I. Teaching Introductory Legal Research Roundtable

**Moderator:** Michael T. Davis, Georgia State University College of Law Library

**Notetaker:** Pamela D. Burdett, Stetson University College of Law Library

Moderator posed the question: *What is the appropriate time for Westlaw/Lexis training and what sort of access should we provide?*

- Beginning of the semester.
- Difficult to get students to use print after they have online access
- What will they use in practice—law firms demanding expertise.
- Had four years of law firm experience recently, now at university and books put less pressure on students. Law firms need efficient researchers.

What books are used?

- Heavily used print collection.
- Hard to convince students to use print.
- Used the hurricane threat of not having power, so relied upon books.

- Boot camp—Westlaw/Lexis—Real life examples of research problems. Legislative history pre-1990—so not on computer. Wexis don’t realize information presented is important.

- Used a Real World panel in R&W II (second semester) where we have a judge, law librarian, experience attorney and recent grad and/or new associate to explain the ‘real world experience’.

- Would it be a good idea to limit access to computers?

- Not much case law in this state so rely more on books.
MODERATOR — General discussion –*Is this bad for the profession of law to have students not adequately trained as good researchers?*

- Must push cost effective research for our students.
- Students are worried about getting hired, grading and the effect it has employers.
- Getting a buy-in for legal research.
- Teaching legal research later—2nd or 3rd year.
- Incorporating LRI in clinic classes
- Bold of us to think that all that stuff we teach ‘sticks’ with students. Repetitive stuff works.
- Teachable moments are critical.

Moderator: *What type of courses do we all have?*

- Legal bibliography taught by librarians. Writing courses taught by faculty. Advanced Legal Research classes.
- No required research instruction.
- Optional now...coming later for first year.
- Legal skill and values---frequently new professors-- Library may be invisible to them.
- Formal Legal Research & Writing program---but very little research. Taught by librarians.
- One class —six weeks long, librarian taught. Westlaw/Lexis mandatory.
- Mandatory course, taught by librarians.
- One full year—team taught with librarians.
- Required 1 credit Advanced Legal Research class.
- One year Legal Research. Librarians teach research for five weeks.
- Provisional Accreditation now—quarter system. Instructors are tenure-track. Librarians have been invited to teach. Advanced Legal Research.
- Formal one year program. Graded course. Librarians do webcast for research portion of class—about 6 or 7 weeks. Advanced Legal Research class—not required.
- Planning a ‘certificate’ program—different modules to earn a certificate. Would like to have real credit....

*How to teach legal research?*

- Research projects that mean something?
- Pro Bono requirements—tie into their work . What do lawyers REALLY do? Children of lawyers probably have some idea—others have that TV image of lawyers.
• Director talked about using Google to find something. Print is sometimes a better choice than online.
• Survey of librarians at firms and academics to find out what works best.
• Academic skills—students have trouble organizing information.
• Librarians concerned about ‘right way’…‘one way’ to do something. Bigger concepts?
• Advanced Legal Research is a graded 1 credit course. Five teaching librarians. Students need to learn what is the right way to learn for their learning styles.

**What is relevant?**

• Two credit Advanced Legal Research class. Legal Writing—written product produced. Worked very well—very supportive legal writing faculty.

• Perhaps better to teach legal research later on—when students realize how important it really is.

• Students teach each other---share information.

• Research in context is better. Using Family Medical Leave Act problem—tied in with course work.

Back to Moderator’s original question: *When is the best time to teach Westlaw and Lexis?*

• Blend online and print from the beginning….
II. ‘To Text or Not to Text’ Roundtable

**Moderator**: Joe Gerken, Buffalo Law Library

**Notetaker**: Amy Tomaszewski, University of Illinois College of Law

**Moderator suggested three questions to discuss:**

1. **What Legal Research text?**
2. **Why use a text for Legal Research?**
3. **How should one use a text in teaching Legal Research?**

**Why NOT use a textbook?**

- Students complain about having an extraneous textbook to purchase
- Using a law-library created text versus one from a mainstream publisher allows the law library to focus on local state law
- Students don’t really learn from *reading* the textbook
- Students often don’t bother to read the text; instead they skip right to the assigned exercises

**Why use a text?**

- Good to use as a reference for students, now and in the future

**Preferred Texts**

- The key is to chose something that the students will refer to later
- There is a lack of texts that keep up with Online Research (texts are still teaching print digests)
- Armstrong, *Where the Law Is*
  - Small, so less intimidating to students
- Kunz, *The Process of Legal Research*
  - A favorite
- Sloan, *Basic Legal Research*
  - A favorite, although the exercises seem dated

**Other useful teaching tools**

- CALI
Generally considered to be effective, especially the digest and statute lessons. Avoid the administrative law lesson.

