

**ALL-SIS Legal Research and Sourcebook Committee**  
**Legal Research Roundtable**  
**Monday, July 12, 2010**  
**Denver, CO**

**TABLE OF CONTENTS**

I.	TEACHING FOREIGN AND INTERNATIONAL LAW RESEARCH.....	2
II.	TEACHING SPECIALIZED LEGAL RESEARCH COURSES .....	5
III.	PRODUCING CLE PROGRAMS/COURSES FOR CLE CREDIT .....	8
IV.	STUDENTS’ USE AND EXPECTATION OF TECHNOLOGY .....	10
V.	THE AVAILABILITY AND USE OF TECHNOLOGY IN THE LAW SCHOOL AND IN THE CLASSROOM.....	13
VI.	COOPERATION BETWEEN ACADEMIC, FIRM, AND COURT LIBRARIANS TO EFFECTIVELY TEACH LEGAL RESEARCH .....	17
VII.	WHAT STEPS HAVE LIBRARIES AND/OR LIBRARY DEPARTMENTS TAKEN TO COPE WITH BUDGET CUTS AND POOR FINANCIAL CONDITIONS?.....	20
VIII.	WILL TEACHING LEGAL RESEARCH CHANGE IF IT BECOMES PART OF THE BAR EXAM? .....	22
IX.	DEVELOPING, DRAFTING AND APPLICATION OF COMPLEX RESEARCH EXERCISES .....	25

## **I. TEACHING FOREIGN AND INTERNATIONAL LAW RESEARCH**

### a. What do I teach and who do I teach it to?

- a) Some start out with basic research & information literacy examples
  - i. Show catalog
- b) Some emphasize foundations
  - i. Re-emphasizing what was learned in basic legal research
- c) Agreement that information literacy is important

### b. What texts to use:

- a) Hoffman and Rumsey as a possibility, but doesn't require it because it is too expensive; required a nutshell
- b) Put recommended books on reserve

### c. Background reading

- a) Participant 1:
  - i. A background article which was an overview on what the WTO is; she felt they hadn't read it and wondered what experiences others have had
- b) Participant 2:
  - i. Gives two quizzes and says reading is not mandatory; also gives assignments for the next class
  - ii. Uses some CALI lessons – one on customary law by Lee Peoples, one on foreign/international by Mary Rumsey and one on treaties by David Hollander
  - iii. Some people complain that it is too much work for 1 credit.
- c) Participant 3:
  - i. 6 assignments of 5 questions each
  - ii. Pathfinder at end for 60% of the grade
  - iii. Perhaps too heavy?
  - iv. Goal is to use the assignments to explore resources rather than worry about the grades
  - v. Keep research diaries
- d) Participant 4:
  - i. Gave up on pathfinders due to poor quality of work
  - ii. Thinks research trail is a good idea

- d. Pathfinders?
  - a) Finding good assignment questions was hard and agreed that it was important to see students' progress
  - b) Pathfinder worked well
  - c) Example of creating assignments:
    - i. Subscribe to the Economist and take questions from articles there and then use them as in-class examples
      - 1. From a firm librarian: this mirrors her firm experience where lawyers see things in the paper and then want to find them.
      - 2. Her push is to educate them to find it efficiently and on their own
      - 3. Topic is mostly international investment
  - d) Some participants bring in an attorney to discuss an actual problem so students can see what they will get in real life.
  
- e. We teach them how to use resources to answer questions, but will they have those resources at the firm?
  - a) One participant:
    - i. They have Kluwer Arbitration, FLG (?)
    - ii. Their lawyers also use university libraries
  
- f. How do you divide up the time between foreign and international?
  - a) One participant:
    - i. 60% international and 40% foreign
  
- g. Regarding teaching foreign, do you concentrate on a special area?
  - a) Participant :
    - i. One day on UK and has a professor come in to talk about Chinese research
  - b) Participant :
    - i. Lets students choose a country and have them present materials
  
- h. What tools are used?
  - a) Participant
    - i. Libguide on Chile
      - 1. Participant likes Libguides
      - 2. Participant thinks they are easy to update but hard to print out
  - b) Participant uses Moodle
    - i. An open source course-management software program
  - c) Participant uses PowerPoint, but only in 1/3 or classes
    - i. Participant incorporates travel photos into presentations

i. Laptops?

