Book Review
by
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J. Paul Lomio and Henrik Spang-Hanssen. *Legal Research Methods in the U.S. and Europe*. Copenhagen, Denmark: DJØF Publishing, 2008. Pp. 329. ISBN: 978 87 574 1715 9.

INTRODUCTION

As the oldest child in an extended, multi-national family, I was trained early in the art of bridging cultural gaps and mediating misunderstandings among many people. Beginning in college in the U.S. and France (where I majored in continental European cultural studies) through a three-year Master's program in South Korea (where I studied international relations), I consciously tried to blaze myself a path both international in scope and comparative in depth.

When I came to law school last year, I was looking forward to mapping these interests in the language of the law. However, in all the pages of opinions I and my fellow IL's read for our core doctrinal courses, issues in international relations were subsumed in a discussion of executive privilege, and comparative legal analysis was confined to (very) occasional questions of choice of law on a particular set of facts.

This summer I will be clerking for a local Superior Court Judge as well as a Justice on the Court of Appeal, and I hope I can use what I will learn in chambers to be a competent addition to the International Human Rights Clinic next fall. I'm very excited to have the opportunity for such work, despite 'advice' from my fellow students that it might be better to wait until I take at least a course in International or Comparative Law so as not to get in over my head. But there are only so many semesters left for me to find out if my passion for cultural comparison will translate into a legal profession. Thankfully, the overarching message in J. Paul Lomio and Henrik Spang-Hanssen's joint work provides the encouragement, as well as the practical instructions, that will help me stick to my path.

REVIEW

Many legal research guides are advertised as being equally useful to novices as well as more advanced legal researchers, but the collaborative style in *Legal Research Methods in the U.S. and Europe* of Lomio (who lectures at Stanford Law School lecturer and holds a J.D. degree, an LL.M. degree, and Master's of Library and Information Science) and Spang-Hanssen (who holds both Danish and U.S. Master's degrees in law) lends itself to an even wider audience range.

Although I've spent many years learning the language and history of France and Korea to conduct cross-cultural studies between Western Europe and East Asia, I was surprised to learn that neither my American schooling nor my self-directed research abroad explained the basis of the Common and Civil Law traditions, let alone the similarities and differences between the two. Bothered by this gap in my education, I was eager to read every chapter in each half of this research manual for two reasons.

First, I knew that I would need to learn the nature and uses of secondary and primary materials as well as case law research in the U.S., not only for the IL Legal Research and Writing project or for the legal work I will do over the summer and next year in SLS clinics, but also to understand more fully the end-product of the research process: opinions, articles, and

textbooks. Second, the manual's clear explanation of the civil law method is necessary for a working knowledge of the inner structure of the European Union, including the basic principles of public international law and organization. And finally, I was very interested to see how the authors would weave together these two streams of legal thought throughout the book. So I believe that students, professors, and lawyers alike, of either legal culture, would benefit from reading this text in its entirety.

Structurally, the two halves of the manual are not symmetrical, and after having read the concluding essay on "Comparative Law Methods," I believe this may be because the authors did not wish to confine themselves to traditional classifications that prematurely restrict the scope of potential study. The first half of the manual is a general overview of the structure, sources, and tools of legal research in American institutions. The most specific information in these chapters (apart from the description of the electronic databases and other online resources) take the form of tables and flowcharts. But the second half of the manual, in addition to describing generally the structure, sources, and tools of European legal research, explains in some detail the specific citation rules for different E.U. legal documents (as well as pointing the reader to several pages official E.U. URL's). And although the chapters on E.U. law and organization represent the (continuously evolving) end-product of a trans-border, multi-disciplinary collaborative project in international and comparative law, this half of the manual does not give the reader a unitary vision of any of the individual countries' legal systems.

After reading the concluding essay on comparative law, I understand better the need for such asymmetry in organizing the manual. If the comparative legal researcher is to "analyze each component that is to be compared in its own environment, that is, in the way that a person educated in that environment would do it," the authors of a "comprehensive" comparative legal research manual would need to write separate volumes for each of their countries or cultures. It would then be up to the student or lawyer to use such source material as a starting point for his or her independent comparative study. While such a project would be ambitious in scope, I think it would be of invaluable help, especially to American students or practitioners who do not have the benefit of having been raised and/or educated in a foreign culture, and especially because, as the authors point out, foreign materials in English are not readily (or cheaply) available. In such a scheme, the chapters of American law and the chapters on the E.U. would become two of many pamphlets, and a full tome on comparative legal methods (expanded from Lomio and Spang-Hanssen's concluding essay) would anchor the project.

