

REPORT OF THE AALL SPECIAL COMMITTEE ON FOSTERING LEGAL RESEARCH AS A SUBJECT SPECIALTY

October 2006

INTRODUCTION: This special committee was appointed for a one year term beginning July, 2005, to develop and promote the expertise of law librarians as legal research experts. We submitted a Final Report to the AALL Executive Board at the end of our term (attached as Appendix A) in which we made five proposals for the Executive Board to act on and were asked to continue our work for another four months in order to implement our proposals. The committee met at the AALL annual meeting in St. Louis, on July 10, 2006, and decided to fold two of our proposals into one (the web site and research blog) and to work on the implementation of four projects: (1) writing a regular column on teaching legal research for publication in *The Spectrum*; (2) proposing an institute on teaching legal research to be held before next summer's AALL, which could serve as a model for additional institutes at the chapter level; (3) working with other AALL Special Interest Sections to develop a site on AALLNet pertaining to teaching legal research; and (4) working with other national organizations towards creation of a bar exam for testing legal research skills. A report on the progress made on these four projects follows.

SPECTRUM COLUMN ON TEACHING LEGAL RESEARCH: The committee's proposal to write a regular column for *The Spectrum* on teaching legal research was approved the new editor, Paul Healy, in August. This column will appear four times annually, with each of the four columns addressing the topic from a different perspective: academic librarians, private librarians, state, court and county librarians and the legal publishing industry. A draft copy of the first column (to be published in the December issue) is attached to this report as Appendix B.

AALL INSTITUTE ON TEACHING LEGAL RESEARCH: In early August, the committee submitted a proposal for a half day institute on teaching legal research. A short description of this proposed institute follows:

This half-day workshop on teaching legal research in the new Millennium will help improve law librarians' competencies as legal research instructors in their respective settings. This workshop will explore learning theories, emphasize teaching tips that work, and discuss proven best practices. The workshop will demonstrate how to reach the multiple types of learners with whom we work, will inform participants of resources to which they can turn for help, will encourage participants to share their expertise, and will offer the opportunity for a wide ranging conversation. We live in a multi-tasking work place, simultaneously emailing, IM'ing, telephoning, downloading, and writing. We must combine this new style with the need to cover the traditional research methods. Attend the workshop and find out how to best fit your instruction to this new work flow.

A full description of the proposed institute can be seen at the following url:
<http://proposals.aallnet.org/share.asp?share=10087P142>

Unfortunately, we just learned that this proposal was turned down. This may be a proposal the Research Instruction and Patron Services Special Interest Section (RIPS SIS) will want to develop for a future date.

AALLNET WEB SITE ON TEACHING LEGAL RESEARCH: Members of the committee have been working with Research Instruction and Patron Services Special Interest Section (RIPS SIS) to create a page linked from AALLNET to serve as a collection of, and portal to, resources used in teaching legal research (class materials, etc), and resources about teaching legal research (articles, etc.). The idea is to create a gateway to pre-existing material rather than create any new material especially for the site.

RIPS members noted that a prior effort to establish a legal research tools portal (approx. 5 years ago) was not successful, for unknown reasons. It was suggested that a lack of participation may have been a major problem. A project team from RIPS is now at working on a feasibility study to see whether this idea can be implemented.

BAR EXAM TESTING OF LEGAL RESEARCH SKILLS: The Chair of the committee, together with then President Claire Germain, honorary committee member Roy Mersky and several other AALL members met with representatives of the National Conference of Bar Examiners (NCBE) last June to discuss the feasibility of testing for legal research skills on the bar exam. The NCBE leadership expressed a great deal of enthusiasm for this idea, and we followed this meeting by submitting a number of hypothetical multi-choice questions for review. As a result, the NCBE's new president has made such testing one of her two priorities for her term of office and believes there is a significant possibility that a special bar exam on research skills, based on the model of the Multistate Professional Responsibility Examination (MPRE), may be available as early as 2009.

CONCLUSION: Members of the Special Committee on Fostering Legal Research as a Subject Specialty believe the committee has made substantial progress furthering its charge and implementing the recommendations it made over the course of its one year plus life span. Specifically, the following actions have been undertaken.

