

**REPORT AND RECOMMENDATIONS OF THE
LEGAL RESEARCH COMPETENCY SPECIAL COMMITTEE**

June 9, 2016

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SUMMARY OF RECOMMENDATIONS

The *AALL Principles and Standards for Legal Research Competency* has not yet reached a sustaining level of integration within the legal research competency paradigm and without continued promotion and education it is unlikely to achieve its full potential.

1. The Executive Board is asked to approve this Final Report and consider the creation of appropriate mechanisms to implement the Essential Ongoing Activities enumerated in Part IV. that will continue advocating for improved legal research competency and for the recognition of the *Principles and Standards for Legal Research Competency* as the gold standard within the legal community.
2. The AALL Executive Board is asked to adopt a policy of Periodic Review for the evaluation and revision of the *Principles and Standards for Legal Research Competency* on a five year timetable to maintain currency and relevance, and to preserve its stability as the gold standard for research.

I. LEGAL RESEARCH COMPETENCIES – A BRIEF HISTORY

Since 2010, the AALL membership and its Executive Board have consistently supported the development of a compendium of legal research competencies and vigorously advocated for its widespread adoption and recognition throughout the legal community. This process has involved countless stakeholders working through three AALL Task Forces and one Special Committee over the course of the past six years.

2010-2011 Law Student Research Competency Standards Task Force:

The first of three Task Forces was appointed by AALL President Catherine Lemann in July 2010 in response to a groundswell of support for the development of legal research competencies for law students. The Task Force was charged with reviewing and revising draft standards presented to the Board by a self-formed group of AALL members and to make recommendations regarding adoption of research competency standards. (Task Force Charge: <http://www.aallnet.org/Archived/Leadership-Governance/committees/Past-Committees/res-stds.html>). The Task Force Report to the Executive Board dated March 29-30, 2011 recommended the adoption of five *Law Student Research Competency Principles*, the drafting of standards to accompany the *Principles*, and outlined a marketing strategy to raise awareness of the *Principles* (TF Report: [• • •
1](http://www.aallnet.org/mm/Leadership-</p></div><div data-bbox=)

<http://www.aallnet.org/mm/Leadership-Governance/committee/cmte-final-reports/2010-2011/law-stu-tf.pdf>). The *Principles* were adopted by the Executive Board at its March 2011 meeting (Executive Board Minutes, Tab 14 <http://www.aallnet.org/mm/Leadership-Governance/executiveboard/meetings/boardbooks/2011/20110325mins.pdf.aspx>).

2011-2012 Law Student Research Competencies Task Force:

The second Task Force was appointed by AALL President Joyce Manna Janto in 2011 to develop measurable competencies for legal research based on the five *Principles* approved in March 2011 (http://www.aallnet.org/assn/Committees.aspx?code=COM_LAWCOMPS). Their Report to the Executive Board in July 2012 incorporated sets of *Knowledge and Skills* to accompany the five *Principles* and recommended that the Board “set up appropriate mechanisms to share its contents with the membership and with interested outside parties.” Thus, the recommended *Legal Research Competencies and Standards for Law Student Information Literacy* were adopted by the Executive Board in July 2012. (See <http://www.aallnet.org/Archived/Leadership-Governance/policies/PublicPolicies/policy-lawstu.html>)

2012-2014 Promoting the AALL Legal Research Principles, Competencies and Standards for Law Student Information Literacy Task Force:

The third and final Task Force, appointed for a two-year term by AALL President Jean Wenger in July 2012, was charged with establishing the *Principles and Standards* as the “gold standard” of research competency within AALL and for the legal community (<http://www.aallnet.org/Archived/Leadership-Governance/committees/Past-Committees/principlesstandards.html>). At the conclusion of its first year, the June 2013 Task Force Report spelled out its Charges, listed the work of the Task Force and, in accordance with Charge #5, presented a revision of the *Principles, Standards and Competencies* that broadened its “target audience to reflect the many audiences within the legal community.” (See <http://www.aallnet.org/main-menu/Leadership-Governance/committee/cmte-final-reports/2012-2013/lawstudentinfotf.pdf>) This resulted in the July 2013 adoption of the *Principles and Standards for Legal Research Competency* (PSLRC), which remains the current policy today. In its final report to the Executive Board in July 2014, the Task Force recommended and the Board approved the establishment of a Special Committee to continue implementing strategies to promote the PSLRC and to establish a process for periodic review of the policy (See Board Report at Tab 14 <http://www.aallnet.org/mm/Leadership-Governance/executiveboard/meetings/boardbooks/2014/20140710.pdf>).