Best if assigned before covering in class

- Westlaw, *Winning Research Skills* (online)
  - Online research chapter is helpful (“Basics of Westlaw Searching”?)

- Use other schools’ Research Guides and Pathfinders as possible assignments (example: Georgetown University has great ones)

- Have Westlaw/Lexis reps teach about the transaction costs involved. (usually in Advanced Legal Research courses)

**Is there a good text focusing on research strategy?** Not really. Schools use:

- A Research Project with charts to organize research strategy (Southern Cal)
- A Template that helps students define the Subject and Area of Law a question falls in (UFlorida)
- A Book review of LR texts (Stanford). General complaints: too dated (i.e., no mention of blogs, etc.)

**Legal Research at various law schools:**

- Most 1L Legal Research classes are graded.
- Generally, regular professors do not teach legal research skills in their substantive course classroom, although they sometimes arrange tutorials by a librarian during class period.
- University of Arizona offers a L.R. Bootcamp for 2&3Ls; they do not use a text

**Having students evaluate Sources**

- Usually occurs in Advanced Legal Research (Illinois) classes or as a Final Project (Southern Cal)
- Christopher at Florida does this: one problem/one hour. One group uses only primary sources; another uses only secondary sources to solve the problem. He times the groups and the speed at which they arrive at an answer (those using secondary sources generally win).
- Unanswered question: how to expose students to looseleaf services? Casemaker? PACER?
- Firm Attorneys still prefer books for research
III. Effectively Integrating Legal Research Instruction with Legal Writing

**Moderator:** Aslihan Bulut, Columbia Law Library

**Notetaker:** David Dames, Hofstra Law School

*Who has an integrated and synchronized program?*

**Range of responses:**

- Integrated and synchronized legal research and writing program, with research taught by librarians
- There is an integrated program, but the pairing of research and writing programs is done informally.
- Librarians teach research, but have little control over the assignments, which are chosen by the legal writing instructors and can be very esoteric.
- Librarians do not teach research, but they know the assignments in advance.
- Librarians do not teach research, and receive varying levels of input from different legal writing instructors.
- 2 and 3L’s teach legal research. Some of them are in this position because they are good writers rather than researchers, but this means that they do ask for help from the librarians.

**Division of time:**

It is more common for schools to only teach the legal research portion of their program in the fall. Librarians without a full-year program expressed a desire for one. Some cited a graded, full-year program with 2 credits for writing and 2 for research as an example of a good structure.

**Lexis/Westlaw: How are Lexis and Westlaw taught?**

- By vendors, with librarian input. Vendors want to be able to get to the students, so the librarians work with the vendors on their script. They have 50 minutes each, and a librarian will sit in the class and ask questions. The classes then discuss the differences between the systems, etc.
- By librarians, because it becomes too hard to tell the vendors what to teach.
- Consensus: This decision can largely be based on who your vendor representatives are.
Problems:

- Librarians without integrated programs receive the legal writing problems too late.
  o Answer: This and many other problems can be solved by better communication, which can involve lots of work by librarians.
- Legal Writing Director insists on separate research and writing topics, which causes students to not take the research topics seriously.
  o Suggested answers:
    ▪ With similar topics, students would be forced to pay attention to research instruction to be able to do well on their writing assignments. The skills would transfer and the final product would become better.
    ▪ Because students are novices, they will do research looking for situations with similar facts. If the topics must be separate, then use a research topic with a similar process, even if it is not factually similar.
- Why is there tension between legal writing instructors and librarians? Do the writing instructors actually want to teach research?
  o Answers:
    ▪ Sometimes legal writing instructors are practicing attorneys who are taking time off to teach. They can be distrustful of having career academics teach practical skills.
    ▪ About ten years ago, legal writing was seen as an educational problem. Time and money was thrown at it, and research instruction suffered, causing this tension.
- Writing instructors don’t know enough about teaching research.
  o Caveat: some do, but it’s not universal, and those who do don’t keep up with advancements.
  o On their own, they can craft esoteric problems that won’t help the students build broad research skills.
- There is no Advanced Legal Research class
  o Answer: Try it as a temporary class. At the West town hall (July 12), it was mentioned that a library director got firm partners and the school’s dean together to stress to the school the importance of learning legal research, and that improved the schools research curriculum. However, changing the curriculum is often easier said than done.
IV. Role of Information Literacy in Teaching Legal Research

