconfidence in their writing skills is likely only part of the problem. But incoming law students are, in general, individuals who have performed at or close to the top of the population at each stage in their academic careers, and their belief in their writing skills has likely been buttressed by their prior success. Research shows that many of them have little time for the deconstructive and reconstructive work necessary to help them become effective and skilled legal writers. And students who do not believe they have anything to learn will likely succeed in not learning anything, meaning that, for many law students, their writing problems will remain with them through law school and into practice.

D. The Data Suggest That Incoming Law Students Overestimate Their Research Skills

The survey suggests that incoming law students are, if anything, even more confident in their research skills than they are in their writing abilities. When asked to rank their level of confidence in their research skills, 37% indicated that they were “very” confident and 44% indicated that they were “somewhat” confident, with only 1.8% indicating that they had “little or no confidence” in their research skills. The students also indicated that research would be the easiest skill for them to learn in law school (21%) and research skills received the second lowest score (10.9%, second only to legal writing at 9.7%) when asked what the most difficult skill to learn in law school would be.

As with legal writing, data from other sources suggest that the incoming law students are not as capable a group of researchers as they might believe. That certainly was the conclusion of the 2004 AALL Survey of research skills among incoming law students, which found that many such students lacked basic research skills. The AALL Survey found that 71% of the respondents rated their research skills as good, very good, or excellent when compared to their peers.
even though large percentages of responding students were unclear about the mechanics of the research process. The Survey’s authors concluded that “teaching legal research with an underlying assumption that entering first year students have basic research skills may be flawed. Integration of instruction in basic research skills may be an important component for legal education.”

And those who see law students in practice, either as summer associates or as new attorneys, also feel that law students have inadequate research skills. A 1990 survey indicated that 80% of responding law firm librarians found summer associates “less than satisfactory” in their ability to conduct adequate legal research, and a 2007 survey of Chicago librarians indicates that the problem remains today, with 71% of respondents indicating that new attorneys were not able to research effectively and efficiently prior to in-house training. According to a companion study, attorneys were slightly more forgiving to other attorneys than were the librarians, with only 32% responding that new attorneys were never able to use either print or fee-based online services prior to in-house training. Regardless, the data here still reflect a generally gloomy picture of new lawyer research capabilities.

similar to reflect a general satisfaction with research skills among incoming law students.

80. For example, the AALL survey found that “42.1% of respondents thought looking at a bibliography included with an article was the best way to find more recent research on the topic covered in the article” and “[o]ver 40% of respondents did not know what a library catalog contains.” Id. at 2-3.

81. Id. at 3.

82. Howland & Lewis, supra note 41, at 383.

83. 2007 LIBRARIAN SURVEY, supra note 5, at 2. The percentage of new attorneys able to research efficiently dropped by almost half between 2005 and 2007. Id. at 5. The survey suggests that this is a skills problem rather than a medium problem: the responding librarians indicated that 77.6% of new attorneys were ineffective print researchers and 73.7% were ineffective electronic resource researchers. Id. at 2.

84. 2007 ATTORNEY SURVEY, supra note 5, at 7. The survey also indicated that 25% of responding attorneys believe that new attorneys are “seldom” able to use print resources effectively, prior to in-house training, and 12% of responding attorneys believe that new attorneys are “seldom” able to use fee-based online resources effectively, prior to in-house training. Id.
As with legal writing, it is possible that overconfidence in research skills leads to incoming students to take a closed-minded approach during the research portion of their first year writing and research course. Students feel themselves to be capable, even skilled, researchers, and therefore, are likely disinclined to believe that legal research will pose any substantial difficulties for them. When, or if, they discover that their legal research skills are inadequate, they are more inclined to blame their legal research instructors than their own prior research skills.

A possible cause of those research skill deficits, however, is also suggested in the survey data. It is no great insight to observe that the advent of the internet has changed research practices, but the effects of this change can be seen in the survey’s data. More than 50% of the responding students indicated that they “always” or “usually” use the internet for research and will only use the library “sometimes.” And of the 78% of students who use search engines once a day or more, Google is the search engine of choice, with 70.9% of responding students indicating that it was the search engine they use most often.

Google is, of course, a technical triumph and a useful tool for finding some types of information. The problem with the Google approach for nascent legal researchers is in its oversimplification of the research process. Google “[teaches] us that it is no longer necessary to go through the effort of defining our information need. We just put a word or two into the search box and let a search engine disambiguate the query and provide an answer.” And it is Google’s


86. What the students mean by “using” the library might not be what one might first suspect. For example, a group of students at Stanford University Law School, when instructed to use library resources to answer a legal question, went to the computers housed within the library and “Googled” their way to the answer.” ERICA V. WAYNE & J. PAUL LOMIO, BOOK LOVERS BEWARE: A SURVEY OF ONLINE RESEARCH HABITS OF STANFORD LAW STUDENTS 14 (2005).

ability to take thought out of the research process that might cause law students to fail as legal researchers: they might be able to find information, but they might not really understand what they have found. As Professor Molly Lien has noted, “students appear to equate the ability to access the material with mastery of the material. They view downloaded information as learned information.”

If Lien is correct in her view, and I suspect that most law school professors—especially those who teach legal research and writing—would agree with her, then the seeds of future research problems can already be seen before students even come to law school. Incoming law students are, it seems, devoted to the internet as an information source, and their approach to information acquisition tends to be passive rather than active. Yet as with legal writing, reliance on these research strategies, even though they were effective for the students as undergraduates, will produce mediocre, at best, results in law school and beyond.

E. The Data Suggest That Law Schools Must Take Student Writing, Reading and Research Deficits Into Account When Developing Skills Curricula

The survey data tend to support evidence from previous studies of law student and new lawyer skills. Taken together, the studies present a potentially discouraging picture: while incoming law students are clearly intelligent and capable, and have excelled academically at every previous stage of their education, the available data suggest that many incoming students have information literacy deficits that will affect them throughout their career in law school and on into the practice of law, and that they are unaware that such deficits exist.  

