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Birth of a *Nutshell*: Morris Cohen in the 1960s*

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This article traces the early law library career of Morris L. Cohen, from his position as assistant to Miles O. Price through his first two directorships. It focuses on his involvement in the education of law librarians and his scholarship, particularly the first edition of Legal Research in a Nutshell.

¶1 By the time I met Morris L. Cohen in 1985, he was in his late fifties and just six years away from retirement as the librarian at Yale Law School. He was by then an acknowledged elder statesman of the law library world, a slight figure with a pipe and an insatiable curiosity about the people around him. He was my friend for twenty-five years, first when I worked for him in editing his fourth edition of *Legal Research in a Nutshell* and later when we became coauthors for the final edition of *How to Find the Law* and for later *Nutshell* editions.

¶2 After Morris died, I realized that our friendship was really rather brief compared to the many relationships he nurtured over forty or fifty years. I became curious about this Morris I never knew, the young man who left the practice of law in 1959 to become a full-time law librarian. The 1960s were a remarkably productive time for Morris, as he developed the education initiatives of the American Association of Law Libraries, taught legal bibliography to library school students in Philadelphia and New York, and began work on the *Bibliography of Early American Law* that would be published in 1998 after thirty-four years of effort. In 1968 he also published the first edition of *Legal Research in a Nutshell*, a small book on legal bibliography that soon became a standard text in law schools throughout the country. By the end of the decade he had already left an indelible mark on the field.

¶3 Despite Marian Gallagher's warning many years ago that "[t]he opening of a new book on legal research is usually an exciting adventure only for the mother of the author,"¹ perhaps the saga leading up to the creation of a new book on legal research has a slightly broader appeal.

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1. Marian G. Gallagher, Book Review, 46 *LAW LIBR. J.* 48, 48 (1953). In fairness to new books on legal research, Gallagher mentioned that they might also be of interest to legal bibliography teachers approaching their first lectures.

Prelude

¶4 Morris graduated from Columbia Law School in 1951, but his attempts to become a labor lawyer representing unions or working for the government were thwarted by his past as an activist during his college years at the University of Chicago. As he explained years later,

[E]very interview, whether with a labor union or a government agency, ended up with the question, “Are you now or have you ever been a member of an organization on the attorney general’s list?” . . . And when I said, “yes,” and started to say, “but” . . . there was no time for the “but.” I would be ushered out of even distinguished, union-representing, labor law firms.²

¶5 Denied access to prestigious law offices, Morris entered the general practice of law in Manhattan with a series of small firms. Over the course of seven years, his office moved from 42nd Street and 6th Avenue, half a block from the New York Public Library, to lower Broadway near the site of the future World Trade Center, and ended up on 25th Street just off Park Avenue.³ He started out working for his uncle and ended up partners with a former state trooper. It was, he said, “a respectable way to make a living, but not really of interest to me.”⁴

¶6 In 1957, after six years of practice, Morris began to take night classes at the Pratt Institute School of Information and Library Science. For his application, he wrote an autobiographical essay explaining that “the particular and specific tasks” of law practice “did not draw from the best I had to offer, but on lesser stuff.” He had learned in the course of the daily grind of practicing law that he “was interested in the research and the books—in the analysis of the brief and memorandum—in the study and science—in the library and the literature of the law.” He came to realize that “whatever contribution I can make to the law . . . will be in the sources and literature of the law, and in their organization, development and use, not in the general legal practice.”⁵

¶7 After his first year of library school, Morris took a job as assistant librarian at the Rutgers School of Law in Newark and spent a difficult year commuting from Brooklyn to a full-time job in Newark and then to night classes at Pratt, stopping on 25th Street along the way to catch up at his practice. The work at Rutgers, however, solidified his interest in law librarianship. He even found time to become involved in professional activities, submitting the first of several book reviews he wrote for *Law Library Journal*.⁶

¶8 In 1959 he received his M.L.S. from Pratt and said goodbye to legal practice. As he said in a 1971 profile in the *New York Times*, “I celebrate the anniversary of my departure from practice—in 1959—as a great emancipation.”⁷

2. *Reflections: An Interview with Morris L. Cohen*, 104 LAW LIBR. J. 149, 151–52, 2012 LAW LIBR. J. 15, ¶ 28 [hereinafter *Reflections*].

3. The office locations are from *Martindale-Hubbell Law Directory* listings, 1953–1959.

4. *Reflections*, *supra* note 2, at 152, ¶ 31.

5. Morris L. Cohen, *Autobiographical Essay* (n.d.) (on file with author).

6. Morris L. Cohen, *Book Review*, 52 LAW LIBR. J. 187 (1959) (reviewing JOHN H. POWELL, *THE BOOKS OF A NEW NATION: UNITED STATES GOVERNMENT PUBLICATIONS, 1774–1814* (1958)).

7. Israel Shenker, *Morris Cohen, Librarian at Penn, to Head Harvard’s Prestigious Law Library*, N.Y. TIMES, June 13, 1971, at 66.

Working for Mr. Price

¶9 “During that year at Rutgers,” Morris explained in 2007, “my dream job opened up, which was assistant librarian at Columbia Law School, my alma mater. So I applied and got that job. For two years, I was assistant librarian to a man who was near retirement and was the dean of the profession, . . . a man named Miles Price.”⁸

¶10 Miles O. Price had been the librarian at Columbia since 1929 and was the coauthor with Harry Bitner of the leading legal research text of the time, *Effective Legal Research*.⁹ A law school dean conferring an honorary degree on Price in 1954 noted: “He is known throughout the country as the dean of law librarians; his right to that title is unchallenged.”¹⁰ He was the acknowledged successor in that role to Frederick C. Hicks, his predecessor at Columbia.¹¹

¶11 Morris succeeded J. Myron Jacobstein as Price’s assistant, and was among a series of influential law librarians who learned their craft working for Price. Previous assistants had included Ervin H. Pollack (1939–1941) and Harry Bitner (1946–1954). Pollack, Bitner, and Jacobstein all went on to successful careers as directors of large academic law libraries, and also wrote major texts on legal research.

