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"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 student and new lawyers, and proposes some possible remedies for the skills deficits displayed by incoming law students.

1. Introduction

We are awash in a sea of bad news about information literacy¹ skills. Recent studies from the National Endowment of the Arts,² the National Center for Education Statistics,³ and the National Commission on Writing for America’s Families, Schools, and Colleges⁴ indicate

* The question posed several times during the movie “Butch Cassidy and the Sundance Kid.” WILLIAM GOLDMAN, BUTCH CASSIDY AND THE SUNDANCE KID: A WESTERN, reprinted in WILLIAM GOLDMAN, ADVENTURES IN THE SCREEN TRADE, 293, 371 (1984).

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¹ By this term I mean 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.

² Natl. Endowment for the Arts, *Reading at Risk: A Survey of Literary Reading in America*, at xi (2004) (“NEA Study”), available at <http://www.nea.gov/pub/readingatrisk.pdf> (Suggesting a 28% drop in literary reading in the past twenty years in the incoming law student age group.)

³ Natl. Ctr. For Educ. Statistics, *National Assessment of Adult Literacy: A First Look at the Literacy of America’s Adult in the 21st Century* (U.S. Dept. of Educ. 2005), available at <http://nces.ed.gov/NAAL/PDF/2006470.PDF> (concluding that while percentage of adults with intermediate document literacy increased by four percent between 1992 and 2003, and number of adults with intermediate quantitative literacy increased by three percent during the same period, percentage of adults with basic literacy skills was unchanged between 1992 and 2003 and number of adults with proficient prose and document literacy fell by two percent during the same period.)

⁴ The National Commission has issued three reports that analyze the decline in literacy skills in the American population: Natl. Commn. On Writing in Am.’s Schs. & Colleges & The College Bd., *The Neglected “R” – The Need for a Writing Revolution*, at 41 (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); Natl. Commn. On Writing in Am.’s Schs. & Colleges, *Writing: A Ticket to Work . . . Or a Ticket Out*, at 4 (2004), available at <http://www.writingcommission.org/>

that societal literacy skills are declining, and studies directed specifically at lawyers⁵ suggest that 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

prod_downloads/writingcom/writing-ticket-to-work.pdf (concluding that “[m]ore than forty percent of reporting firms offer or require training for salaried employees with writing deficiencies. Based on the survey responses, it appears that remedying deficiencies in writing may cost American firms as much as \$3.1 billion annually”); and Natl. Commn. On Writing in Am.’s Schs. & Colleges, *Writing: A Powerful Message from State Government*, at 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. These deficiencies cost taxpayers nearly a quarter of a billion dollars annually.”)

⁵ Susan Hanley Kosse & David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teachers Assess the Legal Writing Skills of New Law Graduates: A Comparative Study*, (“Kosse & ButleRitchie Survey”) 53 J. LEGAL EDUC. 80, 85 (2003)(“[n]early 94 percent, overall, of the respondents found briefs and memoranda marred by basic writing problems”); Kathryn Hensiak, Stephanie Burke, & Donna Nixon, *Assessing Information Literacy Among First Year Law Students: A Survey to Measure Research Experiences and Expectations, Final Technical Report* (2004) (“AALL Survey”) (a copy of the AALL Survey’s Final Technical Report is on file with the Author)(“many [incoming law] students do not have basic research skills”); Sanford N. Greenburg, *Chicago-Area Attorney Survey* (2007) (“2007 Attorney Survey”)(prepared for the 2007 “Back to the Future of Legal Research” Conference hosted by Chicago-Kent College of Law. A copy of the survey results is on file with the Author)(54 percent of respondents answered that new attorneys “seldom” or “never” were aware of helpful legal research print resources prior to in-house training, 57 percent of respondents answered that new attorneys were “seldom” or “never” able to use print legal research resources efficiently prior to in-house training, and 44 percent of respondents answered that new attorneys were “seldom” or “never” able to use fee-based online legal research resources prior to in-house training); Tom Gaylord, *Chicago-Area Librarian Survey* (2007) (“2007 Librarian Survey”)(prepared for the 2007 “Back to the Future of Legal Research” Conference hosted by Chicago-Kent College of Law. A copy of the survey results is on file with the Author)(71 percent of respondents answered that new attorneys were not able to research effectively and efficiently prior to in-house training, and percentage of respondents who answered that new attorneys were able to research efficiently dropped by almost half between 2005 and 2007).

⁶ Skills instruction in American law schools has been receiving more attention since the 1992 MacCrate Report was issued. LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (Am. Bar Ass’n. Section of Legal Educ. & Admissions to the Bar ed., 1992) (“MacCrate Report”). For an exhaustive description of almost every facet of skills instruction in American law schools, see ALWD/LWI, 2007 ALWD/LWI SURVEY REPORT (2007)(“ALWD Survey”)(a copy of the 2007 report will be available at <http://www.alwd.org/>. A hard copy of the report is on file with the Author.) For a discussion of ways in which legal skills training could be improved, see Kenneth D. Chestek, *MacCrate (In)Action: The Case for Enhancing the Upper-Level Writing Requirement in Law Schools*, 78 U. COLO. L. REV. 115 (2007).

⁷ Certainly criticism of lawyers’ writing is nothing new. See, Karl 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.”). See also, Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 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.”); William L. Prosser, *English as She Is Wrote*, 7 J. LEGAL EDUC. 155, 156 (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”); Albert P. Blaustein, *On Legal Writing* 18 CLEV.-MARSHALL L. REV. 237 (1969)(“Virtually all legal writing is atrocious”); David M. Becker, *My Two Cents on Changing Times*, 76 WASH. U. L. Q. 43, 53 (1998)(“. . . do [law] students 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!”).

worse, 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 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 with them 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,⁸ the first part of this article offers some general information that helps to place the data in context.⁹ The next part presents the survey data concerning incoming law student responses to questions about their reading,¹⁰ writing,¹¹ and research¹² habits.¹³ The third part analyzes the data and compares it to other research data.¹⁴ 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; 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 to 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.

⁸ Text and footnotes at pp 4-5, *supra*.

⁹ Text and footnotes at pp 5-9, *supra*.

¹⁰ Text and footnotes at pp 9-16, *supra*.

¹¹ Text and footnotes at pp 16-21, *supra*.

¹² Text and footnotes at pp 21-23, *supra*.

¹³ 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.

¹⁴ Text and footnotes at pp 23-34, *supra*.

2. 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.¹⁵ After the questions were prepared, law schools were invited to participate by means of a posting to the DIRCON¹⁶ and LWI¹⁷ listservs and seven schools ultimately¹⁸ took part in the survey. Permission to proceed was received from the Institutional Review Boards of all participating schools.

The survey was internet-based; the survey form was generated using Cicada Consulting Group's online survey generating program,¹⁹ 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.²⁰ 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.²¹

¹⁵ 2006 Incoming Law Student Survey ("Survey"). A copy of the full survey results is on file with the author.

¹⁶ A listserv for legal writing directors hosted by the Association of Legal Writing Directors.

¹⁷ A listserv for legal writing teachers hosted by the Legal Writing Institute.

¹⁸ Syracuse University College of Law, Washington College of Law, Marquette University Law School, Rutgers School of Law, Camden, Thomas Jefferson School of Law, the John Marshall Law School, and the University of Baltimore School of Law. Several other schools expressed an interest in participation, but circumstances prevented them from joining the survey in 2006.

¹⁹ 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, questions calling for "yes/no" answers, questions calling for short textual answers, and general response boxes in which survey takers could write as much or as little as they desired.

²⁰ 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.

²¹ I perceived two downsides to using an internet-based approach: the survey would only reach, or could be answered by, those students with internet access, and technological problems that 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.

Students were notified about the survey either by emails, with the url embedded as an active link, or in person during law school orientation. In all, 740 students responded to the survey.²² 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.²³ 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.

3. 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 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 had worked for at least a year before coming to law school had 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.

²² 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.

²³ Another benefit of this method of survey taking 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.

B. Class Preparation

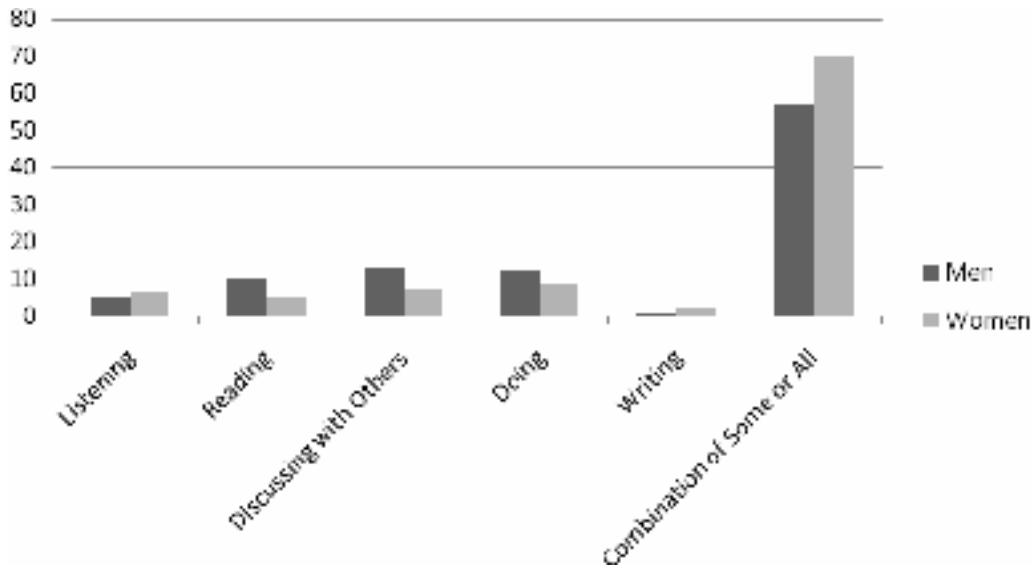
When asked about preparation for classes as undergraduates²⁴, 7.6% of responding students indicated that they had not prepared for classes, while 16.5% answered that they had spent less than an hour and 28.3% answered that they spent about an hour preparing for classes, while 22.2% indicated that they had spent about two hour 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 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:

