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Stop Me If You've Heard This Before

Transitions in teaching legal research

By Patricia Morgan



In November of 2008 I arrived at the University of Florida (again). After having attended both college and law school at UF Levin College of Law, I had worked as a public librarian, a judicial staff attorney, an attorney in private practice, and in-house. During my time away, I had done many things—with the exception of classroom teaching. Happily, my introduction to teaching was (1) delayed a year and (2) in a team-teaching format with a colleague (who happens to be a superstar). Once things got going, I became comfortable with our classes, which were generally limited to 15 students due to our library's classroom size. Generally, each librarian taught one two-credit advanced legal research (ALR) class every two or three semesters.

Between 2009 and 2013, the librarians at UF Law had a pretty comfortable rotation of teaching (this said in hindsight). Because our classes were taught in isolation from one another, we could design our own curriculum, including assignments and overall evaluations of the students. Some of us gave exams (midterm and/or final), some required an annotated bibliography or a research journal. As instructors, we each did what we believed to be most effective.

On the positive side, our classes were not difficult to plan or coordinate; we could enjoy academic freedom and play to our strengths as instructors. It seemed to work well, and even though we sometimes attempted to reconfigure things to include team-teaching (in an attempt to accommodate more students), we decided to stick with the single-instructor model. Our evaluations were generally positive, and students really seemed to value the things they learned about doing better legal research.

Then There Was That Study

Studies have been done in recent years on the lack of research skills possessed by new law school graduates. Thomson West did a study that led to the influential white paper “Research Skills for Lawyers and Law Students,” which presented information from roundtable and other discussions with those in the legal profession (during 2006-2007). There have been many other studies, surveys, and the like lamenting the lack of research skills in new law school graduates. How, they wonder, will we prepare our new lawyers for their careers?

The facts of the existing situation:

- New attorneys lack research skills.
- Law firms are not as willing to spend time and money on training new lawyers.
- Old-style legal research and writing classes often contain little or no research training that approximates real world experience.

The UF Levin College of Law took this information seriously. Input from law firms indicated a desire for graduates who are “practice ready” when they begin their jobs, whether summer internships or permanent associate positions. As is characteristic of librarians, we offered to do whatever we could. We were already accustomed to teaching ALR, so one more step would be teaching the first-year class in conjunction with their usual legal writing class.

1L Research Class

In 2012-2013, we undertook the task of teaching about 300 first-year law students basic legal research. This required several things: collaboration among the five instructors (librarians

who participated in this effort; creating the curriculum for the course; coordinating our efforts with the legal writing instructors; and deciding the “core competencies” we wanted to make sure all students came away with (and a way to measure those outcomes).

In terms of the curriculum, much of the course content came from our existing ALR course, especially the more basic material in terms of case finding, statutes, digests, and some civics instruction. It was appropriate to put much of that material in the new first-year course.

ALR Revisited

Through much cooperation and hard work, the first-year course was an overall success. We created an exam testing core competencies, and all of the students passed. They also had the challenge of a research-based, essay-format final exam. All of this, plus a lot of homework, was required for this one-credit course. If there was one complaint common among many students, it was the amount of work required. While I sympathize, I cannot change the fact that research training is *training* and requires doing actual assignments to improve. It is a skill, after all.

Hooray! Oh, Wait

In terms of our teaching rotation, it was my turn to teach Advanced Legal Research the following spring. I was pretty ecstatic. Why? Well, I had a few reasons for being so happy. First, I did have a semester (fall 2013) where I did not have to teach at all. This is becoming a luxury for us at the University of Florida lately . . . we teach a lot. A whole lot. The second reason I was glad for my ALR rotation was that I would have

fewer students. ALR is now capped at 24 (still more than the 15 we used to have but less than the 30 or so in each 1L class). My next happy thought . . . I get to do this by myself. Why is that so great? In short: fewer meetings. Don't get me wrong: I like the people I work with, and I am pretty good about collaborating. But it can do slow things down. Often, you can accomplish more if you work alone. Which leads to the last happy factor: much of my curriculum already existed—I had raw material from which I could craft my class.