88. And whether they actually will find information is by no means certain. Google is superb at finding information that many others have also found, but is less helpful in finding information that few have looked for. For a discussion of the way Google works, see Mary J. Koshollek, “Google” Your Way to Better Web Searching, Wis. LAW. (State Bar of Wisconsin, Madison, Wis.), July 2003, at 32. For a general discussion of the problems inherent in computer-based legal research, see Gallacher, supra note 85, at 183-90 (discussing “hidden problems of computer-assisted legal research”).


90. Although I focus here on the more discouraging messages transmitted by
And while their reading, writing, and research strategies have helped them succeed up to the point of entry into law school, those strategies will be less helpful to them as law students.

The data also suggest that law schools are not fixing the students' problems. Although it seems unlikely that law schools are making things worse for law students, it appears that they could be doing the data, it is possible to derive some comfort from the data as well. Most significantly, the students appear to display high self-efficacy with respect to their information literacy. For an introduction to the concept of "self-efficacy," see Ruth Anne McKinney, Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?, 8 J. LEGAL WRITING INST. 229 (2002). In essence, "[s]elf-efficacy is the personal belief that you can control an outcome—that you can achieve a desired result." Id. at 233. Self-efficacy has been studied in educational settings, leading researchers to conclude that "individuals with high self-efficacy for a specific task are significantly more likely to do the things necessary to succeed at the task and far more likely to persist in the face of adversity than are individuals with low self-efficacy in relation to that specific task." Id. at 234. The problem, of course, is whether the high self-efficacy displayed by the responding incoming law students is well-founded or not and, if not, what will poor grades do to student self-perception over time and what will that mean for law student confidence. But to the extent students come to school with a realistic confidence in their abilities, teachers can use that confidence to help the students bridge what might be a rocky, but temporary, passage into their mastery of legal information skills.

91. Not to mention their study strategies. Although not a focus of the survey, and therefore not part of this analysis, it is worthwhile to note that almost a quarter of the responding students indicated that they either had not prepared for class at all (7.6%) or had spent less than an hour preparing for class (16.5%). More than a quarter of responding students (28.3%) indicated that they spent about an hour preparing for class, meaning that more than half of the responding students spent an hour or less preparing for class as undergraduates. Yet 67.4% of the responding students indicated that they would spend two hours or more preparing for law school classes. While the students are doubtlessly correct that they will need the additional study time in order to prepare for law school classes, it likely will be difficult for students to change study strategies that have proven successful for them in the past.

92. Unlikely, but perhaps not impossible. A student who comes to law school as a modestly capable general writer, for example, but who—for whatever reason—fails to become an adequate legal writer might be said to have been more harmed than helped by a law school legal skills education. Whether this happens, and if so, to how many law students, was not the subject of this survey but could productively be the subject of a survey into the improvement shown in legal skills performance by law students during the three years of law school. One preliminary study into law student reasoning skills—a related topic to information literacy—suggests that law students do not develop in the same way, or as effectively, as their medical school
more to help them improve their information literacy. This, likely, is not an especially controversial conclusion. The bigger and substantially more complicated issue is how this desirable result might be accomplished.

One obvious answer would be to substantially increase the amount of time spent in teaching information skills to law students. The average number of credit hours for writing programs in American law schools is 2.36 credit hours in the fall and 2.21 hours in the spring. Slightly less than a quarter of law schools—forty-six programs from 196 responses—require an additional writing component during the second year of law school. More time spent on developing writing skills with the law students would likely generate better results.

Yet finding that time is not a simple proposition. Just as it is easy, and a mistake, for doctrinal faculty to discount the importance of skills education in law school, it is simple, and no less of a mistake, for skills faculty to discount the importance of doctrinal education, and any extra credit hours devoted to legal skills training would have to come from somewhere. For practical, pedagogical, and cultural reasons, it seems unlikely that many law schools will substantially increase the amount of informational skills training their students receive.

counterparts. See Krieger, supra note 69, at 352. The results of Krieger’s study suggest that a more extensive survey of information literacy improvement during law school might generate important information and is overdue.

93. ALWD SURVEY, supra note 6, at 7.
94. Id.
95. First year legal research and writing classes, of course, are not the only places where students learn about lawyering skills. Clinical programs, in particular, are valuable sources of lawyering skill tuition, and advocacy skills courses are another source of skills training for law students. If additional credit hours cannot be added to research and writing curricula, it might be possible for law schools to find ways to incorporate more systematic skills training into these upper-level programs or, at least, to find ways to more closely integrate the skills faculty into the teaching of these courses.

96. This is not to say, by any means, that more time devoted to skills education is a bad thing. My own experience suggests that the additional two credits allocated to legal research and writing at Syracuse University, and taken by students during either the first or second semester of their second year, has helped to improve student skills, indicating that even one more required skills course in the curriculum could be beneficial to all law students.
Another possible change law schools could make would be to reorganize their curricula to include recognition that reading is a core lawyering skill and that most law students do not read as effectively as they could or should. This is a more practical suggestion, perhaps, than substantially increasing the number of credits allocated to legal writing, because it is something that could be done across the entire law school curriculum. Reading is the one consistent element in all law school classes and if a faculty was willing to make the effort, a coordinated approach to improving law student reading skills might result in an improved classroom experience for students and faculty alike.

A more ambitious approach would be to attack the problems in student information literacy at an earlier stage than law school. The survey data suggest that student overestimation of their writing and research abilities might contribute to poor performance in law school and, ultimately, in practice. The most effective way to overcome this barrier to learning, and to remedy some information literacy deficits, would be to address them before students come to law school.

Such a proposal presents substantial hurdles to overcome. The only way a law school could be sure it was educating its own students, for example, would be to conduct such a program after students had accepted an offer to attend the law school and this is likely too late for any meaningful progress to take place.

97. "Legal educators can no longer assume that all law students are good legal readers simply because they were successful before law school... Law schools need to invest time and energy into teaching this skill." Christensen, supra note 20, at 647.

