

Ann E. Hemmens. The Current Status of Advanced Legal Research Instruction: A Survey of ABA-Accredited Law Schools. A Master's paper for the M.S. in L.S. degree. April 2000. 64 pages. Advisor: Laura N. Gasaway

The teaching of advanced legal research courses for second and third year law students is a relatively new phenomenon in the curriculum of American law schools. With the increasing complexity of legal research skills required in the field, the proliferation of research materials and the apparent lack of research skills on the part of recent law school graduates, the advanced legal research course is an important part of the law students' education. This paper describes the results of a current survey of all American Bar Association approved law schools regarding advanced legal research instruction. The paper analyzes whether more such courses are being offered and whether there is uniformity in the course structure and course methodology. Variations based on the size of the student body, the number of professional law librarians and the law school ranking are addressed. In conclusion, recommended tools for assisting course instructors are discussed.

Headings:

Bibliographic instruction -- Law students

Legal research -- Study and teaching

THE CURRENT STATUS OF ADVANCED LEGAL RESEARCH INSTRUCTION:  
A SURVEY OF ABA-ACCREDITED LAW SCHOOLS

by

Ann E. Hemmens

A Master's paper submitted to the faculty  
of the School of Information and Library Science  
of the University of North Carolina at Chapel Hill  
in partial fulfillment of the requirements  
for the degree of Masters of Science in  
Library Science.

Chapel Hill, North Carolina

April, 2000

Approved by:

---

Laura N. Gasaway, Advisor

**TABLE OF CONTENTS**

I.	Introduction .....	1
II.	Significance of Work .....	4
III.	Literature Review .....	5
IV.	Methodology .....	18
V.	Findings .....	26
VI.	Conclusion .....	54
	Appendix A: Cover Letter .....	58
	Appendix B: Survey of Advanced Legal Research Instruction .....	60

"Regardless of how long one has been in the legal profession, each day constitutes a unique opportunity to learn something new about the monster called legal research."<sup>1</sup>

## I. INTRODUCTION

Formal legal research training within the law school curriculum is a product of the last century. Over the past two decades the content, structure and focus of the required first year legal research and writing course in American law schools has changed, impacting the skill level of law students and the teaching opportunities of law librarians. The writing skills portion of the course receives more attention than the research skills portion,<sup>2</sup> and the law librarian often has only a small role in the instruction of the course, if at all.<sup>3</sup> Additionally, the general consensus is that the legal research skills of law school graduates is poor, and this has been supported by surveys of law firm librarians

---

<sup>1</sup> Wesley Gilmer, Jr., *Teaching Legal Research and Legal Writing in American Law Schools*, 25 J. OF LEGAL EDUC. 571 (1973).

<sup>2</sup> See generally, Helene S. Shapo, *The Frontiers of Legal Writing: Challenges for Teaching Research*, 78 LAW LIBR. J. 719 (1986) (discussing the challenges faced by the first year legal writing and research course, including the emphasis on legal writing skills over research skills).

<sup>3</sup> S. Blair Kauffman, *Advanced Legal Research Courses: A New Trend in American Legal Education*, 6 LEGAL REFERENCE SERVICES Q. 123, 125 (1986) ("Law librarians, who do have expertise in legal research, may have actually come to play a lesser role in teaching research skills to first year students in a classroom setting over the past decade.").

working with the law students and new associates.<sup>4</sup> The inadequacy of research skills creates a need for continued legal research instruction and an avenue for the law librarian to provide the research and library instruction. The advanced legal research course for second and third year law students, offered for academic credit and in which the primary focus is teaching legal research skills, provides such an avenue. Law students also report that it is a very valuable course for them. The course is typically taught by a law librarian, who has legal research experience and up-to-date knowledge of resources, and who instructs students in the strategies of researching more complex legal issues and topics than those covered in the first year legal research and writing course.

The teaching of advanced legal research is a relatively new phenomenon in the legal curriculum of American law schools. Advanced legal research courses were reported in the library literature as early as the 1970s.<sup>5</sup> With the increasing complexity of legal research skills needed to survive in the legal marketplace and the apparent lack of research skills of recent law graduates,<sup>6</sup> these advanced level courses play an important role in the law student's education. The most comprehensive survey of the presence, content and methodology of such courses was conducted in 1986, by Professor S. Blair

---

<sup>4</sup> See Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 JOURNAL OF LEGAL EDUC. 381 (1990).

<sup>5</sup> See Christine Anderson Brock & Gayle Smith Edelman, *Teaching Practices of Academic Law Librarians*, 71 LAW LIBR. J. 96 (1978) (summarizing and analyzing data from a survey of the head law librarians at American law schools in 1976 regarding their teaching practices. The course, "Advanced Legal Research", taught by law librarians is listed in "Appendix 2: Library Related Courses Taught").

<sup>6</sup> See Howland & Lewis, *supra* note 4.

Kauffman,<sup>7</sup> currently Director of the Law Library and Professor of Law at Yale University. In 1992, Professor Penny Hazelton, Librarian and Professor of Law at the University of Washington conducted a more informal survey of advanced legal research courses, updating the work of Professor Kauffman.<sup>8</sup> In 1997, Gary L. Hill, Deputy Law Librarian at Brigham Young University, conducted a survey of legal research instruction (including basic as well as advanced courses) in a variety of settings including academic law libraries, law firm libraries and government libraries.<sup>9</sup> Also in 1997, the Association of American Law Schools Committee on Curriculum and Research surveyed law schools to determine what new courses and seminars had been added to the curriculum from 1994 to 1997,<sup>10</sup> including advanced legal research courses.

The purpose of this research project is to gather current data on the availability, structure and methodology employed in advanced legal research courses currently offered in the American law school curriculum. In analyzing this data, I will investigate whether the two predictions made by Professor Kauffman, in his 1986 article have come to fruition in recent years. The first prediction is that "most recognized law schools will soon be offering formal courses in advanced legal research, in addition to the basic first

---

<sup>7</sup> Kauffman, *supra* note 3. Professor Kauffman was Law Library Director and Associate Professor of Law at Northern Illinois University when he wrote this article.

<sup>8</sup> Penny A. Hazelton, *Advanced Legal Research Courses: An Update*, 1 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 52 (1993).

<sup>9</sup> GARY L. HILL, SURVEY ON LEGAL RESEARCH INSTRUCTION 1 (1998).

<sup>10</sup> Deborah Jones Mettitt & Jennifer Cihon, *New Course Offerings in the Upper-Level Curriculum: Report of an AALS Survey*, 47 J. LEGAL EDUC. 524, 524 (1997).

year course in legal bibliography"<sup>11</sup> (an increased number of advanced legal research course offerings). The second prediction I will investigate is that "[a]s these courses mature it is likely that more uniformity will appear among law schools"<sup>12</sup> in the course structure and course methodology.

## II. SIGNIFICANCE OF WORK

This research project is significant to three populations: law librarians, the law school community and academic librarians. To begin, this research will provide valuable information to academic law librarians. The most recent comprehensive survey of advanced legal research courses in American law schools was completed approximately fourteen years ago,<sup>13</sup> so the current collection and analysis of information will update an established body of literature within law librarianship. Many law librarians now hold both law degrees and library degrees and are seeking avenues to explore their subject matter expertise. One such avenue is teaching advanced legal research courses. This collection of data on the various instructional styles, class formats and instructional materials will be useful to law librarians in developing their own advanced legal research course or in re-evaluating and re-designing existing courses to increase their effectiveness.

---

<sup>11</sup> Kauffman, *supra* note 3, at 132.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

The library director can use this as supporting data when negotiating with the law school dean for the inclusion of the course in the curriculum in an effort to be competitive with the other schools of similar stature or when negotiating for more professional library staff. Additionally, a law school may use this data to compare their course offerings, content and methodology to similarly situated schools, regarding number of students, number of librarians and ranking according to the *US News and World Report*.<sup>14</sup> As with many academic programs, the ranking of individual schools may be important to students when selecting a program and to faculty seeking positions of employment.

Finally, the information and analysis contained in this report will be significant to academic librarians generally. Academic librarians working in graduate or undergraduate libraries can gather ideas on bibliographic instruction style. The role of librarian as teacher has grown in the past several decades to include not only individual instruction, but also classroom trainings, and distance learning programs. The data gathered in the specific area of law librarian class instruction may be generalized to other fields.

### **III. LITERATURE REVIEW**

Although there is not total agreement,<sup>15</sup> it does appear to be the general consensus in the legal community that legal research is an important skill for lawyers.<sup>16</sup> According

---

<sup>14</sup> *Exclusive Rankings - Schools of Law*, U.S. NEWS & WORLD REPORT, March 29, 1999, at 94, 98-99. The 2000 law school rankings were released in March 2000, but this survey data was collected before that time and therefore for purposes of this study, the 1999 rankings were used. See *Exclusive Rankings - Schools of Law*, U.S. NEWS & WORLD REPORT, April 10, 2000, at 73-77.

<sup>15</sup> E.g., I. Trotter Hardy, *Why Legal Research Training Is So Bad: A Response to Howland and Lewis*, 41 J. LEGAL EDUC. 221, 222 (1991) ("How can it be that those who



to law librarians and scholars, "[l]egal research is, indeed, a fundamental lawyering skill."<sup>17</sup> According to the American Association of Law Libraries Research Instruction Caucus, there are core legal research competencies including skills and values.<sup>18</sup>

According to the American Bar Association Section of Legal Education and Admissions to the Bar, Task Force on Law Schools and the Profession: Narrowing the Gap, legal research is a fundamental research skill.<sup>19</sup> In the "Statement of Fundamental Skills and Professional Values" within the Task Force's final report titled, *Legal Education and Professional Development - An Educational Continuum*, it states:

In order to conduct legal research effectively, a lawyer should have a working knowledge of the nature of legal rules and legal institutions, the fundamental tools of legal research, and the process of devising and implementing a coherent and effective research design.<sup>20</sup>

---

teach research perceive a problem, when those empowered to commit resources to teaching do not? One surprising answer is that legal research may not be all that important.").

<sup>16</sup> See Maureen F. Fitzgerald, *What's Wrong with Legal Research and Writing? Problems and Solutions*, 88 LAW LIBR. J. 247, 275 (1996) ("Indeed it has often been said that legal research and writing are two of the most important skills for both academics and lawyers.").

<sup>17</sup> Donald J. Dunn, *Are Legal Research Skills Essential? "It Can Hardly Be Doubted..."*, 1 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 33, 33 (1993). See also Thomas A. Woxland, *Why Can't Johnny Research? or It All Started with Christopher Columbus Langdell*, 81 LAW LIBR. J. 451, 451 (1989) ("Legal research is not an unimportant skill. It is not something one can get along without: no attorney can go through life only arguing the equities; sooner or later he or she has to find the law.").