¶12 Morris said of Price that “[h]e taught me a great deal. He was my first mentor in law librarianship.”¹² It’s clear from the projects Morris took on in the years after he left Columbia that he was deeply influenced by his mentor. He shared Price’s interests in librarian education and legal bibliography and pursued these interests with enthusiasm and zeal.

¶13 Shortly after Price’s death in 1968, Morris paid tribute to his late mentor in *Law Library Journal*.¹³ His deep respect was shown in his conclusion: “He set the standards that guided the profession in his generation, the generation that follows, and perhaps generations to come.”¹⁴ The accolades were not, however, without reservation. Morris noted that “Mr. Price was a dry lecturer and made little attempt to

8. *Reflections*, *supra* note 2, at 153, ¶ 38.

9. MILES O. PRICE & HARRY BITNER, *EFFECTIVE LEGAL RESEARCH* (1953).

10. *The Convocation March 4, 1954*, 27 TEMP. L.Q. 387, 389 (1954) (remarks of Benjamin F. Boyer). Others giving Price this title included Julius J. Marke, *Legal Bibliography*, 1953 ANN. SURV. AM. L. 827, 827; Kate Wallach, Book Review, 14 LA. L. REV. 494, 499 (1954); and Arthur J. Ruffier, *Miles Oscar Price: A Bibliographical Sketch*, 62 LAW LIBR. J. 2, 2 (1969).

11. Lawrence H. Schmehl, *Who’s Who in Law Libraries: Frederick C. Hicks, Librarian of the Yale Law School Library*, 37 LAW LIBR. J. 16, 19 (1944) (“Picture a quiet gentleman of Napoleonic stature but minus the pomp, imbued with human interest and understanding, and with a kindly nature. Think of him also as a lover of the arts, and as a person possessed of an overwhelming zeal for learning and progress. There you have a true likeness of the Dean of Law Librarians—Professor Frederick Charles Hicks.”). Price was among those who considered Hicks the dean of law librarians. See Miles O. Price, *A New Edition by the Dean of Law Librarians*, 3 LEGIST, no. 2, 1942, at 23 (reviewing FREDERICK C. HICKS, *MATERIALS AND METHODS OF LEGAL RESEARCH* (3d rev. ed. 1942)). For a modern overview of Hicks’s career and influence, see Stacy Etheredge, *Frederick C. Hicks: The Dean of Law Librarians*, 98 LAW LIBR. J. 349, 2006 LAW LIBR. J. 18.

12. *Reflections*, *supra* note 2, at 153, ¶ 38.

13. Morris L. Cohen, *Miles O. Price and Education for Law Librarianship*, 62 LAW LIBR. J. 17 (1969).

14. *Id.* at 20.

glamorize or dramatize his materials,”¹⁵ and that “[t]he personality of Miles O. Price was a mass of inconsistencies and contradictions that made him at once a challenge to the understanding and a fascination to those who knew him well.”¹⁶

¶14 The Miles O. Price entry in the 1978 *Dictionary of American Library Biography*, which Morris cowrote with his former Columbia colleague Meira G. Pimsleur, explained a bit more about the differences between the two men. Unlike his left-leaning, Brooklyn-born associate librarian, Price “prided himself on his Midwestern heritage and the traditional values associated with it. That background, and his personal struggle for education and advancement, developed life-long attitudes that were an unusual mixture of political conservatism and pragmatic liberalism.”¹⁷ Ten years after Price’s death, the admiration and fondness were now less equivocal: “His frequently gruff manner and raspy voice only briefly concealed from new acquaintances his warm personality and charm. He had a keen and often self-deprecating wit, a sharp and quick intelligence, and a deep sense of personal and professional pride.”¹⁸

¶15 Morris’s relationship with Miles Price was clearly a complicated one. Even decades after Price’s death, Morris referred to him not only as “Mr. Price” but as “the formidable Mr. Price.”¹⁹ Price’s letters to Morris were signed “MOP,” but Morris’s replies were always addressed to “Mr. Price.” To some extent this may simply reflect a more formal time and Morris’s respect for his mentor, but he never became a last-name man himself—he was never “the formidable Mr. Cohen.”²⁰ Despite differences in personal style and philosophy, there was nonetheless a significant and lasting bond between the two men.

¶16 During Morris’s two years at Columbia, the law school was in the process of moving from Kent Hall to its current home in Jerome Greene Hall. Morris learned about how law school buildings were planned and built, a knowledge that he would call on in every subsequent position he held. He also continued to contribute book reviews to *Law Library Journal*, publishing seven reviews covering topics ranging from diplomatic practice to oil and gas law.²¹ He became involved as well in professional activities. He represented AALL on the American Standards

15. *Id.* at 17.

16. *Id.* at 20.

17. Meira G. Pimsleur & Morris L. Cohen, *Price, Miles Oscar (1890–1968)*, in *DICTIONARY OF AMERICAN LIBRARY BIOGRAPHY* 414, 414 (Bohdan S. Wynar ed., 1978).

18. *Id.* at 415. The dictionary entry also quotes a wonderful line from Price’s 1930–1931 report as Columbia law librarian: “It has been my effort . . . to use rules as guides, rather than as straitjackets, and to give patrons what they want with a minimum of fuss and a maximum of speed and common-sense.” *Id.* at 414.

19. Morris L. Cohen, *Remembrances of J. Myron Jacobstein*, 97 *LAW LIBR. J.* 641, 641, 2005 *LAW LIBR. J.* 39, ¶ 2.

20. On Morris’s passing, a tribute from Dale Alan Diefenbach, retired Senior Research Librarian at Harvard Law School, discussed his first AALL convention in 1972: “I was startled when Morris Cohen, already a past president of AALL, asked me to address him as ‘Morris.’” *Morris L. Cohen: Obituary*, LILLIAN GOLDMAN LAW LIBRARY, YALE LAW SCHOOL, <http://library.law.yale.edu/morris-l-cohen-obituary> (last visited Oct. 27, 2011).

