

lawyers routinely undertake.¹¹ Attorneys now research in ways they never learned in law school, and this change is primarily driven by technology.¹² The explosion of easily accessible information makes information literacy a required component of law school legal research classes. Fourth, and closely related, is that changes in technology are eroding the foundational structure of the American legal system.¹³ The growing choice of technological tools with which to retrieve, sort, and manage the staggering amount of available information changes how law and information are accessed.¹⁴ These changes affect the very structure of American law, not merely how lawyers research the law.¹⁵ This places the first-year law student in a situation where how she is taught legal analysis and reasoning does not comport with what she finds when she researches the law herself.¹⁶

The challenges created by an increasingly technological world have severe ramifications for legal education and can no longer be

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11. See Colleen M. Barger, *On the Internet, Nobody Knows You're a Judge: Appellate Courts' Use of Internet Materials*, 4 J. APP. PRAC. & PROCESS 417, 422-28 (2002).
 12. Marjorie Crawford, *Bridging the Gap Between Legal Education and Practice: Changes to the Way Legal Research is Taught to a New Generation of Students*, AALL Spectrum, April 2008, at 10.
 13. Robert C. Berring, *Legal Research and the World of Thinkable Thoughts*, 2 J. APP. PRAC. & PROCESS 305, 311 (2008) [hereinafter Berring, *Thinkable Thoughts*].
 14. See *id.*
 15. Katrina Fischer Kuh, *Electronically Manufactured Law*, 22 HARV. J.L. & TECH. 223, 226 (2008) (arguing that electronic legal research results in an increased diversity in the selection of the legal theories through which to conceptualize facts, which leads to advancement of marginal cases, theories, and arguments); Carol M. Bass & Ramsford C. Pyle, *Legal Research in the Computer Age: A Paradigm Shift?* 93 LAW LIBR. J. 285, 297-98 (2001) (arguing that the rise in online legal researching creates an environment in which the researcher focuses more on facts than legal concepts); Robert C. Berring, *Legal Information and the Search for Cognitive Authority*, 88 CAL. L. REV. 1673, 1675 (2000) [hereinafter Berring, *Cognitive Authority*] (arguing that technology is changing the way legal authority is defined and used); Molly Warner Lewis, *Technocentrism and the Soul of the Common Law Lawyer*, 48 AM. U. L. REV. 85, 121-32 (1998) (positing that excessive reliance on the use of technology may "overly emphasize rules and certainty at the expense of other goals and qualities: we value in lawyering and the legal system: creativity, justice, equity, compassion, and the ability to discover our common fundamental values"); Bar of Judith Likoski, *Research in the Wild: CALR and the Role of Informal Apprenticeship in Attorney Training*, 101 LAW LIBR. J. 157, 158 (2009) (arguing that because attorneys form and learn from social networks that provide research guidance, the effect of electronic legal research on the structure of the law will not be calamitous as predicted).
 16. See *infra* Part II.D (discussing the impact of technology on legal reasoning as it erodes the neo-classical legal structures created by digest-based research).

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and of the law in action approach to the study of law Since 1959 he has published over 50 articles in leading journals a number of working papers with colleagues at the University of Wisconsin Law School a pathbreaking casebook for the teaching of the law of contract and with other colleagues equally pathbreaking collections of materials for the teaching of the law in action or law in context approach to the study of law In this work Macaulay has established himself as one of the postwar world s leading scholars of the law of contract and of the sociology of law His work is an absolute reference point in both disciplines and it has attracted great attention elsewhere most notably in economic sociology where his concept of non contractual economic relationships is regarded as an important theoretical innovation Macaulay s work has become an object of commentary in its own right and the proposed book is intended to assist further such commentary by making hitherto difficult to obtain works readily accessible Most of Macaulay s work is now when the leading journals are generally available in electronic form readily accessible to students and researchers in universities There are however a number of interesting and in most cases important works published in less accessible journals or works which were not published in an electronic form which are difficult to obtain This book will make them readily available and in so doing will make it possible in future for scholars to have Macaulay s complete oeuvre readily to hand Although Macaulay s work has provoked very considerable discussion there previously have been no overall accounts of that work as opposed to critical engagements with aspects of it In this book two additional essays by leading commentators give accounts of Macaulay s work and provide an introduction to exegesis of and general evaluation of Macaulay s work as a whole which is not to be found in the existing literature

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