

Index

Not Indexed

“Digital Course Books,” “Teaching” or “Legal Education” which are discussed throughout
 Notes at the end of each chapter, unless they contain significant textual material
 Summaries of contributions in Introduction and cross-references from one contribution to another

- Abram, Stephen, 163
Abrams v. U.S., 24–25
 Adams, Ernest, 139
 Alschuler, Albert, 25
 American Assoc. of Law Libraries (AALL), 173,
 178n.41, 180n.55
 American Bar Association (ABA), 27, 53, 132, 165,
 187, 198n.4, 213
 American Law Institute (ALI), 53, 64, 92
 Amram, David, 83
 Aquinas, St. Thomas, 205–206
 Aristotle, 205
 Assessment (of Law Students), 146, 149–50
 Association of American Law Schools (AALS), 53
 Authorship. *See* Intellectual Property Rights
 Ayres, Ian, 38
- Ballantine, Henry, 95, 100, 105n.103
Banks v. Manchester, 61–62
 Benkler, Yochai, 40, 44, 125n.18
 Berne Convention, 62
Best Practices for Legal Educ., 150
 Blogs, 32n.62, 43, 111, 113–14, 117, 126n.27, 163
 Books (printed, generally), 127n.34, 128n.35,
 129n.36, 165–66, 172–73, 223–24.
See also Course Books
 Brown, Stuart, 134
- Caillois, Roger, 137, 138
 Carnegie Report (Educating Lawyers), 48–49,
 149, 187, 198n.5
- Carney, Michael, 149–50, 152
 Caron, Paul, 96
 Carr, Nicholas, 170–71
 Casebooks. *See* Course books
 Chase, Andrew, 238–39
 Clickworkers (NASA), 42
 Clinical Education, 51, 89–91, 117, 150–52,
 185–86, 204, 245
 Clinical Legal Education Ass’n, 150–51
 Collaboration. *See* Cooperation
 Columbia Law School, 52
 Common Law (and Curriculum), 49, 84–85,
 92–93, 102n.27, 186–87, 205–207, 247n.2
 Conceptions Course Book (Collins & Skover),
 16–27
Connecticut v. Doehr, 196
 Contracts Course. *See* Curriculum
 Contracts Course Books, 46, 82–101.
See also Langdell, C.C.
 Control (by Law Professors). *See also* Publishers
 of Materials Production, 18–20, 43–44, 51–56,
 66–68, 74, 86, 118–20
 of Materials Usage, 15, 20–26, 30n.36, 32n.61,
 53, 67–68, 86–88, 118–19, 188, 190
 Cooperation
 among Faculty members, 20, 43–48, 53–55, 115,
 119–20
 among Librarians, 174
 among Students, 117–18, 145–46, 193–95,
 198n.11, 242–45
 Copyright. *See* Intellectual Property Rights