21. See, e.g., Morris L. Cohen, Book Review, 53 *LAW LIBR. J.* 168 (1960) (reviewing ROBERTO REGALA, *THE TRENDS IN MODERN DIPLOMATIC PRACTICE* (1959)); Morris L. Cohen, Book Review, 54 *LAW LIBR. J.* 198 (1961) (reviewing HOWARD R. WILLIAMS & CHARLES J. MEYERS, *OIL AND GAS LAW* (1959)).

Association's Committee Z39, working for standards in library work and documentation, and was elected Vice President of the Law Library Association of Greater New York.

¶17 Miles Price had officially retired in 1959, but he remained at the Columbia Law Library until 1961. Morris applied for his position, but when Columbia offered to let him run the library as associate librarian, he decided instead to accept an offer to be the law librarian at the University of Buffalo.

Buffalo and the Education of Law Librarians

¶18 Morris took up his first position as law librarian at a very small school, with a faculty of eleven professors.²² There was plenty of opportunity for growth. Morris increased the capacity of the library by twenty percent, filled major gaps in the collection, and taught a legal bibliography course for law students.²³

¶19 Morris's most significant contributions while at Buffalo, however, were as the 1961–1962 chair of the AALL Education Committee. His committee consisted of three veteran librarians from the New York area: Arthur Charpentier, a future Yale law librarian then at the Association of the Bar of the City of New York; Vincent E. Fiordalisi, a Rutgers professor and law librarian who had been Morris's supervisor just three years earlier; and Julius Marke of New York University.

¶20 The committee was small and very active. For the August 1962 *Law Library Journal*, Morris organized and edited a symposium on educating law librarians.²⁴ Contributors to the symposium included Earl C. Borgeson, Marian Gould Gallagher, J. Myron Jacobstein, and Miles O. Price. In one of his own three contributions, Morris wrote that developing an adequate supply of qualified law librarians

will require improving the quality and number of recruits, increasing the formal educational opportunities for law librarians and improving the quality of that education, and providing better on-the-job training and continuing professional education. . . . The level of education throughout the *entire* structure of our profession is the measure of our achievement. We can look with pride at the highly educated and capable leaders of the profession, but we cannot ignore the hundreds who cannot or do not come to conventions, who have never heard of the *Law Library Journal*, and whose librarianship is neither informed nor intelligent. Our failures are of quantity as well as quality.²⁵

¶21 Morris also wrote a conclusion to the symposium that proposed several concrete steps that the profession could take to create better informed and more highly skilled law librarians.²⁶ These included preparation of a compact one-volume handbook of law librarianship, an M.L.S. program with specialization in

22. Letter from Morris L. Cohen to Miles O. Price, Dec. 12, 1962 (on file with author).

23. A news item in *Law Library Journal* noted that Buffalo had acquired the annotated codes for Iowa, Minnesota, Oklahoma, and Wisconsin—reducing to ten the number of states not covered, but taking up about twenty percent of the year's book budget. Viola A. Bird, *Current Comments*, 55 *LAW LIBR. J.* 241, 241 (1962).

24. *Educating Law Librarians: A Symposium*, 55 *LAW LIBR. J.* 190–240 (1962).

25. Morris L. Cohen, *Background to Law Library Education*, 55 *LAW LIBR. J.* 190, 191 (1962).

26. M.L.C. [Morris L. Cohen], *Epilogue to Educating Law Librarians: Ubi Fuimus—Quo Vadimus*, 55 *LAW LIBR. J.* 238 (1962).

law librarianship, additional law librarianship courses in library schools, a rotating series of one-week annual institutes, advanced training in foreign legal bibliography, and the creation of law library internships in law schools. He concluded: "These recommendations may sound like a big order, but they are both possible and necessary. We know where we've been and how far we've come. Now we must face up to where we are going."²⁷ These would be strong words from a leader of the profession, let alone someone just three years out of library school.

¶22 AALL had been holding biennial summer institutes since 1953. The first weeklong institute was held under the direction of Miles Price, "the moving spirit in law library education,"²⁸ and covered a full gamut of topics: legal bibliography, acquisitions, cataloging, and law library administration. Morris followed in Price's footsteps but raised the bar by proposing a series of annual institutes on each topic separately. In 1962–1963, he prepared outlines for three of the institutes: basic legal bibliography; book selection and acquisition; and organization of materials, including cataloging, classification, and shelving in a law library. Arthur Charpentier prepared the fourth outline, on law library administration.

¶23 These institute outlines were critiqued by a panel at the 1963 annual meeting,²⁹ and the first rotating institute, on legal research, was held at the University of Missouri in 1964. It had thirty-seven students and a faculty of four (Morris, Harry Bitner, Marian Gould Gallagher, and Mortimer Schwartz). This was followed by a 1965 institute at Yale on selection and acquisition, and subsequent institutes each year. After a decade, Morris reported that attendance had grown to 126 students, and the faculty from four to twenty instructors.³⁰

Philadelphia and Library Schools

¶24 In the summer of 1963, Morris received offers to become law librarian at both Stanford University and the University of Pennsylvania. He chose Penn because it was at the time the stronger law school and because it was considerably closer to Brooklyn, where his aging parents lived and which he "always thought . . . was the cultural center of the universe."³¹

¶25 The greater part of Morris's efforts at Penn were devoted to building the library, which, as he explained years later, "was badly neglected. Anything that I did would bring it up. That is, there was no place to go but up with that library."³² He spearheaded renovations, built the staff, and rejuvenated the library's acquisitions, but he was also involved in several scholarly enterprises, including an article on the

27. *Id.* at 240.