<sup>18</sup> AMERICAN ASSOCIATION OF LAW LIBRARIES' RESEARCH INSTRUCTION CAUCUS, CORE LEGAL RESEARCH COMPETENCIES: A COMPENDIUM OF SKILLS AND VALUES AS DEFINED IN THE ABA'S MACRATE [SIC] REPORT 1997.

<sup>19</sup> AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STATEMENT OF FUNDAMENTAL SKILLS AND PROFESSIONAL VALUES, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSIONS: NARROWING THE GAP (1992).

<sup>20</sup> *Id.* at 31.

The skill of legal research is then further divided into knowledge of legal rules and institutions, knowledge of and ability to use fundamental legal research tools, and an understanding of how to devise and implement an effective research plan.<sup>21</sup>

Another view on the importance of legal research addresses ethical concerns. The American Bar Association Model Rules require that an attorney provide a client competent representation and included within the definition of a "competent attorney" is knowledge of applicable law and the ability to conduct legal research.<sup>22</sup> In fact, the West Publishing Company has added a key number to the digest system for cases dealing with the attorney-client relationship and the client's claim against the attorney for failure to perform sufficient legal research during the representation.<sup>23</sup> Theoretically, an attorney could be subject to claims of inadequacy of representation and malpractice for failure to conduct sufficient legal research, especially in the current environment where both manual and electronic legal resources still are essential.

Historically, legal training was an apprentice style relationship and did not involve research instruction.<sup>24</sup> The weekly seminars on legal research taught by Frederick C. Hicks, the former law librarian at Columbia University Law School,

---

<sup>21</sup> *Id.* at 31-37.

<sup>22</sup> Barbara Folensbee-Moore, *Ethical Concerns in Doing Legal Research*, LLRX - LAW LIBRARY RESOURCE XCHANGE, posted July 22, 1997; archived September 1, 1997 (<http://www.llrx.com/features/ethical.htm>) accessed April 7, 2000.

<sup>23</sup> *Id.*

<sup>24</sup> Joyce Manna Janto & Lucinda D. Harrison-Cox, *Teaching Legal Research: Past and Present*, 84 LAW LIBR. J. 281 (1992).

beginning in 1915, are famous in the world of law librarianship.<sup>25</sup> The number of research classes offered increased, particularly with the influx of more students due to the War years. By the 1970s and 80s, several studies of how legal research was being taught identified problems and arrived at "the universal conclusion that legal research did not get the intellectual respect and financial support it deserved."<sup>26</sup> The legal community responded and implemented research requirements for the first year law students. In fact, nearly all law schools include a first year legal research instruction course, either as a separate legal research course or combined with legal writing.<sup>27</sup> And advanced legal research courses have been found in the law school curriculum since at least the 1970s.<sup>28</sup>

Legal research instruction and advanced legal research courses in particular is of such importance lately because of the continuing cry of poor research skills of law school students and recent law school graduates. "No one seems happy these days with either the quality of the legal research instruction provided by law schools or the quality of the legal research being conducted by law students and recent law school graduates."<sup>29</sup> Dean Donald Dunn, former library director at Western New England College School of Law

---

<sup>25</sup> *Id.* at 283.

<sup>26</sup> *Id.* at 285.

<sup>27</sup> Helene S. Shapo & Christina L. Kunz, *Teaching Research As Part of an Integrated LR & W Course*, 4 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 78, 78 (1996).

<sup>28</sup> See Brock & Edelman, *supra* note 5. See also, Robin Mills, *Legal Research Instruction in Law Schools, The State of the Art or, Why Law School Graduates Do Not Know How to Find the Law*, 70 LAW LIBR. J. 343, 346 (1977) (writing in the late 1970's that "[t]here are a few (very few) schools which offer upper-class courses in legal bibliography.").

<sup>29</sup> Dunn, *supra* note 17, at 49.

and now Dean of that school, describes the impact of poor legal research abilities on the law firm librarians, law professors, academic law librarians, the law students and the consumers of legal services.<sup>30</sup> The often-quoted survey by Howland and Lewis regarding the research skills of law student summer clerks and first-year associates reported expected but distressing, news when the results "confirmed the consensus of many law faculty, attorneys, and law librarians that summer clerks and recent graduates lack knowledge of available sources and are unable to develop efficient research strategies."<sup>31</sup>

Declining research skills on the part of law students may be due to a variety of factors. Some scholars argue that the increased focus on the writing skills portion of the required first year legal research and writing course has resulted in a decreased focus and coverage of research skills.<sup>32</sup> Others note that the increased complexity of legal research due to the increased quantity of materials, the interdisciplinary nature of legal research and the ever-growing presence of computer assisted legal research (CALR) systems among the tools of research, have strained the resources of what can be covered in the first year class.<sup>33</sup> The first year curriculum is already full (imparting a voluminous

---

<sup>30</sup> *Id.* at 50-52. *See also* Kauffman *supra* note 3, at 126 ("Legal reference librarians are perhaps the first to recognize deficiencies in the legal research skills of students, lawyers and other law library users.").

<sup>31</sup> Howland & Lewis, *supra* note 4, at 383.

<sup>32</sup> *See* Dunn, *supra* note 17.

<sup>33</sup> *See id.* *See also*, Howland & Lewis, *supra* note 4, at 390 ("Summer clerks and first-year associates also do not understand how to integrate computerized legal research services proficiently into the total research process and often conduct searches that are minimally successful and unnecessarily costly."). *See also* Roy M. Mersky, *Rx for Legal Research and Writing: A New Langdell*, 11 LEGAL REFERENCES SERVICES Q. 201, 206 (1991) ("Technology is developing so fast that it is almost impossible for law students

amount of information to students) and would probably not have room for more. In addition, if the student is not required to apply immediately the research information conveyed, it will not be retained for very long.<sup>34</sup> The first year student lacks the opportunity to use, in context, the more advanced resources, including administrative materials, legislative history research documents and looseleaf services, all very key research tools for the law practitioner.

The advanced legal research course developed to fill this need, as seen by librarians in particular, in the legal curriculum. The advanced legal research course for upper-level students provides the opportunity to train students in the use of more specialized materials and to integrate research with other skills training courses within the curriculum.<sup>35</sup> The advantages of teaching an advanced legal research course include not only the increased skill level of law students, but additionally include the increased visibility and credibility of law librarians (as teachers) among students, the librarian's increased awareness of student and faculty perspectives on legal research, increased

---

and lawyers to grasp and maintain current knowledge of the tools. Thus, our educational efforts are essential."). *See also*, Kauffman, *supra* note 3, at 124 (In describing why law students need more legal research instruction beyond the first year course he notes that legal research has become increasingly more complex in recent years and that "the growing importance of statutory, administrative and foreign law sources have all contributed to the complexity of legal research. Additionally, the reliance of lawyers and legal scholars on secondary and interdisciplinary sources, as well as the evolution of computer-assisted legal research systems have complicated the research process.").

<sup>34</sup> Kauffman, *supra* note 3 at 125.

<sup>35</sup> Shapo, *supra* note 2 at 729.

usage of the library resources and opportunities for staff training.<sup>36</sup> If a law librarian teaches a substantive law course it is most likely taught by the library director and is an elective, not required, course. Therefore, few students will be exposed directly to librarians as teachers. This advanced legal research course creates opportunities for more of the librarians to be seen as teachers and increases considerably the number of students who will take a course from a librarian.

### **Prior Surveys of Advanced Legal Research Courses**

Professor Robin Mills, currently Associate Dean for Library and Information Technology at Emory University School of Law, describes the results of a survey sent to the law library directors of the 144 American law schools in December 1983, in an effort to discover the number of law librarians teaching advanced legal research courses.<sup>37</sup> She found that nine of the twenty-eight schools responding to the survey taught advanced legal research courses, and the courses were generally offered once per year.<sup>38</sup> Important findings regarding staffing trends were noted in this research - a variety of law library directors as well as other law librarians taught these classes. Some were team taught, and some taught by the library director alone. Professor Mills found that there was great variation in the amount of credit offered for these courses (from one to three credits).<sup>39</sup>

---

<sup>36</sup> Robin Mills, *Legal Research Instruction After the First Year of Law School*, 76 LAW LIBR. J. 603, 604 (1983).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 603.

<sup>39</sup> *Id.* at 603.

She also reported variations in class size ranging from seven to thirty students (the most common size being twenty students or less).<sup>40</sup> Regarding course methodology, most of the respondents used their own course materials rather than a textbook, and most assigned graded projects (examples include research logs, papers, library exercises, and exams).<sup>41</sup> There was a great deal of variation in course content, but the following topics were covered by nearly all respondents: "legal research databases, legislative history, and administrative law."<sup>42</sup> She also noted that the following topics were included in some courses: "looseleaf services, general reference materials, the treatise literature, and research sources of other disciplines."<sup>43</sup> In addition to these general advanced legal research courses, two respondents taught advanced legal research limited to a specific substantive area of law, including advanced tax research.<sup>44</sup> Professor Mills also provides commentary on methodological issues to consider when creating an advanced legal research course. She advises that the class size and amount of credit offered for the course will have an impact on preparation time and that it is best to cover topics and materials not addressed in the first-year legal writing program instead of merely providing a review of the first-year course.<sup>45</sup> She ends the article on a positive note implying that these courses will be offered more frequently in the future, and they will

---

<sup>40</sup> *Id.* at 603.

<sup>41</sup> *Id.* at 603.

<sup>42</sup> *Id.* at 603.

<sup>43</sup> *Id.* at 603.

<sup>44</sup> *Id.* at 604.

<sup>45</sup> *Id.* at 604.

also be popular because "[l]aw students are very pragmatic, recognize their own legal research weaknesses, and will be grateful that the opportunity to improve their skills is offered them."<sup>46</sup>

Professor S. Blair Kauffman surveyed the law library directors of all American Bar Association accredited law schools in the spring of 1985 regarding the teaching of advanced legal research courses.<sup>47</sup> He received 151 responses, and reported that twenty-seven law schools had one or more advanced legal research courses during the 1985-86 academic year and that forty law schools were considering offering such a course.<sup>48</sup> Professor Kauffman describes why the advanced legal research courses are needed, what the best format is, who should teach it, its popularity among students, and the course content.<sup>49</sup> Specifically on the staffing issue, he found that at schools where the law librarians have responsibility for the course, the library director is usually responsible for teaching the course (although this responsibility is shared with the public services librarians in six of the fifteen schools) and at other law schools the public services, reference or computer services librarians are responsible for the course.<sup>50</sup> Professor Kauffman found that only two of the schools require the course and that several schools

---

<sup>46</sup> *Id.* at 604.

<sup>47</sup> Kauffman, *supra* note 3.