My elation, however, was short lived. It turns out that things were not the same as I had remembered back in the “good ol’ days” when ALR was our only course offering. I did have only 22 students—better than the 64 I had while teaching the first-year class. The hard part was planning the content for the course. My colleagues and I had taken content from ALR and used it for the first-year course. So I created new content, including new assignments. While preparing for class, I realized that I had an additional challenge.

In my class of 22 students, five were second-year students. Generally, about three-quarters of ALR students are third-year students, and the remainder are second-years. In years past, this did not cause any additional concern. This time, however, was different. My second-year students had passed the first-year research course, but my third-year students hadn't had research training as part of their law school curriculum. One particularly astute young woman who had been in my section for the first-year class signed up for my ALR class. Not only was she versed in much of the material, she also knew my personality and teaching style. I became concerned about the issue of a possibly uneven playing field.

Or was the playing field uneven? And if so, was it more or less uneven than in times past? After all, my “usual” roster includes a mix of second- and third-year students. In that situation, the

third-years generally have an advantage in that they are more likely to have worked in externships and other jobs. In addition, they have had more of an opportunity to work on journals where they would participate in research. Maybe my playing field was *more* level, just at a *higher* level.

I did feel somewhat responsible for any imbalance that could have resulted from the first-year teaching, as I was part of that. The upside of this is that it also gave me more insight to what the 2Ls in my class should know from that experience (retention notwithstanding).

The Good News

Taking the combination of the known educational experience of my 2Ls plus the overall experience of my 3Ls, I was able to do less lecturing on the basics of legal research. We did discuss cases, statutes, and basic research. In this class, though, I was able to move forward more quickly, providing more of a review of the basics, additional information on free sources, and practical exercises.

One of the perpetual woes of legal research students, as I mentioned, is that there is too much homework. Sadly, there is just no other way to get good at legal research. Because I spent less time lecturing this semester, the class did some work during class. This allowed me to interact more with the students while they were doing their assignments. I found this to be very beneficial. Back when we held our class in the physical space of the library, we could spend time during every class working together (in part) because of our proximity to library materials. This semester, my classroom was on the 3rd floor of the law school, far from the library. On two occasions, I divided my class in half, allowing us to hold class in the library. During these sessions, we utilized books to get a feel for how information is organized. These class sessions were extremely popular (now that books are novelties) and helped students recognize a visual structure for their research activities.

Another leveling technique I used was assigning more group work. My thoughts: (1) group learning optimizes students learning from one another; (2) this allows for a combination of skills to improve the overall outcome; and (3) group work more resembles “real” work and collaboration with one's peers. I separated the class into six groups and had three scenarios (environmental law, trademark, and wrongful death related to off-label pharmaceutical use). The scenarios were chosen based on the interests of the students that I determined from a questionnaire during the first class. The scenarios served as a thread throughout the class, having the groups work on statutes, cases, digests/citators, and regulations all related to their particular topics. I think it was useful for camaraderie and learning.

I emphasized the nature of the course to my class in terms of what I hoped they would gain. I always have an extreme open-door policy . . . my goal is to guide students to improve their research skills. My goal is their success. I saw several of my students at other times to help with their work assignments, other schoolwork, and even just to discuss current events from a research perspective.

This class turned out to be my most engaged. We had a very practical class, and I think the students enjoyed the learning experience. The evaluations were positive overall. What will happen in the future? I don't know, but it will never be exactly the same as this. Now all of our current students have had/will have the first-year research class, so we anticipate at least the same educational background for any future ALR classes. I am thankful for the opportunity to have taught this “bridge” class. ■



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Memorials



AALL Spectrum has been advised of the deaths of **Marie Canada** and **Sylvia E. Castano**.

Ms. Canada, of Dallas, was library manager at Baker Botts LLP. She passed away June 25.

Ms. Castano, of Houston, was a longtime member of AALL. She passed away June 5.

AALL Spectrum carries brief announcements of members' deaths in the “Memorials” column. Traditional memorials should be submitted to James Duggan at *Law Library Journal*, Tulane University Law Library, 6329 Freret St., New Orleans, LA 70118-6231 or emailed to duggan@tulane.edu.