28. Iris J. Wildman, *Education—A Lifelong Process*, 65 *LAW LIBR. J.* 130, 131 n.1 (1972).

29. *An Experiment in Library Education—The AALL Rotating Institute*, 57 *LAW LIBR. J.* 28 (1964).

30. *Educational Structure of AALL*, 66 *LAW LIBR. J.* 405, 406 (1973) (comments of Morris L. Cohen).

31. Daniel M. Taubman, *Cohen, Law Librarian, Adopts Aggressive Style*, *HARV. L. REC.*, Oct. 1, 1971, at 6, 7, 14.

32. *Reflections*, *supra* note 2, at 155, ¶ 59.

biblical law against usury³³ and book reviews for *Library Quarterly* and *Law Library Journal*.

¶26 In late 1963, Morris began work on the bibliography that would occupy much of his attention until its publication in 1998. In a January 1964 letter to Miles Price, Morris reported that his friend Balfour Halévy, who had succeeded him first at Columbia and then at Buffalo, had visited for a week and that the two “had fun visiting local libraries and preparing our projected Bibliography of American Law up to 1860.”³⁴ In a letter the following month, he noted that he had received a research grant from Penn for the bibliography and had two students creating records on index cards, and concluded that “[i]t all sounds terribly ambitious at this point but I hope we can carry it out.”³⁵

¶27 In 1965, Morris contributed a chapter on administrative law to the new edition of *How to Find the Law*, and wrote an article for the *Buffalo Law Review* surveying the sorry state of state regulatory publication and urging the states to follow the federal model.³⁶ He also worked closely with the student author of a *University of Pennsylvania Law Review* comment on selective publication of court decisions, one of the earliest discussions of this growing phenomenon.³⁷

¶28 The AALL Education Committee Morris chaired in 1962 had recognized the need for more in-depth courses and programs in library schools. Morris met with the dean of the Columbia University Library School, developed a proposed curriculum for law library education as an area of specialization, and outlined his proposal in the 1962 symposium.³⁸ In Philadelphia he was able to start putting his ideas into practice.

¶29 Early in 1964, he was asked to take over the course on law librarianship at the Drexel Institute of Technology’s Graduate School of Library Science, which Erwin Surrency of the Temple University School of Law had taught in 1962. As Morris wrote to Miles Price, “I’ve wanted to give such a course since I got involved in this Education Committee work.”³⁹

¶30 Another opportunity to teach presented itself in 1965. Miles Price had been teaching a course on legal bibliography at the Columbia University Library School every other summer since 1937. By the 1950s, the course had become “a *sine qua non* to success in the field for the younger generation of aspiring law librarians.”⁴⁰ The course was taken over by Julius Marke in 1963, and by Morris two years later.

¶31 A glimpse of Morris’s relationship with his Columbia students can be found in the transcript of an assembly talk he gave in 1966. He expressed concern that increasing specialization in libraries would lead to a narrow parochialism and a loss

33. Bernard J. Meislin & Morris L. Cohen, *Backgrounds of the Biblical Law Against Usury*, 6 COMP. STUD. SOC’Y & HIST. 250 (1964).

34. Letter from Morris L. Cohen to Miles O. Price, Jan. 20, 1964 (on file with author).

35. Letter from Morris L. Cohen to Miles O. Price, Feb. 14, 1964 (on file with author).

36. Morris L. Cohen, *Publication of State Administrative Regulations—Reform in Slow Motion*, 14 BUFF. L. REV. 410 (1965).

37. Comment, *Discretionary Reporting of Trial Court Decisions: A Dialogue*, 114 U. PA. L. REV. 249 (1965).

38. Morris L. Cohen, *A Suggested Master’s Program in Law Librarianship for Columbia University*, 55 LAW LIBR. J. 225 (1962).

39. Letter from Morris L. Cohen to Miles O. Price, *supra* note 34.

40. Julius J. Marke, *Legal Bibliography*, *supra* note 10, at 827.

of humanity. "I am a law librarian. Yet I like to consider myself broadly literate, reasonably cultured, in love with the physical book, and devoted to my readers and their needs," he said, and urged the students to "remain as broad in outlook, as humane in approach, as affectionate to your materials, and as devoted to your users, as the librarians of an earlier time." He sent them into the world with the admonition: "A moribund library and a hot blooded librarian cannot co-exist. I urge therefore that you never let your work, or your associates, or your library, quench the fire which I hope you will carry out of this place"⁴¹

"A Truncated Manual"

¶32 To supplement the readings he assigned his Drexel law librarianship students from Price and Bitner's *Effective Legal Research*, Morris prepared mimeographed materials that provided a concise outline of the topic. These teaching materials formed the basis of *Legal Bibliography Briefed*, a 135-page text that was published as volume 1, number 2 of the *Drexel Library Quarterly* in April 1965.

¶33 The book's dedication recognized Morris's debt to his mentor and simply read, "To M.O.P." In the introduction, Morris cited *Effective Legal Research*, Pollack's *Fundamentals of Legal Research*, and Roalfe's *How to Find the Law* as bibliographical texts that "offer a fuller educational experience than this condensed guide," and posed the question: "Why then another publication of this kind in legal bibliography? Why a truncated manual, without apparent new technique or approach? The burden of justification is heavy on one who offers so thin an addition to the already rich literature." He explained that his abbreviated text was designed to offer students "a brief introduction to the main themes" and "to give general librarians and legal researchers who lack law training such an introduction."⁴²

¶34 The legal research field was indeed dominated at the time by the three respected works that Morris cited in his introduction. *Effective Legal Research* was viewed as the standard of the era and the successor to Frederick C. Hicks's *Materials and Methods of Legal Research*, the "authoritative masterpiece of legal research and bibliography."⁴³ Hicks's work hadn't been updated since 1942, but it still served as the benchmark, and its tables of sources continued to be valued by librarians. Morris expressed similar sentiments about *Effective Legal Research*: "The book advanced the scholarly approach to the teaching of legal research which was begun by Frederick C. Hicks It remains an invaluable friend to law librarians and a model for the many authors of successor works."⁴⁴ Price and Bitner's 1962 "Student Edition Revised" was "in somewhat more simplified form"⁴⁵ than the first edition and lacked the larger work's historical material and bibliographical appendixes, but even the abridged work was nearly five hundred pages.