<sup>48</sup> *Id.* at 123.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 127.



allow the course to satisfy a seminar requirement.<sup>51</sup> Thus for the remainder, it is an elective course. Of the schools with an enrollment limit, the size is generally twenty or fewer students in a section and the course is offered every term of the year at nearly half of the schools.<sup>52</sup> Most of the courses (n=18) carry two credit hours, six award one credit and three schools grant three hours for the course.<sup>53</sup> The majority of the courses are graded (n=18) while six courses are offered pass-fail.<sup>54</sup> Kauffman found that although there was a great deal of variety among the courses, approximately half offered the following core topics: basic research sources from first year, administrative law, statutory law (federal and state legislative histories), foreign and international law, and computer-assisted legal research.<sup>55</sup> Other topics covered in a minority of the schools included: interdisciplinary research sources (traditional and online), litigation support systems, practice materials, computer basics, fact research, Freedom of Information Act research, and research strategies.<sup>56</sup> For student research assignments, Kauffman noted the assignment of pathfinders<sup>57</sup> and papers.<sup>58</sup> Kauffman also reported schools offering advanced legal research courses limited to a specific substantive area of law or to

---

<sup>51</sup> *Id.* at 126-27.

<sup>52</sup> *Id.* at 128.

<sup>53</sup> *Id.* at 130.

<sup>54</sup> *Id.* at 130.

<sup>55</sup> *Id.* at 128-29.

<sup>56</sup> *Id.* at 129.

<sup>57</sup> See Robert C. Berring, *Advanced Legal Research*, 1 INTEGRATED LEGAL RESEARCH 5, 5 (1988) (defining the concept of pathfinder as "a detail[ed] exploration of the research sources in a particular area.").

computer-assisted legal research.<sup>59</sup> The instructional materials used in the general advanced legal research courses varied, but approximately fifty percent of the instructors use their own materials exclusively, and most of the instructors using a published text also used handouts and collections of required readings.<sup>60</sup> The following breakdown of published textbook usage was reported in the study:

M. Cohen & R. Berring, *How to Find the Law* (8th ed. 1983) - 8  
 M. Jacobstein & R. Mersky, *Fundamentals of Legal Research* (3d ed. 1985) - 2  
 M. Price, H. Bitner & S. Bysiewicz, *Effective Legal Research* (4th ed. 1979) -1  
 W. Hodes, *Legal Research: A Self-teaching Guide* (1983) - 1.<sup>61</sup>

Professor Kauffman provides six guidelines for what law schools should be doing with advanced legal research courses in the future. These guidelines can be summarized thusly: more of these courses should be offered, the content should include computer assisted legal research in addition to other advanced topics, it should be graded instead of pass/fail, it should carry at least two or three credit hours, it should be taught by law librarians (or others with a comprehensive knowledge of legal research methods) and it should be an elective rather than required course.<sup>62</sup>

Professor Penny Hazelton conducted a survey by posting a message to the law librarians' bulletin board in June 1992, to update the research of Professor Kauffman and

---

<sup>58</sup> Kauffman, *supra* note 3, at 129.

<sup>59</sup> *Id.* at 129.

<sup>60</sup> *Id.* at 130.

<sup>61</sup> *Id.* at 136 n.38.

<sup>62</sup> *Id.* at 130.

to determine whether the number of advanced legal research courses had increased.<sup>63</sup> Professor Hazelton identified fifty-two law schools currently teaching advanced legal research courses and another thirty-six law schools that had either offered the course in the past or were considering the course for the future.<sup>64</sup> And therefore, over 120 law schools had not yet added an advanced legal research course to the curriculum.<sup>65</sup> She echoes prescriptions of Professor Kauffman when writing that "[w]hile this is a favorable trend, we do not begin to offer this opportunity [advanced legal research instruction] as broadly as I think most law librarians would like."<sup>66</sup> She did not gather data on course content or structure for comparative use.

In *Survey of Legal Research Instruction*, Gary L. Hill reported the results of a survey sent to academic law librarians, law firm librarians and government librarians in 1997 seeking to answer the questions (1) what is the content of legal research courses (2) who teaches the courses (3) what is the student workload, (4) who teaches computer-assisted legal research, and (5) is computer-assisted legal research instruction required?<sup>67</sup> Of the 133 respondents, there were twenty-six academic law schools that did teach an advanced legal research course.<sup>68</sup> For these twenty-six respondents, data concerning the

---

<sup>63</sup> Hazelton, *supra* note 8, at 52.

<sup>64</sup> *Id.* at 52.

<sup>65</sup> *Id.* at 52.

<sup>66</sup> *Id.* at 52.

<sup>67</sup> GARY L. HILL, *supra* note 9, at 1.

<sup>68</sup> *Id.* at 8-9.

estimated class time, and student out-of-class research time was estimated.<sup>69</sup> Of particular interest for this study was the finding that on average, approximately 85% of the advanced legal research instruction was conducted by librarians.<sup>70</sup> Additionally, the titles of the courses reveal that several were related to specific legal topics or to specific research formats (for example, Advanced Electronic Research, Advanced International Law Research, and Advanced Environmental Research).<sup>71</sup> A very practical and useful chapter in this work includes the syllabi of several advanced and basic first year legal research courses that instructors may use for gathering and sharing new ideas regarding course content and methodology.<sup>72</sup>

The Association of American Law Schools (AALS) Committee on Curriculum and Research surveyed the 179 AALS member schools in June 1996, concerning new courses and seminars added to the curriculum between the fall of 1994 and the spring of 1997.<sup>73</sup> For the eighty-three schools that responded to the survey there were a total of 1,574 new courses and seminars added to the curriculum.<sup>74</sup> Advanced legal research did not make the list of "Top 25 Areas of Curricular Growth,"<sup>75</sup> but the advanced legal

---

<sup>69</sup> *Id.* at 8.

<sup>70</sup> *Id.* at 5, 8.

<sup>71</sup> *Id.* at 9.

<sup>72</sup> *Id.* at 27-72.

<sup>73</sup> Deborah Jones Merritt & Jennifer Cihon, *New Course Offerings in the Upper-Level Curriculum: Report of an AALS Survey*, 47 J. OF LEGAL EDUC. 524, 524-25 (1997).

<sup>74</sup> *Id.* at 528.

<sup>75</sup> *Id.* at 537.

research and writing course did make the list of "A Dozen Additional Areas of Potential Curricular Growth," with twenty-five courses reported.<sup>76</sup> It is important to note that this data includes advanced courses in research and/or writing, whereas the other studies mentioned focused on the separate advanced research course. It is not apparent from the article how many of the twenty-five courses cover research only. The authors find this number of such courses to be noteworthy, commenting that "[l]ong shunted to an underpaid, undercredited corner of the first-year curriculum, legal research and writing may be assuming a more central role in American legal education."<sup>77</sup>

#### IV. METHODOLOGY

For this project, a written survey was sent to the law library director of each of the 181 American Bar Association (ABA) accredited American law schools as listed in the *Official American Bar Association Guide to Approved Law Schools* (2000 edition) [*ABA Guide*] published by the American Bar Association Section of Legal Education and Admission to the Bar.<sup>78</sup> The ABA included five provisionally approved law schools in the 181 total figure.<sup>79</sup> The mailing addresses were obtained from the *ABA Guide*. The data contained in this book was gathered through questionnaires completed by ABA approved law schools that confer the first degree in law (the J.D. degree) and were in

---

<sup>76</sup> *Id.* at 560-61.

<sup>77</sup> *Id.* at 561.

<sup>78</sup> AMERICAN BAR ASSOCIATION, OFFICIAL AMERICAN BAR ASSOCIATION GUIDE TO APPROVED LAW SCHOOLS 7 (Rick L. Morgan & Kurt Snyder eds., 2000 ed. 1999).

<sup>79</sup> *Id.* at 7.

operation as of October 1, 1998. This ABA Section of Legal Education and Admission to the Bar was created in 1893 and their mission is " . . . to provide a fair, effective, and efficient accrediting system for American law schools that promotes quality legal education . . . and to continue to serve, through its Council, as the nationally recognized accrediting body for American Law schools."<sup>80</sup> The ABA adopted its first law school accreditation standard in 1921, and since that time the majority of state supreme courts and other bar admitting authorities have relied upon ABA accreditation of law schools to determine if a bar applicant's law school meets the educational requirements for admission to the state bar. No law schools in other countries, such as Canada, were surveyed and neither were unapproved schools nor any approved by the American Bar Association after October 1, 1998.

In March 2000, following approval of the survey instrument and accompanying cover letter which describes the research project, by the University of North Carolina at Chapel Hill Academic Affairs Institutional Review Board, the survey, cover letter and stamped return envelope were sent to the attention of the director of the law library of each of these 181 schools. Each letter and envelope was coded with a random number, to ensure accurate data entry upon survey return and to keep track of which schools had returned surveys. The survey contained a total of twenty-seven questions, some containing multiple sections. The cover letter, explained that the purpose of the survey is to explore the current status of advanced legal research courses in ABA approved law schools and specifically to focus on who teaches the courses, what is the content of such

---

<sup>80</sup> *Id.*

courses, and what instructional methodology is employed. The library directors were informed that the study was being conducted in satisfaction of the Master's paper requirement at the University of North Carolina School of Information and Library Science.

A few days before the survey return date indicated on the letter, reminder e-mails were sent to the directors who had not yet returned a survey. The e-mail addresses were obtained from the American Association of Law Libraries (AALL) website.<sup>81</sup> Almost all directors are members, but if someone takes a position at a different school, the membership records may not be current for a year. If a director's name was not found in the AALL database, various search engines were utilized on the Internet in an attempt to locate the information.

The data collected in the survey will be compared with two types of data collected from questionnaires completed during the Fall 1998 academic semester and required to be submitted by ABA approved law schools to the ABA's Consultant on Legal Education as part of the accreditation process. This data is available for each of the 181 schools included in this research project and published in the *ABA Guide*.<sup>82</sup> Specifically, for each school that completes and returns the survey, the following data was collected from the ABA questionnaire: total student enrollment (including part-time and full-time students) in the J.D. program and the total number of professional librarians (this includes

---

<sup>81</sup> AALLNET, American Association of Law Libraries, <http://www.aallnet.org/> (accessed March 28, 2000).

<sup>82</sup> AMERICAN BAR ASSOCIATION, *supra* note 78.

librarians who teach or hold faculty rank such as the library director). Additionally, the data collected in the survey will be compared with the four tier law school rankings as published by the *U.S. News & World Report* in 1999,<sup>83</sup> in order to determine whether differences exist among schools based on their standing in a tier.