98. Law schools interested in pursuing this type of curricular modification would be well advised to hire a reading specialist to help educate their faculty on the latest scholarship on legal reading and to help develop a unified approach to reading training.

99. And even then, schools cannot be assured that accepted students will actually be attending a particular law school until classes start.

100. This is not to imply that the introduction to law school courses offered by many law schools to incoming students in the summer prior to the first year have no value. To the contrary, for many students they likely are invaluable and can mean the difference between success and failure in law school. Such programs, however, cannot, and should not, be expected to assume the role of addressing and fixing fundamental information literacy problems in incoming law students.
The alternative is for law schools to help students who might not become their law students to improve their information literacy skills. And while such a proposal might at first appear controversial or even radical, there are at least two ways in which this could be accomplished without a substantial disruption in the way law schools now operate: (1) law schools could partner with their home undergraduate and graduate institution\(^{101}\) to offer writing, reading, and research courses that better prepare students in those institutions to learn lawyering skills in law school;\(^{102}\) and (2) law schools could offer summer programs devoted to introducing students considering law school to legal reading, writing, and research skills.\(^{103}\)

Such programs could be economically self-sustaining, through tuition charges, and could be beneficial to both incoming law students—regardless of the law school they decide to attend\(^{104}\)—and law professors, who would reap the advantages of having students with stronger information literacy skills in their classrooms.

Whatever approach law schools take to improve the reading, writing, and research skills of their students, the available information suggests that they need to do something. The authors of the AALL Study concluded that “teaching legal research with an underlying assumption that entering first year [law] students have basic research skills may be flawed,”\(^{105}\) and their observation has broader application to all forms of information literacy.\(^{106}\)

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101. If a law school is a stand-alone entity with no home undergraduate or graduate institution, it could partner with a local undergraduate institution which has no law school.

102. Prelaw programs could, of course, offer such programs. The lack of meaningful coordination between prelaw and law school programs in many academic institutions, however, can dilute the effectiveness of prelaw skills training.

103. Such programs could also be offered online, rather than in person, although the effectiveness of reading, writing, and research instruction conducted online might be compromised by the lack of personal contact with an instructor.

104. An ancillary benefit to such programs would be the inherent advertising of a law school’s devotion to information literacy among its law students. Any sensible prospective student should carefully weigh the benefits of attending a law school dedicated to producing graduates capable of exceeding the expectations practicing lawyers have of new practitioners.

105. AALL SURVEY, supra note 5, at 3.

106. As Christensen notes, “[l]egal educators can no longer assume that all law students are good legal readers simply because they were successful before law
VIII. Conclusion

It is easy to be persuaded that the survey’s results point to almost universally grim conclusions and that the situation for incoming law students is dire and virtually without hope for improvement. The survey data, however, do not compel such a gloomy forecast. Incoming law students are reading well beyond what the NEA Study predicted for graduate students, they are sensitive to the importance of writing in the practice of law, and they have confidence in both their writing and research skills. That confidence might cause them to be less than willing to learn new approaches to these core skills while in law school, but law schools, and particularly the skills faculty within law schools, can address the problems caused by such overconfidence, thereby improving new lawyer information literacy.

The data do suggest, though, that something needs to be done. Fifteen years after the MacCrate Report was published, practitioner and judicial evaluations of legal writing still display a dramatic level of unhappiness at the state of legal writing and recent surveys suggest that legal research skills are, if anything, declining rather than improving. Some of the criticism of legal research and writing might be grounded more in the seemingly inevitable rose-tinted view of a better past that infects members of society over a certain age; if legal writing truly had been deteriorating with each successive generation at the rate suggested by commentators from the past, we would have reached a point of functional illiteracy long ago. But the survey data suggest that there are identifiable problems with incoming law student information literacy that are serious and demand attention.


108. The present situation is strikingly, although depressingly, similar to that described by Blaustein in 1969, when he wrote that:

[law schools] have put the major blame on the failure of high school and college English composition teachers to send a better trained writer on to the graduate schools. But, to their credit, the law schools do more than assign blame. By now, practically every law school has some kind of legal writing program designed to produce better lawyer-writers. Yet no one is satisfied.

Blaustein, supra note 7, at 239.
Law schools could, of course, blame the students and the curricular constraints placed on their skills programs, throw up their hands in despair, and join the chorus bewailing the demise of the literate lawyer. But there are more productive activities which are more likely to accomplish positive results among law students, some of which are outlined above. Whether or not the proposals in this article are implemented, law schools need to engage the issue of incoming law student information literacy more directly and effectively than they are at present. The status quo appears not to be working.
APPENDICES

In addition to collecting incoming student responses to questions, the survey also asked the students to provide information about: their favorite book; their least favorite book; the book they had read most recently; the book they were reading now; and the book they had selected to read next.

The following appendices contain the responses to these questions. Where more than one student selected a book in a particular category, the number of students has been indicated in parentheses after the title. Books are listed in alphabetical order.109

Where a student listed more than one book in a particular category, all responses have been listed. When no specific book in a series was listed (the “Lord of the Ring” or “Harry Potter” series, for example), the series has been identified. But when a student’s response was so vague that no specific book could be identified (“a book about torts,” for example), that response has been omitted.

Although the data gathered by the rest of the survey are as unaffected as possible by the influence of law school, student reading in the summer before law school is inevitably influenced by the experience the students are about to undergo. It is unlikely, for example, that so many students would have read, be reading, or be about to read, books such as “One L,” “Gideon’s Trumpet,” “Getting to Maybe,” “Law School Confidential,” or “Law School Without Fear,” without either a summer reading list or a healthy desire to understand what the next three years might be like.

No attempt has been made to verify the spelling of the listed books or to confirm that the titles are correct, or even that such books exist. The responses are given as provided by the students.