41. Morris L. Cohen, Assembly Talk to Columbia Library Students 3, 4 (1966) (emphases omitted) (on file with author).

42. Morris L. Cohen, *Legal Bibliography Briefed*, DREXEL LIB. Q., Apr. 1965, at 1, 2.

43. Etheredge, *supra* note 11, at 356, ¶ 21.

44. Morris L. Cohen, *Harry Bitner: A Memorial*, 94 LAW LIBR. J. 193, 194, 2002 LAW LIBR. J. 14, ¶ 3.

45. MILES O. PRICE & HARRY BITNER, *EFFECTIVE LEGAL RESEARCH*, at ix (student ed. rev. 1962).

¶35 *Fundamentals of Legal Research*, by Ervin Pollack of the Ohio State University, was first published in 1956. Like *Legal Bibliography Briefed*, it was dedicated “[t]o my friend and teacher, Miles O. Price.” *Fundamentals* began life as a fairly small book of 295 pages, with a purpose similar to that expressed in Morris’s introduction. One reviewer wrote:

The value of standard works like [Hicks and Price & Bitner] is uncontested, but while these books are indispensable for the training of law librarians, they often transcend in their amplitude and profundity the scope of the law school curriculum. Mr. Pollack’s apparent objective was to produce a textbook on legal bibliography, which is tailored to the needs of the law student and does not, through its bulkiness, discourage him at the start. The average law student enters the course in legal bibliography with scant understanding of its importance and with practically no enthusiasm.⁴⁶

By its 1962 second edition, however, *Fundamentals* had swelled to 575 pages and was no longer a concise alternative to the standard texts.

¶36 *How to Find the Law* dated all the way back to 1931⁴⁷ and was the successor to *Brief Making and the Use of Law Books*,⁴⁸ which was published in four editions between 1906 and 1924. For several editions *How to Find the Law* was edited by staffers at West Publishing and was not a particularly illustrious or readable tome, although the fourth edition in 1949 included chapters by several reputable authors, including contributions from Elizabeth Finley of Covington & Burling on administrative law and legislative history, Samuel E. Thorne of Yale’s law library on statutory construction and precedent, and Arthur H. Pulling of Harvard on English law.⁴⁹ It remained, however, a cumbersome and overly detailed work until it was rejuvenated in 1957 when William Roalfe of Northwestern University became the first law librarian to be its editor. The fifth edition was completely remade into a concise, 207-page introductory guide for law students with contributions from several leading librarians and scholars including Earl C. Borgeson (digests), Marian Gould Gallagher (legal encyclopedias), and Julius J. Marke (statutes and related materials).⁵⁰ One prescient reviewer wrote: “The recent trend of getting law into ‘nutshell-type’ volumes has caught up with legal bibliography.”⁵¹ Roalfe also edited a sixth edition in 1965, about a hundred pages longer than his fifth edition. As noted earlier, it included a chapter on administrative and executive publications by a newcomer to the enterprise, Morris L. Cohen.

¶37 These were the standard texts, but Morris’s book was hardly the first “concise” guide to legal research. In 1909, John C. Townes, Dean of the University of Texas School of Law, published a short book titled *Law Books and How to Use Them*. Townes focused on topics like the elements of a case and analysis of precedent rather than research, and the discussion of resources is restricted to a three-page appendix. Nonetheless, a review of the time felt that he told “in a clear, simple and

46. Rudolf H. Heimanson, Book Review, 2 N.Y. L.F. 444, 444 (1956).

47. FRED A. ELDEAN, *HOW TO FIND THE LAW* (1931).

48. WILLIAM M. LILE ET AL., *BRIEF MAKING AND THE USE OF LAW BOOKS* (1906).

49. *HOW TO FIND THE LAW* (Carlton B. Putnam ed., 4th ed. 1949).

50. *HOW TO FIND THE LAW* (William R. Roalfe ed., 5th ed. 1957).

51. Stanley J. Bougas, Book Review, 50 LAW LIBR. J. 588, 588 (1957).

interesting style, those things which ordinarily the student finds out only by many questions or by groping about in the library.”⁵²

¶38 In 1923, the same year that Hicks published the first edition of his *Materials and Methods*, Frank Hall Childs, an Illinois lawyer and treatise author, wrote a short, 119-page volume entitled *Where and How to Find the Law: A Guide to the Use of the Law Library*. The Childs text was well reviewed as a succinct guide for both law students and lawyers.⁵³

¶39 The years immediately after World War II saw several contributions to the truncated-manual literature. As part of a General Practice series designed as refreshers for lawyers returning from the armed forces, the American Bar Association and the Practising Law Institute published a concise *Legal Research* by Sidney B. Hill, librarian of the Association of the Bar of the City of New York, and Carroll C. Moreland, Morris’s predecessor at the University of Pennsylvania. It’s a small book, with just forty-two pages of text followed by appendixes containing abbreviations and a subject listing of treatises. It did little more than describe the available resources, but it was recognized as a “truly excellent summary of American law books.”⁵⁴

¶40 Around the same time as Hill and Moreland’s publication, Hobart Coffey, law librarian at the University of Michigan, published a fifty-page pamphlet, *Legal Materials and Their Use in the Preparation of a Case* (1946). It appeared in a second edition in 1948 under a less cumbersome title, *Guide to Legal Materials*. Coffey noted that his aims were

to present in brief compass the bare essential a student or lawyer needs to know about the materials which he must use in his profession. The job might have been done more thoroughly in four or five hundred pages, but my experience has been that students and lawyers will not bother to read, much less study, a long work on legal bibliography. The longer works, excellent and valuable as some of them are, seem to be of more use to the scholar and the librarian than to the persons for whom they were presumably written.⁵⁵

Coffey’s work was cited a decade later as a “masterly pamphlet,” in contrast to other short works that were “superficial, inaccurate and even dangerous in the hand of the neophyte.”⁵⁶

52. Book Review, 59 U. PA. L. REV. 198, 198 (1910). Townes was also the object of this backhanded compliment from a law professor: “[H]e is the author of an excellent work on ‘Law Books and How to Use Them,’ which I intend to examine more thoroughly when I have the opportunity.” *Proceedings of the Tenth Annual Meeting of the Association of American Law Schools*, 33 A.B.A. ANN. REP. 914, 925 (1910) (remarks of R.G. Anderson).