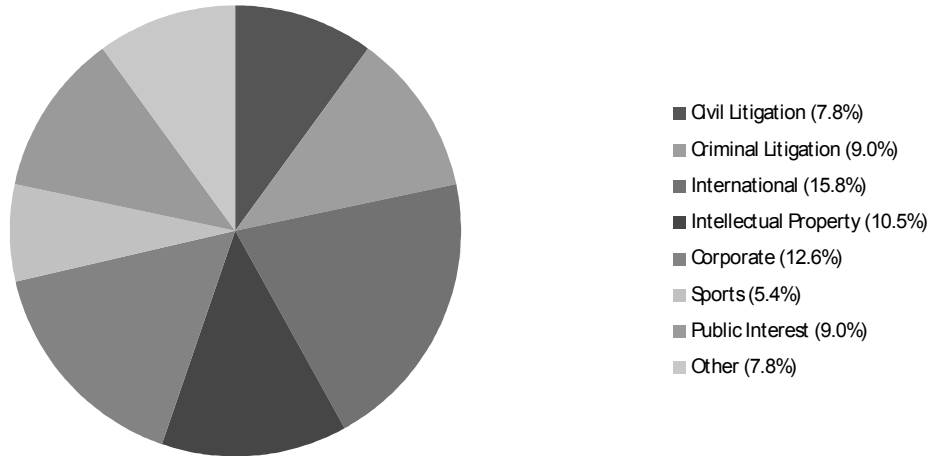


²⁴ The students were asked “as an undergraduate, how much time did you spend each day preparing for classes.” Accordingly, the answers to this question relate to the time they spent preparing for all classes, not just each individual class.

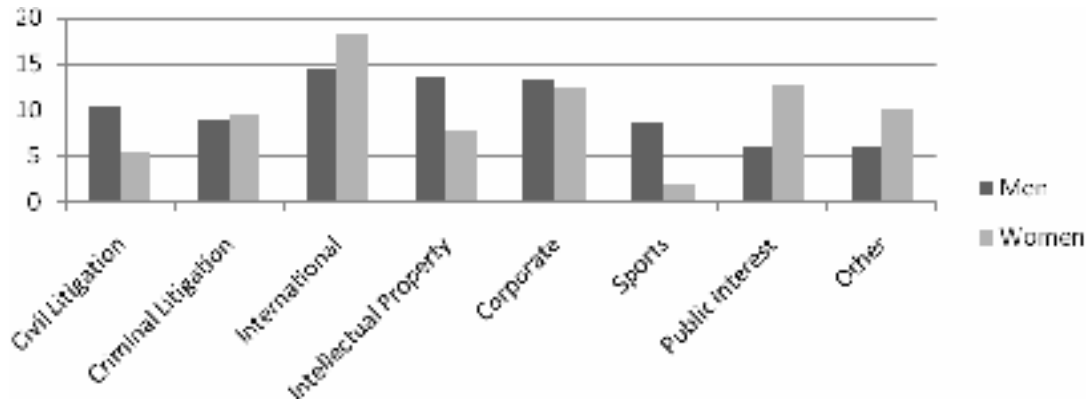
D. Preferred Practice Area

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.

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

More surprising, perhaps, is the confidence displayed in their information literacy skills by the incoming law students.²⁵ 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

²⁵ It is possible that these results were affected by other factors. A student might, for example, be influenced by the way a law school grades its legal research and writing class, believing, for example, that a pass/fail grading protocol (and fifteen law schools used some form of pass/fail grading for their research and writing class in 2007. ALWD Survey, *supra* n. 6, at 8) indicates that the class is easier than others, and therefore the subject will be easier to acquire or, conversely, 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 supra*, pp. 17, 21-22.

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.

4. 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.²⁶ 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.”²⁷ “[T]he successful study and practice of law requires all students and all practitioners to read with vigor and accuracy, critically examining words in the context of action taken by the courts and legislatures, challenging assumptions, finding patterns, generating new ideas.”²⁸

There has been much concern recently that the population as a whole is not reading.²⁹ In particular, there is concern that the generation from which our students are now drawn is not engaged in literary reading.³⁰ This is of concern to law teachers because of reading’s importance in forming a vocabulary, in learning rhetorical strategies, in assimilating the importance of narrative, and for many other reasons.³¹

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

²⁶ “One of the most important skills in law school is the ability to read a judicial opinion efficiently and accurately. . . .” Leah C. Christensen, *Legal Reading and Success in Law School: An Empirical Study*, 30 SEATTLE L. REV. 603 (2007).

²⁷ Ruth Ann McKinney, *Reading Like A Lawyer: Time-Saving Strategies For Reading Law Like An Expert*, xiii (Carolina Academic Press 2005).

²⁸ *Id.*, at 53.

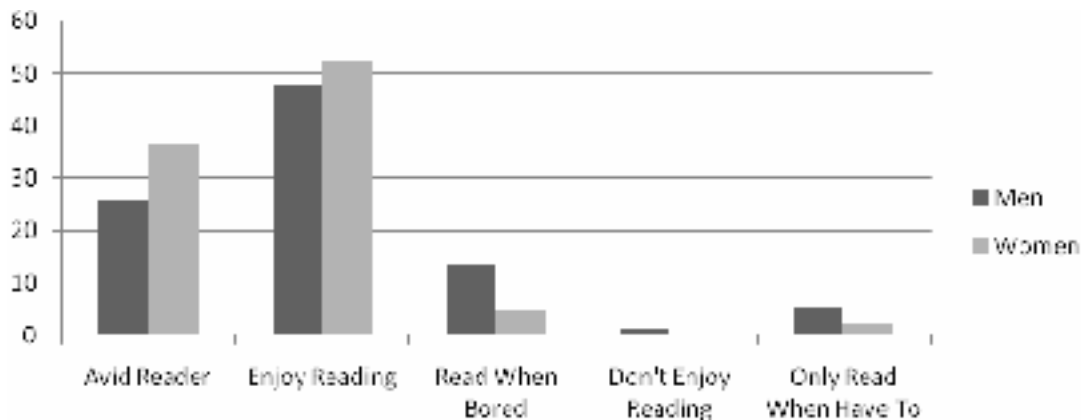
²⁹ See, e.g., NEA Study, *supra*, n. 2. The National Endowment for the Arts concluded that less than half of the adult American population now reads literature and that there was a ten percent reduction in literary reading in the ten years between 1992 and 2002. *Id.*, at ix. Moreover, the Study found that in 202, only 56.6% of the American population had read any book and only 46.6% had read a work of literature. *Id.* Although reading rates increased with educational levels, reading among every group had declined in the ten years between 1992 and 2002. *Id.* at xi.

³⁰ *Id.* The NEA Study set the bar for “literary reading” very low. Any book containing a novel, short stories, poetry, or plays, counted as a literary work for purposes of the NEA Study. “No distinctions were drawn on the quality of literary works.” *Id.*, at 1.

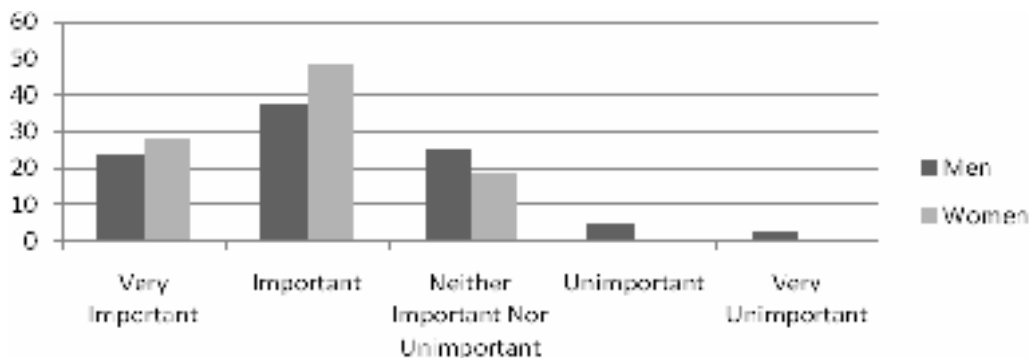
³¹ For more on the importance of critical reading skills, see, e.g., Debra Moss Curtis & Judith R. Karp, “In A Case, In A Book, They Will Not Take A Second Look!” *Critical Reading In The Legal Writing Classroom*, 41 WILLAMETTE L. REV. 293 (2005); Elizabeth Fajans & Mary R. Falk, *Against The Tyranny Of Paraphrase: Talking Back To Texts*, 78 CORNELL L. REV. 163 (1993).

reading,” and 3.8% responded that they only read when they have to.³² And 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:



This gender disparity was also detectable when students were asked to rank reading among 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 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