2014-2016 Legal Research Competency Special Committee:

The Special Committee was created by AAL President Holly Riccio for a two-year term beginning in July 2014 with five members, plus two ex officio members consisting of the AALL representatives to NALP and the ABA Section of Legal Education and Admissions to the Bar. (<http://www.aallnet.org/mm/Leadership-Governance/committee/activecmtes/lrcsc.html>) The Special Committee submitted an Action Plan to the Board in March 2015 (<http://www.aallnet.org/mm/Leadership-Governance/committee/actionplancmtes/2014-2015/Legal-Research-Competency-Special-Committee.pdf>), an Annual Report to the Board in August 2015 (<http://www.aallnet.org/mm/Leadership-Governance/committee/cmte-annual-reports/2014-2015/Legal-Research-Competency-Special-Committee.pdf>) and this Final Report in June 2016, which summarizes the activities of the Special Committee during its two-year term and makes recommendations for further action.

II. LEGAL RESEARCH COMPETENCY SPECIAL COMMITTEE CHARGE

Formation of the Legal Research Competency Special Committee was approved by the AALL Executive Board at its July 2014 meeting. Special Committee members were appointed to a two-year term with the following charge:

CHARGE:

1. Finalize the recommendations for the implementation plan to establish the PSLRC as the "gold standard" within AALL and for the legal community which will include a plan to operationalize at Headquarters many of the activities;
2. Continue to develop and implement training and best practices for all stakeholders and especially AALL members to share the PSLRC to their institutions and other stakeholders;
3. Continue to develop and implement strategies, including educational tools and best practices, to promote the "gold standard" to targeted external audiences and at the most appropriate venues;
4. Establish a process and timeline for periodic review and possible revision of the PSLRC. The Board approved the PSLRC in July 2013.

III. WORK OF THE SPECIAL COMMITTEE

The work of the Special Committee described below builds upon and extends the significant actions undertaken by its predecessor Task Forces. In its own unique way, each of the three Task Forces paved a path for subsequent accomplishments to come to fruition in later years. For their extraordinary efforts and dedication to this initiative, we extend a heartfelt thanks to our predecessor Task Force members.

Charge #1: Implementation plan to establish the PSLRC as the “gold standard” to include a plan to operationalize at Headquarters many of the activities

Survey: In September 2014, the LRC Special Committee surveyed AALL members via several forums about awareness and use of the AALL *Principles and Standards for Legal Research Competency* (PSLRC). Of the 136 respondents, 118 are familiar with the AALL *Principles & Standards for Legal Research Competency* and sixty-five respondents reported that they incorporate aspects of the Principles & Standards into their teaching, training, CLEs, or other instructional programming. Of those sixty-five, twenty-one respondents report assessing or testing for legal research competency using aspects of the Principles & Standards. A number of the respondents provided descriptive information. This Survey has recently been refreshed and re-distributed to update the current understanding and utilization of the PSLRC as a vehicle to assess and improve legal research competency. When results are compiled, comparisons and observations will be shared widely.