53. See, e.g., Book Review, 28 DICK. L. REV. 30, 30 (1923) (“It would be for every student of law, and indeed for every lawyer, one of his most valued possessions.”). The volume was published in “revised” editions well into the 1950s, but the later editions are startling examples of cursory and careless updating. Many pages are completely unchanged from the 1923 edition thirty years earlier. The 1952 edition includes a four-line paragraph about the *Federal Register* and no mention at all of the *Code of Federal Regulations*, while the *Central Law Journal*, which ceased in 1927, is still listed as a “leading legal periodical.” FRANK HALL CHILDS, *WHERE AND HOW TO FIND THE LAW* 63, 64 (rev. ed. 1952).

54. Elmer M. Million, Book Review, 40 LAW LIBR. J. 86, 86 (1947).

55. HOBART COFFEY, *GUIDE TO LEGAL MATERIALS* 5 (1948).

56. N.D. West, Book Review, 3 WAYNE L. REV. 164, 164 (1957).

¶41 These very short pamphlets could do little more than list and briefly describe the available resources. A few somewhat longer works also merit mention. Rebecca Laurens Love Notz's *Legal Bibliography and Legal Research* was published in a second edition in 1947 and a third edition in 1952.⁵⁷ The author was a legal analyst in the Library of Congress's legislative reference division and taught legal bibliography at the Washington College of Law of American University. Her book was considered by many to be the go-to source for federal resources,⁵⁸ and Notz was listed among the first rank of legal bibliographers as late as 1972.⁵⁹

¶42 Also in 1947, M. Ray Doubles, Dean of the University of Richmond Law School, and Frances Farmer, Librarian of the University of Virginia School of Law, published *Manual of Legal Bibliography*, complete with a foreword by Miles O. Price. According to the authors' preface, their aim was not to duplicate the "excellent and comprehensive treatments . . . of *materials* necessary to legal research" but to concentrate "upon the *methods of search*."⁶⁰ A reviewer at the time thought parts of the book went into greater detail than needed, but that their first two chapters were "a masterpiece of brevity and clarity which every law student should read at the beginning of his course."⁶¹

¶43 In 1950, two Brooklyn Law School professors, Benjamin Feld and Joseph Crea, published a small volume entitled *A Practical Guide to Legal Research*. Erwin C. Surrency took over as lead author in 1959 with the renamed *A Guide to Legal Research*, and issued a "supplemented edition" in 1966. Each edition was just over one hundred pages, and employed what it called a "unique approach" of discussing research methods in separate chapters for federal and state law.⁶² The book attempted to fill "a need felt by many teachers of legal research for a small and concise manual,"⁶³ and it has some useful and interesting features, such as the emphasis in the opening chapter, "The Facts Are First," on a thorough knowledge of the facts of a specific case.

¶44 By the time that *Legal Bibliography Briefed* appeared in 1965, its only contemporary competition was Surrency's volume. It is therefore a bit ironic that Morris's new work was lauded in a review of a different book by Surrency, *Research in Pennsylvania Law*: "For those who need more information on law books in general, but are repelled by extensive texts, Morris Cohen, Biddle Law Librarian of the University of Pennsylvania, has just published an excellent, concise manual."⁶⁴

57. Although the "second edition" was published in 1947, I have been unable to find any reference in the literature or WorldCat to a first edition.

58. See, e.g., Harriet French, Book Review, 11 *MIAMI L.Q.* 317, 317 (1957) (noting that the book "remains the outstanding source of information in the field of federal legal bibliography but, unfortunately, it has not been kept up to date").

59. Ervin Pollack's *Fundamentals of Legal Research* "ranked [Pollack] with Notz and Hicks, Roalfe and Cohen, Price and Bitner." Matthew F. Dee, *In Memory of Ervin H. Pollack*, 65 *LAW LIBR. J.* 469, 470 (1972).

60. M. RAY DOUBLES & FRANCES FARMER, *MANUAL OF LEGAL BIBLIOGRAPHY*, at v (1947).

61. George A. Johnston, Book Review, 40 *LAW LIBR. J.* 281, 281 (1947).

62. See, e.g., ERWIN C. SURRENCY ET AL., *A GUIDE TO LEGAL RESEARCH* 5 (supplemented ed. 1966).

63. *Id.*

64. Jane L. Hammond, Book Review, 11 *VILL. L. REV.* 675, 676 (1966).

¶45 *Legal Bibliography Briefed* was also reviewed more fully in *Law Library Journal* by Balfour Halévy: “For the first time, there is available a simple and short text suitable for teaching first year law students an introductory legal bibliography course. The author is to be praised for his courage in ruthlessly shortening and simplifying the areas he has covered,” he wrote. “Multiple copies should be in most law libraries.”⁶⁵ Halévy’s only quibbles with the text were that the chapter on citators was too short and that the closing chapter on foreign legal materials attempted too much and could have been omitted.⁶⁶

To the Nutshell and Beyond

¶46 Morris hardly rested on the laurels of his small text on legal research; he continued to press on with his *Bibliography of Early American Law* and other scholarly enterprises. He made significant bibliographical contributions to *Law and the Social Role of Science* (1967) and *Law Books Recommended for Libraries* (1967–1970). The latter project was an Association of American Law Schools endeavor to identify core titles for law libraries in several dozen subject areas, and found Morris working once again for his mentor, project director Miles O. Price.⁶⁷ Morris served on the advisory committee and contributed to the Biography and Legal History sections of the publication.

