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The Long and Winding Road: Developing an Online Research Curriculum

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Have you ever wondered about the adequacy of your students' online research skills? Do you know whether LexisNexis and Westlaw Academic Account Managers (AMs) are actually providing valuable research training to students and not just using training sessions as marketing opportunities? Do you wonder why some students take advantage of all the free training opportunities while others ignore even mandatory trainings? Have you ever feared that students might get improper academic assistance during training sessions by asking questions related to their coursework?

In pondering these questions at the end of the 2008-09 academic year, we—a legal writing professor and a librarian at George Washington University Law School (GW, or the law school)—thought about how to incorporate LexisNexis and Westlaw training sessions into the first-year Legal Research and Writing (LRW) curriculum. Of course, these questions were only part of our motivation to incorporate online research instruction into the research curriculum. We were also driven to effectively respond to ongoing reports of law students' and graduates' inadequate research skills.¹ Though these reports have long been in

the legal education and law library literature, few articles provide a practical response.²

In this article, we strive to start filling that gap with a concrete approach to incorporating LexisNexis and Westlaw instruction into a first-year research curriculum.³ Because LexisNexis and Westlaw are library resources, our approach relied on collaboration between LRW and the library in an effort to foster a working relationship with the AMs. Through this collaborative relationship, we hoped to improve the delivery of online research instruction, and ultimately, to build our students' research skills. First, we describe GW's historical approach to LexisNexis and Westlaw training as context for our recent curriculum development. Second, we explain why we partnered with the AMs in developing the research curriculum. Third, we discuss our goals and what we did to reach them—or at least start down the path toward reaching them. We then identify the benefits and challenges of working with the AMs, and conclude with considerations for taking a similar approach.

I. The Road to Nowhere: Disparate Learning in Online Research

At GW, the library manages the contractual agreements with LexisNexis and Westlaw,

¹ See, e.g., Blair Kauffman, *Information Literacy in Law: Starting Points for Improving Legal Research Competencies*, 38 Int'l J. Legal Info. 339, 342-43 (2010); Patrick Meyer, *Law Firm Legal Research Requirements for New Attorneys*, 101 Law Libr. J. 297 (2009); Ann Hemmens, *Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools*, 94 Law Libr. J. 209, 213 (2002).

² See, e.g., Robin K. 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 (1977); Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 J. Legal Educ. 318 (1990).

³ Of course LexisNexis and Westlaw are not the only online research systems, but they "remain the dominant players in large firms." Laura K. Justiss, *A Survey of Electronic Research Alternatives to LexisNexis and Westlaw in Law Firms*, 103 Law Libr. J. 71, 85 (2011). We plan to continue our development of the first-year research curriculum to include alternatives to LexisNexis and Westlaw, but collaborating with LexisNexis and Westlaw was an obvious starting point for GW because of the historically heavy training commitments by both services.

“Do you wonder why some students take advantage of all the free training opportunities while others ignore even mandatory trainings?”

particularly related to online legal research system access for the law school's students and faculty members. Each student receives an account from each vendor with access to content packaged for and licensed to GW. As part of GW's academic packages, each vendor assigns an Account Manager to provide support services, including instruction. The library gives operational support to the AMs, including managing passwords, providing space and network connections for LexisNexis and Westlaw printers, coordinating delivery and storage for supplies, and reserving classrooms and other spaces within the law school. Even with such an extensive relationship, the AMs receive no formal guidance from the library on what, how, and when to train students on the online legal research systems. Thus, historically, the majority of LexisNexis and Westlaw online research instruction at the law school has been directed by the AMs through optional trainings available to the entire student population. The AMs also regularly provided individualized support and responded to training requests from varied sources, including student groups (e.g., Mock Trial Board), faculty program directors (e.g., Scholarly Writing Program), and individual faculty members. For the most part, these requests came with little to no guidance, and the AMs unilaterally developed the content for the trainings.

GW's LRW Program, however, traditionally asked the AMs for more specific and significant optional trainings for the over 500 students in LRW each year.⁴ With a built-in student audience, AMs tried to work through LRW to access first-year students through trainings designed, at least in part, to create a preference for one research system over the other. Though historically not a formal component of the LRW curriculum, AMs consulted with the LRW faculty to understand the first-year students' needs related to their writing assignments. Based on this information, AMs strategically scheduled trainings to encourage attendance. For example, "formulating

a search" trainings coincided with students' receipt of the open-research memo assignment. Beyond the scheduling advice, LRW provided some limited informal guidance, such as asking the AMs to avoid using a particular topic in a training session because it overlapped with a writing assignment. LRW also placed limits on what the AMs could offer students in terms of answering questions. Students were allowed to ask questions, but they had to be targeted, demonstrating some attempt to find an answer rather than open-ended, such as, "Can you help me find the cases I need for my memo?"

