

lawyers routinely undertake.<sup>11</sup> Attorneys now research in ways they never learned in law school, and this change is primarily driven by technology.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> These changes affect the very structure of American law, not merely how lawyers research the law.<sup>15</sup> 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.<sup>16</sup>

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 Coleen 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 Lima, *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).

# Sample Legal Research Papers

**Camilla Rothe**



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