109. Thereby creating some interesting juxtapositions, my favorite of which can be found in Appendix D, “Book You Are Reading Now,” in which the Bible is placed next to BIG BANG: THE ORIGIN OF THE UNIVERSE.
Appendix A
Favorite Book

100 People Who are Screwing up America
1984 (7)
About a Boy
Abstract Algebra
Active Life, The
Age of Innocence, The
Age of Reason, The
Alexander Hamilton
All Quiet on the Western Front (4)
All the Kings Men (2)
Amazing Adventures of Kavalier and Clay, The (4)
American Psycho (2)
America's Secret War: Inside the Hidden Worldwide Struggle Between the United States and Its Enemies
And the Band Played On
Angels and Demons (8)
Animal Farm (3)
Anna Karenina
Another Country
Anything
Apology, The
Atlas Shrugged (7)
Autobiography of Malcolm X, The (2)
Barock Cycle, The
Bean Trees, The
Bell Jar, The
Beloved
Bible, The (5)
Black Hawk Down
Black Unicorn
Blindness
Blink
Blue Like Jazz
Blue Nowhere
Bluest Eye, The (3)
Bonfire of the Vanities, The (2)
Bostonians, The
Bourne Supremacy, The
Bowling Alone
Brave New World
Bravo Two-Zero
Breakfast of Champions (2)
Brideshead Revisited
Bringing Down the House
Brothers Karamazov, The (6)
Calculating God
Call of the Wild, The
Casa de Los Espiritus
Casa de los Espiritus, La
Cassandra Compact, The
Cat's Cradle (2)
Catch 22 (8)
Catcher in the Rye, The (12)
Charlie Wilson's War
Choke
Circle of Quiet
Civil Action, A (2)
Clash of Kings, A
Clockwork Orange, A (2)
Coldfire Trilogy, The
Color of Water, The
Color of Water, The
Color Purple, The
Complete Calvin & Hobbes, The
Confederacy of Dunces, A (4)
Corrections, The
Cosmos
Country of My Skull
Crime and Punishment (8)
Daisy Fay & The Miracle Man
Damien
Dark Star Safari
Dave Barry's Guide to Guys
DaVinci Code, The (13)
Deadeye Dick
Decline and Fall of the Roman Empire, The
Demon-Haunted World: Science as a Candle in the Dark, The
Devil in the White City, The
Diamond Age, The
Dirk Gently's Holistic Detective Agency
Discourses on Livy by Machiavelli
Doctor Zhivago
Dubliners, The
Dune (2)
Earthsea Quartet, The
East of Eden (5)
Easy Death
Lord of the Rings (series) (3)
Losers, The
Love In Times of Cholera
Love Thy Neighbor
Making of the President 1960, The
Mambo Kings Play Songs of Love, The
Man and Boy
Man to See, The
Man’s Search for Meaning
Manufacturing Consent
Master of Disguise
Me Talk Pretty One Day
Meditations of Marcus Aurelius
Memoirs of a Geisha (4)
Memoirs of Cleopatra, The
Metamorphosis
Middlesex
Midnight in the Garden of Good and Evil (2)
Midnight’s Children
Million Little Pieces, A
Mind of the South, The
Miserables, Les (4)
Mister Dog
Mists of Avalon, The (2)
Mona Lisa Overdrive
Moneball
Moor’s Last Sigh, The
Mountains beyond Mountains
Moveable Feast, A
Moveable Feast, The
Mukiwa
My Antonia
My Life (3)
Mystic River
Native Son (2)
Neuromancer
Night
Nine Stories, by J.D. Salinger
No Future Without Forgiveness
North & South
Notebook, The
Of Mice and Men
On A Pale Horse
On the Road
On the Road
One Flew Over the Cuckoo’s Nest (2)
One For the Money
One Hundred Years of Solitude (6)
One L.
Open Veins of Latin America
Overdosed America
Paco’s Story
Papillon
Paradise
Paradise Lost
Path to Self-Knowledge, The
Pattern Recognition
Peace Like a River
Pentagon’s New Map, The
People’s History of the United States
Personal History
Phantom of the Opera, The
Picture of Dorian Gray, The
Poisonwood Bible, The (4)
Prayer for Owen Meany, A (3)
Pride and Prejudice (6)
Prison Memoirs of an Anarchist
Private Life of Chairman Mao, The
Prophet, The (3)
QB VII
Reading Lolita in Tehran
Red Storm Rising
Reviving Ophelia
Rich Dad Poor Dad
Rifles for Watie
Road to Serfdom, The
Roots
Rumor of War, A
Running With Scissors (2)
Salty Piece of Land, A
Saturday
Savage Inequalities
Sea Hunters, The
Secret Life of Bees, The
Sewer, Gas & Electric
Shadow of the Wind, The
Sheltering Sky, The
Sherlock Holmes series (2)
She’s Come Undone (3)
Short History of Nearly Everything, A
Siddhartha
Siddhartha
Slapstick
Slaughterhouse Five (3)
Slouching Toward Gomorrah
Snow Crash
Sometimes a Great Nation
Spy Who Came In From the Cold, The
Stand, The (2)
State of Fear
Steppenwolf
Stranger in a Strange Land
Stupid White Men
Success Through a Positive Mental Attitude
Summer Sisters
Summons, The
Sun Also Rises, The (7)
Survivor, The
Swan's Way
Tale of Two Cities, A (3)
Talisman, The
Taxes for Dummies
Team of Rivals
Tender is the Night
The Count of Monte Cristo (4)
The Old Man and the Sea (2)
The Things They Carried
The Tin Drum
Their Eyes Were Watching God
There Are No Children Here
They Poured Fire on Us From the Sky
Thinking for a Change
This Side of Paradise
Three Men in a Boat
Time to Kill, A
Timeline
Tin Drum, The
To Kill a Mockingbird, To (20)
To the Barricades
Tree Grows in Brooklyn, A
Tree Grows in Brooklyn, A (2)
Triangle Shirtwaist Fire, The
Truman
Tuesdays with Morrie (3)
Two Years Before the Mast
Ulysses
Unbearable Lightness of Being, The (2)
Unconquerable World, The
Voodoo Dreams
Walden
War and Peace (3)
War is a Force that Gives us Meaning
Watership Down
Way the Crow Flies, The
Wealth of Nations, The
Wheel of Time
Wheel of Time Series
White Boy Shuffle, The
White Noise (2)
White Teeth
Will in the World
Winds of War
Winter of Discontent
Without Remorse
Work Right for Your Type
World According to Garp, The (4)
World is Flat, The
Wouldn't It Be Nice
Wuthering Heights (2)
Zen and The Art of Motorcycle Maintenance
(3)
Appendix B
Least Favorite Book