¶47 Throughout the 1960s, Morris was involved in spreading access to legal knowledge beyond the law school, as the activist spirit that cost him opportunities in the McCarthy era was finally able to flourish. In 1966 he edited *Your Right to Dissent in a Time of Crisis*, a pamphlet for the Academic Freedom Committee of the American Civil Liberties Union, Greater Philadelphia branch. He was involved in creating a code of rights for Philadelphia high school students, and wrote an article on the regulation of school libraries for the *Yearbook of School Law*.⁶⁸

¶48 Perhaps the most significant of Morris’s interests in public access to legal information was in the rights of prisoners. He visited prisons in Pennsylvania, and in 1968 he published an article, *Reading Law in Prison*, about the wide gap between standards for prison libraries and actual practices.⁶⁹ As an appendix to the article, he provided a Suggested Minimum Law Collection for Prison Libraries. “Perhaps nowhere more than in prison is the right to read the law so eagerly sought and so thoroughly repressed,” he wrote. “One cannot help but feel that a change in this situation would aid both the prisoner and the prison—and perhaps ultimately society as a whole.”⁷⁰

¶49 Morris also continued his ongoing work to enhance the legal community’s own research skills. In 1965 he surveyed five hundred lawyers using the Philadel-

65. Balfour Halévy, Book Review, 59 *LAW LIBR. J.* 116, 116 (1966).

66. *Id.* The problematic chapter on foreign law materials was dropped from the first edition of *Legal Research in a Nutshell*, but it reappeared substantially unchanged in the 1971 second edition.

67. Price served as director for two years (1964–1966) before turning the reins over to Harry Bitner.

68. Morris L. Cohen, *Libraries, Schools and the Law of Their Union*, 1966 *Y.B. SCH. L.* 235.

69. Morris L. Cohen, *Reading Law in Prison*, *PRISON J.*, Apr. 1968, at 21.

70. *Id.* at 26.

phia Bar Association Library, in an attempt to get a better sense of how lawyers actually performed legal research. His survey formed the basis of his participation in a 1968 joint meeting of American Bar Association committees on electronic data retrieval and the economics of law practice. What he learned was that very few lawyers actually knew how to do research:

Concern over the technology of the future seems in a way premature when many lawyers have not learned how to use adequately the technology of today. The money wasted by otherwise hard-headed lawyers on unused and ill-used law books would be a professional scandal if lawyers were aware of their ignorance and gullibility. . . . [M]ost lawyers do very little research and too many do virtually none at all.⁷¹

¶50 Meanwhile, Morris was now the author of a legal research text, but its reach within the law school community was limited. Issues of the *Drexel Library Quarterly* did not have the widest possible distribution. That would change in 1968, however, when Drexel agreed to let the material appear, in a slightly expanded and revised format, as part of the West Publishing Company's new Nutshell Series.

¶51 The concept of a "nutshell" as a concise encapsulation dates back at least to Marcus Tullius Cicero. Pliny the Elder wrote in his *Natural History* that Cicero reported that "Homer's *Iliad* was copied on to a scrap of parchment which could fit into a nutshell."⁷² This led to numerous parodies in the seventeenth and eighteenth centuries under titles such as *Homer in a Nutshell* or *The Iliad in a Nutshell*, and by the middle of the nineteenth century the concept was in use for topics ranging from baptism to New York City.

¶52 In legal publishing, Great Britain's Sweet and Maxwell had a series of *Nutshells* going back to Marston Garsia's *Roman Law in a Nutshell* in 1921. Garsia, a London barrister, had a corner on the market at first, producing three more *Nutshells* within two years (*Constitutional Law and Legal History*, *Criminal Law*, and *Real Property Law and Conveyancing*). The Sweet and Maxwell *Nutshells* continue today, but in both size and range their scale is smaller than their American counterparts. Most British *Nutshells* are well under two hundred pages, and there are just eighteen current titles in the series (compared to some 165 titles in the West series). The Sweet and Maxwell books are joined by about a dozen *Nutcases* summarizing the most important cases in an area of law.

¶53 In the United States, the nutshell concept was popularized by W. Barton Leach's famous 1938 article, *Perpetuities in a Nutshell*.⁷³ In the first footnote of his article, Leach credited a House of Lords decision as his source for the term: "Lord Thurlow undertook to put the Rule in Shelley's Case in a nutshell. 'But,' said Lord

71. Morris L. Cohen, *Research Habits of Lawyers*, 9 JURIMETRICS J. 183, 193 (1969).

72. THE ELDER PLINY ON THE HUMAN ANIMAL 77 (Mary Beagon trans., 2005). The commentary notes that the reference is probably from Cicero's "lost work on wonders," *Admiranda*. *Id.* at 268, 145. This Homeric legacy was echoed at Penn by one of Morris's legal bibliography students who "typed her term paper on onion skin and enclosed it in a walnut shell. Mr. Cohen gave her an A." Shenker, *supra* note 7.

73. W. Barton Leach, *Perpetuities in a Nutshell*, 51 HARV. L. REV. 638 (1938). Over the years it was followed by several articles with similar titles. *E.g.*, Howard L. Oleck, *Nuisance in a Nutshell*, 5 CLEV.-MARSHALL L. REV. 148 (1956); John J. Slavin, *Proper Subject in a Nutshell*, 34 U. DET. L.J. 615 (1957); Cornelius W. Gillam, *Products Liability in a Nutshell*, 37 OR. L. REV. 119 (1958).