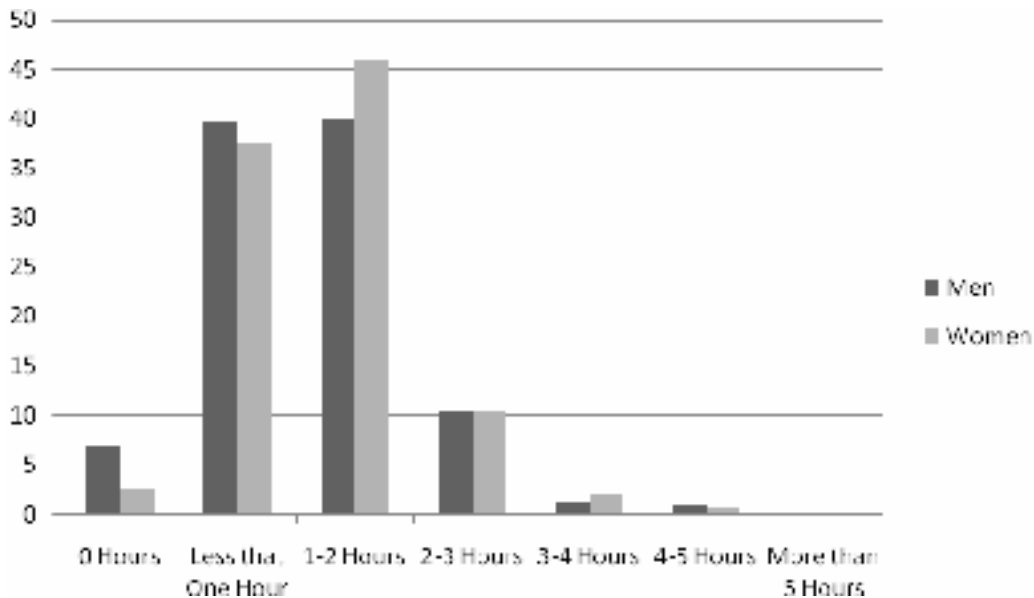
³² Encouraging though these numbers are, they still indicate that more than 13% of responding students are less than enthusiastic readers.

print dictionary with 16.5% indicating 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 some 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:

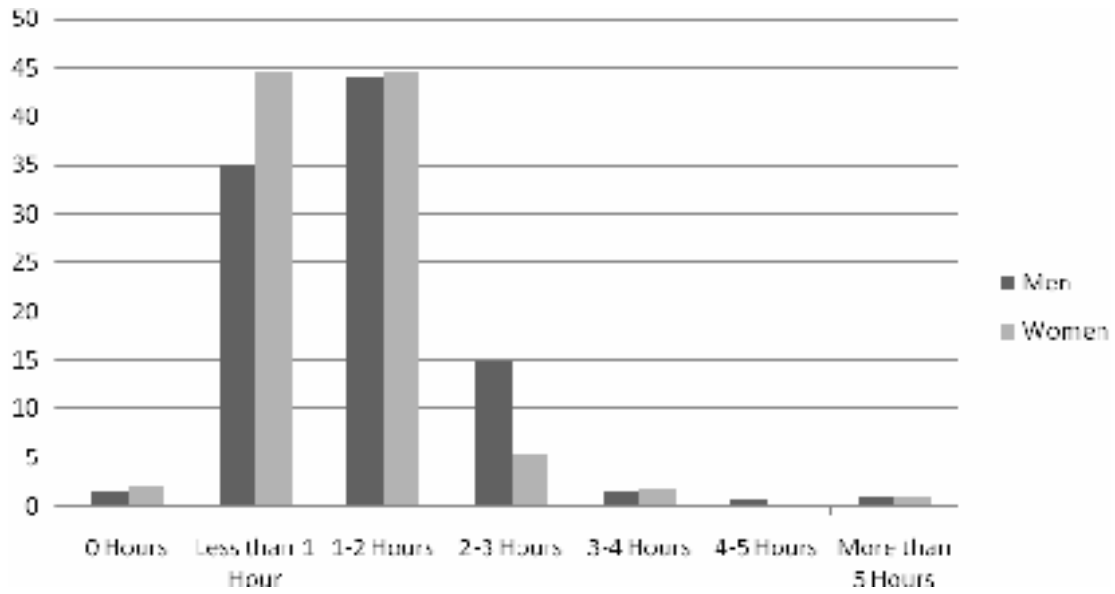
	Reading for Pleasure	Reading for Information	Watching Television	Playing Computer Games
0 Hours	4.6%	1.8%	5.5%	60.8%
Less than 1 Hour	37.6%	38.6%	27%	22.3%
1-2 Hours	41.8%	43.1%	38.5%	8.5%
2-3 Hours	10.1%	10.1%	15.4%	2.7%
3-4 Hours	1.5%	1.6%	5%	1.5%
4-5 Hours	0.4%	0.4%	2.2%	0.9%
More than 5 Hours	0.7%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

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

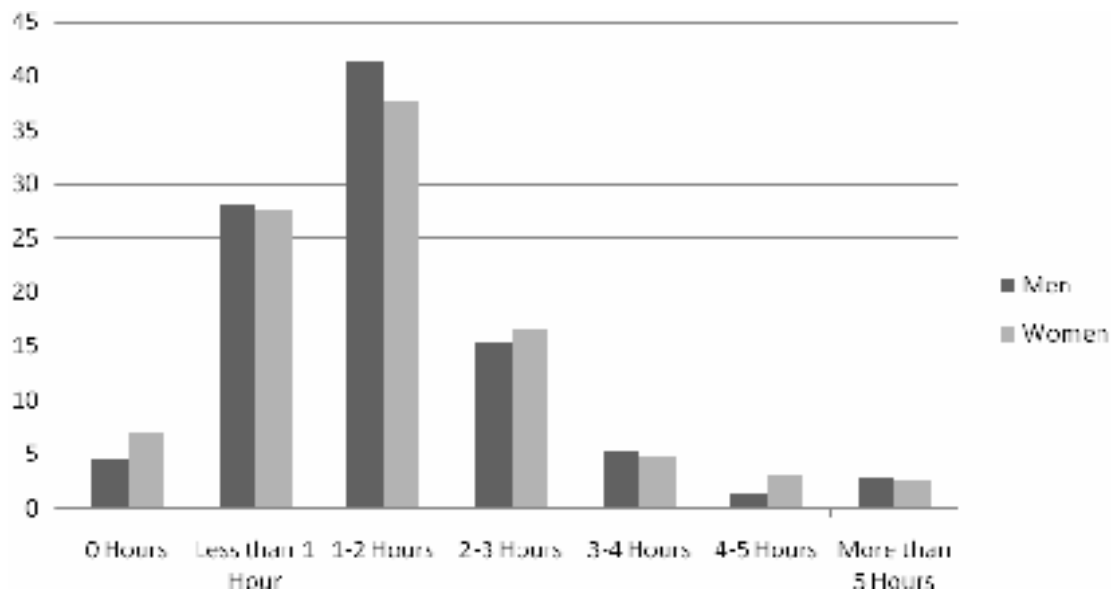
Time spent reading for pleasure:



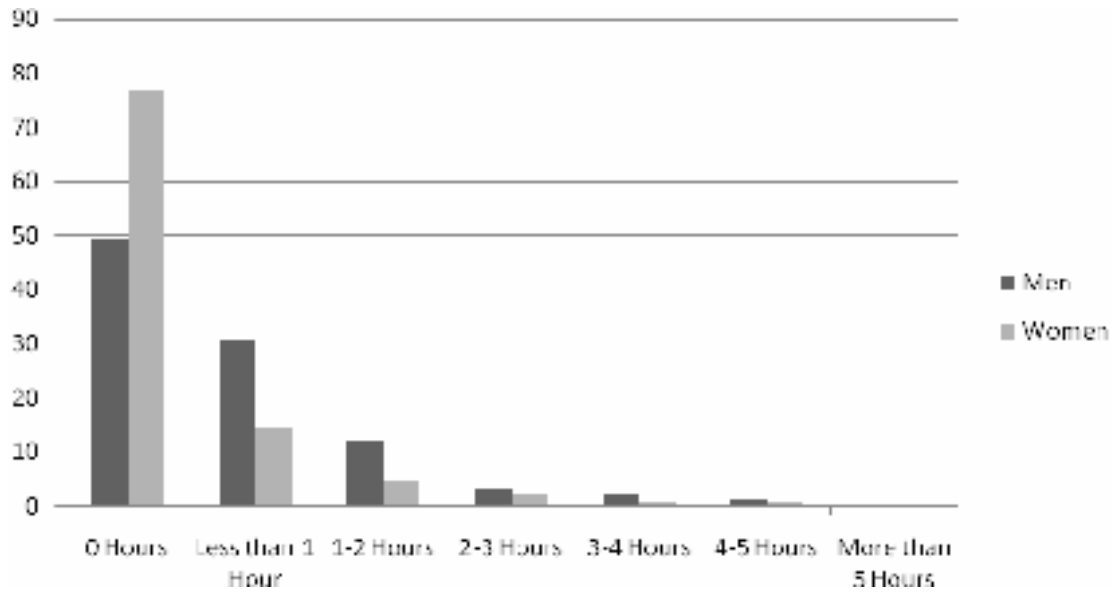
Time spent reading for information:



Time spent watching television:



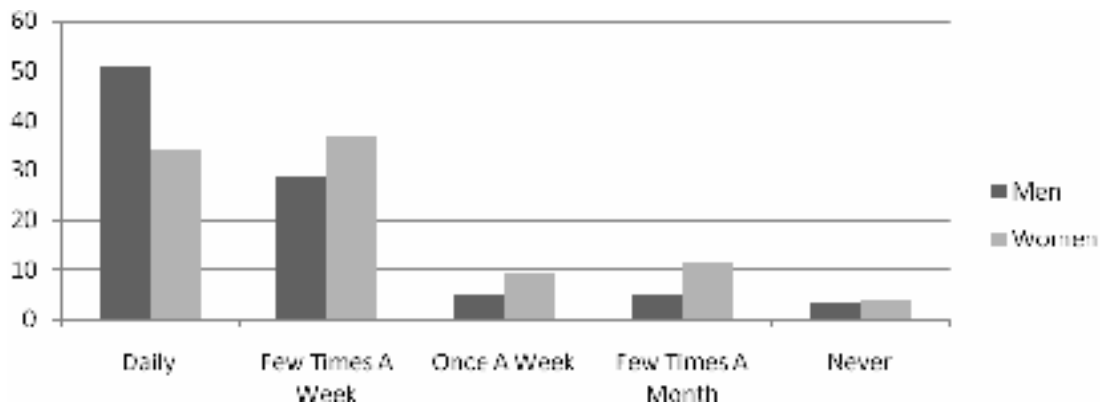
Time spent playing computer or video games:



B. Informational Reading

In the section on reading to learn information,³³ 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.