1984
Absalom, Absalom!
Alchemist, The (2)
American Heritage
Angela's Ashes
Aristotle’s Rhetoric
Autobiography of Benjamin Franklin, The
Awakening, The (2)
Bee Season
Beloved (5)
Beowulf
Bible, The (5)
Billy Budd
Biography of George Washington
Black Boy
Blindness
Candide
Canterbury Tales
Catch 22
Catcher in the Rye, The (10)
Chicken Soup for the Soul
Chushingura
Club Dumas, The
Cold Mountain
Color of Water, The
Confederacy of Dunces, A (2)
Crime and Punishment (4)
Crucible, The
Crying of Lot 49, The (2)
Da Vinci Code, The (7)
Das Kapital
Devil Wears Prada, The
Diary of Lewis and Clark, The
Divine Comedy
Don Quixote
Donald Trump Real Estate Book, The
Dr. Jekyll and Mr. Hyde
Dr. Zhivago
Ecstasy
Embers
Emilia Galotti
End of the Republican Era, The
Fahrenheit 451
Farewell to Arms, A
Federalist Papers, The
Firebrand (2)
First You Have to Row a Little Boat
For Whom the Bell Tolls
Fountainhead, The (2)
Frankenstein (2)
Fuck-Up, The
Genealogy of Morals (2)
Going After Cacciato
Gone with the Wind
Good Earth, The
Grapes of Wrath, The (3)
Grapes of Wrath, The (4)
Great Expectations (4)
Great Gatsby, The (4)
Harry Potter series
Haunted
Heart of Darkness (4)
Heartbreaking Work of Staggering Genius, A Hitchhiker's Guide to the Galaxy
Hobbit, The
Homeward Bound
House on Mango Street, The
Huckleberry Finn (3)
I Know Why the Caged Bird Sings
In Her Shoes (2)
Invisible Circus, The
Invisible Man, The
Ivanhoe
Jacob Have I Loved
Jane Eyre (3)
Johnny Got His Gun
Joy Luck Club, The
Judge and Jury
Law School Confidential
Lexus and the Olive Tree, The
Lies and the Lying Liars Who Tell Them
Life of Pi, The (2)
Like Water for Chocolate
Lord of the Flies
Lord of the Flies, The
Madame Bovary (2)
Maggie: A Girl of the Streets
Maryland Boy in Lee's Army: Personal Reminiscences of a Maryland Soldier in the War Between the States, 1861 – 1865, A
Me Talk Pretty One Day
Mechanical and Electrical Systems for Buildings
Mein Kampf
Memoirs of a Geisha
Metamorphosis
Midwife's Tale, A
Mill on the Floss, The
Million Little Pieces, A
Millionaire Real Estate Agent, The
Moby Dick (7)
My Antonia
Native Son
Notebook, The
O Pioneers!
Odyssey, The
Oedipus Rex
Of Mice and Men (2)
Old Man and the Sea, The (2)
On the Road
One Hundred Years of Solitude
One L
Paradise Lost (2)
Pearl, The
Pet Sematary
Plot Against America, The
Portrait of the Artist as a Young Man, A
Prayer for Owen Meaney, A
Prep
Pride and Prejudice (8)
Rainbow, The
Reading Lolita in Tehran
Red Badge of Courage, The
Remember Me
Road to Rodanth
Robinson Crusoe
Rule of Four, The
Runaway Jury, The
Scarlet Letter, The (13)
Scarlet Pimpernel, The
Second Sex
Secret Garden, The
Secret Life of Bees, The
Secrets of the Ya-Ya Sisterhood
Sense and Sensibility
Separate Peace, A (3)
Shape of the Signifier
Shipping News, The
Shopaholic Gets Married
Silent Spring
Sir Gawain and the Green Knight
Slouching Towards Bethlehem
Something Blue
Sophie's World
Soul Mountain
Sound and the Fury, The
Stand, The
 Stranger, The
Sula
Sun Also Rises, The
Tale of Two Cities, A (6)
Tess of the D’Urbervilles (4)
Things Fall Apart
Third Policeman, The
Three Junes
Time Machine, The
Tin-Can Tree, The
To Kill a Mockingbird
To the Lighthouse
Tom Jones
Treason
Tree Grows in Brooklyn, A
Tuesdays With Morrie
Ulysses
Uncivil Wars
Verbal Judo
Victory
Walden
War and Peace (2)
Wealth of Nations
Wedding, The
Where the Red Fern Grows
White Noise
Who Moved My Cheese? (2)
Wicked
Witch of Blackbird Pond
Woman Warrior
Wuthering Heights (4)
Appendix C
Last Book You Read