- Corbin, Arthur, 83, 87, 89–91, 93
 Cost (of Educational Materials)
 to Law Schools, 53–56, 107–108, 118–20, 152–53
 to Libraries, 172–74
 to Students, 1, 13, 22–23, 31.n46, 38, 47, 93, 99, 188, 208–11
 Course Books. *See also* Books (printed, generally); Curriculum (Law School); Langdell, C.C.; Materials (Types)
 Contracts Course, 46, 82–85
 Cost, 13, 22–23, 31.n46, 38, 47, 93, 99, 188, 208–11
 Design, 15–23, 38–43, 86, 89–101, 102n.27, 114–21, 186–87, 207–17, 232, 236–39
 Index, 98
 and Interpretation of Law, 237–42
 and Langdell, 15, 35–36, 56, 61, 82–83, 91, 92, 97, 186, 200, 202–203, 232
 Market for, 23, 25–27, 36–39, 46–47, 54, 68, 86, 91, 99–100, 121, 168–69, 172
 Origin, 15–16, 35–37, 82–83, 186, 200, 230–31
 Publishers, 13, 15, 19, 23, 25–26, 31n.46, 34, 37–39, 65–67, 72–74, 83, 91, 99, 121, 168–69, 172–73, 197
 Reviews of, 36, 45, 82–101
 Supplementary Material, 17–20, 28n.4, 30n.30, 62–65, 70–74, 95–96, 121, 189–90, 196, 210–11, 235–36
 and Traditional Curriculum, 1, 14–16, 34–36, 61–65, 82–93, 100, 151, 186–87, 200, 202–203, 232–36
 Weight, 1, 13, 93, 99, 211
 Creative Commons, 63–64, 68
 Curriculum (Law School)
 Breadth of Focus, 14, 26–27, 49–54, 89–93, 122, 189–90, 195–96, 197n.1, 203, 207–11, 241–47
 Clinical Education, 51, 89–91, 117, 150–52, 185–86, 204, 245
 Cooperation among students, 145–46, 193–95, 198n.11, 242–45
 Contracts Course, 46, 52, 82–85, 95–96, 209–10, 215, 217
 Deals (Columbia LS Course), 52
 Experiential Learning, 51, 149–51, 186–87, 204–205, 212–13, 240–47
 First Year Program, 1, 49–50, 116, 193, 214
 Harvard LS, 35, 49–50, 54, 61, 106–107
 and Open Source, 17–18, 34, 39–49, 51–56, 63–64, 190
 Simulations, 138–41, 242–47
 Skills Training, 50–52, 95–96, 117–18, 148–53, 186–87, 191–93, 212–14, 240–47
 Social Justice concerns, 25, 195–96, 199n.12, 217–20, 245–47
 Socratic Method, 34–35, 90–91, 97, 107–108, 151–52, 186–87, 197n.1, 204–205, 212, 232–35, 238–42, 245–47
 Stanford LS, 50, 54
 Traditional, 1, 14–16, 34–36, 61–65, 82–93, 100, 151, 186–87, 200, 202–203, 232–36
 Transactional Focus, 52, 84, 95–96, 209–10, 215, 217
 Vanderbilt LS, 50, 54, 55–56
 Washington & Lee LS, 50–51, 54, 55
 Darnton, Robert, 172, 174
 Deals (Columbia LS Course), 52
 Defense, Department of, 133
 Delivery Devices (for Teaching Materials), 16, 22, 29n.24, 65–67, 116–17, 127n.34, 147–58, 152–53, 166–68, 189–90
 Descartes, Rene, 219
 Dewey, John, 203–204, 211, 233, 244
 Digital Natives (Youth as), 108–14, 124n.7, 124n.9, 126n.27, 222
Educating Lawyers (Carnegie Report), 48–49, 149, 187, 198n.5
 Eliot, Charles, 233
 Experiential Learning, 51, 149–51, 186–87, 204–205, 212–13, 232–33, 236, 240–47.
 See also Learning; Reform
 Fagen, Robert, 134–35
 Fair Use, 20, 74
 Farnsworth, Allan, 87, 88
 Fleischer, Victor, 52
 Flexibility of Materials. *See* Control (by Law Professors)
 Free Software Foundation, 39
 Froebel, Friedrich, 233
 Fuller, Lon, 83, 87, 89, 90, 95, 247
 Galileo Galilei, 219
 Gazzaniga, Michael, 143
 Gardner, Howard, 105n.21
 Games. *See also* Learning: and Play
 Games Generation (Youth as), 142–48
 Generally, 134–41, 154n.17
 Video Games, 127n.30, 130–32, 141–53
 Gee, James, 133–34, 136

- Gender Neutrality, 85
 Gilmore, Grant, 84, 92
 Glasgow, University of, 151
 GNU/Linux, 39–40
 Goble, George, 97
 Google, 15, 109–10, 114, 120, 127n.34, 128, 167, 170, 179n.43
 Grades, 146, 149–50
 Greenfield, Patricia, 142, 144–45
- Hall, G. Stanley, 203
 Hart, H.L.A., 247
 Harvard Law School, 35, 49–50, 54, 61, 106–107.
See also Curriculum (Law School);
 Langdell, C.C.
 Havighurst, Harold, 84
 Hegel, G.W.F., 206
 Heidegger, Martin, 217–20
 Heim, Michael, 222–23
 Hermeneutics, 206–207, 214–15
 Hillman, Robert, 87, 88
 Holmes, Oliver Wendell, 15, 23–24, 58n.46
 Housman, A.E., 222
 Huizinga, Johann, 137, 139
 Husserl, Edmund, 206, 213, 218–20
 Hyperlinks, 14, 16, 18, 22, 113, 116, 170, 214–17, 223, 245
- Ihde, Don, 220
 Index (for Course Books), 98
 Intellectual Property Rights. *See also* Materials (Types)
 Authorship, 17–20, 25, 51–53, 61–75, 88, 91, 119
 Berne Convention, 62
 and Conceptions Course Book, 20, 22
 Copyright, 20, 39, 54, 60–75, 103n.69, 167
 Government Material, 61–63
 for Innovative Materials, 18–20, 43–48, 54, 69–74, 88, 91, 119
 Law Review Material, 63–64
 and Open Source, 17–18, 39–43
 Internet, 2, 15–16, 19, 38–40, 99, 107–109, 112, 115, 147, 159, 162–63, 166, 170, 179n.43, 189, 196, 208
 Interpretation (of legal texts), 237–39, 245–47
- Johnson, Conrad, 28n.4
 Juul, Jesper, 137–38, 141
- Kant, Immanuel, 206
 Kastely, Amy, 85, 96
- Keener, William, 92, 97
 Kessler, Frederick, 84, 87, 88, 92, 102n.27
 Kimball, Bruce, 239
 Kissam, Philip, 151
 Klare, Karl, 84–85, 95
 Knapp, Charles, 84–85, 95, 102n.27
- Labor Law Group, 53
 Langdell, C.C.
 Contracts course book, 15, 36, 56, 61, 82–83, 91, 92, 97, 186, 200, 232, 234
 and traditional curriculum, 1, 13, 14–16, 34–36, 56, 81–82, 186, 200–203, 232, 234, 238–41
 Law and Society Ass'n, 53
 Law Reviews, 25, 63–64. *See also* Scholarship (legal)
 Law Students. *See* Students; Youth
 Learning
 Experiential, 51, 149–51, 186–87, 204–205, 212–13, 232–33, 236, 240–47
 Learning Methods, 25n.21, 86–87, 89–90, 97, 112–14, 116, 134–41, 159–61, 203–205, 232–35, 240–41
 and Neuroscience, 143, 204, 213
 and Play, 122, 127n.30, 134–41, 232–33
 Skills Training, 50–52, 95–96, 117–18, 186–87, 191–93, 212–14, 240–47
 and Technology, 108–14, 141–53
 and Video Games, 122, 127n.30, 130–32, 141–53
- Ledwon, Lenora, 85
 Legal Information Preservation Alliance, 174
 Legal Realists, 239
 Legal Scholarship. *See* Scholarship (legal)
 Leslie, Douglas, 88
 Lexis (Database), 15, 30n.34, 38, 70, 71, 114, 118, 120, 179n.48, 180n.55, 167, 173, 196. *See also* Westlaw
 Library (Law)
 Digital Materials, 129n.36, 166–75
 Generally, 106, 120–21, 127n.34, 128n.35, 129n.36, 158–75, 176n.3, 177n.25
 Law Firm Libraries, 178n.35
 Printed Materials, 127n.34, 129n.36, 165–66, 173–74, 177n.28
 Staff, 120–21, 127n.34, 159–64, 176n.16, 214
 Teaching Materials, 172
 Lipson, Ashley, 151
- Macauley, Stewart, 84, 97
 Macneil, Ian, 84, 88