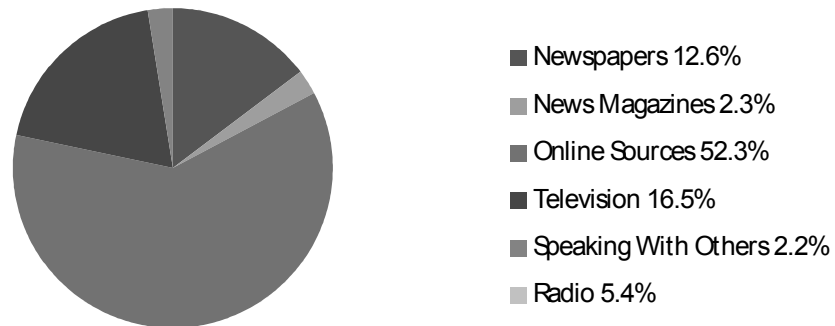
The survey results suggest that men are more regular readers of newspapers than women, but that women were more likely to read newspapers occasionally.



³³ “Information” was broadly defined by the survey, and information sources included newspapers, newsmagazines (such as Time or Newsweek), entertainment magazines (such as People or Entertainment Weekly), and lifestyle magazines (such as Cosmopolitan and GQ).

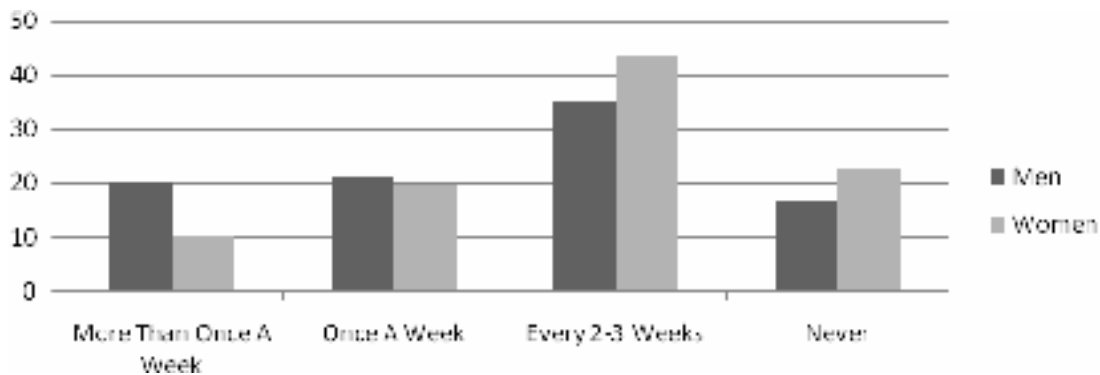
When asked how they read newspapers, only 17.4% of responding students answered that they read them in print form, while 16.7% responded that they read them only online, and the overwhelming majority – 55.5% – responded that they read them in both print and online formats.

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:



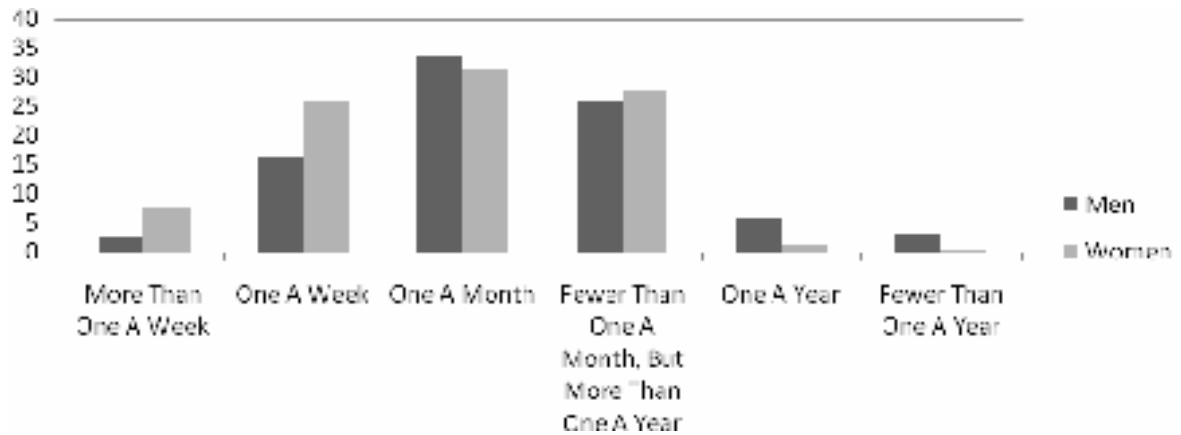
Readership of entertainment and lifestyle magazines was much lower, although here again gender differences were apparent. Of those students who responded, 5.9% read more than one entertainment magazine each week (4.3% of men and 7.8% of women), 18.4% read one a week (10.6% of men and 27.8% of women), 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.³⁴ 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:

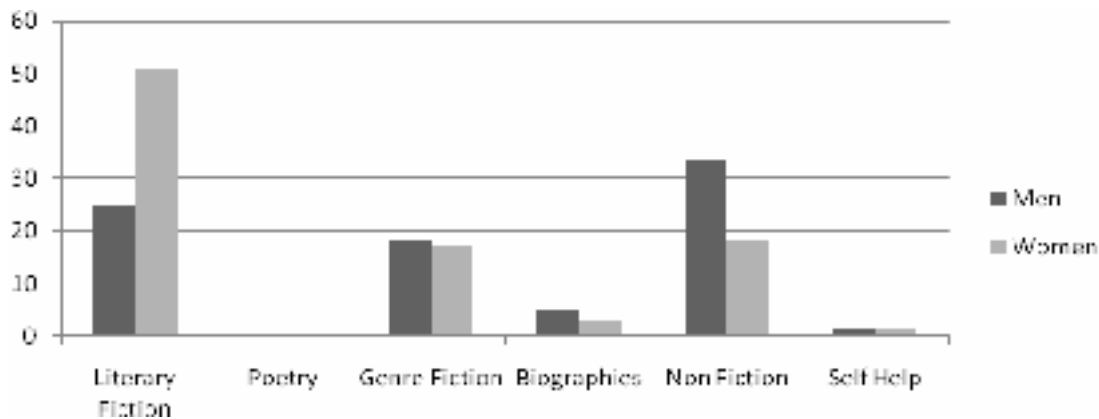


³⁴ See *supra.*, pp 11-12.

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



Identified by gender, the responses were as follows.³⁵



5. Writing

Writing is, of course, a core lawyering skill,³⁶ and forms a central part of at least the first year curriculum³⁷ at most American law schools.³⁸ But despite the attention paid to writing in law school, it is a generally held perception that new lawyer writing is “marred by basic

³⁵ Although they track slightly different results, the data here reflect the same trend as do 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* n. 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.*

³⁶ 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. MacCrate Report, *supra* n. 6, at 172.

³⁷ The ALWD Survey, *supra* n. 6, reports that 142 responding law schools offered upper-level writing courses. ALWD Survey at 20-21.

³⁸ See ALWD Survey for current specific information on legal writing instruction in American law schools.

writing problems”³⁹ and that the problem is getting worse.⁴⁰ Since law 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.⁴¹

The survey sought to gather general data about incoming law students’ perceptions of their writing skills as well as specific information on their experience in writing for communication and their previous academic writing experience in order to discover how much and what type of writing experience the students reported themselves as 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:

	Very Strong	Strong	Average	Weak	Poor
Writing	23.1%	47.8%	12.7%	0.9%	0%
Spelling	26.6%	30.5%	18.4%	7.7%	1%
Grammar	23.9%	41.9%	15.7%	2.7%	0.4%
Punctuation	23.1%	36.2%	21.9%	2.7%	0.2%

Students also indicated that writing is an important skill for them. When asked how important writing was to them now, 41.6% 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.”