We have begun a regular column on teaching legal research to appear in *The Spectrum*. We believe this column serve to bring better attention to legal research instruction and stimulate ideas and discussion among librarians from all sectors of our profession about how to improve legal research instruction.

While our proposal for a special AALL Institute on Teaching Legal Research was not accepted for the next year, we still believe this idea should be pursued, and it could serve as a model for additional institutes and help heighten awareness and improve the teaching

skills of librarians engaged in legal research instruction. We will suggest to the Research Instruction and Patron Services Special Interest Section (RIPS SIS) that they propose a similar workshop for the following year.

We also are working for the Research Instruction and Patron Services Special Interest Section (RIPS SIS) in developing a permanent site on AALLNet pertaining to Teaching Legal Research. We expect the RIPS SIS will take responsibility for implementing and maintaining this site.

Finally, our work with the National Conference of Bar Examiners (NCBE) on the feasibility of implementing a bar exam targeted as testing for legal research skills has led to the real possibility that such a test, based on the model of the Multistate Professional Responsibility Examination (MPRE), may be available as early as 2009. If implemented, we believe this test will significantly raise the value of legal research skills in the eyes of our law schools and law students and go far to foster legal research as a subject specialty for law librarians.

In sum, the committee has made substantial progress on two of its initiatives and is optimistic that the remaining proposals can be successfully implemented by existing AALL groups, particularly the Research Instruction and Patron Services SIS.

APPENDIX A

FINAL REPORT OF THE AALL SPECIAL COMMITTEE ON FOSTERING LEGAL RESEARCH AS A SUBJECT SPECIALTY

February 2006

INTRODUCTION: This special committee was appointed for a one year term beginning July, 2005, to develop and promote the expertise of law librarians as legal research experts. Specifically, its charge is “To promote collaboration and team work between the academic and practitioner worlds of librarianship, to improve the research competencies of law students, new lawyers and judges, and to develop and promote tools for effective and efficient legal research.” Further, the committee was asked to focus on (1) fostering the expertise of law librarians in providing a core competency for their institutions; and (2) promoting the teaching role of the law librarian as a faculty member in the law school, or equivalent (instructor, trainer) in law firms, courts, and other law library settings.

The committee’s nine members and board liaison mirror the law library profession, with membership drawn from the academic, private, and public sectors, as well as the publishing world. Members share a wealth of experience teaching legal research and are recognized as legal research experts in their respective settings.

The committee was asked to prepare an interim report, which was submitted to the AALL Executive Board, in October, 2005, this final report, and a members’ briefing for publication in the *AALL Spectrum*, in June 2006.

COMMITTEE’S FOCUS: At its initial meeting, in July 2005, the committee reviewed its charge and compared it to the work of a similar AALL committee, appointed in 2001: “The Special Committee to Promote Law Librarians as Research Trainers,” which focused its recommendations on marketing. See report at 94 Law Libr. .J. 796 (2002). We noted that unlike the earlier committee our emphasis should be on promoting collaboration and improving research instruction skills rather than marketing. The latter will naturally flow from taking steps that truly improve collaboration and competencies as legal researchers and instructors.

Subsequently, the committee fleshed out the elements of its charge and divided the work into two subcommittees. It submitted an interim report to the Executive Board, in October 2005, reflecting the progress of the committee and continued work throughout the year via email and conference calls.

The early report of the committee focused on four areas for further work, which over the course of the year we were able to collapse into two main categories: (1) collaborating and (2) communicating.

One of the most fruitful developments over the course of the year was a warm reception from the National Conference of Bar Examiners regarding testing for legal research skills on the bar exam. Challenges remain as to how to develop this idea, but such a test would go a long way in furthering the charge of this committee.