The survey questions were designed to obtain data for assessing whether the predictions for the future of advanced legal research courses discussed by Professor Kauffman have come to fruition in the past fourteen years since publication of his article on the topic. These predictions were for an increased number of such course offerings in American law schools and an increased uniformity of course structure and methodology. Questions were designed to collect data in the following three broad areas: course offerings, course structure and course methodology. The specific questions were developed after reviewing the literature on the topic of legal research instruction in American law schools, including the previous surveys on advanced legal research.

The following definition of "Advanced Legal Research course" was provided on each survey - "a course offered in the law school curriculum, beyond the first year, for academic credit in which the primary focus is teaching legal research skills." This definition was used to ensure that the survey would not be completed for two of the other popular formats of legal research instruction beyond the first year research and writing course. These other formats include law librarians guest lecturing in substantive law classes to inform students on research methods and resources in a particular subject area,

---

<sup>83</sup> *Exclusive Rankings - Schools of Law*, *supra* note 14.



and offering a series of noncredit seminars taught by law librarians to fill in gaps left by the first-year course and to act as a refresher for summer employment.<sup>84</sup> These other two methods have a great deal of value in the law school curriculum, but involve issues not addressed in this study.

The issue of course offerings was addressed in questions 1, 17, and 18 of the survey. In question one, the respondent was asked if an advanced legal research course is currently offered, and if so for how many years. If no such course is offered, an indication of whether it was offered in the past and reasons for discontinuation are solicited. This information will enable an analysis of the current status of the courses as well as a view of the history and length of time the course has been available to students. An assessment of whether more courses are actually being offered will be possible. Of particular interest may be the reasons for discontinuation of a course, especially if it was considered popular. The data from these questions also will allow for the determination of how many years the courses have been offered, how many sections are offered each year, the average enrollment limit in the class, an estimate of the percentage of time that the course is "sold out" and an estimate of class size when last offered. These figures may relate to the popularity of the courses and may be impacted by other factors including the number of library staff available to teach the course, the quality of that instruction, and the total number of students in the school.

---

<sup>84</sup> Mills, *supra* note 36, at 603.

The issue of course structure was addressed in several questions on the survey including numbers 2, 3, 4, 5, 6, and 7. Question two asked for the title of the course, for assessing how the course was promoted or labeled in the law school curriculum. Question three asked who has the primary responsibility for the course - law faculty, law library or other. This question was designed to determine whether the course fell under a similar structure as the first year legal research and writing course, which is commonly taught by a member of the faculty, who is considered a writing instructor or via adjunct faculty,<sup>85</sup> as opposed to being taught by librarians, who many have described as the more appropriate choice.<sup>86</sup> If the law library does have responsibility for the course, they were asked which librarians teach the course, if the course was team taught, and what educational degrees the instructors have. In question seven, the respondents were asked if the teaching of advanced legal research is in the job description of those who actually teach it. This data may be affected by many variables including for example, the value of such a course to the curriculum as a whole, the faculty status of the instructor, or if the instructor volunteers to teach the course, the strength of his or her desire to teach.

The issue of course structure is further addressed in questions 14, 15, 16 and 20 which gathered data regarding the amount of academic credit received for the course, whether the course is required and whether the course satisfies an upper-level writing

---

<sup>85</sup> See Woxland, *supra* note 17, at 454 (discussing the problems inherent in the first year legal research and writing course, the author notes that the course is "usually taught by low-status or no-status instructors, other students, adjuncts, and librarians.").

<sup>86</sup> See *e.g.*, Janto & Harrison-Cox, *supra* note 24, at 281 (discussing the most effective formats for instructing law students in legal research, concluding that "[b]ecause they have devoted their professional lives to mastering legal bibliography and to refining research skills, librarians are uniquely qualified to teach legal research.").

requirement or a skills course requirement (if applicable). Information on how the students are graded in the course was also requested with the options of pass/fail, letter or number grades and other. Again these variables may relate to the perceived value of the course within the curriculum and may be affected by who teaches the course.

The issue of course methodology is addressed in survey questions 8, 9, 10, 11, 12, 13, 23, 24 and 26. The respondents were asked to indicate what types of instructional materials are used in the advanced legal research course. A list is supplied containing a range of more traditional options such as handouts and collected readings to more technology-oriented options such as class webpages and powerpoint slides. The respondent is also given the opportunity to write-in responses. If a textbook is required or recommended for the course, the title is requested. The respondents are asked to check from a list all of the types of instructional formats employed in the advanced legal research course. The options include classroom lecture, demonstrations of traditional and electronic materials, computer lab sessions, guest lectures,<sup>87</sup> library tours, small group sessions,<sup>88</sup> electronic mailing lists or discussion groups,<sup>89</sup> field trips and an open-ended other category.<sup>90</sup>

---

<sup>87</sup> See, e.g., Timothy L. Coggins, *Bringing the "Real World" to Advanced Legal Research*, 6 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 19 (1997) ("Most Advanced Legal Research courses also use 'real-world figures' (guest speakers) to supplement and enhance the instruction provided by the professors of the courses. The experiences and current positions of the 'real-world' speakers are diverse, including librarians, attorneys, publisher/vendor representatives, and government officials.").

<sup>88</sup> See, e.g., Thomas Michael McDonnell, *Joining Hands and Smarts: Teaching Manual Legal Research Through Collaborative Learning Groups*, 40 J. OF LEGAL EDUC. 363, 363, 371 (1990) (The author discusses his finding that "collaborative learning is particularly helpful in teaching manual legal research" and the experiment he performed to test his hypothesis that "a group of law students who research a problem together will

The respondents were asked to indicate the legal research topics covered in the advanced legal research from a list of eighteen topics including material usually covered in the first year curriculum (such as case finding aids, citators and CALR), to topics beyond the scope of the first year course and thus more common in advanced courses (legislative history research, administrative law and the Internet).<sup>91</sup> The topics of any courses limited to a specific substantive area of law are requested as well. The respondents also indicated the types of research assignments required in the course such as presentations, examinations,<sup>92</sup> library exercises or research assignments, pathfinder,<sup>93</sup>

---

learn legal research better than students who work individually." He concludes "law students can gain educational benefits by learning in groups.").

<sup>89</sup> See, e.g., Scott Finet, *Advanced Legal Research and the World Wide Web*, 5 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 52 (1997) (discussing the value of Internet and web technology instruction in the advanced legal research course at Temple University Law School, the author notes that the students are required to subscribe to and participate in listservs or mailing lists on topics related to their final project which is a Web-based research guide or pathfinder).

<sup>90</sup> See, e.g., Perry M. Goldberg & Marci Rothman Goldberg, *Putting Legal Research into Context: A Nontraditional Approach to Teaching Legal Research*, 86 LAW LIBR. J. 823 (1994) (describing the legal research board game created by the authors as an effective nontraditional approach to legal research instruction and overcoming the common problems of lack of practice and lack of context found in other instructional formats).

<sup>91</sup> Finet, *supra* note 89, at 53 ("At the very least, an advanced legal research course should expose students to the basic ideas manifested by the Internet and the Web and prepare them to think about the implications of these forms of information technology.").

<sup>92</sup> See, e.g., Kory D. Staheli, *Evaluating Legal Research Skills: Giving Students the Motivation They Need*, 3 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 74 (1995) (discussing the benefits of a required comprehensive final examination in the first year research course at Brigham Young University School of Law). See also, Paul Richert, *Oral Competence Testing in Legal Research Techniques*, 77 LAW LIBR. J. 731 (1984) (discussing the benefits of an oral competency examination in the first year legal research course at the University of Akron School of Law).

research journal<sup>94</sup> and papers. The sources for assigned exercises or problems are requested. And finally the respondents were asked how online resources are incorporated into the course, whether the online and paper versions of materials are taught simultaneously or separately.<sup>95</sup>

Data from the 111 surveys was coded and put into the Statistical Package for the Social Sciences (SPSS) Version 8.0. Frequency distributions and two-way cross-tabulations were performed to analyze respondent's answers to various questions in the survey compared to variables including the size of the student body, number of librarians and school ranking.

## V. FINDINGS

### The Population

Of the 181 surveys mailed to law library directors at American Bar Association approved law schools, 111 had been returned by April 10, 2000. This is a 61% response

---

<sup>93</sup> Berring, *supra*, note 57 (defining pathfinder).

<sup>94</sup> See Michael E. Strumpf, *The Power Play in Legal Research Education - A Review of Instructor Questions and Comments on Student Research Reports*, 6 LEGAL RESEARCH J. 6 (1982) (providing positive evaluation of the use of student research journals, including instructor feedback/comments, in legal research education).

<sup>95</sup> See Kathryn L. Mercer, *Should Manual and Computer-Assisted Legal Research be Integrated?* 3 INTEGRATED LEGAL RESEARCH 23, 26 (1990-91) (The author explains the competing theories of instruction in this area including the approach of teaching manual research first, followed by online resources as opposed to integrating the two approaches. The author notes, "[l]aw schools must produce lawyers who are competent, cost-effective users of databases and hard-copy research tools.").

rate. The analysis and conclusions in this paper are based on the data contained in these 111 returned surveys. The respondents were grouped based on three variables: the four tier law school ranking produced by the *U.S. News and World Report* in 1999 (in which one is the highest, and four is the lowest), the combined number of full and part-time students enrolled in the J.D. program according to the *ABA Guide* (grouped into four size categories: 0 to 300 students, 301 to 600 students, 601 to 900 students and 901 or more students), and the number of professional librarians employed in the law library according to the *ABA Guide* (grouped into four size categories: 1 to 5 librarians, 6 to 10 librarians, 11 to 15 librarian and 16 or more librarians).

Of the 111 respondents, 30.9% (n=34) were from law schools in the first tier rank, 21.6% (n=24) were in the second tier ranking, 27.3% (n=30) were in the third tier rank, and 20% (n=22) were in the fourth tier ranking. One school was not ranked. Therefore, it appears as if there is a rather even spread of respondents from each of the four tiers of the ranking system.

For size of student body, the medium schools with enrollments of between 301 and 600 students had the highest representation within the group at 40.5% (n=45) of the respondents. The large schools with enrollments of between 601 and 900 students represented 34.2% (n=38) of the respondents. The very large schools with students enrollments at 901 students of more represented 18% (n=20) of the respondents. And the final group of small schools with enrollments of 300 or fewer represented the smallest percentage of the group at 7.2% (n=8) of the total respondents.

The final criterion for grouping the respondents is the number of professional librarians. The responses were grouped into ranges to facilitate comparisons and analysis. The majority of responses were from libraries with a medium number of librarians (between six and ten), at 65.8% (n=73). The second largest grouping was from libraries with a small number of librarians (between one and five), at 17.1% (n=19). The next grouping was from libraries with a large number of librarians (between eleven and fifteen), at 13.5% (n=15). The final group was from law schools with a very large number of librarians (sixteen or more), at 3.6% (n=4).