³⁹ Kosse & ButleRitchie Survey, *supra* n. 5, at 85. This survey found remarkable unanimity about the fact that legal writing is weak among the four respondent groups it polled, with 92.5% of attorneys, 93.6% of state judges, 93.8% of federal judges, and 95.1% of legal writing teachers responding that they perceived problems in legal writing. *Id.*

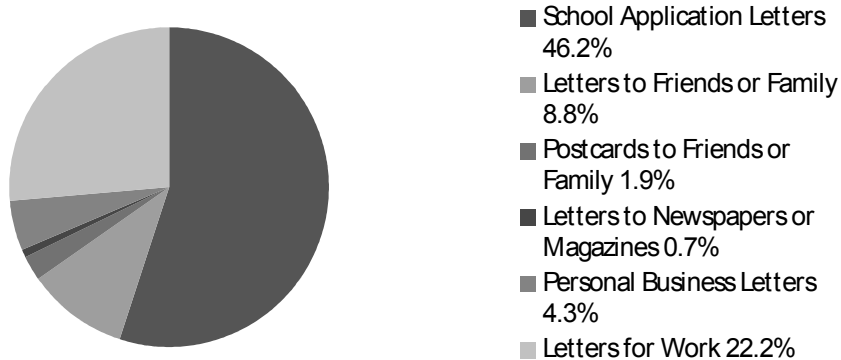
⁴⁰ *See, e.g.,* Becker, *supra* n.7, 76 WASH. U. L. Q. at 53 (“do students of the nineties write better or at least as well as students of the sixties and seventies? The answer is: no, they do not even write as well!”).

⁴¹ *See id.*, at 55 (“The decline [in writing standards] . . . has 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 better trained writers on to the graduate schools.” Blaustein, *supra* n. 7, 18 CLEV.-MARSHALL L. REV. at 239. And even earlier, Arthur Vanderbilt wrote that “[i]t is not a 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* n. 7, 25 N.Y.U. L. REV. at 209.

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 letter they had written in the past year, the incoming students responded as follows:



By contrast, but predictably, electronic communication is thriving among incoming law students. Although email appears to be the most popular communication medium,⁴² the survey also recorded substantial instant message and non-computer text message⁴³ 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:

⁴² This might not be the case much longer. The Pew Internet & American Life Project recently released a study concluding that “[E]mail may be at the beginning of a slow decline as online teens begin to express a preference for instant messaging.” Pew Internet & American Life Project, *Teens And Technology: Youth Are Leading The Transition To A Fully Wired And Mobile Nation*, at ii (July 27, 2005). When asked to comment on the appropriate 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.” *Id.*

⁴³ Non-computer text message use would include text messages sent by cell phone, but would presumably not include emails sent by Blackberry-type devices.

Mode of Electronic Communication

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

Time Spent per Day in Electronic Communication

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

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 substantial minority of responding students were asked to write a number of lengthy documents, while a substantial majority were asked to write shorter documents each semester, 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 documents⁴⁴ 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 documents⁴⁵ they were asked to prepare, on average, as undergraduates or graduate students, 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 to 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:

	Purely on Substance	Mainly on Substance, but some attention paid to grammar, punctuation, form, and style	Evenly divided between substance, grammar, punctuation, form, and style	Mostly on grammar, punctuation, form, and style, with some attention paid to substance	Purely on grammar, punctuation, form, and style
Thesis-Type Documents	3.8%	45.1%	13.2%	0.3%	0%
Term Papers	1.8%	61%	20%	0.3%	0%

When asked how many drafts, on average, of a paper they prepared, 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.”⁴⁶

⁴⁴ Defined in the survey as a document averaging 30 pages or longer.

⁴⁵ Defined in the survey as a document averaging fewer than 30 pages.

⁴⁶ This stands in stark contrast to law school, where multiple drafts and rewrites are the norm. In 2007, 60 legal writing programs required all major assignments to be rewritten at least once and 105 required rewrites of some, but not all, major assignments, a major assignment being defined as “one in which the final product is equal to or greater than five pages.” ALWD Survey, *supra* n. 6, at 13. 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 97 schools require a faculty member to review at least one draft before a student submits the final version of the writing project, and that 61 schools require faculty members to meet with students during the drafting stage to discuss the project. *Id.* at 75-76.

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% that they “usually” discussed drafts, 51.2% that they “sometimes” discussed drafts, and 14.9% responding that they “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 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.

6. Research

As with writing, criticism of lawyers’ research skills is nothing new, and predates the extensive use of computers to aid in conducting legal research.⁴⁷ Recent surveys suggest that the problems start before students arrive in law school,⁴⁸ and continue once law students graduate and enter practice.⁴⁹ 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%

⁴⁷ See, e.g., 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 difficulties law school graduates experienced when trying to use law library); Thomas A. Woxland, *Why Can't Johnny Research? Or It All Started with Christopher Columbus Langdell*, 81 LAW LIBR. J. 451 (1989) (many law school graduates “incompetent” legal researchers); Joan S. Howland & Nancy J. Lewis, *Effectiveness of Law School Legal Research Training Programs*, 40 J. LEGAL EDUC. 381 (1990)(reporting that 80% of polled law firm librarians found summer associates “less than satisfactory” in ability to conduct legal research.).

⁴⁸ AALL Survey, *supra* n. 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 students have basic research skills may be [a] flawed [approach].”)

⁴⁹ *Id.*, at 5 (between 2005 and 2007, number of new attorneys able to research efficiently dropped by almost half and percentage of new attorneys unaware of print resources in their practice went up by 30%). This 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.* at 1.

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.⁵⁰

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 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%, or three students, answered that they always research in the library and never use the internet.⁵¹

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.⁵² 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 don’t know.

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.”

⁵⁰ 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 at 3.

⁵¹ 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, *The Internet Goes to College: How Students Are Living in the Future with Today's Technology*, PEW INTERNET AND AMERICAN LIFE PROJECT 1, 12 (2002), available at http://www.pewinternet.org/pdfs/PIP_College_Report.pdf.

⁵² 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.

While 0.4%, or three students, responded that information provided by search engines was rarely correct, 1.5% of responding students indicated that they didn't 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 didn't 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 for their relationships with other students, 68.8% responded "yes" and 12.6% responded "no."

7. 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,⁵³ while more than half of the responding students read at least one book each month⁵⁴ and fully 86.9% of incoming students responded that they read at least one book a year.⁵⁵

These numbers compare favorably to the NEA Study, which found that the college graduate or graduate student population was engaging in literary reading⁵⁶ 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.⁵⁷ But while the benefits of information transmission and knowledge generation through reading are clear and relatively well-understood,⁵⁸ 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.⁵⁹ Storytelling and narrative construction are being studied

⁵³ Five percent read more than one book a week and 20.4% read one book a week.

⁵⁴ An additional 31.8% read one book a month.

⁵⁵ 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.

⁵⁶ The NEA Study focused on literary reading whereas this study included all forms of reading, making a true comparison of the data impossible.

⁵⁷ Reading is not identified as a “fundamental lawyering skill” by the MacCrate report but is, presumably, subsumed within the “legal analysis and reasoning” skill. MacCrate Report, *supra* n. 6, at 151-157. 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 (1995). Given the centrality of reading in legal education and the legal profession, however, and the evidence that not all law students employ effective reading strategies (*see, e.g., infra* at nn. 53-63 and accompanying text), it is to be hoped that future studies of law school education will give greater emphasis to reading skills.

⁵⁸ *See, e.g.,* McKinney, *supra* n. 27, at 62 (“reading 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. . . .”); Elizabeth Fajans and Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 CORNELL L. REV. 163 (1993) (discussing importance of reading as process by which reader actively locates legal texts in larger contexts than identifying simple “meaning” of words).

⁵⁹ *See, e.g.,* Brian J. Foley & Ruth Anne Robbins, *Fiction 101: A Primer For Lawyers On How To Use Fiction Writing Techniques To Write Persuasive Facts Sections*, 32 RUTGERS L. J. 459 (2001)(discussing importance of narrative construction in facts sections of legal briefs).

closely in the legal writing community⁶⁰ 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 literature in all its forms plays in transmitting common cultural memes, and the importance to lawyers of being attuned to the role and details of contemporary cultural mythology.⁶¹ The ability to interpret and communicate in cultural shorthand should not be underestimated by lawyers⁶² and literary reading is one of the most effective ways to become versed in the themes of our shared cultural heritage.⁶³

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.

⁶⁰ Evidence of this can be found in the devotion of an entire conference to the role of narrative in legal writing. *Once Upon a Legal Time: Developing the Skills of Storytelling in Law*. Conference co-sponsored by the City Law School, City University, London and the Legal Writing Institute, July 18-20, 2007.

⁶¹ For a lengthier discussion of the role of cultural mythology in legal writing, see, e.g., Ruth Anne Robbins, *Harry Potter, Ruby Slippers, and Merlin: Telling the Client's Story Using the Characters and Paradigm of the Archetypal Hero's Journey*, 29 SEATTLE U. L. REV. 767 (2006) (discussing the role the Harry Potter books of J. K. Rowling in particular, and cultural mythology in general, can play in the construction of compelling legal narrative).

⁶² 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* n. 7, 25 N.Y.U. L. REV. 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* n. 27, at 39. 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 teacher 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.” The Wikipedia’s entry for Janus, the Roman god, was second. http://www.google.com/search?sourceid=navclient&ie=UTF-8&rlz=1T4DMUS_enUS207US207&q=janus (accessed July 6, 2007).

⁶³ 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, e.g., 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. L. & PRAC. 331 (2007) (concluding that while a “CSI Effect” might not exist, broader media effect on juror expectations does exist); Tom R. Tyler, *Viewing CSI And The Threshold Of Guilt: 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.

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,⁶⁴ 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 approximately⁶⁵ 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 information⁶⁶ as they do reading for pleasure, and the fact that the preferred mode of reading newspapers is online as opposed to in print.⁶⁷ 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"⁶⁸ 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."⁶⁹

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.⁷⁰ 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.⁷¹ Indeed, after conducting a study of law student reading strategies, one researcher observed that

⁶⁴ 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. 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. The reading reported by incoming students will only truly be good news, then, if it can be repeated over time.

