

ARCHIVED: AALL LEGAL RESEARCH COMPETENCIES AND STANDARDS FOR LAW STUDENT INFORMATION LITERACY

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Introduction

The American Association of Law Libraries has approved Legal Research Competencies and Standards for Law Student Information Literacy to foster best practices in law school curriculum development and design; to inform law firm planning, training and articulation of core competencies; to encourage bar admission committee evaluation of applicants' research skills; to inspire continuing legal education program development; and for use in law school accreditation standards review.

The standards and competencies are the natural outgrowth of the work of the AALL Law Student Research Competencies Task Force, which presented this document's baseline Principles to the AALL Executive Board in 2011. The Principles were based upon the Association of College and Research Libraries (ACRL) Information Literacy Standards,¹ but the background of this entire project emerges from the substantial literature on Information Literacy developed by the Association of College and Research Libraries and endorsed both by the American Association for Higher Education and the Council of Independent Colleges.

There is a growing body of literature and a lively discussion among members of the legal academy and the practicing bar about the research competency skills of law school graduates. This dialogue among stakeholders is essential to forge change. In our discussions, we determined that continuing communication and collaboration between law schools, legal employers, and the law school accrediting body is fundamental to any efforts to address and improve the research skills of law students.

To this end, law school programs should reflect the realities of the legal field. In particular, an understanding of the many varied legal practice business models is vital. In today's environment, law firm success hinges on billable time, effective time management, effective communication, effective peer collaboration, and cost recovery. Similarly, efficient research habits in governmental and nonprofit settings ultimately benefit those employees and the public. Highly competent research skills, effective problem solving skills, and critical thinking skills are keys to success in all areas of legal practices of today and the future.

Principle I: A successful legal researcher possesses fundamental research skills.

An information-literate law student (standards):

- A. Considers the full range of potential sources of information, regardless of type or format.

Knowledge and skills required (competencies):

1. Differentiating between primary and secondary sources, and recognizing how their use and importance vary depending upon the legal problem or issue.
2. Identifying and using the most effective secondary sources to obtain background information, to gain familiarity with terms of art, and to put primary sources in context.
3. Recognizing differences in the weight of authority among sources and applying that knowledge to the legal research problem.

B. Understands the similarities, differences, and interrelationships among and between United States federal, state, and local legal systems.

Knowledge and skills required:

1. Distinguishing between federal, state, and local systems of government; and understanding the processes and the interrelationships among them on all levels.
2. Knowing which legal information is produced, organized, and disseminated across levels and branches of government.
3. Identifying appropriate resources to locate the legislative, regulatory, and judicial law produced by the respective government bodies.
4. Understanding and distinguishing between different types of primary law sources, and the weight, reliability, and binding or persuasive authority of each source.

C. Understands the structure and interrelationships between and among foreign and international legal systems.

Knowledge and skills required:

1. Recognizing that there are diverse structural frameworks for the various legal systems within the global community.
2. Recognizing basic similarities, differences, and interrelationships among and between various types of legal regimes, e.g., United States law, foreign law, and international law.
3. Identifying information resources that will increase depth and breadth of knowledge regarding a specific legal system.
4. Recognizing that other countries and supranational organizations may produce, organize, and disseminate their legal information in different ways, and knowing how to find the needed information for a particular legal system.

D. Understands the importance of reviewing information obtained.

Knowledge and skills required:

1. Clarifying or refining the research question as needed.
2. Updating or expanding the research.

3. Identifying and addressing any contradictory authority.

Principle II: A successful legal researcher gathers information through effective and efficient research strategies.

An information-literate law student:

A. Selects appropriate research sources.

Knowledge and skills required:

1. Identifying and analyzing the appropriate legal issues that need to be researched.
2. Recognizing the authority or authorities governing particular legal issues.
3. Knowing which print or electronic, primary or secondary, sources contain appropriate and current content on the issue being researched.
4. Recognizing how tools facilitate research tasks due to content or organization, such as use of controlled vocabulary, synopses, annotations, or headnotes.
5. Knowing how to check the content of sources and validate the completeness and currency of the selected sources.
6. Supplementing or validating preliminary results with additional tools.

B. Constructs and implements efficient, cost-effective search strategies.

Knowledge and skills required:

1. Articulating the precise legal issues that need to be researched, whether in the context of:
 - a. traditional litigation practice,
 - b. regulatory practice, or
 - c. transactional practice.
2. Developing an appropriate research plan for each discrete issue.
3. Knowing how to appropriately use available resources to research and understand the relative advantages of different methods of finding information.
 - a. Differentiating among various available online search platforms to employ those that are best suited to the task at hand, and
 - b. Understanding the operation of both free and subscription search platforms to skillfully craft appropriate search queries.
4. Identifying the most cost-efficient sources, calculating cost of use against time on research.

C. Confirms and validates research results, incorporating existing work product and expertise.

Knowledge and skills required:

1. Understanding the necessity of validating case holdings through the use of citators such as Shepard's, KeyCite, or other citation-based methods of updating case law.

2. Analyzing research results using prior knowledge and experience on the topic in particular, as well as one's general knowledge of legal principles.
3. Recognizing the benefits of requesting assistance from knowledgeable individuals, or an institution's knowledge management system.
4. Understanding when to stop the research process.