**Moderator:** Molly Brownfield, Duke Law Library

**Notetaker:** Shawn G. Nevers, Howard W. Hunter Law Library

**Concerns**

- Law has not developed discipline-specific standards to measure information literacy
- It is assumed that students have a certain level of information literacy, but we really don’t know what that level is
- There is little measurable data regarding information literacy in law schools
- Information literacy is on the periphery of legal education and even law librarianship – it needs a more prominent role
- Students think that they are information literate when they really are not
- Technology has made things so simple for us, that it is difficult for law students to see the structure of the law and they haven’t learned to think critically
- Being tech savvy does not equal being information literate, but students think it does

**Information Literacy Standards**

- We need to begin articulating information literacy standards
  - What is an information literate student? Lawyer? Judge?
- Other disciplines have looked at ACRL standards and applied them – law should do the same
- Standards will provide a foundation on which information literacy can be improved
- Suggestion was made that an AALL or ALL-SIS task force or committee on information literacy should be formed

**Problems with Information Literacy in Law School**

- Research in law school doesn’t require thinking and evaluating because it is often mediated
- Librarians aren’t as involved as they should be in teaching legal research
  - Advanced legal research not required at most schools
- We do not have as much access to students as we need and students are more guarded with their time
  - We shouldn’t let vendors take teaching time away from us
- Most students think of the library as a study hall with books in it
- Digest system is in danger of going away – if it does will students be able to understand the structure of the law?
  - Digest system is online, but not very visible in Westlaw
• Students have a difficult time differentiating between sources in an online environment
• Many students are not familiar with traditional finding aids, such as indexes, anymore
• Curriculum committees and Deans aren’t great supporters of legal research and won’t be until there are numbers to show them its importance
  o Legal research component to the bar exam would push legal research up on the priority list
• There are structural problems with legal curriculum
  o Students aren’t graduating with practical experience

**Solutions to Information Literacy Problems in Law School**

• Develop information literacy standards
• Need to build an evaluative framework of information literacy into a research classes or substantive classes
• Can’t just talk about information literacy as information literacy because it can be seen as an insulting term
• We need to be creative in the ways in which we show students how to be information literate
• Information literacy needs to be taught wherever it can
• Need to show information literacy skills in every interaction with students and faculty
• Need more quantitative studies on research skills
• Call for larger curriculum reform
  o More practical, less lecture and exam

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V. Teaching Research to Foreign and LLM Students

Moderator: Wanita Scroggs, Stetson Law Library

Notetaker: Laura Cadra, Loyola of Los Angeles Law Library

Participants:

Mary Clayton (University of Oregon)
Amy Frick (Emory)
Cindy Landau (Franklin Pierce)
Julie Norton (Marquette)
Cynthia Pittson (Pace)
Carla Pritchett (Tulane)
Barbara Traub (St. John’s University)
I-Wei Wang (UC Berkeley)
Regina Watson (Hamline University)

Discussion:

Each of the participants described the legal research program for foreign and LLM students at their institutions.

Course Structure:

Programs varied from participation in orientation to one-shot teaching opportunities to full-semester classes. One institution has a structured orientation for LLMs which includes an introduction to US law.

All of the participants agreed that the LLM students are highly motivated. Several participants mentioned that meeting with the students individually is a great way to uncover their interests.

Curriculum:

The usual print vs. online discussion was held. Some integrate online sources into their lectures; some prefer to show the print first to fix the resource in their minds; some teach online sources only.