### **Course Offerings**

The majority of the survey respondents do offer an advanced legal research curriculum "beyond first year, for academic credit in which the primary focus is teaching legal research skills." A total of seventy-two schools (64.9% of respondents) offer the advanced legal research course. A total of thirty-nine responding schools do not offer the course (35.1% of respondents). By using a cross-tabulation to compare the number of courses currently offered and law school rankings, it appears that more of the first tier law schools responding to this survey offer the course than any other level. Although more than half of all of the first, second and third tier schools responding to the survey do offer such a course. And almost half of the schools in the fourth tier responding to this survey offer such a course. The data indicates that as the ranking of a school increases the likelihood of offering an advanced legal research course also increases. In addition, if

a law school offers such a course, the likelihood of being a higher ranked school also increases. The calculations are in the chart below:

<b>Law School Ranking According to <i>U.S. News and World Report</i> (1999)</b>	<b>% of Schools Offering Advanced Legal Research Course</b>
First Tier	76.5%
Second Tier	66.7%
Third Tier	63.3%
Fourth Tier	45.5%

The data reveal interesting differences within the top tier law schools, those ranked one through fifty. Within the top tier law schools, 23.1% of the schools offering an advanced legal research course are ranked between one and fifteen, whereas 76.9% of the schools offering such a course are ranked between sixteen and fifty. In other words, the majority of law schools in the top tier who teach an advanced legal research course are found in the lower portion of that tier. Those law schools ranked in the top fifteen are less likely to offer an advanced legal research course. There are several possible reasons for this including, the high admissions criteria at the higher ranked schools and the faculty's perception that a research course is unnecessary for such students. Also there may be fewer opportunities for law librarians to teach in these schools.

Another variable to consider when looking at whether or not a school offers advanced legal research courses is the number of professional librarians, who would presumably be involved in course instruction. Using a cross-tabulation to compare whether a law school offers an advanced legal research course and the number of librarians, the data from this survey indicate that all of the responding libraries with a



very large staff (sixteen or more librarians) offer the course, but slightly more than half of the responding schools with small staffs (between one and five librarians) also offer the course. These numbers seem to indicate that as the number of librarians increases in the library, the likelihood that a school will offer an advanced legal research course increases. The information is contained in a chart below:

<b>Number of Professional Librarians</b>	<b>% of Libraries in the Group Offering Advanced Legal Research</b>
1 to 5 Librarians	52.6%
6 to 10 Librarians	61.6%
11 to 15 Librarians	86.7%
16 or more Librarians	100%

But it is important to note that when comparing the schools who do offer advanced legal research courses, the majority are offered in schools with a medium sized staff of between six to ten librarians (62.5% of the total respondents). This still supports the trend that as the number of librarians increases, so does the likelihood of offering the course. The peak at the medium size librarian staff may be due to the fact that a very large number of the respondents were in this category and a small number of schools responding who have a very large staff (sixteen or more librarians). The information is contained in the chart below:

<b>Number of Professional Librarians</b>	<b>% of Law Schools Offering Advanced Legal Research</b>	<b>Number of Respondents</b>
1 to 5 Librarians	13.9%	10
6 to 10 Librarians	62.5%	45
11 to 15 Librarians	18.1%	13
16 or more Librarians	5.6%	4

Only 27.6% (n=8) of the schools that do not currently offer the advanced legal research course indicated that they had offered the course sometime in the past. There were a variety of reasons offered for the removal of the advanced legal research course from the curriculum. The most common reason was insufficient library staff to support the course (n=5). Other reasons included a decision to focus on the library's role in the first year legal research and writing course, the integration of the topic into an advanced research and writing course, focusing on a series of workshops on the topic, and law faculty's concern that the course was too easy for the two hours credit awarded for its completion.

The majority of respondents have offered an advanced legal research course for ten years (21.4%, n=15). The next most common length of time for offering such a course is five years (12.9%, n=9). The range of time periods which schools have been offering the course is from one to twenty years, with almost every number between represented. The ten year life-span of the course is not surprising, since the course has been taught since the early 1970s, but the wide range reveals the huge variety. Over half of the respondents have offered the course from one to seven years (54.3%) and 84.3% of the respondents have offered the course for a length of one to ten years.

The course availability during the academic year varies between one to eight sections, according to the responses. The majority of respondents offer one section of the course (57.1%, n=40). The second most common offering is two sections (24.3%, n=17) followed by three sections (11.4%, n=8). In interpreting these responses it is

important to note that the survey did not distinguish between law schools that operate on the semester system and those on the quarter system. These data are more similar to Professor Mills' finding in 1983, that at most of the schools the course is only taught once per year as compared to Professor Kauffman's finding in 1986, that half of the schools offered the course every term (i.e., at least twice a year).

Data concerning the average class enrollment limits, class size, and percentage of time the course was full, were gathered because, in combination with the number of sections offered during an academic year, these factors may influence the number of students who take the advanced legal research course. There was a wide range of responses concerning class enrollment limits, from zero (n=4) to fifty (n=1). But the highest percentage of respondents (17.1%, n=19) have an enrollment limit of twenty students. The next highest grouping of responses is at an enrollment limit of fifteen students (8.1%, n=9). But over three-quarters of all respondents (78.4%) have a class limit of twenty students or less. These findings are similar to Mills' and Kauffman's results, wherein both found that most courses had an enrollment of twenty students or fewer.

The respondents were asked to estimate the size of the most recent advanced legal research course offered. The number varied a great deal, ranging from four students to ninety students. The wide variety may be due to the fact that some schools include night classes for part-time students, and others with full-time students offer classes during the day only. Another possible factor is the total number of students enrolled in the law

school. No clear majority appears, although over three-quarters of the respondents (77%, n=47) reported that their most recent class contained twenty-seven or fewer students. Only nine schools indicated a class of forty or larger. It is not clear why there is a slight difference in the findings relating to class enrollment limits as compared to actual class size, other than that the instructors make exceptions to the enrollment limit and allow more students in than would otherwise be allowed. According to respondents, the course is "extremely popular with students" and "[t]here is always a waiting list."

The respondents were asked to provide their best estimate of the percentage of time the advanced legal research course reaches its enrollment limit. This question produced the full range of possible responses, from 0% (n=4), to 100% (n=38). The most common response was that the course was full 100% of the time (63.3%, n=38), and the next most common response was that the course was full 50% of the time (8.3%, n=5). The wide dispersion of responses is misleading, implying that there are many courses being offered which are not very full. But when considering the cumulative figures, forty-three of the sixty respondents indicated the class was full 90% of the time or more. This may be an indication of recognition on the part of students of the importance of legal research training after the first year.

### **Course Structure**

In the clear majority of the law schools responding to the survey, the law library has primary responsibility for the advanced legal research course (94.4%, n=68). In

interpreting this data it is important to note that all responses which indicated that both the law library and the law faculty were responsible because the library director holds faculty status, were attributed to the law library category. The American Bar Association requires in Standard 603(d) of the *Standards for Approval of Law Schools*, that the "law library director shall hold a law faculty appointment."<sup>96</sup> The intent of the question was to determine if the law library had control over and responsibility for the course in contrast to the situation with the first year legal research and writing course in many schools wherein a member of the law faculty not connected to the law library, or even an adjunct instructor, administers the course. The findings support what law librarians have presumed and authors have described, the advanced legal research course is a product of law librarian initiative and commitment to legal research education.

If the law library has responsibility for the course, which librarians teach the course? The director was involved in teaching the advanced legal research course in 71.4% (n=50) of the responses, the associate or assistant director in 48.6% (n=34), reference librarians in 55.7% (n=39) of the responses, public services librarians in 15.7% (n=11) and various other librarians were involved in 17.1% (n=12) of the schools reporting such a course. These "other" librarian positions included adjuncts, technical service librarians, document librarians and instructional service librarians. These numbers indicate that the law library director is most commonly involved in teaching the course, followed by the reference librarian and the associate library director. These findings are similar to those of Mills and Kauffman, both of whom found that the director

---

<sup>96</sup> AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE

was clearly involved in teaching the course, whether solo or as a team, and that many other librarians are often involved, including public service, reference and computer service librarians.

A cross-tabulation was calculated to compare the relationship between law school ranking and which law librarians are involved in teaching the advanced legal research course. Based on the schools responding to this survey, it appears that within the first tier schools more reference librarians are involved in the course instruction (72%) than library directors (56%). Within the second tier schools respondents, it appears that more directors are involved in teaching the course (87.5%) than are reference librarians (43.8%). For third tier school respondents, the library director is still the most highly represented librarian (68.4%), followed by a tie between associate directors and reference librarians (42.1% each). And in the responding fourth tier schools, it appears that it is very common for the director to be involved in the course (88.9%), followed by the reference librarian (55.6%). Therefore it appears that in first tier schools the likelihood of the reference librarian teaching the course is high while in the other rankings the likelihood of the director teaching the course is higher. See chart below for complete information:

<b>Law School Ranking</b> <i>U.S. News and World Report (1999)</i>	<b>% of Schools with Law Library Director Teaching ALR</b>	<b>% of Schools with Associate Director Teaching ALR</b>	<b>% of Schools with Reference Librarian Teaching ALR</b>	<b>% of Schools with Public Services Librarian Teaching ALR</b>
First Tier	56%	60%	72%	24%
Second Tier	87.5%	50%	43.8%	12.5%
Third Tier	68.4%	42.1%	42.1%	15.8%
Fourth Tier	88.9%	33.3%	55.6%	No data

A cross-tabulation was calculated to compare the size of the law library staff with which librarians are involved in teaching the course at the responding schools. The data indicate that in libraries with a small librarian staff (between one and five), a library director is more likely to be involved in teaching the course (80%), followed by the reference librarian (40%). In libraries with a medium librarian staff (six to ten), the library director is still most likely to be involved (70.5%) followed by the reference librarians (59.1%), but the associate director is involved in over half of the responding schools (56.8%). In libraries with a large librarian staff (eleven to fifteen), the director is still the most commonly involved librarian (69.2%), followed by an equal representation of associate directors and reference librarians (46.2% each). Finally in libraries with very large staffs (sixteen or more), the reference librarian is clearly involved more than any other librarian (100%), followed by the library director (66.7%). The data seems to indicate that as the number of librarians decreases, the likelihood of the director being involved in the instruction increases and as the number of librarians increases the likelihood of the reference librarians being involved in teaching increases. The information is contained in the chart below:

<b>Number of Professional Librarians</b>	<b>% of Schools with Law Library Director Teaching ALR</b>	<b>% of Schools with Associate Director Teaching ALR</b>	<b>% of Schools with Reference Librarian Teaching ALR</b>	<b>% of Schools with Public Services Librarian Teaching ALR</b>
1 to 5	80%	20%	40%	20%
6 to 10	70.5%	56.8%	59.1%	15.9%
11 to 15	69.2%	46.2%	46.2%	7.7%
16 or more	66.7%	33.3%	100%	33.3%

There are multiple factors that may affect the data described above. For example, a library director may be more likely to be involved in teaching at a school with fewer librarians simply due to staffing restrictions, or the library director may be less likely to be involved in this course if the library has a large staff and the director teaches a substantive law class.

