

Approved by the Executive Board July 11, 2013, Tab 22

Revised and Approved by the Executive Board, April 2020, Tab 13

PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCY

The **Principles** are broad statements of foundational, enduring values related to skilled legal research, as endorsed by the American Association of Law Libraries. The **Standards** provide a set of more specific applications of those norms or habits that demonstrate one's commitment to and attainment of the principles. The Competencies are activities that demonstrate knowledge and skill. **Competencies** provide concrete measures or indicators of successful achievement of the abilities required to meet the standards.

PRINCIPLE I: A SUCCESSFUL LEGAL RESEARCHER POSSESSES FOUNDATIONAL KNOWLEDGE OF THE LEGAL SYSTEM AND LEGAL INFORMATION SOURCES, INCLUDING ANALYTICAL TOOLS.

STANDARDS:

A. An information-literate legal professional considers the full range of potential sources of information, regardless of type or format.

Competencies:

1. Differentiates between primary and secondary sources and recognizes how their use and importance vary depending upon the legal problem or issue.
2. Identifies and uses the most effective secondary sources to obtain background information, to gain familiarity with terms of art, and to put primary sources in context.
3. Recognizes differences in the weight of authority among sources and applies that knowledge to the legal research problem.
4. Distinguishes between the major analytical tools, recognizing key factors that influence processing and results.

B. An information-literate legal professional understands the similarities, differences, and interrelationships among and between United States federal, state, and local legal systems.



Competencies:

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

C. An information-literate legal professional understands the structure and interrelationships between and among foreign and international legal systems.

Competencies:

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

PRINCIPLE II: A SUCCESSFUL LEGAL RESEARCHER GATHERS INFORMATION THROUGH EFFECTIVE AND EFFICIENT RESEARCH STRATEGIES.

STANDARDS:

A. An information-literate legal professional selects appropriate research sources.

Competencies:

1. Identifies and analyzes the appropriate legal issues that need to be researched.
 - a. Identifies and analyzes the appropriate non-legal issues that need to be researched.

© 2020 American Association of Law Libraries. Permission to use, copy, and distribute this material for private, non-commercial and education purposes only is hereby granted provided that the copyright notice appears with the following notice: No resale use may be made of this material at any time.



2. Recognizes the authority or authorities governing particular legal issues.
3. Knows which print or digital, primary or secondary, sources contain appropriate and current content on the issue being researched.
4. Recognizes how tools facilitate research tasks due to content or organization, such as use of controlled vocabulary, synopses, annotations, finding aids, or headnotes.
5. Knows how to check the content of sources and validate the completeness and currency of the selected sources.
6. Supplements or validates preliminary results with additional tools.
7. Consults with legal information professionals to correct any resource knowledge gaps.
8. Identifies any confidentiality or technological risks associated with the use of various research sources or methods.

B. An information-literate legal professional constructs and implements efficient, cost-effective search strategies.

Competencies:

1. Articulates the precise legal issues that need to be researched.
2. Develops an appropriate research plan for each discrete issue.
3. Knows how to appropriately use available information resources and analytical tools to research and understands the relative advantages of different methods of finding information.
4. When using online search platforms,
 - a. Differentiates among various available online search platforms to employ those that are best suited to the task at hand, and
 - b. Understands the operation of both free and subscription search platforms to skillfully craft appropriate search queries; and,
 - c. Possesses a basic understanding of the means by which online search platforms process queries and generate results, including the potential of algorithmic bias associated with machine learning.
5. Identifies the most cost-efficient sources, calculating cost of use against time on research.

C. An information-literate legal professional confirms and validates research results, incorporating existing work product and expertise.

Competencies:

1. Understands the necessity of validating case holdings through the use of citators or other citation-

© 2020 American Association of Law Libraries. Permission to use, copy, and distribute this material for private, non-commercial and education purposes only is hereby granted provided that the copyright notice appears with the following notice: No resale use may be made of this material at any time.

based methods of updating case law.

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

D. An information-literate legal professional documents research strategies.

Competencies:

1. Records 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. Understands and utilizes proper citation forms.

PRINCIPLE III: A SUCCESSFUL LEGAL RESEARCHER CRITICALLY EVALUATES INFORMATION.