- Market (for legal materials), 25–27, 36–39, 46–47, 54, 68, 86, 91, 99–100, 121, 168–69, 172
- Materials (Types). *See also* Scope (of Legal Education), Intellectual Property Rights, Ownership (of Materials), Control (by Law Professors), Cooperation
- Audiovisual, 17, 28n.4, 30n.30, 72–74, 130–32, 150–52, 189–90, 211
- Interactive, 19–20, 91, 117–19, 147–53, 212–13, 242–47
- Interdisciplinary, 72, 88, 122
- International, 62–63
- Litigation Documents, 70–72, 189–90, 196, 198n.9, 210–11
- Primary, 18–22, 35–36, 61–62, 70–72, 202–203, 208–10
- Range. *See* Scope, this heading
- Recent. *See* Updating, this Heading
- Scope, 18–20, 24–25, 43–45, 53, 69–74, 89–93, 97, 99, 117–18, 121, 207–17, 235–36, 241–45
- Secondary, 18–22, 63–64, 68, 70–72
- Statutes, 61–62, 92–93, 202–203, 209, 214–15, 217
- Supplemental, 17–20, 28n.4, 30n.30, 70–72, 92–100, 121, 166–88, 189–90, 196, 210–11, 235–36
- Transactional, 52, 84, 95–96, 209–10, 215, 217
- Updating of, 25, 93–95, 150–52, 188, 217
- McLuhan, Marshall, 14, 144
- Montessori, Maria, 233
- Multitasking, 112, 124n.13, 144. *See also* Students; Youth
- Network Effects, 45, 48
- Nunberg, Geoffrey, 170
- Open Source, 17–18, 34, 39–49, 51–56, 63–64, 190
- Ota, Nancy, 85, 96
- Ownership (of Materials), 17–20, 25, 34, 39–49, 51–56, 61–75, 88, 91, 119, 190.
See also Intellectual Property Rights
- Palsgraf v. Long Island RR Co.*, 99
- Panskepp, Jack, 135–36
- Parker, Francis, 233
- Path of the Law (Holmes), 23–24
- Patterson, Edwin, 83, 97
- Peer Production (generally), 19–20, 40–43, 53–56
See also Open Source, Control (by Law Professors)
- Pestalozzi, Johann, 233
- Piaget, Jean, 203
- Plato, 219
- Play, 122, 127n.30, 134–41, 232–33. *See also* Games, Video Games
- Posner, Richard, 23–25, 32n.56
- Post, Deborah, 85, 96
- Prensky, Marc, 127n.30, 133, 140–41, 143, 144, 146
- Professorial Control. *See* Control (by Law Professors)
- Public Citizen Litigation Group, 196
- Publishers
 of Course Books, 13–14, 15–16, 36–39, 72–74, 76n.29, 91, 99, 121
 and Digital Materials, 19, 23, 25–26, 31n.46, 66–68, 73–74, 197
 and Library Collections, 168–69, 172–73
- Restatement of Contracts, 92
- Rollings, Andrew, 139
- Rubin, Edward, 47
- Schenck v. U.S.*, 24–25
- Schleiermacher, Friedrich, 206
- Scholarship (legal), 25–26, 32n.63, 44–45, 63, 172–73
- Scope (of Legal Education), 18–20, 24–25, 43–45, 53, 69–74, 89–93, 97, 99, 117–18, 121, 207–17, 235–36, 241–45
- Seattle University School of Law, 3
- Shaffer, David, 139
- Sharp, Malcolm, 83–84, 87, 88, 92, 102n.27
- Shepherd, Harold, 90, 96
- Simulations (as educational technique), 138–41, 242–47
- Skills Training (in Law School), 50–52, 95–96, 117–18, 151, 186–87, 191–93, 212–14, 240–47
- Slashdot, 42
- Social Justice (and teaching materials), 25, 195–96, 199n.12, 217–20, 245–47
- Socratic Method, 34–35, 90–91, 97, 107–108, 151–52, 186–87, 197n.1, 204–205, 212, 232–35, 238–42, 245–47. *See also* Curriculum (Law School); Langdell, C.C.
- Software. *See* Intellectual Property Rights
- Stallman, Richard, 39
- Stanford Law School, 50, 54
- Storytelling (in Legal Educ.), 96, 105n.118
- Students. *See also* Learning; Youth
 Attitudes toward law school, 2, 13–14, 49, 99, 106–108, 116, 132–34, 147–53, 158–66, 175, 201, 208–10, 245–47