Given a training climate that relied heavily on the AMs' discretion, it was not surprising that occasionally the AMs' efforts conflicted with LRW's expectations. And this was problematic. For example, when the AMs' level of assignment assistance was inconsistent from session to session or student to student, students cried foul. Whenever possible and necessary, LRW stopped a training series or limited the material covered, but this reactive approach resulted in a cobbling together of various restrictions and lessons learned. Only after we took the time to step back and assess what was happening with the research trainings were we able to determine that, overall, this approach was incoherent, and possibly counterproductive.

In addition to training content issues, the AMs faced student attendance challenges. Despite almost unrestricted access to students and unlimited opportunities to develop and push their own training agendas, the AMs had limited success in reaching GW law students. Encouraging students to build their online research skills through free training opportunities with LexisNexis and Westlaw often fell on deaf ears, as students were bombarded with conflicting information about the utility of the training sessions. For the students who attended optional trainings, the AMs faced the hurdle of teaching to a group with varying levels of knowledge and skill. Even with an advanced training session, AMs often spent a quarter of the time on basic refresher material.

Ultimately, this only-go-if-you-want-to-go approach to online research training resulted

“[O]nline research instruction at the law school has been directed by the AMs through optional trainings available to the entire student population.”

⁴ The trainings were optional due to limited time in the existing LRW syllabus and logistical challenges related to scheduling trainings for all first-year students.

“[T]oday’s tech-savvy students often erroneously think they can adapt their Google-searching to any other searching technology which simply does not pan out for legal databases.”

in disparate learning. Some students attended more trainings than others and even those with good attendance may not have grasped the value of attending multiple trainings. Given this framework, how could we expect students to learn and understand LexisNexis and Westlaw research tools?

II. The Road to Somewhere: Involving Academic Managers in Online Research Instruction

A first-year legal research and writing course is an ideal framework for teaching an introduction to online research skills because students must perform legal research to analyze legal problems. Though models for teaching research vary, law schools consistently teach research within the first-year curriculum, and many schools offer advanced legal research courses to upper-level students.⁵ The structure of a school’s LRW program dictates how a school incorporates online research instruction into an existing research curriculum. At GW, the LRW program uses an adjunct-based model with third-year students teaching research and citation. These teaching assistants teach types of sources including primary and secondary materials, basic research concepts including source relationships, and how and why to create a research plan.⁶ Even so, given the teaching assistants’ limited experience as teachers and researchers, there is value in using the AMs to reinforce the concepts through online research instruction.

No matter what model of research instruction a school uses, the LexisNexis and Westlaw AMs can supplement the research curriculum through integrated online research trainings done in partnership with the librarians or professors

responsible for teaching research. In developing our partnership with the AMs, we first identified the specific issues we wanted to address; from the outset we also recognized that we could not solve every problem related to teaching research. To avoid feeling overwhelmed at the thought of major curriculum redevelopment, we deliberately chose specific, identifiable problems to help us form effective solutions⁷

Based on anecdotal reports about GW students’ research weaknesses from librarians, employers, students, and the AMs, we focused on three issues we could correct through a change in the research curriculum. First, prioritizing student learning was the true impetus for this curricular redevelopment project. Thinking comprehensively about our students’ entire law student career, we wanted to ensure that all GW graduates had a working knowledge of both LexisNexis and Westlaw for online research tasks they were likely to face in their jobs after graduation. Though librarians and legal writing professors alike know that students need online research skills, they also know that today’s tech-savvy students often erroneously think they can adapt their Google-searching to any other searching technology, which simply does not pan out for legal databases. Second, we recognized a wasted opportunity in not using the existing LRW Program structure to its maximum capacity for incorporating online research instruction. In fact, the more we thought about it, the more we thought that LRW courses may be the opportunity for law schools to take back control of how students build research competencies using LexisNexis and Westlaw. Encouraging first-year students to seek out training opportunities to increase their knowledge and improve their marketability to employers could be the hook students need to take an active role in learning the online research systems. Finally, a historic lack of oversight of the LexisNexis and Westlaw trainings led to a number of problems, ranging from students receiving

⁵ Hemmens, *supra* note 1, at 220-36; 2011 ALWD/LWI Surv. Rep. 28-29, available at <http://www.lwionline.org/uploads/FileUpload/2011Survey.pdf> (data includes “Advanced Research” as a course offered to upper-level students).

⁶ According to the 2011 ALWD/LWI Survey, of the 186 responding schools, 120 use teaching assistants in some capacity (4 schools “substantially,” 10 schools “significantly,” 66 schools “somewhat,” and 40 schools “rarely.”). *Id.* at 87. The second most common subject covered in teaching assistant office hours is research (citation is first). *Id.* at 89.