- a) Participant
  - i. In Basic legal research she does not allow laptops
    - 1. Short class, no time for demos
    - 2. She knows they will shop or chat
    - 3. Really liked the PowerPoint presentation
- b) What about issue of students concentrating?
- c) Participant has remote control for power point and goes to back of class and can monitor students
- d) Participant roams around the class
- e) At Cornell –
  - i. Some profs have blocked the internet from classrooms
- f) Participant would prefer to treat students as adults and not do that

j. Evaluation tools:

- a) Participant uses a pathfinder
- b) Participant gives them a test
- c) Participant gives research assignments, in-class assignments and online quizzes
- d) Participant used to give three very long assignments, but now gives 10 short assignments

k. Number of students in class?

- a) 12 students
- b) 6-11 students
- c) 17 students

l. Feedback

- a) Students appreciate the feedback she gives on homework.
- b) Grading: adding electronic vs. handwritten comments is personal choice
- c) Uses Moodle which allows for out-of-class participation in a forum setting

m. Teaching foreign languages (legal vocabulary)

- a) Fordham has an informal one taught by an LLM
- b) Northwestern has legal Spanish
- c) Participant says they have Mango which allows you to teach yourself a foreign language
- d) Is using Google Translator a good way to assist when using a foreign language website?
- e) Participant would like to develop a course in legal Spanish

## II. TEACHING SPECIALIZED LEGAL RESEARCH COURSES

- a. Types of specialized legal research courses taught in law schools include Indian law research, disaster law research, international law research, administrative law research, tax research, securities law research, oil and gas law research
  - a) Teach stand-alone classes
  - b) Teach as a segment in a substantive course
  - c) Guest lecturer in a substantive course
- b. How to get a specialized legal research course through the curriculum committee
  - a) There will be resistance
    - i. Be prepared to convince the committee that the course is not just a big scavenger hunt
    - ii. The course teaches problem solving and analysis skills as well as knowledge of the substantive topic
  - b) The support of a faculty member on the committee is invaluable, brings credibility to your request
  - c) You will encounter less resistance the fewer credit hours your ask for
  - d) Show the need for it
    - i. ASU's class filled in the first 2 minutes of registration; IU has 70 students enrolled in advanced legal research
- c. Graded vs. Pass/Fail?
  - a) Varies among schools
  - b) What assignments are given for graded courses?
    - i. A practical weekly assignment
    - ii. Things they should know: Example- pick a company and a company they should acquire: answer 20 questions about each company
    - iii. 3 research scenarios: one litigation, one transactional, one business to tie it all together
- d. Why do we teach specialized legal research courses?
  - a) Intellectual exercise for the librarians who like to teach
  - b) Students need extra help in learning to research certain topic, or in general
  - c) Students need additional research skills

- d) The advanced legal research course is limited in number and this is a way to get more students the skills they need
  - e) To help students compete in specific industries, in accordance with the university's strategic plan
  - f) To count toward tenure
  - g) Firms expect students to already know how to research well, but in actuality students are not prepared for big law
- e. Turning a specialized legal research course into a CLE/alumni event
- a) Many alumni call after graduation to get help with legal research
  - b) Alumni workshops/alumni weekends
    - i. Bring in guest judges and speakers
      - 1. Tribal court judges
      - 2. People from businesses and corporations
      - 3. Local practitioners
    - ii. Promotes good will, outreach, marketing
- f. State-specific advanced legal research
- a) SIU offers Illinois- and Missouri-specific classes
  - b) Oklahoma offers an Oklahoma-specific class taught by the director and invites the local movers & shakers into the class
- g. How do you get started planning and writing a syllabus?
- a) Google to see if a similar course is being taught
  - b) Westlaw and Lexis have specialized curricula online that include model syllabi
  - c) Go to the substantive professors in that area for scenarios to use
  - d) Look on CALI or other CLE materials
  - e) Helpful material might not necessarily be called "research"
- h. How do you know how much work to give, how many readings to assign, etc?
- a) Trial and error
  - b) The more practical a reading is, the more likely students are to read it
  - c) Most people totally underestimate the amount of work it takes, how do you get them to invest time and effort?