Most instructors stress free legal resources on the internet as some students will not have access to print libraries or to Westlaw and Lexis once they return to their home countries. The free sources are generally very popular with the students. Evaluation of internet resources should be taught. It was noted that internet filtering in some countries prevents even the free sites from being accessed.
Many LLMs, particularly those from South America, are practicing attorneys who are sent by their firms to get an American law degree. They are interested in practical business materials.

**Text books:**
Some programs create their own materials; some use the Nutshell on Legal Research; some use Legal Research, Writing, and Reasoning for Foreign Students (it was noted that the 2\textsuperscript{nd} edition is greatly improved over the first edition).

**Relationships with students:**
The participants stated that they developed good relationships with their LLM students and discussed that the students often look to them as resources beyond legal research for such things as travel within the U.S. and support during graduation.

**Other Considerations:**

**Language issues:**
Several participants noted that some LLM students are not fluent in English. English language proficiency seems to be increasing since the TOEFL has added a speaking component. One person noted that speaking English is not as critical as reading comprehension. One school offers a special English language program for LLMs.

**Cultural considerations:**
It is difficult to have US and foreign students in the same class because of differing levels of knowledge of legal research. Some LLMs are hesitant to ask for clarification/assistance. It is important to keep in mind that LLMs already have their law degrees in their own countries; instructors should not talk down to them.

**Copyright/academic honesty concerns:**
Some students, particularly Asian students, do not come from cultures with the same understanding of copyright as American students. Most instructors address this issue upfront in their classes, discussing the necessity to cite to sources and to state things in your own words. Some students do not fully understand, however, until they receive feedback on the work they submit.

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Do you cover same material as 1L? What are general areas do you cover? Just a repeat of 1st year?

- 1L is canned, limited, need to repeat it. And people who sign up for ALR want to be successful in their job. So start with legal problems and they will be motivated to learn how to solve them.

- Even the basics on how to determine whether to accept a case. Students needed a Westlaw/Lexis refresher and a refresher on everything else by the time they are 2L/3L because Legal Methods in 1L was a lot of information to absorb and it did not stick.

- They need to know why a nice treatise would be helpful. Most students don’t get summer associate positions during that 1L summer either so they need this review.

- In 1L program, design problems so students will succeed. And in ALR design to not succeed. Students complain but they like it.

- Use real legal problems that you do not know the answer to. From real attorneys in the real world who are willing to share with you a problem they are working on. It is more sophisticated. About educating the students as to what resources exist.

- Avoid 1L content. Tax, land transactions, things they don’t know about until they take 2L/3L classes. Want them to get used to giving answers that could go either way and have to explain to a client the pluses and minuses.

- Charged with burglary for home under construction. Can’t find exact case so how do you find the general rule?

Is there a trend away from general ALR courses toward ALR courses on specialized topics?

- General ALR in spring – 2 credits. Plus one specialized ALR class in foreign/international law and another ALR class where students give input on how to tailor the syllabus – which things they want to spend more time on.
• Losing steam for general ALR, so looked to schools which were starting to move toward specialized classes for ideas.

• Raised California Legal Research to 2 units from 1 unit. Students still complain that it is too much work for 2 units. Trade off is that it is important but a lot of work. International legal research class is still a lot of work for 1 unit.

How do specialized research classes work?

• Legislative and administrative law is required at one school so they wanted to add an optional specialized legislative and administrative research class too. Still deciding on several aspects, such as whether to do 5 assignments and a test, whether to do graded or ungraded assignments, and whether to use a text book.

• Have 4 one credit classes. 4 people are each teaching one. One will start in the 1st half of spring and one in the 2nd half of spring. They will not be duplicative.

• Environmental legal research is taught in summer for Masters in Environmental Law students. International law has plenty of interest.

Ideas for final exam or project:

• Final in ALR is easy: 2 lists. One is a list of resources and one is a list of what to find in particular resources. Match the 2 lists. Open book.

• Co-taught 2 credit class with the final grade a pathfinder. Had to grade some that were 15 pages and some 60 pages. No template so there were some better grades on the 17 pages than the 70 pages. People think must add a section on regulations to get points even if no regulations are on topic.

• Make a pathfinder for new attorneys in your firm on how to get started on a legal research project of your choice. Page limit. Write it to an attorney who will not want to read a lot. Or presentation to junior attorney on how to get started on a project. Lots of students chose presentations. They ranged from bringing in a library book, to showing an agency website, to this is a good case - Shepardize it.