$64 Tomato, The
110 People Who are Screwing Up America (2)
1776 (6)
1984 (2)
613 Mitzvot, The
9/11 Commission Report, The
A, B, C's of Real Estate Investing, The
Active Liberty
Acts of Faith
Adventure Capitalist
Alchemist, The
Alexander Hamilton (2)
Alice in Wonderland
All the President's Men
All The President's Spin
All The Shah's Men
Always the Bridesmaid
America on Trial
American Gods
American Theocracy (2)
American Vertigo
Americanization of Benjamin Franklin, The
Anatomy of a Lawsuit, The
Anatomy of a Murder
Angela's Ashes
Angels and Demons (5)
Are Men Necessary
Art of Rhetoric, The
Art of War, The
Atlas Shrugged (3)
Atonement
Aura
Autobiography of Blackhawk, The
Autobiography of Malcolm X
Bad Twin, The
Ballad of the Whiskey Robber, The
Beach Road
Becoming Justice Blackmun
Bel Canto
Belgarath the Sorcerer
Bell Jar, The
Beloved
Betrothed, The
Betrayed, The (2)
Beyond Queer
Bible, The
Black Angel
Black Hawk Down
Black Tulip, The
Blandings Castle
Blind Assassin
Blink (2)
Blow the House Down
Blowing My Cover: My Life as CIA Spy
Blue like Jazz
Bob Dylan Chronicles
Brand Name Bullies
Bringing Down the House
Broker, The (2)
Brothers Karamazov, The
Buffalo Creek Disaster, The
Calculating God
Camel Club, The
Careless Love: The Unmaking of Elvis Presley
Carnage and Culture: Landmark Battles in the Rise to Western Power
Casa del Mango Street, La
Case for Hillary Clinton, The
Cat's Cradle
Catch 22 (2)
Caucasia
Chasing Destiny
Chasm City
Choice, The
Chronicles of Narnia, The (2)
Cider House Rules
Citizen Girl
Civil Action, A (10)
Clash of Civilizations, The
Claudius the God
Clinical Introduction to Lacanian Psychoanalysis, A
Club Dumas, The
Collapse: How Societies Choose to Fail or Succeed (5)
Collected Tales of Nikolai Gogol, The
Commitment, The
Common Law, The
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<th>Freakonomics (10)</th>
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<td>Game of Shadows</td>
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<td>Confessions of an Ugly Stepsister</td>
<td>Dragon and the Bear, The</td>
<td>Garlic &amp; Sapphires</td>
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<td>E is for Evidence</td>
<td>Genesis Code, The</td>
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<td>Controlling Your Emotions, Not Letting Your Emotions Control You</td>
<td>East of Eden (2)</td>
<td>Getting to Maybe (3)</td>
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<td>Corporate Warriors: The Rise of the Privatized Military Industry (2)</td>
<td>Eco-Economics</td>
<td>Gideon's Trumpet (4)</td>
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<td>Count of Monte Cristo</td>
<td>Eight, Eight</td>
<td>Girl's Guide to Hunting and Fishing, A</td>
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<td>Counting Heads</td>
<td>Eighty Years and More</td>
<td>Glass Castle, The</td>
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<td>Emperor of Ocean Park, The</td>
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<td>Cruel and Unusual</td>
<td>End of Poverty , The</td>
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<td>Cult of Power</td>
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<td>Everyone Worth Knowing</td>
<td>Go-Getter, The</td>
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<td>Executive Orders (2)</td>
<td>Good Earth, The</td>
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<td>Extremely Loud &amp; Incredibly Close</td>
<td>Great Deluge, The</td>
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<td>Fabric of the Cosmos, The</td>
<td>Guardian, The</td>
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<td>Faiths of the Founding Fathers, The</td>
<td>Guests of the Ayatollah</td>
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<td>Fantasyland</td>
<td>Guns, Germs, and Steel</td>
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<td>Fear and Loathing in Las Vegas (2)</td>
<td>Halfway House</td>
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<td>Deep Blues</td>
<td>Fear and Trembling</td>
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<td>Feast for Crows, A</td>
<td>Hardball</td>
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<td>Female Chauvinist Pigs: Women and the Rise of Raunch Culture</td>
<td>Harry Potter series (3)</td>
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<td>Despereaux</td>
<td>Firm, The</td>
<td>Heart is a Lonely Hunter, The</td>
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<td>Devil in the White City, The (2)</td>
<td>First They Killed My Father</td>
<td>Heart of Darkness , The</td>
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<td>Devil Wears Prada, (2)</td>
<td>First World War, The</td>
<td>Heat</td>
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<td>Diary of a Groupie</td>
<td>Five Love Languages, The</td>
<td>Heavenly Date</td>
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<td>Digital Fortress (2)</td>
<td>Five People you Meet in Heaven, The</td>
<td>Helter Skelter</td>
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<td>Dispatch</td>
<td>Flanders Panel, The</td>
<td>Historian, The</td>
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<td>Dispatches From the Edge</td>
<td>Founding Brothers</td>
<td>History of Warfare, The</td>
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<td>Divine Conspiracy, The</td>
<td>Fountainhead, The</td>
<td>Hobbit, The</td>
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<td>Four Blind Mice</td>
<td>House of Gucci, The</td>
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<td>House of Leaves</td>
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<td>Franny and Zooey</td>
<td>Human Stain, The</td>
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<td>Hypocrite in a Pouffy White Dress</td>
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I Am Charlotte Simmons
I am Legend
I and Thou
Identity
In Cold Blood (8)
In Defense of Elitism
In Her Shoes
Inheritors, The
Interpreter of Maladies
Introvert Advantage, The
Ishmael
Jane Eyre (2)
Jarhead (2)
John Adams
Joy Luck Club, The
Jungle, The
Kafka on the Shore
Killing Pablo
Killing Yourself to Live
King of Torts (3)
King of Torts, The
Kingdom Coming
Kissinger Transcripts
Kite Runner, The (7)
Lamb, the Gospel according to Biff, Jesus’
Childhood Pal
Last Juror, The (5)
Last Week, The
Laughable Loves
Law in America
Law School Confidential (8)
Law School for Dummies
Law School Without Fear (2)
Lawless World
Legal Reasoning
Lexus and the Olive Tree, The
Lies and the Lying Liars Who Tell Them
Lies of Locke Lamora, The
Life and Death of Superman, The
Life of Elizabeth the First, The
Life of Pi (5)
Life on the Mississippi
Lightning
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Losing the Race
Lost Painting, The
Love Smart
Lover, The
Low Country
Magis, The
Magical Thinking
Man of My Dreams, A
Man Who Was Thursday, The
Man Without a Country, A
Map of Bones
Marker
Marley and Me
Martini Diet, The
Master and Margarita, The
Maximum City: Bombay Lost and Found
Maximum Ride
Me Talk Pretty One Day (2)
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Memoirs of U.S. Grant, The
Middlesex (2)
Million Little Pieces, A (3)
Mind Hunter
Moneyball (6)
Mort
Mountains Beyond Mountains
Moveable Feast, The
My Friend Leonard (2)
My Name is Asher Lev
My Prison Without Bars
My Sister’s Keeper
Myth of You and Me, The
Naked
Namesake, The
Nanny Diaries, The
Nemesis
Night (2)
Night Fall
Nine Stories by J.D. Salinger
North and South
Nothing is Sacred
Novel, The
Occupied Voices
Oliver Twist
On Beauty
Once and Future King, The
Once There Was a War
One Day in September
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Paris, 1919
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Promised Land, Crusader State
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Rage of a Demon King
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Reading Lolita in Tehran (2)
Reading Romans
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Redcoat
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Rich Dad Poor Dad
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Running with Scissors (2)
Sabbath's Theater
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Secret Life of Bees, The
Secret Supper, The
Secrets of a Millionaire Mind
See No Evil
Sense and Sensibility
Sex, Drugs & Cocoa Puffs
Sheltering Sky, The
Shockwave
Sicilian, The
Siddhartha
Sisterhood of the Traveling Pants, The
Skeleton Crew (2)
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Skinny Legs and All
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Small Place, A
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Stranger, The
Sunne in Splendor, The
Surviving the Law School Dragon
Surviving Your First Year of Law School
Survivor
Swann's Way
Sweet Hereafter, The
Syrian Orthodox Christianity
Tai-Pan
Taken on Trust
Tales from Watership Down
Taxes for Dummies
Team of Rivals
Tell Them I Didn't Cry
Tenth Circle, The
They Poured Fire on Us From the Sky
Think and Grow Rich
Third Life of Grange Copeland, The
Third Secret, The (2)
Thirteen Gun Salute, The
Thorn Birds, The
Three Nights in August
Time of Gifts, A
Time Traveler's Wife, The
Timeline
Tipping Point, The
Too Much Drama
Tractus Logico-Philosophicus
Tricky Part, The
Truth About Hillary, The
Tuesdays with Morrie
Twelve Sharp
Ultimate Hitchhiker's Guide, The
Ultramarathon Man
Under the Banner of Heaven
Understanding Torts
United States of Europe, The
Unnatural Exposure
Upright Man, The
Vegan: The New Ethics of Eating
Virgin Blue, The
Appendix D
Book You Are Reading Now