- Attitudes toward technology, 2–3, 108–14, 116,
 134–53, 201, 245–47
 Collaboration with faculty, 233
 Cooperation with each other, 117–18, 145–46,
 193–95, 198n.11, 242–45
 Learning Methods, generally, 251n.21, 86–87,
 89–90, 97, 112–14, 116, 122, 134–41, 159–61,
 203–205, 232–35, 240–41
 Summers, Robert, 87, 88
- Tailoring (of Materials). *See* Control (by Law
 Professors)
- Tallal, Paula, 143
 Teacher. *See* Professor
 Teachout, Zephyr, 127n.31
 Technology. *see also* Materials
 Attitudes of Students toward, 2–3, 108–14,
 134–53, 201, 245–47
 Audiovisual, 17, 28n.4, 30n.30, 72–74, 130–32,
 150–52, 189–90
 Dangers of, 97–100, 107–108, 115–17, 168–71,
 217–24
 Delivery Devices, 16, 22, 29n.24, 65–67, 116–17,
 127n.34, 147–58, 152–53, 166–68, 189–90
 Hyperlinks, 14, 16, 18, 22, 113, 116, 170, 214–17,
 223, 245
 Information Storage, 17–19, 43–46,
 164–68
 Interactive, 19–20, 91, 117–19, 147–53, 212–13,
 242–47
 and Learning, 108–14, 141–53
 Open Source, 17–18, 34, 39–49, 51–56, 63–64,
 190
 Potential of, 2–3, 9, 13–14, 34–35, 81–82, 114–15,
 132–34, 158, 186–87, 200–202, 241–45
 for Updating, 25, 93–95, 150–52, 188, 217
 and Writing, 220–22
- Torvalds, Linus, 40
 Transactions, 52, 84, 95–96, 209–10, 215, 217.
See also Curriculum (Law School);
 Materials (Types)
 Treatises, 202, 205, 231–35
- Uniform Commercial Code (UCC), 92
- Vanderbilt Law School, 50, 54, 55–56
 Video Games. *See* Games
 Video Materials, . *See* Materials (Types),
 Audiovisual
 Virginia St. Bd. of Pharmacy v. VCCC, 196
 Vladeck, David, 30n.36
 Vygotsky, Lev, 233, 244
- Washington, University of, School of Law,
 180n.56
 Washington and Lee Law School, 50–51,
 54, 55
 Watson, Alan, 151
 Weber, Steven, 44
 Westlaw (Database), 15, 30n.34, 38, 70, 71, 114,
 118, 120, 167, 173, 179n.48, 180n.55, 196.
See also Lexis
Wheaton v. Peters, 62
 Wikipedia, 41–42, 110
 Williston, Samuel, 83, 89, 93, 97
 Wirtz, W. Willard, 53
 Writing (as Technology), 220–22
- Young, William, 87, 88
 Youth. *See also* Students
 Attitudes, 108–14, 142–48
 as Digital Natives, 108–14, 124n.7, 124n.9,
 126n.27, 222
 as Games Generation, 142–48