- i. Did you have a background in the topic area or did you have to learn from scratch?
  - a) No matter how you get the knowledge, you have to have it before you teach the class because you do end up teaching some substantive law
  - b) If you're teaching something for credit, it's better to have a background in the topic
  - c) If you have a very strong interest in a topic, you are motivated to deal with frustrations-- so if you are into a topic, go for it
  - d) It depends on the school, what they want you to teach, and what expertise the library staff has
  - e) It depends on the amount faculty interaction the course has
  
- j. The importance of context
  - a) Students should be able to apply the concepts they learn to particular situations
  - b) Students love picturing what they will be doing in the future
    - i. Questions that start with: "You are an attorney, a client walks in..."
  - c) We should always be on the hunt for context
  - d) Step back and teach the structure of a database, teach indexes again
  
- k. Students overestimate their own technical ability

### **III. PRODUCING CLE PROGRAMS/COURSES FOR CLE CREDIT**

- a. Buck Sterling reported on CLE presented by librarians and Gonzaga Law Professor Mary Pat Treuthart
  - a) Theme: To Kill a Mockingbird as basis for an ethics discussion
  - b) Preparation: Literature Search on OCLC and HeinOnline
  - c) Format: Panel Discussion; panel members asked pre-prepared questions; discussion facilitated by Professor Treuthart
  - d) Panel Members: Public Defender, County Prosecutor, Judge, Professors, and Students
  - e) CLE Credit: 1.5 ethics hours
  - f) Added bonus: Gave away 50 copies of the novel "To Kill a Mockingbird"
  - g) Measure of success: 70 attorneys attended
  - h) Follow-up: Wrote article and created bibliography
  
- b. Suggested topics for CLEs; some schools have offered CLEs on these topics as shown in parenthesis
  - a) Bio-defense
  - b) Regulation of food supply
  - c) Agriculture
  - d) Animal Law (UALR)
  - e) Foreign and International Law (NYU)
  - f) Labor and Employment Law (NYU)
  - g) Researching on the Internet (UALR)
  - h) Deep web resources (UALR)
  
- c. Do you have to have JD to speak at CLE?
  - a) No
  
- d. Suggested Audiences and or Resources
  - a) Regulators
  - b) ABA Section Members
  - c) Information Weekly
  - d) Internet Library
  - e) Research University



- e. Where to find CLE Materials?
  - a) Westlaw CLE Outlet – Westlaw designates the level of expertise needed to understand the presented materials
  - b) Webinars by librarians
  - c) Look to your own basic research skills – don't sell yourself short
  
- f. How to determine the level to teach to
  - a) Depends on what is being taught and expertise of the audience
  - b) Can start with elementary concepts and become more advanced as the presentation advances
  
- g. Idea\*\* – Record CLE and post as a link on your webpage – can imbed verification code in middle of lecture.
  
- h. How to keep the audience's attention?
  - a) Make CLE useful and practical
  - b) Must be either really practical or very fun, entertaining
  - c) Example of program people liked – 60 websites in 60 minutes
  - d) Be balanced when talking about Westlaw and Lexis
  
- i. How would you go about being involved in a CLE?
  - a) Just reach out to them (people planning programs or in charge of developing programs)

#### **IV. STUDENTS' USE AND EXPECTATION OF TECHNOLOGY**

- a. Has anyone done surveys of how students use technology and what would work for libraries? For example, would twitter work for our students?
  - a) No one has done a formal survey
  - b) One school has asked students informally if they would friend the library or if they would like a 24 hour chat service. They don't seem interested.
  - c) At a NELLCO meeting in December, the presenters agreed that Twitter and Facebook are not of much value.
  - d) The Chronicle of Higher Education has noted that admissions offices have tried to use Facebook without much success.
  
- b. What about e-readers? Do students want advanced electronic resources classes?
  - a) One school offers an advanced electronic resources class, but it is not well-subscribed. Students are up against doctrinal and bar exam classes. The students who do take the class like it because "it's a jungle out there." They learn about books as well as their electronic counterparts.
  - b) One school offers an advanced class that introduced things like Casemaker, Fastcase and HeinOnline.
  - c) One school that requires a litigation course put together a litigation toolkit and held a "fair" where Pacer, Casemaker, Lexis CaseMap and Westlaw all had displays and delivered presentations.
  
- c. Who teaches electronic tools: vendors or lawyering skills teachers?
  - a) One school's librarians schedule sessions with the vendors on behalf of the Lawyering Skills teachers. The director of legal methods wanted training as soon as possible.
  - b) One school has an eleven-week class in the fall semester. They space electronic searching throughout the semester with one session specifically on database training and one session for each vendor at the end of the course.
  - c) One school teaches thirteen sessions in the spring semester two days a week. One day during the week consists of a lecture on a particular type of resource (cases or statutes, e.g.) with the Lexis and Westlaw representative then demonstrating how to find and use the resource on their system.