• Currently brainstorming assignments in lieu of pathfinders. Maybe give them a budget to pick resources. Pathfinders not helpful to students.

Assignment ideas
• Six exercises total for the semester. Some of them include secondary sources; hypothetical scenarios but no direction, must play act as an attorney and take notes on the assignment; putting together a Westlaw/Lexis contract and deciding whether to recuperate costs from clients.

• Give students a regulation open for comment and have them draft a response to it. Find the information you need to know to respond to it.

Kinds of in-class assignments?

• In-class assignment idea: create a research plan/log. Give a hypothetical client situation and students create a research path.

• Looseleaf class. First half of class lecture, second half of class resource problems. CCH in print is more helpful. Need to create 10-15 examples in order to make books go around. Make sure the exercise is well tailored so it can be done in 20 minutes. For example, use this looseleaf to answer this specific question.

• Take home is more open. Not directed to the source.

• Municipal law – online. Law in NYC prevents you from owning a ferret, find it.

Teach/use online resources? Print resources?

• Have reps come in to explain cost-effective searching. Explain that these prices are retail and no one pays retail except that you might pass on retail prices to your clients. Give a budget and combine time and database charges to do research within a budget.

• Have reps come in to talk about cost-effective searching. Students are surprised at the cost.

• Another experience: Only 1Ls are shocked at price for searches. The ALR students are savvier.

• Librarians teach Westlaw/Lexis tailored for the advanced researcher.

• Only use online for a few classes.

• Came from the tech table where most people use technology. Moving away from power point to just live internet the whole time. Because if you show a slide and say what is on the slide, people use 90 % of their mental capacity comparing your spoken words to your written words.
• Show examples of scanned print sources in power point.

• Students today are more willing to recognize that books are useful than students a few years ago. Computers are just there, tons of available information is just a part of their lives. But books that synthesize things are valuable.

• Look at case reporter in print. And same on Westlaw/Lexis. How are they organized? What are the features? Same with annotated code, same with practice guides. Stand up in class and describe to everyone what they found.

**Does anyone have original ideas for classes or problems that worked really well?**

Had a senior partner come in to talk about environmental research, spoke about billing and about working with departments like environmental management.

Had law firm librarians come in to teach law firm knowledge base.

Teaching looseleafs is great for tying together administrative law – administrative decisions, statutes, cases, etc.

Administrative law class – will divide class into 4 groups. One group OSHA, one EPA, etc. and cover from proposed regulations through everything.

Start with secured land transaction problem and follow it through the entire semester.

Problem with team teaching is that it is more difficult to follow a theme.


Is anyone teaching PACER and court documents? One is planning to do so.

Try to get day pass for court link. People do research now by docket. And by SEC filings by known firm (e.g., Arnold and Porter)

Class on making phone calls. Proposed regulations phone number. Court clerk in obscure county.

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VII. Effectively Integrating Technology into the Legal Research Curriculum

**Moderator:** Wanita Scroggs, Stetson University Law Library

**Notetaker:** Marjorie E. Crawford, Rutgers Law Library

An informal survey of law schools represented at the Roundtable indicated that teachers are integrating a variety of technology tools into the Legal Research (LR) Curriculum.

**Class Formats:**
- Class formats vary from individual to large group sessions.
- Levels of instruction being taught include basic, intermediate, advanced, and specialized.
- One participant noted that the advanced level is really an intermediate course at her school.
- Whitney Curtis (Stetson University College of Law) discussed an advanced online course that she had taught. Students were given the option to listen only to the presentations.
- One school offers a one day intermediate course, which focuses upon legislative history.
- Specialized courses in environmental law, international law, and Native American law are being taught at Stacey Gordon’s school—the University of Montana School of Law. These are certificate (one-credit) courses.
- Most schools are teaching courses in-house, but a few offer online courses.
- ALR (American Law Reports) Course is being taught online as a separate course.
- Length of LR courses varies from one day to two semesters.

