Legal Research Paper Series

Bibliography of J. Myron Jacobstein
1952-1999

By

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J. Myron (Mike) Jacobstein’s accomplished bibliography spans more than four decades of dedicated scholarship. Perhaps the greatest contribution to the legal community is the leading treatise that he and Professor Roy Mersky wrote, *Fundamentals of Legal Research*. Jacobstein and Mersky. A partnership as enduring and endearing as Rodgers and Hammerstein, Fred and Ginger, Bert and Ernie. Together this dynamic law librarian duo (how top-billing was decided is explained in annotations below) took on the world of legal bibliography, and did so with incredible foresight. Their treatise and other collaborative works were ahead of the curve in terms of predicting the impact of computer-assisted legal research, advancing a hybrid approach to research (traditional plus computer), explaining the impact of publisher/vendor neutral citation, and helping researchers understand the interdisciplinary nature of contemporary legal research.

**Books**


This is the last edition in the series of this seminal work that bears J. Myron Jacobstein as an author; his influence continued, however, as the Dedications make clear: “With admiration and appreciation, the co-authors dedicate the Eighth edition of *Fundamentals of Legal Research* to J. Myron Jacobstein for his many years of work on earlier editions of the book and for his continued advice on this current edition . . .”


Earlier editions of the treatise also included a companion assignments supplement; this one is listed as a representative sample.


Mike Jacobstein has said that he was more the idea man, while Roy Mersky was more involved with the production aspect of their collaborations.
Legal Research Illustrated was one of Mike’s ideas, and it turned out to be an especially good one, as this series was more financially successful than Fundamentals.


Inspired by the Clarence Thomas and Robert Bork hearings, the authors discovered that sixteen of the forty presidents from Washington to Reagan had one or more of their Court nominees rejected. In this book the authors profile these rejected nominees and offer a snapshot of the issues that were dividing the country at the times of their hearings.


The first two chapters of this edition provided “a new intellectual framework for legal research, taking into account both traditional and computerized sources of information” and the chapter on computer-assisted legal research was “completely revised to describe the latest developments in the field.” And the authors, ever on top of current developments in legal citation, added a new chapter addressing “the challenges posed to the traditional citation rules by online citation forms and alternative citation systems.”


“He [or She] Who Cites His [or Her] Source, Brings Deliverance to the World.” – Mishnah, Avot. VI. This edited quote appeared in the 1987 edition, and has been reprinted in all subsequent editions.


“The law is light” – Proverbs VI, 23
The chapter on computer-assisted legal research was totally revised with this edition; furthermore, throughout the text the authors emphasized “the interrelationship of traditional methods of legal research . . . and the more recently developed methods involving the use of computer databases.”


*The Noter Up: An Update Service to Fundamentals of Legal Research [and] Legal Research Illustrated.* Buffalo: W.S. Hein, 1985-. (With Roy M. Mersky) (includes a semi-annual newsletter on legal research and legal bibliography, edited by Donald J. Dunn.)

While Mike Jacobstein was very quick to see the potential power of computers for legal research, he himself was rather slow to adopt them for personal use. And, of course, much of his scholarship was done even before the era of Wang word processing typewriters. For those of us who cannot even produce a grocery list without first booting up, it is awe-inspiring how someone could be as prolific as Mike without electronic assistance. Mike’s daughter Ellen Gilmore sheds some light with a childhood recollection: “I remember the hundreds of index cards with my dad’s illegible handwriting spread all over the dining room table late into the night.”

*National Reporter on Legal Ethics and Professional Responsibility,* edited by J. Myron Jacobstein and Roy M. Mersky; Norman Quist, managing editor; Norman Redlich et al., editorial consultants. Frederick, Md: University Publications of America, 1982-. (loose-leaf.)


“He Who Cites His Sources, Brings Deliverance to the World”
Mishnah, Avot. VI


The preface comments upon the interdisciplinary nature of research and notes the tendency to “use legal solutions for a wide range of social problems.”


Upon the untimely death of Ervin Pollack, Foundation Press approached Mike and asked if he would complete the unfinished work. Mike agreed, but only upon the condition that he could collaborate with Roy Mersky. At the time, however, Roy was in Israel, so this first work is largely Mike’s effort (remember this was in the days before e-mail and widespread fax use).


This work, in its 1,065 pages, included books in English published throughout the world as of December 1964.


Mike Jacobstein and Roy Mersky were close friends, and they would get together to lament the life of an assistant librarian (Mike was the assistant at Columbia; Roy was the assistant at Yale). Together they noticed that their respective libraries were receiving a lot of non law periodicals, which led to the creation of this index. Initially the only journals indexed were those received by the Columbia and Yale law libraries; since Yale received more of these journals than Columbia, Mersky’s name received top billing on this publication. Mike viewed this as one of his better works.


Book Chapter


Articles


“My active career as a law librarian is now over, but I include having had the opportunity of knowing Marian as high among the many reasons why I know I made the right career choice.”

“Congressional Intent and Legislative Histories: Analysis or Psychoanalysis?” Law Library Journal 82 (Spring 1990): 297-301.

“Jacobstein Looks Ahead as Library Passes 300,000 Volume Mark.” *Stanford Lawyer* 20 (Spring 1986): 31, 34.


Sets the record straight on the Fair Use Doctrine.


“Project Lawsearch: AALL Special Committee on Project Lawsearch.” Law Library Journal 60 (February 1967): 42-63. (With Vincent E. Fiordalisi, Miles O. Price, Julius J. Marke.)


Often people who predict the future are off-base (home nuclear generators; flying automobiles); in this 1952 article, Mike was prescient: “. . . with the rapid advancements being made in telecommunications, it is possible to foresee the time when the lawyer’s desk will be equipped with a television screen across which, on dialing a number, all statutes and cases in point can be made to flash.” Mike concluded his fascinating article with the following thought: “With more active support on the part of the legal profession . . . there is occasion to hope that an increasing use of scientific aids will lead to better methods for controlling the constantly accumulating mass of legal literature, thereby releasing the lawyer from much unproductive, expensive, and time-consuming work, while operating to make the law more readily available to all, no matter where located.” Indeed.

*Director of the Law Library, Stanford University School of Law, Stanford, California. With special thanks to Sonia Moss and the librarian wizards of the Robert Crown Law Library, Regina T. Wallen, Erika Wayne, Kathleen Wilko and Kathy Winzer, for their expert cite-checking and editorial assistance.*