- d. How to emphasize the importance of learning research skills.
- a) One participant gave an example of an alumnus who didn't cite his cases because he said he didn't know how. The judge called the school and was told that the research class was optional.
  - b) A survey taken at one school revealed that students said they didn't get research training despite the fact that vendor representatives are around and librarians are available.
  - c) Students regard law school as a game to be played. They don't realize that they need to know research skills.
  - d) Point was made that it's up to librarians to refresh basic skills and introduce students to advanced electronic resources before they go out to their summer jobs.
  - e) One school does a "boot camp" in April. They offer it for CLE credit and get an "amazing" response. Practitioners didn't realize what resources were out there and students were impressed that practitioners came.
- e. Do we do anything to get students to understand how important the research course is?
- a) One librarian tries to get the paper topic early to integrate the research instruction with the topic. Vendor reps are good about teaching to the problem.
  - b) One librarian looks at the paper classes to see what topics are being taught and goes in with a PowerPoint and a seminar. If there's no time for a presentation, she gets the roster and e-mails students offering help.
  - c) One librarian does not lecture anymore because they are on Facebook or Google chat. Instead he has a dialog with them on their social networks during class. They do exercises and report back.
- f. Back to the question about how students use technology and what they expect.
- a) They will use Google first, then Westlaw Next, then Westlaw.
  - b) We need to teach them how to use these tools effectively, but then show them where else resources can be found.
  - c) We have to calculate the cost of time vs. the cost of the resource. The worry is that we're scaring them off by showing them freely available resources.
  - d) The real issue is teaching them to evaluate what they're looking at.
  - e) One librarian is doing a twitter project. The great fear is being annoying. The message must be of absolute importance and timely.
  - f) Twitter should be a conversation not just broadcasting.

- g) One observation: Chatting with a librarian seems weird to them. They don't want to chat with us precisely because we're part of law school. They differentiate between their personal lives and their law school lives. They do not want us to be on their social networks.
- h) Second observation: It's a moving wall. What they want from us in terms of technology changes from day to day.
- i) Final observation: For law students, it's not law unless it's on paper.

**V. THE AVAILABILITY AND USE OF TECHNOLOGY IN THE LAW SCHOOL AND IN THE CLASSROOM**

- a. Technology has improved over last decade
  - a) Better way to use technology in libraries
  - b) Libraries are using technology to improve services to users
  - c) Do we still have issues about using technology?
  - d) Do we have more software issues?
    - i. There are still technology issues, but the question is about implementation rather than the use
  
- b. Technology used in teaching legal research sources and how to improve what is being taught
  - a) Concern over the use of PowerPoint with screenshots and would like an alternative.
    - i. She likes to use live demonstrations in class.
  - b) Projecting screenshots with live demonstrations takes longer and thus you can't cover as much in class.
  - c) Requiring laptops and didn't post the assignment or reading material before class, but rather gave the assignment after the class as a review.
  - d) Mandating a review of the PowerPoint presentation before the class to allow for more in depth in-class exercises.
  - e) There was a discussion about what students pay attention to in a classroom setting and the fact that we want to engage students, not entertain them.
    - i. Infotainment has become the "in" thing to do, but the students don't engage in the material and aren't able to reproduce the lesson
  
- c. What kind of technology is needed?
  - a) Old technology needs to be replaced by new a one. It can be frustrating to prepare class projects without the technology.
  - b) Using TwinPoll.com and mind map lectures, but sometimes the length of time for the class is an issue.
  - c) Advanced research classes are during longer class sessions to allow time for exercises. The students participate in groups.

- d) It is suggested to hold workshops during the longer sessions, so there is time for a lecture, the exercise, and review. Workshops are recommended to be held in computer labs. Wireless technology works well.
  - e) Should showing how to use the library catalog be taught?
    - i. Karin said she doesn't because she expects that the student should know about catalogs.
  - f) Sometimes, with advanced courses, they invite the reps to demonstrate the product and thus the catalog is addressed that way.
  - g) Are students advanced in research? They often are not good at using a catalog because they don't have experience. Assignment forcing students to use the catalog
- d. What is the involvement of libraries/schools with the law reviews?
- a) It can be difficult to work with the law reviews and journals because the boards for each change every year so just when you start to know the students in leadership positions, they change.
  - b) Karin said her school is involved and they are pushing the law reviews and journals to go digital.
    - i. The Foreign Law Journal was the first at her school to go that route using BPress with the issues going forward.
    - ii. At some point they will work on digitizing older issues.
  - c) At Pace Law school
    - i. All three reviews/ journals have been placed on digital commons
    - ii. Using the HeinOnline scanned collection, all law reviews were placed in BP digital commons.
    - iii. Everyone is happy with the results.
    - iv. No problems with BP and support is received promptly
    - v. Library was the moving force in placing the law reviews in digital commons
  - d) Alexandria said that they attended a BPress presentation and wanted to know if anyone had a problem with that service.
  - e) Considering moving to a digital format, but the librarians need to convince the dean and the reviews before that can happen.