RECOMMENDATIONS:

1. Collaboration

- Work with the National Conference of Bar Examiners in testing for research skills
- Develop models (such as Bridge the Gap programs for legal research) and best practices (such as recommended exit courses in legal research)
- Encourage law schools to utilize non-academics for a portion of legal research training
- Work with CALI to improve training programs on the web
- Challenge chapters to provide model programs for improving the research skills of students, lawyers and the public

2. Communication

- Develop a legal research instruction blog
- Develop a column for Spectrum on teaching legal research
- Populate AALLNet with model teaching materials and a current listing of programs and materials pertaining to how to teach and how students learn

IMPLEMENTATION: The AALL's Executive Board could implement most of these recommendations by assigning responsibility to appropriate groups within the organization. In particular, the Executive Board may wish to focus on the following:

1. Identify a group to work with the National Conference of Bar Examiners in developing model bar exam questions. Perhaps a member of the Executive Board (consulting with committee members) could be assigned this responsibility. The NCBE's current President, Erica Moeser, has noted two issues needing study: (a) identifying the universe of minimum legal research knowledge new lawyers should have for admission to the bar; and (b) determining the feasibility of testing for this knowledge. A meeting with the NCBE to flesh these issues out could take place this Spring, but follow-up may be necessary next year.
2. Assign responsibility for writing a regular column in The Spectrum. Perhaps volunteer editors could be solicited by the Executive Board or the Spectrum's current Editor. The column could be used to help generate ideas for model

bridge the gap programs, provide information about how students learn, encourage communication between those in the academic and private sectors and otherwise churn ideas for improving legal research instruction.

3. Assign responsibility for developing the legal research component of AALLNet. This site would be the logical nexus for uploading syllabi, teaching materials, PowerPoint slides and other materials related to teaching legal research. The site needs to be designed and populated and may require an AALL staff person and member volunteers to develop it.
4. Assign responsibility for creating a legal research blog. To make the blog useful and keep it current, it will take more than just a single person. It seems like a logical project for a group such as Research, Instruction and Public Services Special Interest Section, perhaps working jointly with the Computing Services SIS.
5. Encourage more AALL programming focused on improving research skills. For example, consider inviting CALI to host a program on partnering to improve research instruction.

The Executive Board also may wish to continue this committee for another year to complete working on those parts of these recommendations it is not able to assign to other appropriate bodies within the AALL, in addition to any new related assignments the Board considers appropriate. Should the committee continue, the Executive Board may wish to add new members, with additional ideas and energy, but it should retain some of the current membership in the interest of continuity.

*Committee members are:

Alison Alifano
Kelly Browne
Linda Defendeifer
Beth Edinger
Blair Kauffman (Chair)
Darcy Kirk (Board Liaison)
John Nann
Gayle Lynn-Nelson
Roy Mersky (of counsel)
Mark Schwartz
Maureen Well

APPENDIX B

One year ago this month, the University of California Bibliographic Services Task Force (BSTF) released its final report, *Rethinking How We Provide Bibliographic Services for the University of California*. Immediately following the publication of the report, there was a flurry of bloggers discussing the contents, and members of the BSTF found themselves being asked to give interviews and to make appearances at conferences and library schools. After this initial rush for comments from the authors of the report subsided, and the UC campuses and entities concerned were asked to discuss the report and respond to it. Those responses have now been assembled, and, after a review of the original report, a summary of the results follows. How the University Librarians will implement the recommendations made by the BSTF has not been decided yet, but the actions taken will have lasting effects on one of the largest library systems in the world and its patrons.

The first charge given to the five members of the BSTF by the Systemwide Operations and Planning Advisory Group (SOPAG) was inventorying all of the end-user services supported by the bibliographic processing data and identifying the “middleware, workflow and processes involved in exchanging data between silos of bibliographic information supporting these services.” Once the inventory was complete, they were to “clearly articulate the problem(s) that need to be solved.” In perhaps what are the most often quoted sentences in the entire report, the BSTF not only clearly stated the overarching problem but also the major hurdle for our libraries today, and they did so with admirable frankness: “Our users expect simplicity and immediate reward and Amazon, Google and iTunes are the standards against which we are judged,” and “Users want what the library has to offer, without having to come to the library to get it.”