Macnaghten, ‘it is one thing to put a case like Shelley’s in a nutshell and another thing to keep it there.’⁷⁴

¶54 West’s Nutshell Series was launched in 1964 with *Jurisdiction in a Nutshell: State and Federal* by Albert A. Ehrenzweig and David W. Louisell, both professors at the University of California, Berkeley. Ehrenzweig also published *Conflicts in a Nutshell* the following year. These early *Nutshells* were the same size as later volumes, but it took a few years for West to standardize the format. The cover of the first volume was beige, and the second a pale blue. Only with the 1968 appearance of *Legal Research in a Nutshell* and Oval A. Phipps’s *Titles in a Nutshell* was the series given a standard green cover with a line drawing of half of a walnut shell; this would in turn be replaced in late 1973 by the more familiar multicolor design with an abstract pentagonal nutshell that would last until another redesign in 2009.⁷⁵

¶55 *Legal Research in a Nutshell*, dedicated “to the long-suffering law students who may be introduced to legal research through these pages,”⁷⁶ soon found its audience. By the time of a survey of legal research instruction in 1975, the *Nutshell* was used in more law schools than any other legal research text.⁷⁷ It was also the first legal research text cited by the Supreme Court, appearing, as “Cohen: Legal Research,” in a proposed list of twenty basic legal resources to be included in a prison law library.⁷⁸ The *Nutshell* continues to be a required text in federal and state prison libraries.⁷⁹

¶56 By the close of the 1960s, Morris had become a leader in his chosen profession. Many further achievements would lie ahead, including the 1970–1971 presidency of the American Association of Law Libraries, his 1971 departure from

74. Leach, *supra* note 73, at 638 n.* (quoting *Van Grutten v. Foxwell*, [1897] A.C. 658, 671 (Eng.)).

75. In the 2007 film *American Gangster*, the camera pans over a post-1973 cover of *Legal Research in a Nutshell* on the desk of Richie Roberts (Russell Crowe) as he studies for the New Jersey bar examination in 1971. *AMERICAN GANGSTER* (Universal Studios 2007). This is just one of dozens of anachronisms in the film. See *Goofs for American Gangster*, THE INTERNET MOVIE DATABASE, <http://www.imdb.com/title/tt0765429/goofs> (last visited Oct. 27, 2011).

76. MORRIS L. COHEN, *LEGAL RESEARCH IN A NUTSHELL*, at vi–vii (1968).

77. Christine A. Brock, *The Legal Research Problem*, 24 DEPAUL L. REV. 827, 831 (1975).

78. *Bounds v. Smith*, 430 U.S. 817, 819 n.4 (1977). Less than two months after Morris’s book was cited, Justice Blackmun cited Price and Bitner’s *Effective Legal Research* on the errors in the first compilation of the Revised Statutes of 1873. *Third National Bank in Nashville v. Impac Limited, Inc.*, 432 U.S. 312, 327 (1977) (Blackmun, J., dissenting). The following year *City of Lafayette v. Louisiana Power & Light Company*, 435 U.S. 389, 437 (1978) (Stewart, J., dissenting), cited Price and Bitner again, on the absence of recorded legislative history in many states. On this same issue—the difficulties of state legislative history research—Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 130 S. Ct. 1431, 1441 (2010), cited ROY M. MERSKY & DONALD J. DUNN, *FUNDAMENTALS OF LEGAL RESEARCH* (8th ed. 2002), and José R. Torres & Steve Windsor, *State Legislative Histories: A Select, Annotated Bibliography*, 85 LAW LIBR. J. 545, 547 (1993). This is the first and, thus far, only time that an article in this journal has been cited by the Court.

79. See, e.g., Federal Bureau of Prisons, Program Statement: Legal Activities, Inmate, No. 1315.07, Attachment C, at 2 (Nov. 5, 1999), available at http://www.bop.gov/policy/progstat/1315_007.pdf; W. Va. Code R. § 95-1-15 (2011); STATE OF MAINE DEP’T OF CORRECTIONS, DETENTION AND CORRECTIONAL STANDARDS FOR MAINE COUNTIES AND MUNICIPALITIES 45 (Sept. 2005), available at <http://www.maine.gov/sos/cec/rules/03/201/201c001.doc>; Mich. Dep’t of Corrections, Policy Directive No. 05.03.115, Attachment A, at 4 (Nov. 1, 2010), available at http://www.michigan.gov/documents/corrections/0503115_337355_7.pdf.

Philadelphia to become the librarian at Harvard Law School, the editorship of *How to Find the Law*,⁸⁰ and eventually the publication of *Bibliography of Early American Law*. I'd like to remember the 1960s, though, with one final story of the fiery young Morris.

¶57 In 1966, Morris's friends J. Myron Jacobstein and Roy M. Mersky published one of their early collaborative efforts, a 249-page volume titled *Water Law Bibliography 1847–1965*. One reviewer called the work a valuable tool, but noted facetiously that “[w]riting a book review for a bibliography is akin to a literary criticism of the telephone directory.”⁸¹ This did not sit well with Morris, and in his review of *Water Law Bibliography* he wrote that “there are many who appreciate neither the significance of the bibliographer’s labors nor the value of his product.”⁸² He rose to Jacobstein and Mersky’s defense, arguing that bibliography “requires skill in research and investigation, in discrimination and distinction, in evaluation and analysis, in organization and description—in short, true scholarship.”⁸³ He was, of course, writing about his own work as well. He was, in short, a true scholar.

80. Morris was the editor of the seventh edition of *How to Find the Law*, and the lead coauthor of the eighth and ninth editions. *HOW TO FIND THE LAW* (Morris L. Cohen ed., 7th ed. 1976); MORRIS L. COHEN & ROBERT C. BERRING, *HOW TO FIND THE LAW* (8th ed. 1983); MORRIS L. COHEN ET AL., *HOW TO FIND THE LAW* (9th ed. 1989).

81. Raphael J. Moses, Book Review, 40 *TEMP. L.Q.* 262, 262 (1967).

82. Morris L. Cohen, Book Review, 55 *CALIF. L. REV.* 1498, 1499 (1967).

83. *Id.* at 1498.