The respondents were also asked if the advanced legal research course was team-taught. A majority of the schools that offer the course indicated that the course was not team taught, 60.9% (n=42). It is important to note though, that the answers provided for other questions on the survey indicate that even if the course is not officially team-taught, other librarians (particularly reference librarians) provide guest lectures on a variety of topics including computer-assisted legal research methods. So perhaps one librarian is the teacher of record, but the course in effect is team-taught.

According to the respondents who completed this question on the survey, the majority of the law librarians involved in the advanced legal research course hold both a Juris Doctor degree and a Master's Degree in either Library or Information Science



(94.2%, n = 65). The number of librarians involved in the course who hold a Masters of Library Science, and not a Juris Doctor is eleven (15.9%) and the number of librarians with a Juris Doctor, who do not have a Master's in Library Science is eleven (15.9%). The American Bar Association *Standards for Approval of Law Schools* states in Standard 603(c) that "a director of a law library should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration."<sup>97</sup> Therefore the high number of directors who teach the course may influence the numbers described above. Additionally a common trend in job requirements for reference librarians in academic law library positions is to have both library and law degrees. As reference librarians are very involved in the instruction of the course as well, their presence may have influenced the total number of dual degree librarians described above.

Professor Kauffman recommended in his 1986 article that the advanced legal research course be offered for two hours of academic credit within the law school curriculum. Many other authors echoed the need for increased hours allocated to the course in an attempt to bring it more legitimacy in eyes of the faculty and staff. The clear majority of the respondents offer the course for two credit hours (65.3%, n=47). The second most popular credit allocation is three hours (26.4%, n=19). A total of five schools offer the course for one credit hour and one school offers it for four credit hours. These numbers appear to indicate that the course is achieving recognition within the law school curriculum as represented by the large number of schools offering the course for a

---

<sup>97</sup> *Id.* at 61.

minimum of two credit hours (72.2%, n=52) and the average of 2.22 credit hours across all responses. These findings are similar to that of Mills and Kauffman regarding the range of credit hours between one and three, but the one course offered for four hours is a new addition.

#### **Comparison of Law Schools by Rank with Credit Hours for ALR course**

	<b>First Tier Law School</b>	<b>Second Tier Law School</b>	<b>Third Tier Law School</b>	<b>Fourth Tier Law School</b>	<b>Total</b>
<b>1 credit</b>	3.8%	12.5%	10.5%	No data	7%
<b>2 credit</b>	57.7%	56.3%	68.4%	90%	64.8%
<b>3 credit</b>	34.6%	31.3%	21.1%	10%	26.8%
<b>4 credit</b>	3.8%	No data	No data	No data	1.4%
	100%	100%	100%	100%	100%

The above numbers indicate that more responding schools in all four rankings offer the advanced legal research course for two credit hours, than any other amount, and that the only school offering the course for four credit hours is in the fourth tier. It is interesting to note that there are more schools in each tier offering the course for three hours rather than only one hour of credit. Thus, based on credit hours, the course appears to be gaining legitimacy in the curriculum.

There are differing points of view as to whether the advanced legal research course should be a course required for graduation as opposed to being an elective course, available simply to those students who express an interest in further training in legal research. Professor Kauffman proposed the course be an elective. A clear majority of the seventy-one respondents indicated that it is not required (94.4%, n=68). A mere four schools of the seventy-two responding to this particular question require this course in their curriculum. Of the schools that require the course, one school is in the second tier

and two are in the third tier. This trend contrasts with that of requiring the first year legal research and writing course, which is done in most law schools. The Kauffman study reported similar findings in 1986. But according to respondents, "[m]any students comment that the course should be required and have found it very useful" and "students wish it were required [as] not all students had an opportunity to take ALR [advanced legal research]."

Another option for giving the advanced legal research course legitimacy and value in the opinion of faculty and students is to allow completion of the course to satisfy an upper-level writing requirement or skills requirement within the law school curriculum. Only 12.1% (n=8) of the schools offering an advanced legal research course allow it to satisfy a writing requirement within the curriculum. More of these schools are in the first tier (42.9%) than the second tier (28.6%), third tier (14.3%) or the fourth tier (14.3%).

A skills requirement is apparently not a standard element of legal education as over half of the respondents (51.6%, n=32) indicated that such a requirement was not applicable. Of those respondents that do have a skills requirement (n=30), only 30% indicated that the advanced legal research course would satisfy the requirement. More of the law schools which allow the course to satisfy a skills requirement are in the second tier ranking (37.5%), followed by the third tier and fourth tier law schools (each at 25%), and the first tier schools accounted for the smallest group that allows such a requirement completion (12.5%). These results indicate that although the advanced legal research

course does not dominate the requirement category in the law school curriculum, it is clearly present.

Another aspect of the course structure concerns which students may enroll. The survey asked schools to indicate whether third-year law students, second-year law students or other graduate students could enroll in the course. Most schools allow both the second and third year law students to enroll in the course. A small difference in the restrictions on which law school students could enroll was found. Specifically, of the schools that responded to this question, only 1.4% (n=1) indicated that third year students could not enroll in the course. As compared to the 6.9% (n=5) which indicated that second year students cannot enroll in the course. These numbers may indicate a small trend or preference for ensuring that law school students in their third year, on the way out of law school and into the real world of law practice, are able to enroll in the course and acquire the legal research skills necessary for the profession. But again it is important to be aware of the small numbers in the data set. Just under 10% (n=7) of the respondents indicated that other graduate students could enroll in the course. These other students included library science graduate students and L.L.M students.

The grading system applied in a law school course effects its legitimacy in the law school curriculum. Of the sixty-eight schools that answered this question, a clear majority use either a letter or number grading system (85.3%, n=58). The other respondents (14.7%, n=10) use the pass/fail grading system. The pass/fail grading system is one which students or faculty may associate with a class requiring less rigorous

study. But such a broad generalization, of course, cannot be made, as some well-respected schools use only the pass/fail system for all courses!

### **Course Methodology**

In this section I will discuss the survey data concerning the topics of instructional materials and formats, research topics and assignments, and methods for integration of online resources into the advanced legal research course. This data may reveal what is generally assumed to be true regarding the topics above (for example, what are the legal research topics covered in the course?) and if so, it may act as a baseline set of numbers for any future research on the topic. Additionally, the data may reveal new topics, strategies and ideas for instructors to use in the future.

Of the seventy-one respondents to the question concerning what types of instructional materials are used in the advanced legal research course, the most commonly used format was handouts (95.8%, n=68). The three next most commonly used formats include Powerpoint or Corell slides (67.6%, n=48), a collection of required readings (66.2%, n = 47) and a class webpage (59.2%, n=42). These were followed by the traditional overheads (45.1%, n=32). The “other” category was indicated by 21.1% (n=15) of the respondents. The other category included the following items:

<b>“Other” type of Instructional Material</b>	<b>Number of responses</b>
Internet	4
Listserves	2
In-class CALR assignment	1
Optional readings	1
Worksheets comparing and evaluating resources	1

These numbers indicate that the use of instructional technology is becoming more common in the advanced legal research classroom. Of particular interest is that more respondents use Powerpoint or Correll Slides as compared to overheads. Also the class webpage, the Internet and Listserves were all mentioned in the list of useful instructional formats. This may be related to an increased presence of computers in classrooms, including laptop access.

Of the forty-two schools indicating use of a course webpage, only seven schools provided webpage URLs that indicate the site is available to the general public through the Internet. The remaining eleven webpage addresses listed were not available to the general public, either because they were on the individual law school intranet or they were on the proprietary West Education Network (TWEN).

Another popular instructional tool in the classroom for the group of sixty-nine schools that answered this question, was a required or recommended textbook. A total of 51 schools (73.9%) stated that a textbook was either required or recommended. There were two clear favorites in this group of respondents, *Fundamentals of Legal Research*, 7<sup>th</sup> edition (by J. Myron Jacobstein, Roy M. Mersky, Donald J. Dunn, Foundation Press,

1998) and *Finding the Law*, 11<sup>th</sup> edition (by Robert C. Berring and Elizabeth A. Edinger, West Publishing Co., 1999). All titles indicated by respondents are in the following chart:

<b>Textbook Title</b>	<b>Number of Respondents</b>
J. MYRON JACOBSTEIN ET AL., FUNDAMENTALS OF LEGAL RESEARCH (7th ed. 1998).	16
ROBERT C. BERRING & ELIZABETH A. EDINGER, FINDING THE LAW (11th ed. 1999).	14
CHRISTINA L. KUNZ ET AL., THE PROCESS OF LEGAL RESEARCH (4th ed. 1996).	7
J. MYRON JACOBSTEIN & ROY M. MERSKY, LEGAL RESEARCH ILLUSTRATED: AN ABRIDGEMENT OF FUNDAMENTS OF LEGAL RESEARCH (5th ed. 1990).	5
MORRIS COHEN ET AL., HOW TO FIND THE LAW (9th ed. 1989).	4
MORRIS L. COHEN & KENT C. OLSON, LEGAL RESEARCH IN A NUTSHELL (6th ed. 1996).	4
ANGUS J. KENNEDY ,THE INTERNET : THE ROUGH GUIDE (1998).	1
THE LAWYER'S RESEARCH COMPANION : A CONCISE GUIDE TO SOURCES (Joanne Zich & Gary McCann eds., 1998).	1
NANCY P. JOHNSON & SUSAN T. PHILLIPS, LEGAL RESEARCH EXERCISES (6th ed.1999).	1
NANCY P. JOHNSON ET AL., WINNING RESEARCH SKILLS (4th ed. 1999).	1

These findings differ slightly from those of Kauffman who reported in his 1986 survey that *How to Find the Law* (8th ed. 1983) was the most popular text followed by *Fundamentals of Legal Research* (3d ed. 1985). One obvious reason for the low ranking of the *How to Find the Law* (9th ed. 1989) in this survey is that it was published over a decade ago. Many of the respondents are using a more concise book, *Finding the Law*, created by one of the same authors, Robert C. Berring, Library Director and Professor of Law at the University of California. These findings also differ from those reported in the Mills survey wherein she found the majority of instructors did not use a textbook for the

course, but rather relied on a section of materials, including their own. The change may be a result of the large number of legal research textbooks available in the marketplace.