D. Documents research strategies.

Knowledge and skills required :

1. Recording all pertinent information for future reference, such as:
 - a. resources and methods used,
 - b. information considered, and
 - c. reasons for selecting or rejecting various authorities or resources.
2. Understanding and utilizing proper citation forms.

Principle III: A successful legal researcher critically evaluates information.

An information-literate law student:

A. Knows that information quality varies.

Knowledge and skills required :

1. Consistently applying criteria to evaluate the reliability of information, including but not limited to
 - a. Authority,
 - b. Credibility;
 - c. Currency; and
 - d. Authenticity
2. Understanding that these criteria are relevant for both print and online, and legal and non-legal, sources.

B. Evaluates legal information through cost-benefit analyses.

Knowledge and skills required :

1. Understanding that there are costs associated with legal research, regardless of type, publisher, or format.
2. Demonstrating cognizance of the intersection of cost and efficiency in the selection of information format, and exercising professional judgment to choose the best source to serve the research parameters.
3. Understanding the costs and benefits of mediated and disintermediated searching, and using this knowledge to revise research strategies when necessary.

Principle IV: A successful legal researcher applies information effectively to resolve a specific issue or need.

An information-literate law student:

A. Synthesizes research problems in an analytical approach to legal research.

Knowledge and skills required:

1. Synthesizing legal doctrine by examining cases similar, but not identical, to cases that are the current focus of research, in order to articulate how courts should apply current authoritative and relevant case law.
2. Using research results to craft or support arguments that resolve novel legal issues lacking precedent, when appropriate.

B. Modifies initial research strategies as necessary.

Knowledge and skills required:

1. Understanding research as a recursive process, and expanding or narrowing research queries after discovering unanticipated results.
2. Reflecting on the successes or failures of prior strategies for integrating new information into the analysis; and utilizing concepts, theories, and facts from prior research to continue the process.
3. Identifying historical sources or scholarship from other disciplines relevant to resolving a specific issue.
4. Recognizing when specific questions within the larger research problem have not been answered with the information compiled, by either:
 - a. Recognizing when the ultimate questions presented have not been fully answered through the research already obtained, or
 - b. Realizing when sufficient research has been completed to address the legal issue or information need.

C. Understands when research has answered all questions posed, and when it provides sufficient background to explain or support a conclusion.

Knowledge and skills required:

1. Identifying unresolved issues and incorporating analogous background as appropriate if research has not clearly resolved all ambiguities or uncertainties within the issue posed.
2. Identifying scholarship from other disciplines relevant to resolving a specific issue.
3. Understanding how courts or other legal decision-makers have applied materials from other disciplines in the past, and determining when material from these disciplines might be persuasive in resolving a particular issue.

4. Locating background information to help answer a legal issue or need by using resources such as:
 - a. records of constitutional conventions,
 - b. legislative histories,
 - c. administrative histories,
 - d. trial or appellate briefs, or
 - e. economic, policy, business-specific, social, psychological, historical, or other interdisciplinary research.

D. Applies and integrates research into a persuasive document.

Knowledge and skills required:

1. Citing authority consistent with locally accepted rules, ensuring that cited references can be located by the reader.
2. Organizing and integrating content, quotations, or forms, and paraphrasing in a manner that supports the argument, brief, analysis, or transaction.
 - a. Choosing an appropriate communication format and style for the intended audience; and
 - b. Integrating charts, maps, or photos into the document or presentation for maximally persuasive effect, when appropriate.

Principle V: A successful legal researcher distinguishes between ethical and unethical uses of information, and understands the legal issues associated with the discovery, use, or application of information.

An information-literate law student:

A. Understands and articulates the factors that determine the ethics and legality of information use in conformity with a lawyer's obligations to the court, the bar, and society.

Knowledge or Skills Required :

1. Comprehending and complying with laws and organizational (firm, school, court) rules on access to information resources and storage and dissemination of information.
2. Understanding intellectual property issues such as licensing, copyright, and fair use of copyrighted material.
3. Accurately articulating privacy, confidentiality, security, diligence, and other ethical issues related to research and practice in accordance with the Model Rules of Professional Conduct, the Model Code of Professional Responsibility, or the prevailing local law governing legal ethics.

B. Applies the laws, rules, and other legal authority that govern a lawyer's use of information in the course of practice.

Knowledge or Skills Required :

1. Using citation of sources to respect authors' intellectual property rights and accurately indicating where the words and ideas of others have been used.
2. Comprehending and complying with license and subscription agreements.

C. Understands that research skills are among the set of professional skills that are continuously learned and re-learned throughout one's professional life.

Knowledge or Skills Required :

1. Understanding local requirements for continuous legal education.
2. Affirmatively undertaking training on research platforms as new iterations reach the market.
3. Comprehending that legal research skills, like legal standards, are 'moving targets' subject to further refinement and development as the universe of legal knowledge (and legal research tools) expands.

¹ Information Literacy as defined by ACRL is the set of skills needed to find, retrieve, analyze, and use information. See *Information Literacy Competency Standards for Higher Education* (2000), at <http://www.ala.org/ala/mgrps/divs/acrl/issues/infolit/overview/intro/index.cfm> for more detail on the ACRL's Information Literacy Standards.