In the concluding essay on comparative legal methods, the authors warn that the legal comparativist must possess an "insider's" knowledge of the language, history, and culture of the subject nation or legal scheme. Misleadingly similar terms or concepts (especially among the Romance languages) would need to be clearly separated in the researcher's mind and in his work. But in my experience I have found (and I believe the authors also suggest) that these "red herrings" can be valuable as starting points, or catalysts for a working hypothesis or data set. The real challenge, in my opinion, will be to develop a framework within which one can conduct comparative studies of cultures and concepts that do not share obvious, common points of reference. For example, it would take me some time to learn how I could employ a Western research manual such as this in my studies on East Asian law.

Although East-West studies pose a great challenge, there is another question that I wish the authors had addressed more fully. The organization and laws of the relatively young European Union are constantly undergoing debate and revision. In this regard, it seems that the sections on specific legal mechanics and documentation in the E.U. could make way for an expanded chapter on the authors' "suggested division into legal families" and the philosophies (or "sciences") that undergird them.

But the potential difficulties of being too specific are most apparent in the sections describing private and public non-profit databases as well as government databases available online. It is common knowledge that the form, content and even technology of these legal resources are constantly in flux. As a

result, the more specific the web-site addresses and descriptions of the database interfaces, the more quickly such information will become out-of-date. But because of the utility of conducting hybrid research both in print and electronically, such information must be included in a comprehensive legal research manual. Fortunately, this generation of legal students and practitioners inherently understands how to navigate the web, and they also know that every good website should have written into its code a "help" page or menu that guides the user through its product, or at least lists contact information for someone who can conduct the guide in person. I wonder if simply pointing the reader to the main URL of each web resource, with a general description of its structure and content therein, would suffice for the purposes of a legal research manual.

Whereas re-creating web pages either in images or words would be of limited use, the many tables and flow charts that illustrate each chapter were both useful and engaging. In fact, the parallel tables that set the principles and practices of the common law tradition alongside those of the civil law tradition served as the best visual representation of Lomio and Spang-Hanssen's collaborative work. Tables such as these not only help ease the reader into the comparative mind-set encouraged by the manual's authors, but may also serve to symbolize more literally the spirit of the comparative methodology outlined less literally in the manual's concluding essay. And the flowcharts in both halves of the manual illustrate how the litigious process in America and Europe is not entirely linear, and that the ideal pattern for legal research is a more circular shape. In fact, the authors state that one of the key indicators of having researched "enough" in the American legal context is when a researcher's search results keep "looping back," or redirecting the researcher to a group of specific cases or articles. The authors add that legal research in the comparative context should be similarly non-static. Here, the authors seem to suggest that one should not stop researching until one's search net is wide enough and one's classifications are well enough designed so that what seem to be irreconcilable differences between subjects dissolve into malleable characteristics more suited to inter-system studies.

Just as I think that a manual such as this may benefit from being more uniformly general than specific, I also anticipate that some readers (especially American-educated law students) will find the writing style a bit disjointed. With the benefit of having immersed myself in European art, literature, and history for many years, I intuitively understood the philosophical (or *scientific*) concepts and vocabulary employed in the second half of the manual to explain the nature of European legal systems. In fact, I think it is very useful (to American students in particular) to become familiar with the nuances of this "international" version of English.

However, the concepts and terms included in the chapter on comparative methodology are not only dense, but also informed from a European philosophical tradition that is far from self-explanatory. Although I felt that this chapter was an engaging and appropriate conclusion to the manual, I feel that employing a "hybrid" rather than an "exotic" form of English would help its message to reach a wider audience.

On the other hand, I also found that the European style that infuses the chapters on European research helps to ease the reader into the mind-set necessary not only to absorb as much of the information as possible, but also to recognize this style in future foreign or comparative research. But I can't help but feel that the authors contradict themselves in this regard. At several points in the work, the authors explain how there is no European analogue to the footnoting tradition in American legal writing. In fact, I would even go so far as to say that in Europe, footnoting is looked down upon as an overly mechanical and almost juvenile style of writing. But the second half of the manual includes as many footnotes are included in the first half, and this struck me as jarring with the generally European style of the main text.

CONCLUSION

I fully anticipate referring back to this legal research guide throughout my studies at Stanford Law School. But I can't help but wonder how much help comparative legal

research guides will be to students who do not have the benefit of years of not only studying, but also living and understanding more than one culture or legal system (as the authors suggest is crucial for true comparative study). For this reason, I fully agree with the need to continue revising law school curriculum (especially in the U.S.) to guide students to the international, inter-disciplinary mind-set necessary for any legal profession in an increasingly global and interconnected arena. But truly understanding another culture "from the inside, out" requires years of schooling and social experience in multiple perspectives. And until the education system is refocused with a wider lens from the ground up, I'm afraid that reform at the graduate level may be too late.