Seventy-one of the law schools responded to the multi-part question concerning the types of instructional formats used in the advanced legal research course. The most popular instructional format was the classroom lecture by the instructor (98.6%, n=70), followed by computer laboratory sessions (83.1%. n=59). In-class demonstrations of traditional materials and in-class demonstrations of electronic resources were tied at 80.3% (n=57) for each. Next in popularity, were guest lectures (67.6%. n=48), library tours and e-mail list or discussion group (both at 49.3%, n=35), small group sessions (22.5%, n=16), field trips (12.7%. n=9) and the "other" category (8.5%. n=6). Law schools responding to the "other" category indicated that student presentations about resources or projects were utilized as well as short in-class research assignments.

The wide variety of people invited to guest lecture was very interesting, ranging from former students to the state supreme court law librarian. The guest lecturers are listed below:

<b>Guest Lecturer</b>	<b>Number of Responses</b>
Law School Librarians (foreign and international law specialist, tax specialist, government documents librarian, law library director, reference librarian)	18
Product Representatives (Westlaw, Lexis, Loislaw, Current Legal Resources)	17
Law Firm Librarians	12
Practicing Attorneys	5
Faculty Members	3
County Court Librarian	2
Former Students Now Practicing Law	2
State Supreme Court Librarian	1



The nine law schools that incorporated field trips into the course, reported trips to a variety of special libraries. The sites included law firm libraries, court libraries, the main campus library, a medical library, a management library and a trip to the state legislative archives and state library.

The wide diversity and variety of instructional formats utilized by the law librarians indicate a concerted effort on the part of the librarians to reach out to students in a variety of ways to keep them interested in the course, to reveal the importance of the skill of legal research, and to accommodate different learning styles. Additionally, these responses show the wide range of resources and libraries. According to one law librarian's comment on the course, "[it] works, but must be continuously re-evaluated and adapted. We never do exactly the same thing twice. We don't reach the number of students we should!" Another respondent commented, "[s]tudents seem to like regular hands-on sessions - whether in law or via in-class exercises. Constantly changing the mix (guest speakers, longer labtime, in-class exercises, CALI exercises<sup>98</sup>, tours of specific collections (treaties, e.g.)) keeps things interesting for them." But some instructors find the rapid proliferation and variety of formats to be challenging. For example, one respondent commented, "[t]his gets more difficult to teach every year due to the proliferation of formats. Students find it very confusing and do not want to read the text or do the work. I wish it could be more interactive and hands on." Another

---

<sup>98</sup> CALI exercises are computer-assisted tutorials, written by law professors, covering twenty-seven areas of law including legal research and writing, intended for inclusion in the law school curriculum. The CALI Library of Materials is distributed by the Center for Computer-Assisted Legal Instruction to CALI members annually. For more information, see the CALI website, <http://www.cali.org/>.

commented, "[o]verall it is working very well. It's a challenge to work in all formats that legal information comes in these days."

The survey included a multi-part question, asking the respondents to indicate all of the research topics covered in the advanced legal research course. Seventy-one law libraries responded to this question. The responses are summarized in the chart below, in rank order:

<b>Research Topic</b>	<b>% of Respondents Covering the Topic</b>	<b>Number of Respondents</b>
Computer Assisted Legal Research (CALR)	98.6%	70
Internet Research	98.6%	70
Legislative History Research	98.6%	70
Administrative Law	97.2%	69
Legal Research Strategies and Approaches	95.8%	68
Secondary Sources (periodicals, treatises, looseleaf services, ALR, Restatements)	94.4%	67
Statutes (Federal and State)	94.4%	67
Cases (Federal and State) and Case Finding Aids	93%	66
Comparison of paper and online versions of sources	93%	66
State-specific Materials	90.1%	64
Citators	87.3%	62
Practice Materials (CLE, PLI)	81.7%	58
Foreign and International Law	80.3%	57
Cost-comparison of research approaches	77.5%	55
Non-Legal Materials (Interdisciplinary)	62%	44
Specific Substantive Legal Topics	57.7%	41
Other	12.7%	9

The types of non-legal materials covered by the law librarians in the course reflect the increasingly interdisciplinary nature of legal research and the need for lawyers to be aware of the vast number and variety of resources available in the research process. The types of non-legal materials covered by the law librarians are in the chart below, in rank order:

<b>Non-Legal Materials</b>	<b>Number of Respondents</b>
Business	11
General Reference Works (Encyclopedias, Indexes, Handbooks)	11
Medical/Health Information	6
Statistics	6
Company Information	2
Public Records	2
Science & Technology	2
Social Sciences	1

According to the literature, one of the reasons for the inclusion of an advanced legal research course was to cover material beyond the scope of the first year curriculum. It becomes apparent when looking at this data, that the survey respondents are covering such advanced topics as legislative history research, CALR, and the Internet. Almost every respondent school offering the advanced legal research course covers all three of these topics. Administrative law runs a close second place, with 97.2% of the schools covering the topic. Statutes, secondary sources and cases/case finding aids are also covered in a majority of the courses even though these three topics are typically covered in the first year legal research course. This echoes the comments of one respondent, "[i]t substantially boils down to a 3rd year review of basic legal research." There are many other substantive areas covered by a majority of the respondents (for example, state materials and practice materials)<sup>99</sup> which are not typically covered in the first year program, but have much more context and application to law students in their second or third year of school. Additionally librarians are able to bring their expertise into the

---

<sup>99</sup> See Kory D. Staheli, *Introducing Students to Legal Practice Materials: Helping Fill a Law School Void*, 16 LEGAL REFERENCE SERVICES Q. 23 (1998) (discussing why an advanced legal research course creates an excellent opportunity to educate law students

classroom as indicated by the inclusion of research strategies, cost-comparisons, and the coverage of a wide variety of non-legal materials.

The research topics covered in the advanced legal research courses offered by the schools responding to this survey are the same topics as those reported in the earlier surveys by Kauffman and Mills. The only difference is that now all of the topics are being taught by a majority of the schools. The only topics that have low responses in this survey are the "specific substantive legal topics" category and the "other" category. This means that librarians who teach the advanced legal research course are teaching everything! It is both a review of the first year curriculum and an introduction to more advanced resources.

Of the seventy law libraries that answered the question of whether they offer an advanced legal research course limited to a particular topic, 24.3% (n=17) indicated that they do offer such a course. Tax law is the clear favorite, not surprising since it is very research-oriented and involves complex looseleaf publications. In her study, Mills also found that advanced tax research courses were offered in some schools. A selection of some of the specific legal topics taught, as indicated by respondents, are in the chart below:

---

about the value of legal practice materials such as model jury instructions, discovery materials and state practice materials).

<b>Specific Legal Topic</b>	<b>Number of Respondents</b>
Tax Research	20
Labor and Employment Law	8
Environmental Law	5
Bankruptcy	3
Immigration Law	3
Intellectual Property	3
International and Foreign Law	3
Securities Law	3
Health Law	2

Another important aspect of course methodology is the selection of the types of research assignments. Seventy-one law librarians responded to a multi-part survey question asking librarians to indicate all types of research assignments currently utilized in the advanced legal research course. The data from the seventy-one law libraries that answered this question are found in the table below, in rank order:

<b>Research Assignment</b>	<b>% of Respondents Using the Assignment</b>	<b>Number of Respondents</b>
Library Exercises/Research Assignments	88.7%	63
Pathfinder	69%	49
Classroom Presentations	50.7%	36
Legal Research Proficiency Survey (Quiz)	33.8%	24
Examinations	26.8%	19
Comprehensive Problem Set	25.4%	18
Research Paper/Memorandum	21.1%	15
Other	14.1%	10
Research Journal	11.3%	8

The category of "other" research assignments contained some interesting ideas including a take-home exam, creating a library purchasing plan for a practice area, periodic quizzes, a database review, CALI exercises, and a simulation of a research assignment in a law firm.

The data shows that the traditional library and research assignments and the pathfinder are the most common or popular research assignments. Classroom presentations also made a strong showing in this group. This may be a popular assignment because it provides training for the real world of the practicing lawyer where public speaking is common, and it treats law students as graduate students with some responsibility for the course content.

Of the seventy law libraries that responded to a question regarding the sources for library exercises or research problems assigned in the advanced legal research course, the vast majority indicated that original exercises created by the Instructor were used (68.6%, n=48). The second most popular strategy involved a combination of a published workbook and original exercises (22.9%, n=16), followed by those that rely only on a workbook (4.3%, n=3). The workbooks used include: *Legal Research Exercises: to Accompany Robert C. Berring's Finding the Law*, *West's Teach-in Kits*, *Workbook for Fundamentals of Legal Research*, and *The Process of Legal Research*.

As the law library literature and the data in this survey indicate, computer-assisted legal research (CALR) is a common element in advanced legal research courses. Most often included in this category are the legal databases of Westlaw and Lexis as well as CD-ROM products. But there are many more computer and/or Internet based products available these days. So what types of CALR are being taught? Who is teaching the topic? And how are these online resources being integrated into the course? The

responses of sixty-nine law librarians concerning what computer-assisted legal research resources are being covered in the advanced legal research course have been tallied in the chart below, listed in rank order:

Type of CALR	% of Respondents Teaching the Resource	Number of Respondents
Lexis	98.6%	68
Westlaw	98.6%	68
CD-ROMs	49.3%	34
Loislaw ( <a href="http://lois.loislaw.com/">http://lois.loislaw.com/</a> )	26.1%	18
Internet Based Products (ex., BNA, CCH, RIA, TIARA, Congressional Universe, Academic Universe)	15.9%	11
Versuslaw ( <a href="http://www.versuslaw.com/">http://www.versuslaw.com/</a> )	8.7%	6
Miscellaneous Legal Products (ex. state specific products, LegalTrac, Quicklaw America)	4.3%	3

Clearly, Westlaw and Lexis legal databases are still the predominant form of CALR method taught in American law schools, each being taught by 98.6% of the respondents. Almost half of the respondents (49.3%) teach materials which are CD-ROM based, although specific titles in that format were not requested. The Loislaw<sup>100</sup> product as well as many Internet based versions of materials traditionally collected in paper format (such as the looseleaf sets published by Commerce Clearing House and Bureau of National Affairs) are making a showing in the field of options. The other Internet-based product that has received a lot of discussion among law librarians, but does not seem to have made a very strong presence yet in the classroom is Versuslaw.

---

<sup>100</sup> See, T.R. Halvorson, *The LOIS Law Library*, ECONTENT, Aug.-Sept. 1999, at 43 (reviewing LOIS law legal research products).

Slightly more than half of the seventy-one respondents to the question of who teaches the computer–assisted legal research in the classroom indicated that both the course instructor and the product vendor’s representative teach CALR (56.3%, n=40). The course instructor or law librarian is solely responsible for teaching the topic in 35.2% (n=25) of the responses. These data indicate that the librarian is very involved in CALR instruction, often providing a balance or perspective on the information provided by the vendor. It is important to note that the name of the specific products was not specified, so one may assume the vendors were for Westlaw and Lexis who have had a presence in American law schools for years, but other vendors (such as Commerce Clearing House and Bureau of National Affairs) may be involved as well.