Baltimore City Standard Specifications for
Public Work
Band of Brothers
Bear & the Dragon, The
Beatles, The
Becoming Justice Blackman
Bee Season, The
Bell Curve, The
Bella Tuscany
Benjamin Franklin
Best American Short Stories of 2005, The
Beyond Band of Brothers - The Biography of
Major Dick Winters (2)
Biss
Bible, The
Big Bang: The Origin of the Universe
Big Coal: The Dirty Truth Behind America's
Energy Future
Bitch
Bitch in the House, The
Blaze
Bleak House
Blessing Way, The
Blink (3)
Blood Meridian
Blowfly
Blue Water
Body Sculpting Bible, The
Book of Mormon, The
Borges: Selected Poems

Bourne Supremacy, The
Bourne Ultimatum, The
Breakfast of Champions
Brief History of Everything, A
Bright and Terrible Summer, A
Bringing out the Best in People
Broker, The
Brothers Karamazov, The (2)
Bush at War
By Order of the President
Candide
Case for a Creator
Catch 22 (2)
Catcher in the Rye, The
Che
Chill Factor and How We Choose to Be
Happy
Chopin’s Funeral
Civil Action, A (5)
Client, The
Cobra 2
Cobra II
Common Sense
Complete Works of Emily Dickinson, The
Condition Humaine, La
Confederacy of Dunces, A (2)
Confessions of a Shopaholic
Confessions of an Ugly Stepsister
Conservatives without a Conscience
 Constants of Nature, The
In Her Shoes
Interpreter of Maladies
Invisible Monsters
It Girl, The
It Takes a Family
Jane Eyre
Janson Directive, The
Jew Store, The
Jim Cramer's Real Money
John Adams (2)
Jungle, The
Jury Master, The
Kill Two Birds and Get Stoned-
King of Torts
King of Torts, The
King of Torts, The (2)
Kite Runner, The (2)
Lacan to the Letter
Last Judgment, The
Last Juror, The
Last Secret of the Temple, The
Law 101
Law School Confidential (8)
Law School for Dummies
Law School without Fear (6)
Law's Empire
Laws of Our Fathers
Learning Legal Reasoning (2)
Legal Writing and Analysis
Lexus and the Olive Tree
Liar's Club
Lies My Teacher Told Me
Life of Pi (2)
Life of Pi, The
Lifeguard, The
Light of Other Days, The
Lincoln at Gettysburg: The Words that
Remade America
Lipstick Jungle
London, A Biography
Lord of the Rings, The
Losing the Race
Love in the Time of Cholera (2)
Lust for Life
Machiavelli In Hell
Making of the Atomic Bomb, The
Man in Full, A
Man of the World
Man Who Tried to Save the World, The
March
Marquette Law Review
Married to the Brand
Master and Commander
Master and Margerita
Memoirs of a Geisha
Metamorphosis
Mighty and the Almighty, The
Million Little Pieces, A (2)
Mindscan
Moby Dick
Money Book for the Young Fabulous &
Broke, The
Monstrum
Montana Sky
Moor's Last Sigh, The
My Friend Leonard
My Ishmael
My Life (2)
Mythology
Naked
Name of the Rose, The
Namesake, The
Nanny Diaries, The
Nasty Bits, The
Never Eat Alone
Never Have Your Dog Stuffed
New American Militarism: How, Americans
Are Seduced by War, The
Non Zero
Of Human Bondage
Of Love and Shadows
Oligarchs, The
On Paradise Drive
On The Road
On The Way to Heaven
On tue et tu pies
One Hundred Years of Solitude (3)
One L (11)
Origins of Life, The
Other Boleyn girl, The
Outline of History, The
Oxford Guide to Medieval History, The
Pact, The
Party of Death, The
People's History of the Supreme Court, A (5)
People's History of the United States
Perilous Times
Persuasion
Picture of Dorian Gray, The
Planet Law School (4)
Plot Against America, The
Poe Shadow, The
Poison Study
Polgara the Sorceress
Positively Fourth Street
Power of Nice, The
Profits of Religion
Prometheus Deception
Propaganda: The Use and Abuse of Persuasion
Queen's Fool, The
Reading Like a Lawyer (2)
Reading Lolita in Tehran (2)
Red Coat
Red Rabbit
Reivers, The
Restaurant at the End of the Universe, The
Revolutionary Characters
Rich Dad Poor Dad's Guide to Investing
Robinson Crusoe
Root of Wild Madder, The
Rum Diaries, The
Sack of Rome, The
Salt: A World History (2)
Saving Faith
Searching for God Knows What
See No Evil: Banned Films and Video Controversy"
Seven Habits of Highly Effective People
Shards of a Broken Crown
Shopaholic Ties the Knot
Short History of Nearly Everything, A
Simple Justice
Simple Truth, The
Simple Truth: Brown v. The Board of Education
Slaying the Law School Dragon
Small Unit Leadership
Snow Falling on Cedars
Snows of Kilimanjaro, The
Starter Wife, The (2)
State of Fear
Stonewall
Street Lawyer, The (2)
Summer Lightning
Sunsets
Supreme Court, The (2)
Surviving the Law School Jungle
Swann's Way
Tale of Two Cities, A
Tao Te Ching
Team of Rivals: The Political Genius of Abraham Lincoln (2)
Testament, The
Thank You For Smoking
Thief of Time
Things Fall Apart
Think and Grow Rich
Three Nights in August
Three Weeks with my Brother
Time and Change
Time Traveler's Wife, The
Tipping Point
Tipping Point
Tipping Point, The
To Kill a Mockingbird (5)
Trade Secret Asset Management
Transmission
True History of the Kelly Gang
Truth & Beauty
Understanding Contracts
Understanding Torts
Underworld
Underworld Post-Mortem
Unequal Childhoods; Class, Race and Family Life
Up Country
Very Long Engagement, A
Waiting For The Barbarians
Walden
Walden
Weight of Water, The
What DaVinci Didn't Know
When God Was a Woman
When to Run
When Will Jesus Bring the Porkchops?
White Guilt
Who Are We
Witching Hour, The
Wolves of the Calla
Woody Allen on Woody Allen: In Conversation with Stig Bjorkman
Words of Abraham Lincoln, The
World According to Garp, The
World Disorders
World is Flat, The (5)
World's Religions, The
Writing to Win
Year in Provence, A
You're Wearing That?
Zadie Smith's White Teeth
Appendix E:  
Book You Plan To Read Next