⁶⁵ This number is approximate because not all responding students answered this question.

⁶⁶ Defined in the survey as reading "newspapers or news magazines."

⁶⁷ 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.

⁶⁸ Expert reading implies a dynamic process in which the reader constructs knowledge as a result of the interaction between text and the reader's thoughts. See, McKinney, *Reading Like A Lawyer*, *supra* n. 27, at 51-55.

⁶⁹ *Id.*, at 53.

⁷⁰ "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 About The LSAT*, <http://www.lsac.org/LSAC.asp?url=/lsac/faqs-and-support-lsat.asp> (accessed July 6, 2007). The limitations of this approach have been noted by Fajans and Falk. Fajans and Falk, *supra* n. 31, 78 CORNELL L. REV. at 164. Professor Leah Christenson'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* n. 26, 30 SEATTLE L. REV. at 633.

⁷¹ 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, James F. Stratman, *When Law Students Read Cases: Exploring Relations Between Professional Legal Reasoning Roles And Problem Detection*, 34 DISCOURSE PROCESSES 57 (2002)(research indicated that students reading from advocacy and policy perspectives performed better than students reading from academic class recitation perspective). Professor Christensen's study produced results consistent with Stratman's conclusions. Christensen, *supra* n. 26, 30 SEATTLE L. REV. at 634.

“debriefing interviews revealed a deep insecurity and anxiety about reading.”⁷² 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.”⁷³

Whether the students who perform less well in law school reading tasks are also the students who are less than enthusiastic readers 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,⁷⁴ and that those students who lack “expert” reading skills will have difficulty performing well in law school.⁷⁵

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 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).

⁷² Deegan, 30 READING RES. Q. *supra* n. 57, at 168.

⁷³ *Id.*

⁷⁴ 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* n. 26, 30 SEATTLE L. REV. 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 (1997).

⁷⁵ A recent study suggests that while students improve in some ways in their legal reasoning 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 schools. *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.

This number suggests a possible reason for the discontent many first year law students express during their first year legal writing classes.⁷⁶ Put simply, first year law students come to law school knowing little, if anything, about the legal doctrine they would be learning 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 be spending preparing for their unfamiliar doctrinal classes. When they discover that their writing will be scrutinized in detail, that the 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.⁷⁷

Some of the survey data point to possible causes of writing problems among incoming law students. Almost one quarter of 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,⁷⁸ and even when drafts were prepared, 20% of responding students indicated that they “never” submitted drafts to their teachers and almost 15% indicating 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 of 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.⁷⁹ 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,⁸⁰ a number that presents a stark contrast to the survey’s incoming student self-evaluations. Overall, 93.5% of the

⁷⁶ 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.

⁷⁷ *Id.* The timing of legal writing grades also seems to play a part in this phenomenon. 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 are typically giving detailed comments on student writing and intermediate grades throughout the first semester – well before student evaluations are conducted. 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).

⁷⁸ 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.”)(Emphasis in original).

⁷⁹ Kosse & ButleRitchie Study, *supra* n. 5, 53 J. LEGAL EDUC. 80.

⁸⁰ *Id.*, at 86

respondents to the Kosse and ButleRitchie Study “found briefs and memoranda marred by basic writing problems.”⁸¹

There are many possible reasons for the writing problems of junior lawyers identified by Kosse and ButleRitchie,⁸² and 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.⁸³ 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.⁸⁴ The AALL Survey found that 71% of the respondents rated their research skills as good, very good, or excellent when compared to their peers,⁸⁵ even though large percentages of responding students were unclear about the mechanics of the research process.⁸⁶ The Survey’s authors

⁸¹ *Id.*, at 85.

⁸² Kosse and ButleRitchie identify twelve possible reasons. They propose that lawyers do not write well: “because they did not take a writing class in law school[;] because law schools devalue legal writing classes[;] because they do not get enough practice in law schools[;] because poor writing promotes their economic interests[;] because of inertia[;] because of deficiencies in their early education[;] because the profession offers very little continuing education on improving writing skills[;] because of time and financial constraints[;] because they do not know they write badly[;] because of the Generation X factor (in the case of new lawyers)[;] because of technology; and] because they do not write regularly.” *Id.*, at 93.

⁸³ *See*, Marlow-Shafer, *supra* n. 76, 5 N.Y. CITY L. REV. 115.

⁸⁴ Hensiak, Burke, & Nixon, *supra* n. 5, AALL Survey, at 2.

⁸⁵ *Id.* Although the AALL Survey asked a different question from the present survey, therefore making a direct comparison impossible, the results are sufficiently similar to reflect a general satisfaction with research skills among incoming law students.

⁸⁶ The AALL Survey found, for example, 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 over 40% of respondents “did not know what a library catalog contains.” *Id.*, at 2-3.

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."⁸⁷

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,⁸⁸ and a 2007 survey of Chicago librarians indicates that the situation is little changed today, with 71% of respondents indicating that new attorneys were not able to research effectively and efficiently prior to in-house training.⁸⁹ According to a companion study, attorneys were slightly more forgiving on 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,⁹⁰ but the data here still reflect a generally gloomy picture of new lawyer research capabilities.

As with legal writing, it is possible that incoming student overconfidence in research skill leads to a closing of minds during the research portion of a 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,⁹¹ 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."⁹² And of the 78% of students who use

⁸⁷ *Id.* at 3.

⁸⁸ Joan S. Howland & Nancy J. Lewis, *Effectiveness of Law School Legal Research Training Programs*, 40 J. LEGAL EDUC. 381 (1990).

⁸⁹ Tom Gaylord, *supra* n. 5, 2007 Librarian Survey, at 2. The percentage of new attorneys able to research efficiently dropped by almost half between 2005 and 2007. *Id.*, at 5. The 2007 Librarian 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.

⁹⁰ Sanford Greenburg, *supra* n. 5, 2007 Attorney Survey, at 7. The 2007 Attorney Survey also indicated that 25% of responding attorneys believe that new attorneys "seldom" are able to use print resources effectively, and 12% of responding attorneys believe that new attorneys are "seldom" able to use fee-based online resources effectively, prior to in-house training.

⁹¹ For a discussion of the changes wrought by the internet to legal research and research instruction, *see, e.g.*, Ian Gallacher, *Forty-Two: The Hitchhiker's Guide To Teaching Legal Research To The Google Generation*, 39 U. AKRON L. REV. 151 (2006)(exploring tensions between book-based and computer-assisted legal research and proposing that legal research be taught using a process based, rather than medium based, approach)..

⁹² What the students mean by "using" the library might not be what one might at 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 and J. Paul Lomio, *Book Lovers Beware: A Survey of Online Research Habits of Stanford Law Students*, 14 (Robert Crown Law Library Legal Research Paper Series, Research Paper No. 2 (2005).

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.”⁹³ And it is Google’s 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,⁹⁴ 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.”⁹⁵

If Lien is correct in her view, and I suspect that most law school teachers – 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 through their career in law school and on into the practice of law, and that they are unaware that such deficits exist.⁹⁶

⁹³ Mary Ellen Bates, *Is That All?*, ECONTENT (2003), <http://econtentmag.com/articles/articleprint.aspx?articleid=5579&contextsubtypeid=13> (accessed July 7, 2007).

⁹⁴ 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*, 76 WIS. LAW. 32 (2003). For a general discussion of the problems inherent in computer-based legal research, see, Gallacher, *supra* n. 91, at 183-190 (discussing “hidden problems of computer-assisted legal research.”)

⁹⁵ Molly Lien, *Technocentrism and the Soul of the Common Law Lawyer*, 48 AM. U. L. REV. 85, 118 (1998).

⁹⁶ Although I focus here on the more discouraging messages transmitted by 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

And while their reading, writing, and research strategies have succeeded for them up to the point of entry into law school,⁹⁷ those strategies will likely serve them less well 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,⁹⁸ it appears that they could be doing 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 for writing programs in American law schools is for a two semester course, with 2.36 credit hours in the fall and 2.21 hours in the spring.⁹⁹ Slightly fewer than a quarter of law schools (46 programs from 196 responses) require an additional writing component during the second year of law school.¹⁰⁰ More time 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

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 poor grades will do to student self-perception over time and what that will 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.

⁹⁷ Not to mention their study strategies. Although not a focus of the survey, and therefore not part of this analysis, it is worthwhile noting 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%). *Supra*, at 6. And 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. *Id.* Yet 67.4% of the responding students indicated that they would spend two hours or more preparing for law school classes. *Id.* While the students are doubtless 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.

⁹⁸ 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 counterparts. Krieger, *supra* n. 75, 56 J. LEGAL EDUC. 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.

⁹⁹ ALWD Survey, *supra* n. 6, at 1.

¹⁰⁰ *Id.*

somewhere.¹⁰¹ 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.¹⁰²

Another possible change law schools could make would be to reorganize their curricula to include a recognition that reading is a core lawyering skill and that most law students do not read as effectively as they could or should.¹⁰³ 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 skills¹⁰⁴ 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 school¹⁰⁵ and this is likely too late for any meaningful progress to take place.¹⁰⁶

¹⁰¹ 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.

¹⁰² 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.

¹⁰³ “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* n. 26, 30 SEATTLE L. REV. at 647.

¹⁰⁴ Law schools interested in pursuing this type of curricular modification would be well advised to hire a reading specialist to help educate the faculty on the latest scholarship on legal reading and to help develop a unified approach to reading training.