Legal Research Competency Brochure: A brochure was created and distributed to all registrants at the AALL annual meeting in July 2014. The remaining brochures were distributed at the AALS library section meeting in Washington, D.C. in January 2015. Revisions to the July 2014 brochure were suggested by the Committee and a revised brochure was designed and printed at AALL Headquarters in April 2015. The revised brochure was placed on the LRC webpage and has been distributed at various meetings and conferences of AALL Chapters, the Legal Writing Institutes, AALS and more. See Legal Research Competency brochure

<http://www.aallnet.org/pslrcbrochure-trifold>

Legal Research Competency Web Center:

The LRC Special Committee is continuously refreshing and enhancing content for the web center with the goal of promoting the PSLRC and providing opportunities to read about legal research competency, to share assessment examples and to contribute experiences applying them. To that end, we have created a SHARE webpage and a unique LRCS email address (aallcompetencies@aall.org) to encourage idea sharing and dialog. See LRC Web Center <http://www.aallnet.org/mm/Advocacy/legalresearchcompetency>.

Charge #2: Develop and implement training and best practices for AALL member stakeholders

Special Committee members developed or participated in the following activities designed to raise awareness and illustrate beneficial uses of the PSLRC by law librarians and legal professionals:

October 2014 ORALL chapter meeting: A member of the LRC Special Committee presented a poster session and distributed bookmarks at this chapter meeting.

April 2015 SEAALL/ORALL Chapter meeting program: The chair of the LRC Special Committee spoke on a program entitled, *Creative Assessment: Connecting Legal Research Instruction to Results*, which examined and evaluated various forms of assessment that can be used to determine whether competency has been achieved pursuant to the principles and standards articulated in the PSLRC. A poster created for the 2014 AALL annual meeting was displayed and legal research competency bookmarks were distributed at this program.

2015 PLL Summit: Members of the Special Committee attended the Summit to raise awareness of the PSLRC and discuss their applicability to the law firm environment.

July 2015 AALL Annual Meeting Activities:

Program Proposal:

- The LRC Special Committee proposed a deep dive program designed to share knowledge and seek input about concrete examples on the implementation of the PSLRC in both law schools and legal practice environments, and how various stakeholders value and use legal research competencies. The program was not accepted.

Coffee Talk:

- *Getting Buy-In for Legal Research Competencies – How Do You Do It?* Hosted by members of the Special Committee.

Poster Session:

- Poster #6: *There's a Competency for That! Standards for the Successful Legal Researcher*. Recent articles in *PD Quarterly* and *Spectrum* were available and legal research competency bookmarks were distributed.

Programs:

- *Creative Assessment: Connecting Legal Research Training and Instruction to Results* – two Committee members were speakers.
- *Get Schooled on Learning: Learning Outcomes and Assessment for Legal Research Instruction Under New ABA Standards 302, 314, and 315* – one Committee member was a speaker.

March/April 2016 AALL Spectrum: Hitting the Mark? AALL Legal Research Competencies: From Classroom to Practice was authored by two Special Committee members with assistance and input from the entire Committee. This article illustrates ways the PSLRC can be implemented within the legal community. (<http://www.aallnet.org/mm/Publications/spectrum/archives/Vol-20/No-4/Feature-Hitting-the-Mark.pdf>)

April 2016 SEAALL/SWALL Annual Conference: A member of the Special Committee was a speaker on a program entitled, *Y'all Come - Legal Research Competency - Deep in the Heart of Texas*, in Dallas.

July 2016 AALL Annual Meeting Activities:

Poster Session:

- The Special Committee will host an Activities Area Display Board promoting the PSLRC and showcasing strategies to improve legal research competency.

Programs:

- B4: *Research Competencies: From Classroom to Practice*, a “Must Have” program scheduled for Sunday, July 17 at 2:30 p.m., features nine lightning talks highlighting methods used to assess and enhance legal research competency in academic, government and private workplaces. Lightning Talk speakers and their topics listed here were drawn from a variety of organizations and cover wide-ranging aspects of research competency:
 1. Learning Outcomes by Sally Wise
 2. Using Competencies to Implement a Problem-Based Research Approach by Robert Linz
 3. Competency Assessment in Advanced Legal Research by Rebecca Trammell
 4. Reverse Course Engineering – Mapping PSLRC Competencies to a Legal Research Course by Rebecca Mattson
 5. Self-Assessment: Using PLLIP Audits and PSLRC Competencies by Gail Partin
 6. Developing Research Audits by Barbara Gabor
 7. Improving Competency within the Law Firm Environment by Christine Stouffer
 8. Benchmarks for Performance Over the Course of a Legal Career by Barbara Gabor
 9. Using Competencies as Performance Evaluation Measures by Sally Wise