- e. What types of technology is used at the reference desk?
- a) Use of chat which has worked well
  - b) Pace
    - i. E-mail, phone, in-person assistance
    - ii. Determining whether the use of chat will actually be efficient
  - c) Data-keeping and polling
    - i. Experiments with “Poll Everywhere” which allows student’s questions to be incorporated into text in a PowerPoint presentation. The questions will appear as they are asked and can appear on the web.
    - ii. Pace: using clickers instead of Poll Everywhere, but they are clunky and don’t always work well. They would like something to liven things up and provide quick statistics.
    - iii. Alexandra said that “Poll Everywhere” does that and is free for up to 32 questions. It can be downloaded into a slide in a PowerPoint presentation.
    - iv. Use of Zoho to keep track of statistics for reference purposes. This can be inputted in the Office Suite.
    - v. Use of libstats for statistics for reference. They have found this to be better than Blogs. It is easy to use and very helpful.
    - vi. Use of old-fashioned hash marks on a sheet of paper. How hard it is to use libstats.
    - vii. Pace: Google Docs is used for off-desk statistics. They created a form that can be imported as a spreadsheet and manipulated to calculate statistics.
    - viii. It is important to keep track of reference questions that are answered at each librarian’s desk and not just those handled at the reference desk, so that all reference questions/answers are documented. Everyone agreed that is important to keep track of those also.
    - ix. Keep track of faculty liaison questions with a simple form noting the date, time, how long and that 90% of their questions come through the liaison
- f. Whether technology issues were handled through the library or via separate IT departments?
- a) Library was at the forefront up to 5 years ago when the law school took over that function creating an IT department. The library still handles IT issues, but now works with IT department.
  - b) At Hawaii, IT department directs technology.

- c) Karin also said that their school has an IT department which handles IT. They are working on installing Smartboards in all classrooms. The library sometimes directs technology issues, but works with IT.
  - d) IT began in the library at her school, but moved to its own department.
- g. If anyone is using ILLiad?
- a) One school said no, but they have an arrangement between the main campus library and the law library.
  - b) Karin said that they use ILL when the law review requests it. They will work with the Law Review students to make sure their requests are in a format that ILL can recognize.
  - c) Prano said they are looking to switch to ILLiad.
  - d) Karin said that Columbia went to ILLiad and they have a sharing relationship.
  - e) Swee said the faculty makes a more direct request.



## **VI. COOPERATION BETWEEN ACADEMIC, FIRM, AND COURT LIBRARIANS TO EFFECTIVELY TEACH LEGAL RESEARCH**

- a. Four points of discussion:
  - a) What is needed by the different constituencies (public/county law libraries, academic law libraries, private firm libraries, court libraries)?
  - b) How will we proceed and what formats will we use?
  - c) What kind of cooperation are we looking for / can we expect? Why are we looking for cooperation?
  - d) How can we overcome the limitations within our institutions?
  
- b. Identifying the constituencies and what services they need.
  - a) Public and county law libraries serve the lay public (including pro se litigants) and attorneys. Public librarians, who probably do not have JDs or extensive legal reference training and experience, can benefit from contact with academic and firm librarians for instruction on legal reference and how to assist patrons without giving legal advice.
  - b) Court libraries serve attorneys, judges, research staff and perhaps the public. Court librarians may or may not have JDs, but they do have hands-on experience choosing and using legal resources. They may benefit from contact with academic and firm librarians for assistance with specialized legal research.
  - c) Academic law libraries serve students, professors, staff, alums, other attorneys, the lay public and pro se litigants, non-law librarians, and other law librarians. They often teach or assist in teaching legal research to law students.
  - d) Private firm libraries primarily serve the firm's attorneys and law clerks. Academe needs feedback from the firms to adequately prepare law students and firms need to know why we teach R & W the way that we do.
  