¹⁰⁵ And even then, schools cannot be assured that accepted students will actually be attending a particular law school until classes start.

¹⁰⁶ 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. It is, however, to say that such programs 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: law schools could partner with their home undergraduate and graduate institution¹⁰⁷ to offer writing, reading, and research courses that better prepare students in those institutions to learn lawyering skills in law school;¹⁰⁸ and law schools could offer summer programs devoted to introducing students considering law school to legal reading, writing, and research skills.¹⁰⁹

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 attend¹¹⁰ – and law teachers, 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, however, 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[,]”¹¹¹ and their observation has broader application to all forms of information literacy.¹¹²

8. 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

¹⁰⁷ If a law school is a stand-alone entity with no home undergraduate or graduate institution, it could partner with local undergraduate institutions which have no law school.

¹⁰⁸ Pre-law programs could, of course, offer such programs. The lack of meaningful coordination between pre-law and law school programs in many academic institutions, however, can dilute the effectiveness of pre-law skills training.

¹⁰⁹ Such programs could also be offered on-line, rather than in person, although the effectiveness of reading, writing, and research instruction conducted on-line might be compromised by the lack of personal contact with an instructor.

¹¹⁰ 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.

¹¹¹ Hensiak, Burke, & Nixon, *supra* n. 5, AALL Survey, at 3.

¹¹² 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 school.” Christensen, *supra* n. 26, 30 SEATTLE L. REV. at 647.

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,¹¹³ 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.¹¹⁴ 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 since. But the survey data suggest that there are identifiable problems with incoming law student information literacy that are serious and demand attention.

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, however, 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.

¹¹³ The MacCrate Report was published in July of 1992. MacCrate Report, *supra* n. 6.

¹¹⁴ 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, 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* n. 7, 18 CLEV.-MARSHALL L. REV. at 239.

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.¹¹⁵

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.

¹¹⁵ 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
 Eat, Pray, Love
 Eco-economics
 Einstein's Dreams
 Elvis, Jesus, & CocaCola
 Emma
 Empire of Wealth, An
 End of Poverty, The
 Essays, by Montaigne
 Eureka Street (2)
 Everything is Illuminated (3)
 Extremely Loud and Incredibly Close (2)
 Eye of the World
 Eyeless in Gaza
 Face of Battle, The
 Fahrenheit 451 (3)
 Father and Sons
 Ficciones
 Fifth Business
 Firm, The
 Five Smooth Stones
 Flags of Our Fathers
 Fletch
 For Whom The Bell Tolls
 Forever
 Forgotten Son, The
 Fountainhead, The (5)
 Four Agreements, The
 Franny & Zooey (2)
 Freakonomics (5)
 Free to Choose
 Gandhi
 Giver, The (3)
 Global Politics as if People Mattered
 God is Red
 God of Small Things, The (2)
 Godfather, The (3)
 Gone with the Wind (2)
 Good Earth, The
 Good in Bed
 Good Omens
 Grapes of Wrath, The (3)
 Great Betrayal, The
 Great Divorce, The
 Great Expectations
 Great Expectations
 Great Expectations
 Great Gatsby, The (7)
 Great Jones Street
 Great Railway Bazaar, The
 Great Shark Hunt, The
 Ground Beneath Her Feet, The
 Guns, Germs and Steel (2)
 Half Asleep in Frog Pajamas
 Hamlet
 Harry Potter (series) (5)
 Hatchet
 Havana Room, The
 Heart is a Lonely Hunter, The
 Heart of Darkness
 Heart of Darkness
 Heart of Darkness, The
 Heartbreaking Work of Staggering Genius, A (2)
 Hidden Hand, The
 Hiding Place, The
 His Dark Materials series
 Hitchhiker's Guide to the Galaxy, The (2)
 Holy Blood Holy Grail
 Homage to Catalonia
 Hooked
 Hours, The
 Humboldt's Gift
 Hydrogen Economy, The
 I Am Charlotte Simmons (2)
 Idiot, The
 Il Fu Mattia Pascal
 Iliad, The
 In Cold Blood (4)
 Indecision
 Influence: The Psychology of Persuasion
 Interview with the Vampire
 Into the Wild
 Invisible Man, The
 It
 Ivanhoe
 John Adams
 Johnny Tremain
 Jurassic Park
 Kafka on the Shore
 Killer Angels, The
 King Lear
 King of Torts, The

Appendix A: Favorite Book

King of Torts, The
 Kite Runner, The (11)
 Less Than Zero
 Lexus & The Olive Tree, The
 Life of Pi
 Lightning
 Little Prince, The (3)
 Little Women
 Living History
 Lolita (3)
 Lonely Planet Travel Guides
 Lonesome Dove
 Lord of the Flies
 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
 Moneyball
 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 Notion
 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
 Chusingura
 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)
 DaVinci Code, The (7)
 Das Kapital
 Devil Wears Prada, The
 Diary of Lewis and Clark, The
 Dive from Clausen's Pier, The
 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 Meany, A
 Prep
 Pride and Prejudice (8)
 Rainbow, The
 Reading Lolita in Tehran
 Red Badge of Courage, The
 Remember Me
 Road to Rodanthe
 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
 Common Sense
 Confessions of An Economic Hit-Man
 Confessions of an Ugly Stepsister
 Conspiracy of Paper, A
 Constant Gardner, The
 Controlling Your Emotions, Not Letting Your Emotions Control You
 Corporate Warriors: The Rise of the Privatized Military Industry (2)
 Count of Monte Cristo
 Counting Heads
 Courtroom 302
 Cruel and Unusual
 Cult of Power
 Curious Incident of the Dog in the Night , The
 DaVinci Code, The (20)
 Dance Dance
 Dancing Wu Li Masters, The
 Dante's Inferno
 David Copperfield
 Death in The Family, A
 Deception Point (5)
 Deep Blues
 Democracy Matters
 Demon-Haunted World, The
 Despereaux
 Devil in the White City , The (2)
 Devil Wears Prada , (2)
 Diary of a Groupie
 Digital Fortress (2)
 Dispatch
 Dispatches From the Edge
 Divine Conspiracy, The
 Dog Whisperer, The
 Dolphins of Pern, The
 Down a Dark Hall
 Dragon and the Bear, The
 Dragon Champion
 E is for Evidence
 East of Eden (2)
 Eco-Economics
 Eight, Eight
 Eighty Years and More
 Emperor of Ocean Park, The
 End of Poverty , The
 Everyman
 Everyone Worth Knowing
 Everything Potty Training Book, The
 Executive Orders (2)
 Extremely Loud & Incredibly Close
 Fabric of the Cosmos , The
 Faiths of the Founding Fathers, The
 Fantasyland
 Fear and Loathing in Las Vegas (2)
 Fear and Trembling
 Feast for Crows, A
 Female Chauvinist Pigs: Women and the Rise of Raunch Culture
 Firm, The
 First They Killed My Father
 First World War, The
 Five Love Languages, The
 Five People you Meet in Heaven, The
 Flanders Panel, The
 Founding Brothers
 Fountainhead, The
 Four Blind Mice
 Frankenstein
 Franny and Zooey
 Freakonomics (10)
 Game of Shadows
 Garlic & Sapphires
 Geek Love
 Genesis Code, The
 Getting to Maybe (3)
 Gideon's Trumpet (4)
 Girl's Guide to Hunting and Fishing, A
 Glass Castle, The
 Glorious Appearing
 Godless
 Godless: The church of Liberalism
 Go-Getter, The
 Golden Spruce, The
 Good Earth, The

Appendix C: Last Book You Read

Great Deluge, The
 Guardian, The
 Guests of the Ayatollah
 Guns, Germs, and Steel
 Halfway House
 Handmaid's Tale , The
 Hardball
 Harry Potter series (3)
 Heart is a Lonely Hunter, The
 Heart of Darkness , The
 Heat
 Heavenly Date
 Helter Skelter
 Historian, The
 History of Warfare, The
 Hobbit, The
 House of Gucci, The
 House of Leaves
 Human Stain, The
 Hypocrite in a Pouffy White
 Dress
 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
 Lincoln
 Lord of the Rings series, The (2)
 Losing the Race
 Lost Painting, The
 Love Smart
 Lover , The
 Low Country
 Madame Secretary
 Magical Thinking
 Magis, The
 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)
 Memoirs of a Geisha (4)
 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
 One Door Away from Heaven
 One for the Money
 One Hundred Years of Solitude
 (2)
 One L (9)
 Other Boleyn Girl, The(2)
 Our Lady of The Forest
 Overdosed America
 Painted House , A

Palestine, Israel, and the Politics
 of Popular Culture
 Papa Bear
 Paris, 1919
 Partner, The
 Pelican Brief , The
 Personal History (2)
 Phantom
 Planet Law School
 Plungers and Peacocks
 Poems by Rumi
 Poisonwood Bible , The (2)
 Porno
 Power of One
 Presidential Leadership: Ranking
 the Best and Worst in the White
 House
 Pride and Prejudice (3)
 Problem of Pain, The
 Prometheus Deception, The
 Promised Land, Crusader State
 Rabbit, Run
 Rage of a Demon King
 Ragtime
 Rainmaker , The (2)
 Random Walk Down Wall Street
 Reading Lolita in Tehran (2)
 Reading Romans
 Red Queen: Sex and the
 Evolution of Human Nature, The
 Redcoat
 Rescuing the Bible from
 Fundamentalism: A Bishop
 Rethinks the Meaning of Scripture
 Rich Dad Poor Dad
 Rights from Wrongs
 Road to Rodanthe
 Road Work
 Rule of Four
 Rum Diary (2)
 Running with Scissors (2)
 Sabbath's Theater
 Second Death of Unica Aveyano,
 The
 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)
 Skeleton Dance
 Skinny Legs and All
 Sleeping Beauty
 Small Place, A
 Smoke Jumper, The
 Snow Crash
 Something Blue (2)