**Technologies Used:**
- Accordion is being used to add and edit the script of videocasts. One school reported the editing function is simple to use at the end of a videocast, but it is difficult to use in the middle of the videocast.
- Blackboard is being used for the same purposes described below in TWEN (The West Education Network).
- Blogs are useful only if entries are made daily. Students like to read Blogs, but they are reluctant to add comments.
- CALI (Center for Computer-Assisted Legal Instruction) lessons are being integrated into the LR curriculum. Some of the lessons mentioned by participants include exercises on plagiarism, cost-effective legal research, and searching strategies. Additionally, several participants are using the course calendar, the InstaPoll, the quizzes as well as the videos from the CALI suite of tools.
- Camtasia is being used to make video presentations.
- Chat: Whitney has taught an advanced course using chat software.
Clicker Technologies are being used by some instructors as a tool to evaluate and measure if learning objectives have been achieved. Polling systems in use include the “i>clicker” System and the InstaPoll functionality in CALI as well as TWEN. Whitney’s school has purchased 50 clickers for use by LRW (Legal Research & Writing), the doctrinal, and clinical faculty members. According to Whitney, the law school faculty members enjoyed using the i>clicker System for questions that spanned from the lowest to the highest level. At several schools, the clicker sales / rentals are managed through the campus bookstore, just like textbooks. The i>clicker software is independent and not tied to any presentation software. TurningPoint Technologies, classroom response system, was discussed by the group. This system was demonstrated at the 2008 CALI Conference, and it is tied to PowerPoint.

Customized LRW Program Web Pages are being used by some schools.

Facebook and MySpace: An informal survey of participants at the roundtable revealed that seven schools have established Facebook pages for courses.

Instructor’s Web Page is being used in conjunction with TWEN to provide students with access to content in some LRW programs.

Podcasts: Whitney is planning to integrate podcast technology into her lectures on secondary sources, in order to facilitate a student taking the workbook and the podcast to the stacks.

TWEN: Participants agreed that TWEN is flexible and easy to use. The functionality being used includes the forums, the InstaPoll, and the course calendar. The new enhancements in TWEN include a Quote feature, which has been added to the online discussion forum.

Webcasts are being made by librarians for the LRW classes.

Wikis are being used in a variety of ways, such as:
  o Teaching secondary sources
  o Boot camp training classes
  o Collaborative assignments
  o Tracking usage and edits
  o Final class project pathfinder
  o Summarizing course for summer associates

Amy Wright’s school (University of San Francisco School of Law) is using PB Wiki, and has found it easy to use.

YouTube is being used to make videos.

Textbook Material:
  • Textbook has been published on international law legal research by Lexis.
  • West Nutshell series now includes international law legal research.

Course Grade Includes:
  • CALI participation
  • TWEN participation
  • Exam questions on cost-effective legal research
Content from Webcasts

Challenges to Effective Instruction:

- Participants voiced concerns regarding the use of social networking sites such as MySpace and Facebook as a teaching tool, because of user privacy issues.
- Net Op Broadcasting Software: One school was unsuccessful in using Net Op to demonstrate Westlaw and Lexis. The instructor was unable to access the Internet, after taking over the computers of the students.
- At one school, a software trainer is being used in LRW to teach students how to create Web pages and other assignments as opposed to the librarians.
- Students think that they know a lot about technology, but in reality they do not know how to use it efficiently. For example, students do not know how to use bloglines or aggregators.
- Several librarians pointed out that the teaching methodology must be changed every ten minutes in LR classes, because of the short attention span of students.
- Some schools are experiencing a conflict in responsibilities performed by the librarians and the IT staff.
- Lack of textbook material for specialized LR courses such as environmental law and Native American law is a problem.
- Configuration of instruction technology is different in each classroom at some schools.
- Chat functionality in TWEN does not work, and it is a distraction to students.
- Computer Laboratory has been relocated to the reading room of the law library at one school.
- Outside software vendor is used to train LRW students how to create Google Web pages and other assignments.
- Teaching Lexis and Westlaw varies from school to school. Vendor representatives are used at some schools, while others use the librarians to teach these databases.
- Staffing model for LRW programs varies from school to school. One participant, who teaches in a program that uses the librarian and adjunct faculty model, noted that the adjuncts have complained that the focus of the lectures given by the librarians is too broad in the LRW program at her school. The adjuncts would like the librarians to narrow their focus.

Other:

- One librarian is using a resource sheet from a law firm to teach cost-effective and quality research strategies to students.