- c. Formats for teaching (what needs to be known; how to accomplish this).
  - a) Students need to be informed that they will probably be expected to know more than Lexis and Westlaw, such as a firm's in-house products, and specialized databases such as BNA, CCH, etc. Free and low-cost alternatives to Westlaw and Lexis also need to be emphasized especially for preliminary research.
  - b) Students need to know how to apply their research skills to the kind of law they will be practicing whether it be transactional (contracts, forms, etc.), litigation, or appellate work.

- c) Students need to know that the firm librarian is an educational resource.
  - d) Teaching legal research resources and methods may involve computer labs, printed manuals and hand-outs, lectures, one-on-one tutorials and reference interviews. Librarians may also create special teaching programs for substantive or doctrinal types of law.
- d. Cooperation between academic law librarians and other law professionals.
- a) Improved teaching experience may be accomplished by inviting guest lecturers (perhaps firm librarians or alums) to teach a portion of the research classes/sessions. This will help develop an understanding between academic and firm librarians about what must be taught in the law school setting and what kind of research skills the firms need from clerks and new associates.
  - b) A panel discussion for forthcoming summer associates will often get the students' attention. The ideal panel would include a practicing attorney, a firm librarian, a judge, a recent law school grad (perhaps a judicial clerk to let students know what it is that clerks actually do). [It was pointed out that it is difficult to pull a panel of busy [i.e. overworked] professionals together.]
  - c) One goal might be to persuade law professors to put aside several fifteen minute research sessions within the doctrinal law courses. These could include short sessions with a librarian AND an attorney specializing in a particular area of the law.
  - d) If practical, have librarians from different schools teach different components of the same research class – allowing more specialized research to be taught by individuals who have a background in that area of legal research. This would also introduce a variety of teaching methods and styles. [Might this undermine the relationship between librarians and their students? Perhaps not, especially if the guest was introduced as a specialist in an area of research.]
  - e) Do a site visit to different types of law libraries (firm, public/county law library, court library).
  - f) Also, put together training programs for non-law librarians. Academic librarians can work with private bar and public/state library chapters to make sure the pro se litigants are getting what they need, while assuring that librarians are not giving legal advice. Create a union list of training opportunities.

- e. Overcoming the limitations of our institutions.  
[External and internal “fixes” have also been incorporated into the above discussion.]
- a) Within law schools, librarians still have work to do in order to become a more visible part of the teaching team.
  - b) The Carnegie report does give us leverage – legal research is a learned skill. Students cannot learn research skills by mastering the material taught in doctrinal courses.
  - c) Continue to be efficient and innovative within the model in which we are currently working
  - d) Teach students how to use research sources rather than providing lists of resources.
  - e) Let students, faculty and deans know what the firms expect (or would like to be able to expect) from summer associates and new hires.
  - f) Try to get partners to put in a call to the dean (ask your firm librarian friends if they might be able to arrange this).
  - g) Get and keep the students’ attention. Make sure they appreciate the need for good research skills when they enter the job market.
  - h) Ask graduates to name a skill that they wish they had learned in law school.

## **VII. WHAT STEPS HAVE LIBRARIES AND/OR LIBRARY DEPARTMENTS TAKEN TO COPE WITH BUDGET CUTS AND POOR FINANCIAL CONDITIONS?**

Present at the table: Two private academic law libraries, one state academic law school and one law firm library. All the libraries that were present at the round table are currently experiencing substantial budget cuts.

- a. The focus for our roundtable discussion was on collection development strategies during poor financial conditions.
  - a) The poor financial conditions are forcing the libraries to reallocate resources the best they can based on the research needs of their research community.
  - b) Due to rapid inflations of library materials during last decade, law libraries were forced to cut multiple copies whenever feasible.
    - i. Due to the impact of financial crisis, currently all multiple copies are scrutinized in depth.
    - ii. Most of the time this means that multiple copies are no longer retained in the library.
  - c) Multiple formats of the same source are no longer an option either.
    - i. E.g. Print journals will only be retained whenever an online equivalent PDF copy cannot be retrieved.
    - ii. Because the law library can no longer afford to offer both a print and online version of the same source.
    - iii. Other print items, such as loose leaf's and some treatises, are rarely collected in print when the library also holds an online equivalent to the same item.
  - d) All participants agreed that books in print are here to stay.
    - i. However, all libraries report substantial cuts.
    - ii. One way to cope with this challenge is to assist the research community in identifying alternative sources that can be located both in the library and elsewhere.
    - iii. During the financial crisis all libraries report an increase in interlibrary loan requests.
  - e) The academic libraries that were present reported that they have been forced to cancel most of their regional and state reporters. Only selective states are currently retained.