Appendix C: Last Book You Read

Son of a Witch
Spirit of the Liturgy, The
State of Fear
Stephen Hero
Stiff: The Curious Life of Human
Cadavers
Still Life With Woodpecker (3)
Stolen Child, The
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
Walking the Bible
War and Peace
War Like No Other, A
We Wish to Inform You That
Tomorrow We Will Be Killed
With Our Families
What to Expect When You Are
Expecting
When Genius Failed
When Will Jesus Bring The Pork
Chops
White Noise (2)

Who moved my cheese?
Why Are All the Black Kids
Sitting Together in the Cafeteria?
And Other Conversations on
Race
Wicked
With Malice Towards None
Woman's Guide to Law School, A
Women in World War II
World is Flat, The (7)
Wuthering Heights
Year in the Life of the Supreme
Court, A (2)
Year in the Merde, A
Zahir, The
Zami- A New Spelling of My
Name
Zero Game , The (2)
Zombie Survival Guide , The

Appendix D: Book You Are Reading Now

1776	Borges: Selected Poems	Dreams from My Father
1984	Bourne Supremacy, The	Drinking Coffee Elsewhere
20,000 Leagues Under the Sea	Bourne Ultimatum, The	Dry
Abraham Lincoln	Breakfast of Champions	Dubliners, The (2)
Acing Your First Year of Law School	Brief History of Everything, A	East of Eden (4)
Acts of War	Bright and Terrible Summer, A	Economics Explained
Albania under Enver Hoxha	Bringing out the Best in People	Ecrits
Albion	Broker, The	Edge of Empire
Alchemist, The	Brothers Karamazov, The (2)	Egyptologist, The
Alcoholics Anonymous	Bush at War	Ellen Foster
Alexander Hamilton	By Order of the President	End of Poverty, The (2)
All the Weyrs of Pern	Candide	Eragon
Amber Room, The	Case for a Creator	Ethan Frome
America: The Book	Catch 22 (2)	Ethics
American Gospel	Catcher in the Rye, The	Extremely Loud & Incredibly Close
American Pastoral	Che	Close
American Psycho	Chill Factor and How We Choose to Be Happy	Everyone Worth Knowing
American Psycho	Chopin's Funeral	Everything is Illuminated (2)
American Theocracy (2)	Civil Action, A (5)	Eyre Affair, The
Americanization of Benjamin Franklin, The	Client, The	E-Z Review Torts
An Evening of Long Goodbyes	Cobra 2	Fast Food Nation
Ancestor's Tale, The	Cobra II	Fear and Loathing in Las Vegas
Angels and Demons (5)	Common Sense	Fear and Loathing in Law Vegas
Annuals and Perennials	Complete Works of Emily Dickinson, The	Federalist Papers, The
Art of Happiness, The	Condition Humaine, La	Fever
Assassination Vacation	Confederacy of Dunces, A (2)	Fiasco
Astonishing Splashes of Color	Confessions of a Shopaholic	Fifties, The
Atlas Shrugged	Confessions of an Ugly Stepsister	Finding My Dream Jobs
Atonement	Conservatives without a Conscience	Firm, The
Balderdash and Piffle	Constants of Nature, The	Flash Point
Baltimore City Standard	Copyright's Highway	For Whom the Bell Tolls
Specifications for Public Work	Corrections, The	Forever
Band of Brothers	Count of Monte Cristo, The	Forrest Gump
Bear & the Dragon, The	Courtroom 302	Freakonomics (2)
Beatles, The	Covenant with Black America, The	Fresh Air Fiend
Becoming Justice Blackman	Crazed, The	Game of Shadows
Bee Season, The	Crime and Punishment (3)	Generation Rx
Bell Curve, The	Crossing the Rubicon: the Decline of the American Empire at the End of the Age of Oil	Getting to Maybe (12)
Bella Tuscany	Curious Incident of the Dog in the Night-Time, The	Gideon's Trumpet (3)
Benjamin Franklin	Damages	Glass Castle
Best American Short Stories of 2005, The	Dance of the Dissident Daughter	Going Solo
Beyond Band of Brothers - The Biography of Major Dick Winters (2)	Dangerous Tides	Golden Buddha
Bias	Dante Club, The (3)	Good Fight, The
Bible, The	Dared and Done	Good in Bed
Big Bang: the Origin of the Universe	DaVinci Code, The (2)	Gotti: Rise and Fall
Big Coal: The Dirty Truth Behind America's Energy Future	Democracy Matters	Great Influenza, The
Bitch	Devil in the White City, The	Great Political Theories, Vol. II, The
Bitch in the House, The	Devil Wears Prada, The (2)	Guerrilla Tactics For Getting The Legal Job Of Your Dreams
Blaze	Diamond Age, The	Guns, Germs, and Steel (3)
Bleak House	Diary of Ann Frank, The	Hades Factor, The
Blessing Way, The	Diplomacy	Harry Potter: The Half-Blood Prince
Blink (3)	Dirty Girls Social Club, The	Hateship, Loveship, Courtship, Marriage
Blood Meridian	Discipline and Punish,	Heartbreaking Work of Staggering Genius, A (2)
Blowfly	Divine Comedy, The	Hero with A Thousand Faces, The
Blue Water	Don Quijote de la Mancha (2)	Hidden Order
Body Sculpting Bible, The	Dr Jekyll and Mr. Hyde	Hidden Queen, The
Book of Mormon, The	Dracula (3)	Historian, The
		History as a System

Appendix D: Book You Are Reading Now

History of American Law, A (2)
 History of the World
 Holy Cow! The Biography of Harry Curray
 Hope Dies Last
 House of Leaves
 How to be an Adult in Relationships
 How to Communicate with your Pet
 How to Read Like a Lawyer
 How to Speak Latin
 How We Are Hungry
 Human Natures: Genes, Cultures and the Human Prospect
 Husband, The (2)
 Illusion of the Unconscious Will, The
 Impeachment
 Impossible Will Take a Little While, 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 paies
 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

Appendix D: Book You Are Reading Now

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 Bums, 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
 Gilead (2)
 Girls, The
 God of Small Things
 God's Politics
 Gone with the Wind
 Good Earth, The
 Great Hunger: The Irish Potato
 Famine, The
 Guests of the Ayatollah
 Gunslinger, The
 Heartbreaking Work of Staggering
 Genius, A
 Helter Skelter
 High Fidelity
 Historical Jesus, The
 History of the Art of War in the
 Middle Ages, A
 I Am Charlotte Simmons
 I am Not Myself These Days
 Illuminator, The
 I'm A Stranger Here Myself (2)
 In Cold Blood (4)
 In Our Defense - The Bill of
 Rights in Action
 India: Development and
 Participation
 Iran Awakening: a Memoir of
 Revolution and Hope
 Jonathan Strange & Mrs. Norell
 Kissinger
 Kite Runner, The (3)
 Knife of Dreams
 Known World, The
 Last Lizard of Melancholy Love,
 The
 Last Train to Memphis : The Rise
 of Elvis Presley
 Law 101
 Law of Torts- Examples and
 Explanations, The
 Law School Basics: A Preview of
 Law School and Legal Reasoning
 Law School Breakthrough:
 Graduate In The Top 10% Of
 Your Class, Even If You're Not A
 First-Rate Student, The
 Lawyers as Counselors
 Left Hand of God, The
 Lenin's Tomb
 Leviathan
 Life of Pi, The
 Little Friend, The
 Lullaby
 Magic Mountain, The
 Magical Thinking
 Man and God
 Marquette Law Review
 Matter of Interpretation, A
 Memoirs of a Geisha (3)
 Memoirs of Sherlock Holmes.
 The
 Mere Christianity
 Messenger, The
 Middlemarch
 Middlesex
 Mirror, Mirror
 Moveable Feast, A
 My Life
 Naked and the Dead, The
 Negro President: Jefferson and
 the Slave Power
 New York Night
 No. 1 Ladies' Detective Agency,
 The
 Old Man and the Sea, The
 On Beauty
 On the Road
 One Flew Over the Cuckoo's
 Nest
 One Hundred Days of Solitude
 One L (3)
 Ownership Society, The
 Paper Chase, The
 Paradise Lost
 Parerga and Paralipomena
 Pelican Brief, The
 Pentagon's New Map, The
 Plan of Attack
 Planet Law School II
 Portfolios of Ansell Adams, The

Appendix E: Book You Plan To Read Next

Post Traumatic Slave Syndrome:
America's Legacy of Enduring
Injury and Healing
Prayer for Owen Meany, A (2)
Pride and Prejudice (2)
Problem from Hell: America and
the Age of Genocide, A
Rainbow Six
Reading Lolita in Tehran
Reefer Madness
Republic, The
Return of the Native
Revolutionary Life of Yuri
Kochiyama, The
Rich Dad, Poor Dad
Rules of Work, The
Running With Scissors
Sabriel
Selling Women Short
Sense and Sensibility
Seven Habits of Highly Effective
People
Sex and the City
Slaughterhouse Five
Something New Under the Sun
Son of a Witch
Sons
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)
World's Most Dangerous Places,
The
Zen and the Art of Motorcycle
Maintenance