ALL-SIS
Legal Research Instruction Round Table
Summary of Discussions
AALL Annual Meeting: St. Louis
July 2006

The ALL-SIS Legal Research Committee held its annual roundtable on Sunday, July 10th at the AALL Centennial Celebration in St. Louis, Missouri. This year the Roundtable was organized by areas of instructional interest: Foreign/LLM; Technology; Introductory Legal Research; and Advanced and Specialized Legal Research. Approximately 100 people participated and discussions were enthusiastic.

Thanks to all the table moderators and note-takers!

Teaching Legal Research to Foreign and LLM Students

Class Formats

- Formats ranged from individualized instruction to large group sessions.

Challenges to Effective Instruction:

- Deficient English-language skills
- Cultural differences may lead to plagiarism and reluctance to ask for help
- Wide range of language and legal research skills within a class
- Understaffing of reference librarians relative to the number of LLM students

Suggestions for Improving Instruction

- Have English as a Second Language (ESL) specialists work with students throughout the year. One school uses linguistics graduate students to work individually with the LLMs
- Explain the role of the librarian in U.S. culture: students are expected to ask questions and seek assistance. Offer individual consultations to encourage students to seek help privately.
- Show LLM students a footnoted law review article to show that Western scholars cite sources extensively. Some schools have a presentation early in the year to address originality in research (a preferred term to plagiarism).
- Emphasize that deadlines are firm. Set detailed schedules for completion of work to prevent students from failing to complete work by the course's end (a situation which can encourage plagiarism).

Using Instructional Technology in Teaching Legal Research

Technologies Used

- TWEN
- CALI
- Camtasia: add audio and video streams, tracks mouse movements and typing, can include running commentary
- PowerPoint
- Captivate (multi-media presentations)
- Fullshot

General Concerns

- Students don't trust you if you don't teach electronic resources
- Need to teach at point-of-need; students often zone out during first year

Concerns with Existing Technologies

- Some schools have instructional technology specialists to assist law faculty and librarians in integrating technology into their instruction.
- Need administrative support for use of more technology – it's an ABA accreditation factor and should be addressed.
- Some would like to use technology to expand class time beyond one hour per week

Use of PowerPoint

- PowerPoint is a powerful medium and should be used more thoroughly.
- Use of graphical features should be emphasized.
- Students don't take notes because it is available in the PowerPoint presentation – PPT should be used for "sound bites."
- Some are moving away from PowerPoint because it has been criticized as too linear for current students.
- Some do not post PowerPoint slides

Creating Tutorials and Games

- The linear format of most instructional tools is too boring for the current generation.
- Gaming employs different thinking skills, is more collaborative and encourages trial and error.
- CALI: problems with scoring, disappearing screens, browser difficulties.
- Ideas for the Creation of Tutorials: Murder mysteries; Lincoln Lawyer movie; T.V. shows: Justice, Deadwood.

Teaching Legal Research Online

- Judith Anspach (Indiana University) teaches a legal research class completely online
- Class is restricted to 30 students after a high of 68
- TWEN and email used
- Print resources suggested only if they are available to the students

Teaching of Westlaw and Lexis

- Librarians should be teaching WL and Lexis rather than the vendor reps but there is a staffing issue.

Clickers and TWEN Polling

- Students are quick to figure out how to manipulate the system.

Future Uses of Technology

- Extensive use of Google
- Student computers have made computer lab defunct
- Teaching students the use of technology in areas such as litigation

Teaching Introductory Legal Research

Class Formats

- Schools varied greatly in the hours of instruction provided. Time allotted for instruction was felt to be completely inadequate.
- Formats included PowerPoint presentations, lectures, and student participation.
- Students seem to like the hands-on approach best
- Some librarians provide library tours or treasure hunts
- Student collaboration is allowed by most schools as long as it is in small groups.

Textbooks and Assignments

- There was general agreement that there is a lack of good legal research instruction textbooks
- The absence of exercise books was lamented.
- A poll at one table revealed seven schools use Amy Sloan's book, two use the Kunz book, one uses Legal Research in a Nutshell, and one has a self-made text which is revised annually.

Curriculum

- Most schools start legal research instruction with background resources.
- Cases and statutes are universally taught; most schools teach administrative research; a few teach legislative history.
- Due to time constraints, some librarians focus on teaching the resources that students are most likely to use.
- Most schools still teach the print digests. The benefits noted were their browseability, conceptualizing format and structure, and chance for serendipity to strike.
- Not enough time is allotted to teach using both online and print versions of sources.