- f) One academic library reported that the library has considered cutting federal reporters in print now that the opinions are readily available in PDF in both subscription databases or via the internet.
    - i. Print American Law Reports is another source this library has considered cutting.
  - g) Only selective state and regional digest are currently collected in one academic library.
- b. How to approach professors and law firm partners with the new collection policy:
- a) When deselecting a source it may be an idea to share the price of the item with your professors or law firm partners before the final decision is made, especially when the source is routed to their office. One can also facilitate the transition by introducing alternative research tools to the researcher.
  - b) Libraries used to collect library materials “just in case” they would be useful.
    - i. This approach is, unfortunately, no longer an option.
    - ii. The financial crisis has forced libraries to rapidly shift from the traditional “*just in case model*” to the “*just in time model*,” while balancing the needs of the individual researcher.

## **VIII. WILL TEACHING LEGAL RESEARCH CHANGE IF IT BECOMES PART OF THE BAR EXAM?**

### Four main points:

- 1) What are the minimum legal research competencies for an attorney?
- 2) How can these competencies be measure in a test?
- 3) How might a bar test of legal research boost the status of legal research in the law school curriculum?
- 4) What role could AALL play in preparation for legal research on the bar or in developing a bar review preparation course for legal research?
  - a. "What are the minimum competencies for a new attorney in Legal Research?"
    - a) What does it mean to be information literate? Perhaps we need an integrated approach.
    - b) Is it possible to meet the minimum standard in one year only in a first year legal research class?
      - i. There is a difference between integrated legal research instruction and outcomes which are specific, measureable and testable on a bar exam.
      - ii. It is suggested to look at Nancy Johnson's award winning article on what first year's need to know to practice.
  - b. What do students need to know? What are the core competencies? There should be a relationship.
    - a) Has to be independent?
  - c. What form would an exam take? Essay questions? Multiple choice questions? Would there be materials to look at and questions based on the materials?
    - a) Someone suggested we look for guidance to states which already have performance tests on their bar examinations.
      - i. Multiple choice questions
      - ii. A key title such as the U.S.C.A. and ask what it is
      - iii. There must be some application involved
    - b) Questions used at U.S.C.
      - i. How would you use this case to find other cases?

- ii. How could you build your library on environmental law, including costs?
- c) We all agreed that these skills would be difficult to test on a bar exam.
- d) Some strategies mentioned:
  - i. Begin with a research project and base the following on a situation:
    1. multiple choice questions
    2. checking authorities
    3. updating authorities
    4. checking currency of authorities
    5. There could be one scenario followed by a variety of questions
- d. At this point discussion moved to consideration of when there might actually be a test of legal research knowledge on the bar.
  - a) We thought it might be some time before this is accomplished.
- e. Whether questions would be generic state questions or set in a particular state or a created state?
  - a) There might be references to the state's highest court rather than the Supreme Court.
- f. Training programs.
  - a) A suggestion that having legal research on the bar could be very helpful.
  - b) It might force schools to consider legal research more seriously.
- g. Why don't schools get more time for required class?
- h. Does it matter who teaches research as long as it is done well?
  - a) To teach a one credit class or teach several short classes which might lead to a certificate program
  - b) Many law schools have skills courses or curricula which require that students take skills courses or accumulate skills credits from a menu of skills classes
  - c) A suggestion that faculty thinks research is covered somewhere
  - d) A suggestion that faculty is more concerned about legal writing because they see bad writing, but they don't see bad research
  - e) A suggestion that it would help if we had data about legal research
  - f) West White Papers, done a few years ago, are a source of this type of information.