110 People Who Are Screwing Up America  
131 Christians Everyone Should Know  
1776 (2)  
1984  
Absurdistan  
Adventures of Kavalier and Clay, The  
Adventures of Sherlock Holmes, The  
After Long Silence  
Alchemist, The (2)  
Altman Code, The  
American Gods  
American Gospel  
American Pastoral  
American Theocracy  
America's Report Card  
An Enduring Love  
An Inconvenient Truth  
Anatomy of a Murder  
Angela's Ashes  
Angels and Demons (4)  
Anna Karenina  
Another Roadside Attraction  
Art of War, The (2)  
Atlas Shrugged  
Autobiography of Benjamin Franklin, The  
Baby Proof  
Band of Brothers  
Bear and the Dragon, The  
Best American Crime Writings, The  
Best American Science Writings, The  
Blink (3)  
Blue Peninsula”  
Bob Dylan Chronicles  
Breakfast of Champions (2)  
Briefer History of Time, A  
Bringing Down the House (2)  
Broker, The  
Brothers Karamazov, The  
Buffalo Creek Disaster, The  
Burden and the Glory, The  
Calder Storm  
Case for Israel, The  
Catch 22 (3)  
Chamade, La  
Changer of Days  
City for Sale  
Civil Action, A (4)  
Clearing in the Forest, A  
Como Agua Para Chocolate  
Complete Oscar Wilde, The  
Confessions of an Economic Hitman  
Confessions of Max Tivoli, The  
Constant Gardener, The  
Count of Monte Cristo, The  
Court Divided, A  
Crime and Punishment (2)  
DaVinci Code, The  
Daniel’s Book  
Devil in the White City, The (3)  
Devil Wears Prada, The  
Devil’s Picnic, The  
Dharma Burns, The  
Digital Fortress  
Dr. No  
Dracula  
Dreams From My Father  
Drop City  
Eats, Shoots, and Leaves  
Economic Analysis of Law  
Eldest  
Elements of Legal Style, The  
Empires of Light  
End of History and the Last Man, The  
End of Stress As We Know It, The  
Extremely Loud and Incredibly Close  
F is for Fugitive  
Fahrenheit 451  
Fellowship of the Ring, The  
Fight Club  
First Freedoms  
Forever Odd  
Four Pillars of Investing, The (2)  
Freakonomics  
Freakonomics (2)  
Freddy & Fredericka  
Gag Rule  
Getting to Maybe (5)  
Gideon’s Spies: The Secret History of the Mossad  
Gift, The  

Sophie's World
Sound and the Fury, The
State of Fear
Stories from the Edge
Stories from the Holocaust
Suite Francais
Summerland
Taking the Guideon
The Secret Life of Bees
Their Eyes Were Watching God
Theodore Rex
Things Fall Apart
Time Past, Time Present
Tipping Point, The (2)
To Kill a Mocking Bird (2)
Trading Up
Tree Grows in Brooklyn, A
Trial, The
Turning Angel (2)
Twelve Caesars, The
Veritas
WalMart Effect, The
War Trash
Warlord
Watership Down
Wealth and Poverty of Nations, The
What If
When Presidents Lie: A History of Official Deception and its Consequences
Wicked (2)
Winesburg, Ohio
Winter Queen, The
Woman in Jerusalem, A
Working Poor; Invisible in America, The
World is Flat, The (3)