Educational Strategies: The Committee deliberated on the optimal mediums for engaging internal and external audiences. We identified and focused on two strategies that we believe would have a wide appeal and reap the most benefit:

- Webinars: Identified key components for successful webinar planning; reached out to the RIPS-SIS Legal Research Competency Committee to suggest a series of topics that would be timely and interesting. The goal is to attract legal writing instructors, professional development professionals, and legal research instructors.
- Toolkits: The goal is to gather ideas and experiences about successful implementation of the Principles and Standards that can be compiled and disseminated widely via sales of AALL publications or on the LRC web center. Special Committee members have begun gathering ideas, best practices and applicable examples to be incorporated into a series of toolkits targeted at specific environments or skill sets. Suggested topics for toolkits include a guide to using the competencies to develop law school learning outcomes and performance measures; a guide to using the competencies to build meaningful legal

research syllabi, outcomes and assessments; and a guide to using the competencies in devising summer associate trainings for practice environments.

Charge #3: Develop and implement strategies, including educational tools and best practices, to promote to targeted external audiences

February 2015 PD Quarterly: Members of the LRC Special Committee published an article in *PD Quarterly*, a NALP publication, entitled *Creating a Legal Research Audit: Assessing Competency* (<http://aallnet.org/pdqlegalresearchcomarticle>) geared toward the legal professional development community and the use of the competencies across the stages of a legal career. Included in the article is a link to a survey for seeking information about organizations' use of the Principles and Standards in instruction, training, professional development, CLEs, and the testing and assessment activities associated with instruction.

2015-16 Legal Writing Institutes: Members of the Special Committees reached out to several Legal Writing Institutes to suggest participation in programs or panels where legal research competency would be part of the discussion. Committee members participated in the following Institutes:

- Speaker, *Creative Assessment: Connecting Legal Research Instruction to Results*. LWI One-Day Conference Teaching: Both Tried & True and Something New, Florida International University College of Law, December 2015.
- Panelist, *Teaching Legal Research*. Southeastern Legal Writing Conference, MiamiLaw, January 2016.
- Speaker, *Who Teaches Legal Research in Law Schools Around the Country?* Southeastern Legal Writing Conference, MiamiLaw January 2016.

Outreach to External Audiences: Members of the Special Committee, in concert with their own professional networking, have taken the opportunity to share news about AALL's development and adoption of the PSLRC, the innovative integration of these competencies into the fabric of our workplaces, and the value that this compendium of standards brings to research instruction. Thought leaders and scholarly authors participating in or attending meetings of the AALS, ABA Section on Legal Education, NALP Professional Development Institutes, and the Legal Writing Institutes have been involved in discussions about the PSLRC that will inform their scholarly writing, policy-making and teaching. However, increasingly publishers are adding their voices to the competencies conversation without the participation of AALL. For example, the BARBRI Center for Educational Development recently "introduced three years of specific measurable outcomes for legal study to assist law schools in developing their own assessment programs" including research competencies (<http://barreview.barbri.com/national-legal-education-outcomes>). For AALL to play a key role in this evolving dialog, stronger partnerships should be fostered with organizations, publishers, authors and others to inform and educate them about the already existing PSLRC competency structure.

Charge #4: Establish a process and timeline for periodic review and possible revision of the PSLRC

When the *Principles and Standards for Legal Research* Competency were submitted for approval by the AALL Executive Board in 2013, the Task Force indicated that it would be advisable to adopt a policy for periodic review and revision of standards for currency and relevance, in order to preserve their stability as the gold standard for research. It is anticipated that the Board

would charge either an existing legal research competency committee or constitute an ad hoc group to complete this task. This body could recommend that the existing Standards be (1) continued in force without change, (2) revised to address current needs, or (3) rescinded in whole or in part.