STANDARDS:

A. An information-literate legal professional knows that information quality varies.

Competencies:

1. Consistently applies criteria to evaluate the reliability of information, including training and validation data sets, considering but not limited to
 - a. Authority,
 - b. Credibility;
 - c. Currency;
 - d. Authenticity;
 - e. Relevance; and,
 - f. Bias.
2. Understands that these criteria are relevant for both print and digital formats, and legal and non-legal, sources.



B. An information-literate legal professional evaluates legal information through cost-benefit analyses.

Competencies:

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

C. An information-literate legal professional understands the importance of reviewing information obtained.

Competencies:

1. Clarifies or refines the research question as needed.
2. Updates or expands the research.
3. Identifies and addresses any contradictory authority.

PRINCIPLE IV: A SUCCESSFUL LEGAL RESEARCHER APPLIES INFORMATION EFFECTIVELY TO RESOLVE A SPECIFIC ISSUE OR NEED.

STANDARDS:

A. An information-literate legal professional uses analytical reasoning to formulate an effective research strategy for addressing issues of law.

Competencies:

1. Synthesizes 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. Uses research results to craft or support arguments that resolve novel legal issues lacking precedent, when appropriate.

© 2020 American Association of Law Libraries. Permission to use, copy, and distribute this material for private, non-commercial and education purposes only is hereby granted provided that the copyright notice appears with the following notice: No resale use may be made of this material at any time.



B. An information-literate legal professional modifies initial research strategies as necessary.

Competencies:

1. Understands research as a recursive process and expands or narrows research queries after discovering unanticipated results.
2. Reflects on the successes or failures of prior strategies for integrating new information into the analysis; and utilizes concepts, theories, and facts from prior research to continue the process.
3. Identifies historical sources or scholarship from other disciplines relevant to resolving a specific issue.
4. Recognizes 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. An information-literate legal professional understands when research has answered all questions posed, and when it provides sufficient background to explain or support a conclusion.

Competencies:

1. Identifies unresolved issues and incorporates analogous background as appropriate if research has not clearly resolved all ambiguities or uncertainties within the issue posed.
2. Identifies scholarship from other disciplines relevant to resolving a specific issue.
3. Understands how courts or other legal decision-makers have applied materials from other disciplines in the past and determines when material from these disciplines might be persuasive in resolving a particular issue.
4. Locates 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 relevant interdisciplinary information and data.

D. An information-literate legal professional applies and integrates research into a persuasive document.

© 2020 American Association of Law Libraries. Permission to use, copy, and distribute this material for private, non-commercial and education purposes only is hereby granted provided that the copyright notice appears with the following notice: No resale use may be made of this material at any time.



Competencies:

1. Cites authority consistent with locally accepted rules, ensuring that cited references can be located by the reader.
2. Organizes and integrates content, quotations, or forms, and paraphrases in a manner that supports the argument, brief, analysis, or transaction.
 - a. Chooses an appropriate communication format and style for the intended audience; and
 - b. Integrates 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.

STANDARDS:

A. An information-literate legal professional 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.

Competencies:

1. Comprehends and complies with laws and organizational (firm, school, court) rules on access to information resources and storage and dissemination of information.
2. Understands intellectual property issues such as licensing, copyright, and fair use of copyrighted material.
3. Accurately articulates privacy, confidentiality, security, diligence, and other ethical issues related to research and practice, including the benefits and risks associated with relevant technology, in accordance with the Model Rules of Professional Conduct, the Model Code of Professional Responsibility, and the prevailing local law governing legal ethics.

B. An information-literate legal professional understands the laws, rules, and other legal authority that govern a lawyer's use of information in the course of practice.

© 2020 American Association of Law Libraries. Permission to use, copy, and distribute this material for private, non-commercial and education purposes only is hereby granted provided that the copyright notice appears with the following notice: No resale use may be made of this material at any time.



Competencies:

1. Uses citation of sources to respect authors' intellectual property rights and accurately indicates where the words and ideas of others have been used.
2. Comprehends and complies with license and subscription agreements.

C. An information-literate legal professional understands that research skills are among the set of professional skills that are continuously learned and re-learned throughout one's professional life.

Competencies:

1. Understands local requirements for continuing legal education.
2. Affirmatively undertakes training on research platforms and practices as new iterations, tools, and technology reach the market.
3. Comprehends 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) expand.