- g) OU does a survey of 2d and 3d years at the beginning of each year to learn what type of legal research resources students used in their summer jobs.
  - h) 1L are shown the following:
    - i. Result of the summer survey of 2Ls and 3Ls
    - ii. White paper information
    - iii. ABA Tech Survey information
  - i) A suggestion that in 1L the concentration should be on case law research, but add classes on statutory and administrative research in the second or third year
  - j) Prepare to Practice classes as examples of useful exercises for students before leaving law school
  - k) LLAGNYs programs which are a joint venture of law firm and law school librarians
  - l) A suggestion that resources are the issue
    - i. Librarians should try to do the best job possible without resources or others would be brought in, but might not do as good a job
  - m) Discussion back to what minimum skills students need
- i. Self-help tools, such as CALI tutorials.
- a) Discussion of a role for AALL in this issue.
    - i. There should be a Task Force to study the question of finding a proper role for AALL
    - ii. It might be a profit making venture for AALL to set up legal research instruction programs as bar prep courses



## **IX. DEVELOPING, DRAFTING AND APPLICATION OF COMPLEX RESEARCH EXERCISES**

- a. Problems with sharing assignment with writing faculty
  - a) When someone other than the person teaching the research vets the problem there are numerous problems.
  - b) At some schools, the librarians are now offering to actually do the grading on the research portions and this makes for a richer learning experience for students and writing faculty.
  - c) If writing faculty or school are unwilling to share, librarians can always offer a “one good case” to at least have the writing faculty begin with (so all students will pretty much start with the same advantage).
  
- b. Assessment
  - a) Grading rubric (tell students what is expected in advance)
  - b) Can then copy and paste feedback from Word
  - c) Can share this rubric with writing faculty and incorporate it into one document
  - d) Students want research to be graded (feedback has shown this in some schools)
  - e) Students will take research more seriously if graded.
  - f) Standard research log is too “free-flowing.” One may have a guided research log: e.g.: Fill in the key numbers you found, summarize what you found in the annotated statute, etc. This may show mastery of skills better than a stream-of-consciousness research log.
  
- c. Ideas for making problems more complex
  - a) Treasure hunts are good follow-ups, but what is the next step after the treasure hunt?
    - i. Some use pathfinders as an assignment, but it doesn’t often show HOW students found what they did.
    - ii. A number of projects that are progressively more difficult where students have to make the jump as to what to do with the info they found. What would they tell the attorney/client? What would be the next step?
    - iii. Having class participation count.

- iv. Small assignments with more challenging issues like “find the standard for greenhouse emissions” and other things designed for discrete, short-answer problems that get them looking at administrative rules, practice guide, and forms.
  - v. The most successful exercises hit everything – not necessarily all in one exercise, but graduated and building on the one before.
  - vi. Suggestions of showing videos to show client interview and then have students take notes from there rather than from a written problem.
  - vii. Figure out in advance if there are “rabbit holes” so you can tell students to ignore certain things from the beginning. This will lessen student frustration.
- b) Somehow integrating each lesson with the next and having the skills from the first carry over to the next rather than each lesson or treasure hunt being an isolated skill.
- c) Encourage ex-students to try writing the problems for the next class of students. Vet the problems, but give them the chance to practice their skills once the class ends.
- d) Have students practice “billing” when they do their assignments.
- i. Show transaction costs/pricing guides
  - ii. Give them billing/time limits; if they go over the allotted time they have to see the instructor
  - iii. Show low-cost/free resources and encourage them to use these as well.
  - iv. Train students that being obsessive will lose money for the firm.
- e) Discussion of how complex to actually make the problem. Should it have a discrete answer? Some participants feel that maybe pulling a problem from a circuit split and having students figure out how to research this is more “real life” than vetting something that will have a particular answer. Others feel that circuit split is not a good idea. A good problem (to show research) is one that starts at the bottom level and students can logically follow it up through the courts to the highest court.
- f) If it’s a problem with varied answers it would keep students from “cheating” on the research log (and keep us aware of the students who do).

- g) Discussion of administrative law as the most difficult area to teach and often is not written into the 1L problems (or even advanced problems).
  - i. No good solution/idea for this one came up at the roundtable.
- h) Discussion on where to find good research problems (recent, real life ones may have more appeal).
  - i. Law review articles/notes
  - ii. Current awareness tools (some noted that these tools may give issues that are too complex because too much case law will be framing the issue with too many variants rather than having the issue nested in a statute with cases analyzing and interpreting the statute).
  - iii. From attorneys in the area (“practitioner council” groups that keep librarians abreast of current events in the law).
  - iv. Newsworthy issues where the facts are changed up a bit.
  - v. Even can be something truly “real world” like something from Legal Services or another agency so students can actually be doing something helpful in their research. This may engage ALR students.
- d. Ideas for sharing information and lessons amongst AALL teaching librarians
  - a) Coordination can be problematic amongst schools
  - b) Use of listserv
  - c) Better use of AALL “Sourcebook”
  - d) Perhaps a new “push” to get instructors to post lessons and ideas (and share them).