Slightly more than half of the respondents to the question of how online resources are integrated into the course, indicated that the online and paper version of the same source are taught simultaneously (57.4%, n=39). One respondent commented, “[f]or all of the topics we cover, we discuss online and print materials together. Additionally, we have a couple of classes on ‘advanced online searching techniques’ where it’s all online.” Only 7.4% (n=5) teach the online and paper versions separately, whereas over a third of the respondents (35.3%, n=24) use a mixture of both approaches. The comments provided by respondents reporting a mixture of approaches are very informative. Consider the comments of one respondent, “[o]nline and paper versions of specific sources (e.g., case law, statutes) are taught in the same class; however, individual classes center on CALR and Internet research, covering search strategies, costs, computer-only sources.” Also, “[s]ometimes both formats are taught in one class for comparison



sometimes not – depends on scheduling” and “[o]nline resources are incorporated into all lectures but there are separate computer lab sessions for researching case law and statutory law on Lexis and Westlaw.” This increased integration of online and traditional format materials seems to echo the recommendations and trends in the literature on the topic. As more online resources appear in the legal research marketplace it will be interesting to see how this impacts the instruction format in the future.

## **VI. CONCLUSION**

The volume of journal articles in the law library literature on the topic of teaching legal research skills and the large number of books published on the topic of legal research and legal writing indicate that the issue of legal research is very concretely embedded in the legal education landscape. The foundation first year legal research and writing course has changed over the past decade in response to the law student and legal community’s dissatisfaction with the end result. But how has the relative newcomer, the advanced legal research course, changed in the past fifteen years? Have the predictions of Professor Kauffman come true about an increased number of advanced legal research courses being offered and has uniformity developed concerning the course structure and methodology? This survey research project provides valuable information helping to answer these two questions and additionally considering the impact of the size of the law school student body, number of professional librarians and the law schools ranking.

According to the data contained in this project, Professor Kauffman's prediction that the number of courses offered would increase in the future has come true. The number of courses offered seems to have increased steadily over the years from nine in 1983 (Mills survey), to twenty-seven in 1986 (Kauffman survey), to fifty-two in 1992 (Hazelton survey), to twenty-six in 1997 (Hill survey), twenty-five in 1997 (AALS survey) and seventy-two in this survey. This increase in the number of course offerings from nine to seventy-two since 1983, represents a 700% increase! Although not all ABA accredited law schools are offering the course, it is clearly very common. Additionally, more of the law schools offering the courses are ranked in the first tier. And the majority of these courses are offered only once per year and usually to a class of twenty students or less. This means that in most law schools that offer such a course, only a few students can enroll.

There is still a great deal of variety in the structure of the advanced legal research course, including for example the number of credit hours allocated, whether it satisfies any curricular requirements, who teaches it and whether it is team taught. There does seem to be some semblance of uniformity in the following factors: the finding that most of those involved in teaching the course have both law and library degrees, the course is most often an elective as opposed to a required course, the course is most frequently graded on a letter or number system as opposed to a pass/fail system, and most schools allow both second and third year student to enroll.

Concerning the course methodology, according to the data collected in this survey, there appears to be a wide variety of instructional formats and tools available to the instructor of an advanced legal research course. The data does not indicate a clear standard of materials, although there appears to be a trend of increasing use of instructional technology in the classroom setting. The research topics covered appeared to be uniform across almost all respondents, providing strong baseline data for future comparisons. The research assignments still vary a bit as does the style of integration of online and traditional materials.

The advanced legal research course now seems to be a steady and resilient element of the law school curriculum. It faces difficulties including staff shortages, fluctuating opinions of other law faculty as to its value in the curriculum, and the extremely labor-intensive nature of the instructor's role in such a course. But it seems likely to remain in the curriculum as long as the student demand remains so high, the student evaluations are so positive and the librarian instructors respond to and incorporate the many technological developments that impact legal research.

### **Recommendations**

It would be helpful to develop and maintain a website on the topic of advanced legal research instruction. This could be the central point for sharing information with other instructors, including for example, syllabi, textbook recommendations, library exercises and copies of materials distributed to students and lesson plans. The librarians

involved in teaching these courses probably have a wide variety of teaching experience and knowledge. The presence of a central information sharing site may lead to increased learning opportunities for the newer teachers and in increased uniformity of course structure and methodology. Another useful device would be an electronic mailing list for advanced legal research instructors to exchange information and ideas.

**APPENDIX A**

**Cover Letter  
Addressed to the Law Library Directors  
of the 181 American Bar Association Accredited  
Law Schools**

March 4, 2000

Dear Law Library Director:

I am conducting a study of Advanced Legal Research instruction in American law schools for my Master's paper at the University of North Carolina School of Information and Library Science. The purpose of this survey is to explore the current status of Advanced Legal Research courses in law schools approved by the American Bar Association as of October 1, 1998. I am interested in determining who teaches the courses, what is the content of such courses, and whether they are an integral part of the law school curriculum.

In my previous work as an attorney and in my current role as a Graduate Assistant at the University of North Carolina Law Library, I have experienced the increased complexity of legal research and the challenge faced by law students in developing the necessary research skills. With the guidance of my advisor, Professor Laura N. Gasaway, I have developed the attached survey. If you have any questions about the content of the survey, please contact me directly or Professor Gasaway, at the Kathrine R. Everett Law Library, University of North Carolina, CB #3385, Chapel Hill, NC 27599, telephone (919) 962-1321.

I hope that you will take a few minutes to complete this survey and return it to me in the enclosed self-addressed, stamped envelope by **March 30, 2000**. Returning this questionnaire implies your willingness to participate in this study. All responses will be kept confidential, coding will be used for follow-up purposes. Your participation is voluntary, although by completing this survey you will add value to this research project as well as the literature of law librarianship.

Thank you in advance for your participation.

Sincerely,

Ann Hemmens, J.D.  
Graduate Student  
School of Information and Library Science  
University of North Carolina at Chapel Hill

You may contact the UNC-CH Academic Affairs Institutional Review Board at any time during the study if you have questions or concerns about your rights as a research subject.  
Academic Affairs Institutional Review Board  
David A. Eckerman, Chair  
CB #4100, 300 Bynum Hall  
UNC-Chapel Hill  
Chapel Hill, NC 27599-4100  
(919) 962-7761  
aa-irb@unc.edu

**APPENDIX B**

**Survey of Advanced Legal Research Instruction**

## Survey of Advanced Legal Research Instruction

**Please respond to the following questions:**

*For purposes of this survey, "Advanced Legal Research course" is defined as a course offered in the law school curriculum, beyond the first year, for academic credit in which the primary focus is teaching legal research skills.*

**1. Does your law school currently offer an Advanced Legal Research course for upper-level law students?**       Yes       No

**1a. If yes, for about how many years?** \_\_\_\_\_  
**How many sections are offered each year?** \_\_\_\_\_

**1b. If no, was it offered in the past?**  Yes  No  Don't Know  
**1b(1). If yes, why was it discontinued?** \_\_\_\_\_

**2. What is the title of the Advanced Legal Research course in your curriculum?**  
 \_\_\_\_\_

**3. Who has primary responsibility for the Advanced Legal Research course?**  
 Law Faculty  
 Law Library  
 Other (please specify): \_\_\_\_\_

**4. Is the Advanced Legal Research course team-taught?**       Yes       No

**5. If law librarians have responsibility for the course, who teaches it? (check all that apply)**  
 Law Library Director       Reference Librarian  
 Associate or Assistant Director of Law Library       Public Services Librarian  
 Other (please specify): \_\_\_\_\_  
 \_\_\_\_\_

**6. How many law librarians who teach Advanced Legal Research hold the following educational degrees? (indicate numbers for each)**  
 Masters in Library Science (MLS) only       Juris Doctor (JD) only  
 Masters in Information Science (MIS) only       Dual Degree (both and MLS/MIS and JD)  
 Other (please specify): \_\_\_\_\_

**7. Is teaching Advanced Legal Research in the job description of those who teach it?**  
 Yes  No

**8. What types of instructional materials are used in the Advanced Legal Research course? (check all that apply)**  
 Overheads       Handouts  
 PowerPoint Slides       Collection of required readings  
 Class webpage (specify address): \_\_\_\_\_  
 Other (please specify): \_\_\_\_\_

**9. Is a text required (or recommended) for the Advanced Legal Research course?**  
 Yes       No



9a. If yes, what is the title?

---

10. What types of instructional *formats* are used in the Advanced Legal Research course? (check all that apply)

- Classroom lecture by Instructor  
 In-class demonstration of traditional materials  
 In-class demonstration of electronic resources  
 Computer Lab sessions  
 Guest lecture (specify Speaker's title): \_\_\_\_\_  
 \_\_\_\_\_  
 Library tours  
 Small group sessions  
 E-mail list or discussion group  
 Field Trip (specify type of location): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

11. What legal research *topics* are covered in the Advanced Legal Research course? (check all that apply)

- Cases (Federal and State) and Case Finding Aids  
 Statutes (Federal and State)  
 Legislative History research  
 State-specific materials  
 Practice materials (ex., CLE, PLI)  
 Citators  
 Administrative Law  
 Foreign and International Law  
 Secondary Sources (periodicals, treatises, loose-leaf services, ALR, Restatements)  
 Computer-Assisted Legal Research systems (check all that apply)  
      CD-ROMs  
      LEXIS  
      Westlaw  
      Other (specify): \_\_\_\_\_  
 Internet Research  
 Legal research strategies and approaches  
 Cost-comparison of research approaches  
 Comparison of paper and online versions of sources  
 Non-legal (interdisciplinary) materials (specify topic): \_\_\_\_\_  
 \_\_\_\_\_  
 Specific legal topics (ex. Tax law)(specify topic): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

12. What types of *research assignments* are required in the Advanced Legal Research course? (check all that apply)

- Classroom Presentations  
 Comprehensive Problem Set  
 Examinations  
 Legal Research Proficiency Survey (Quiz on first day)  
 Other (specify): \_\_\_\_\_  
 \_\_\_\_\_
- Library Exercises,  
     Research Assignments  
 Pathfinder (Research Guide)  
 Research Journal  
 Research Paper, Memo  
 \_\_\_\_\_



27. **Any comments or evaluations of how your course is working:**

---

---

---

---

**Thank you for completing this survey. Please return it in the enclosed envelope.**

**Please return completed survey in the enclosed stamped envelope to:**

**Ann Hemmens  
Kathrine R. Everett Law Library  
University of North Carolina at Chapel Hill  
Van Hecke-Wettach Building  
CB #3385  
Chapel Hill, NC 27599**