Print and Online Resources

- Due to time constraints, many electronic resources are mentioned but are not discussed in depth. These include LoisLaw, BNA, CCH, government web sites, Cornell's LII, and e-CFR.
- Instruction includes how to consider currency, cost, quality, and authority.
- Only one school still teaches print Shepard's (because a writing instructor requires it).
- The online offering of the key search system is confusing to students who are just learning the concept of key numbers.
- Print publications help initial understanding of what publications are and what they do.
- A study determined that Am.Jur. is now one of the most heavily cited publications by 1Ls due to the ResultsPlus feature on Westlaw. Everyone agreed this is a problem for students who have not yet learned about the various publications and their level of authority. Online searching leads to students focusing on minor/irrelevant details rather than an analysis of core legal issues.
- If WL/Lexis passwords are provided immediately, Boolean searching needs to be taught
- Allowing students to use either print or online from the beginning can demonstrate that online is not always the easiest or best method.

Grading

- Grading varied between P/NP and assigned letter grades with one school having a "veto power."
- There was general agreement that grades increase the attentiveness of the students.
- Exams don't measure whether the students know how to perform research but they do measure whether students know the resources and their purposes.

Librarian Commitment

- The time required to prepare for class and grade practice exercises is substantial. Discussion was held as to whether library directors recognize the amount of time involved in teaching.
- Some schools provide additional compensation for teaching responsibilities.

Integration with Legal Writing Instruction

- Most instructors have autonomy in selecting the curriculum taught.
- A few have their legal research assignments tied to a writing assignment.
- Most librarians consult with the writing instructors as to sources to be taught.
- It was noted that legal writing faculty has different agendas than legal research faculty

Teaching Advanced and Specialized Legal Research

Challenges

- Student fear that ALR will be too difficult for them
- Keeping students involved
- Motivating students to want to learn the process and not focus so much on grades
- Fighting the idea that the course is too much work / determining what is a reasonable work load
- Teaching research as a process rather than a series of steps
- Getting students to evaluate and compare resources
- Making the course practice-oriented
    - surveys have shown the new attorneys are poor researchers with too much reliance on WL/Lexis and lack of knowledge of treatises and regulations
    - the National Conference of Bar Examiners, librarians, and some state bars are in preliminary discussions about adding a legal research component to the bar exam

Curriculum

- Most 'advanced' classes are not truly advanced. They are actually the basics that the students never learned in an introductory course. This is true even where librarians are involved in the first year research course.
- One approach is to have students write documents like contracts, wills, bench memos with "office time" with the librarian.
- Another is to use ALR as an independent study which supplements a substantive independent study with mandatory work with librarians.
- Some schools incorporate a specialty class within the general class based on a survey of student interest.
- Everyone teaches cost-effective research; some courses have assignments that require students to track their time and expenses.

- Panels of recent grads from various jobs brought in to explain to students what resources they will have to use in the real world. Lawyers work much better than librarians.
- Most teach the print digests prior to teaching topic and key number online
- Many schools include a session on basic business research

Use of Class Time

- Have students work on problems for 50% of class time
- Have groups of students teach selected sources to the class
- Races between groups using print and electronic resources
- Games with rewards of WL/Lexis giveaways

Making the Course More Practice-Oriented

- Surveys have shown that new attorneys are bad researchers
- Start class with treatises because practitioners start with treatises
- Several schools have attorneys talk to the class
- Give a research 'budget' for exercises
- Have students keep a time-sheet with separate entries for print research, online research, and memo writing
- Assignments using LexisOne or Findlaw only so students become familiar with tem.

Grading

- A mix of graded and P/NP courses
    - One school found credit/no credit grading was a disaster because the students were not invested and did not do the work
    - Some schools found that students are too focused on grades
    - At Hastings, ALR is a non-GPA graded course. The grade appears on their transcript but is not calculated into their GPA
- Take home tests
- Assignments – some require research trail including time and money spent
- Take home final
- Finals during regular finals week
- Pathfinders – most give students as much help as they need or ask for

Print and Electronic Research

- Reverse engineer questions so that the words in the answer do not appear in the question to eliminate too much online reliance
- Some schools teach blogs and newsfeeds
- Some schools spend time on Google for Lawyers – emphasize careful use
- Include attention to free & low-cost sources

Textbooks

- General agreement that there is no great text available.
- Most classes use one – some use Legal Research in a Nutshell; some Sloan; some Finding the Law.
- RIPS-SIS web site has reviews of legal research texts (mostly introductory).

Generating Assignment Ideas

- Newspapers
- ALL-SIS Legal Research Sourcebook
- US Law Week