Following the first part of the charge, four more points were outlined to the BSTF asking them to “[d]evelop a vision and design principles for a new bibliographic service environment,” and “analyze the opportunities to pursue solutions” while offering their “recommendations on which opportunities should be pursued as high priorities.” The final report divided the BSTF’s core recommendations into four categories: (1) Enhancing search and retrieval, (2) Re-architecting the OPAC, (3) Adopting new cataloging practices and (4) Supporting continuous improvement. Contained in those four categories are fifteen major headings and over thirty specific sub-recommendations for the UC system, stated by the BSTF as plainly as the above-mentioned problems. For example, Recommendation I.1b says, “Provide an I-want-this button that is present with the context warrants, with the goal of always offering a fulfillment option. No dead ends. Give the user an option to specify turnaround time; work behind the scenes to fulfill as well as we can.”

Two months after the publication of the report, the Chair of SOPAG issued an invitation for groups from all the UC campuses to offer comments which would then be used to inform the discussion with the University Librarians regarding which recommendations should receive priority. SOPAG asked that the responses be framed around six questions, (simplified here): (1) Which 3-5 of these major 15 headings do you think are the most

important for UC to address? (2) For each of the 3-5 major headings selected above, which of the sub-recommendations do you think should be given the highest priority; that is, which do you think UC should address first and why? (3) Section II.1 recommends creating a single public catalog interface for all of UC . . . If a decision is made to pursue this recommendation, which of the two options that the Task Force analyzed would you recommend and why? (4) Section III.1 recommends re-architecting cataloging workflow to view UC cataloging as a single enterprise . . . If a decision is made to pursue this recommendation, which of the three organization options that the Task Force analyzed would you recommend, and why? . . . Which of the three architecture options that the Task Force analyzed would you recommend and why? (5) Are there any other comments or suggestions you have with regard to the next steps that should be taken in following up on the recommendations of the report? (6) Is there anything else you think UC should be doing in pursuit of improving bibliographic services? Responses came from a total of eighteen groups that included the Librarians Association of UC, All Campus Groups, and each campus library. An analysis of the feedback is contained in a thirty-six page report by SOPAG, released in April, 2006, and the full-text of all responses can be found on the SOPAG web site.

The results of the first four specific questions showed definite consensus among the librarians. With regard to the first question, (i.e., which of the fifteen major headings would be most important for UC to address), six of the fifteen major headings appeared most often in the top five: provide users with direct access to item, offer better navigation of large sets of search results, deliver bibliographic services where the users are, create a single catalog interface for all of UC, support searching across the entire bibliographic information space, and re-architect the cataloging workflow. Of the thirty or so subheadings, (question 2) the highest priority was placed on having a logical, default choice appear when a patron searches for an item using UC eLinks (the UC customized version of SFX, a product of Ex Libris that links from an article or book citation to the full online content of the item, or helps the patron initiate a loan of the item) echoing the BSTF's statement in favor of "no dead ends." All of the responses indicated that a single catalog interface was a good thing (question 3) although there was no consensus as to how to implement this. Most responders were in favor of coordinating cataloging across the entire system, but had strong reservations about physically locating cataloging to one or two centers within UC.

With the views of the libraries and librarians of UC accounted for, SOPAG is preparing a report and recommendations for the University Librarians to consider. Whatever decision is made by the University Librarians regarding the next-steps to take to redesign library services for patrons, the library staff is enthusiastic about taking action now, and avoiding a conservative approach. As one comment from UC Irvine put it: "Build it, try it, improve it."

For a sidebar:

University of California Bibliographic Services Task Force Report: *Rethinking How We Provide Bibliographic Services for the University of California*,
<<http://libraries.universityofcalifornia.edu/sopag/BSTF/Final.pdf>>

Systemwide Operations and Planning Advisory Group website:
<<http://libraries.universityofcalifornia.edu/sopag/>>

SOPAG Invitation to Comment on the Bibliographic Services Task Force Report Analysis of Feedback:
<<http://libraries.universityofcalifornia.edu/sopag/BSTF/AnalysisResponses.pdf>>

Individual Campus and All Campus Group Responses to the Report of the Bibliographic Services Task Force:
<<http://libraries.universityofcalifornia.edu/sopag/BSTF/Responses.htm>>