The Legal Research Competency Special Committee suggests that the AALL Executive Board adopt a policy that would require periodic review and revision of standards for currency, particularly as AALL partners with other organizations on their adoption and implementation throughout the legal community. We believe that the *Principles and Standards for Legal Research Competency* should be reviewed at least every five years by a group representative of the Association's various types of libraries and legal information professionals.

IV. OBSERVATIONS & ESSENTIAL ONGOING ACTIVITIES

Over the course of its two-year term, the Special Committee has observed an intensification of the dialog about legal research competency. There is significant discussion and activity surrounding the issues of measuring, assessing and improving research skills, with little direct acknowledgement that the AALL-developed PSLRC serves as a foundation or linchpin upon which to create the tools and mechanisms to accomplish desired results.

The following strategies and activities are essential to the ongoing success of the PSLRC and we suggest that mechanisms be specifically developed to continue their beneficial contributions to AALL members and key external audiences.

- Actively update and enhance the Legal Research Competency Advocacy web pages on AALLnet. Updated design should focus on promoting successful practical applications of the PSLRC, developing outreach content to enhance connections with external audiences, and evaluating web analytics to optimize access to critical information. Integrate wide-ranging content via diverse mediums such as audio stories, ignite videos, and interactive platforms to promote idea sharing. Take advantage of social media outlets, such as My Communities, LinkedIn, Facebook, and Twitter to “push” web center information to wider audiences.
- Establish strong partnerships with key external audiences, many of whom are not fully aware of the PSLRC's value to their institutions and workplaces. Special Committee linkages with NALP and the Legal Writing Institutes raised awareness that these and other key constituencies are only marginally familiar with the PSLRC and its value. Key stakeholders include the following organizations and their members – ABA, NALP, law firm education groups, the Legal Writing Institute, legal writing instructors, AALS and law school professors, NCBE and state bar examiners, and legal publishers and database vendors -- all of whom play critical roles in shaping the research competence of law students and lawyers.
- Create publications, such as toolkits, pamphlets or booklets designed to share best practices for improving competency in discrete skills and within specific environments and for incorporating the PSLRC into legal education, instructional settings, testing, performance evaluation and CLE programming.

- Promote dialog through articles, webinars, blogs (similar to the CRIV Sheet), audio stories, ignite videos, and interactive platforms designed to engage thought leaders and people interested in legal research competency in conversation about competency standards, assessment mechanisms, research instruction techniques, and more. The goal is to gather ideas and experiences about successful implementation of the Principles and Standards that can be compiled and disseminated widely.
- Conduct surveys and gather evidence that the PSLRC are being used and are effective and beneficial. Discover the level of awareness about the PSLRC within and outside AALL, how the PSLRC is being implemented, whether and how it becomes embedded into institutions, and what best practices have emerged for teaching, assessing and improving competencies.

The PSLRC has not yet reached a sustaining level of integration within the legal research competency paradigm and without continued promotion and education it is unlikely to achieve its full potential. Failure to persistently and continuously engage with internal and external stakeholders will rapidly erode awareness, acknowledgement, and implementation of the PSLRC as the gold standard for measuring legal research competency within the legal community. Thus, it is critical to the success of this AALL advocacy initiative that a comprehensive plan be developed to ensure the long term recognition and viability of the PSLRC as the predominant standard for assessing and improving legal research competency.

V. RECOMMENDATIONS

1. The Executive Board is asked to approve this report and consider the creation of appropriate mechanisms to implement the Essential Ongoing Activities enumerated in Part IV. that will continue advocating for improved legal research competency and for the recognition of the *Principles and Standards for Legal Research Competency* as the gold standard within the legal community.
2. The AALL Executive Board is asked to adopt a policy of Periodic Review for the evaluation and revision of the *Principles and Standards for Legal Research Competency* on a five year timetable to maintain currency and relevance, and to preserve its stability as the gold standard for research.

Respectfully submitted,

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