⁷ Though we limited ourselves to online research for this project, we do not mean to suggest here that there is no value to print research or free online research tools.

academically improper aid in writing assignments to a failure to understand how LexisNexis and Westlaw fit into the broader spectrum of legal research.

Actively working with the AMs allows a legal writing program to establish a partnership that takes advantage of the AMs' online research expertise. With explicit and detailed instructions about the school's goals, the AMs can offer advice on curriculum design, giving the AMs a stake in the research curriculum. Of course, the ultimate decision about what trainings to offer and when to offer them must be left to the legal writing faculty or librarians, but the partnership allows that decision to be an informed decision, and one that has been vetted through the people responsible for executing the trainings.

This is not to suggest that AMs are better at teaching research than other groups of research teachers. Rather, we believe—uncontroversially, we think—that AMs probably know more about the research systems than any other group of people involved in the teaching-research enterprise. Thus, it makes sense to use them to their full capacity. “Full capacity” will mean different things at different schools, from soliciting input on content, organization, and features available on their research systems to using AMs as teachers in an integrated curricular research program. Particularly for a legal writing program that uses student teaching assistants to teach research, the AMs ensure consistency and accuracy, which is nearly impossible to do with a group of student teachers. Teaching assistants may not be the best-suited to teach online research techniques, but they can be an integral component of a research curriculum. In teaching source basics, teaching assistants can encourage attendance at online research trainings by explaining to students how the trainings will teach students how to access and navigate the sources, a natural complement to their lessons. Finally, including the trainings on the LRW syllabus legitimizes this encouragement to attend the trainings.

III. On the Road: Creating an Online Research Curriculum

In early 2009, we launched a plan to develop an online research instruction series for integration into the first-year LRW curriculum. Our target date for curricular integration, the 2010-2011 academic year, meant that we had one and one-half years for development. We identified appropriate time slots for trainings in the LRW syllabus and then turned to the AMs to secure their buy-in and participation as partners.

Through the partnership, LRW, the library, and the AMs committed to short- and long-term training goals. The immediate goal was to establish a collaborative approach to formalize online research instruction for first-year students. The long-term goal was to convey to students the value of online research instruction, which ultimately would translate to improved research skills among GW graduates. We sought to integrate online research instruction into the first-year curriculum to ensure that all first-year students receive the same training on both LexisNexis and Westlaw. We also hoped that the curriculum-based early exposure to online research trainings would encourage at least some students to continue seeking training during their second and third years, boosting attendance at optional trainings.

After securing AM participation, we worked to define the training series by identifying the specific topics for the AMs to cover throughout the academic year. By reviewing past optional training topics and discussing with the AMs a recommended order of topics, we learned what AMs were comfortable teaching, what they considered popular and useful to students, and how they thought their research trainings could support the LRW curriculum. To gain an accurate historical picture of online research instruction at GW, the AMs reported their overall approaches to instruction including topics covered and time periods offered. The AMs also shared training scripts and handouts from several semesters and

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recommended which training topics they thought should be included in a first-year training series. We evaluated this information and selected topics that meshed with the existing teaching assistant syllabus. The result was a training series designed to introduce first-year students to topics in a sequence of mandatory and optional trainings. Though not intended to teach to specific LRW assignments, the specific topics we determined appropriate were contextually relevant to the first-year learning experience. This approach made sense because our goal wasn't limited to teaching students how to research for a legal writing assignment. Rather, we wanted students to build a base of knowledge that they could then build on in subsequent trainings during their second and third years. Before finalizing the training series, we consulted the AMs for confirmation of their availability to provide training about the selected topics during the specified weeks of the academic calendar.

Finally, we placed parameters on the training series to ensure that the delivery of instruction met our identified goals. To accomplish this, we wrote detailed guidance on all aspects of the training series, including appropriate provision of marketing items (e.g., pens, water bottles), scheduling, advertising, and substantive content. The guidance indicated that these trainings were limited to first-year students and they were part of a comprehensive research curriculum. We prohibited pizza, points, and other freebies as these incentives inherently distract from our training goal of conveying to students the value of building online research skills. Additionally, the guidance addressed the substantive content of each training topic, including bulleted lists of items to cover within each topic. We asked the AMs to submit any scripts, handouts, and marketing language that they intended to use, which we reviewed for compliance with the guidance. We worked with the AMs to finalize these materials and posted them online for student access after the completion of training on each topic.

We implemented this training series in the fall of 2010, and the training concluded in mid-semester

during the spring of 2011. After completion of the training series, we promptly began planning for the 2011-2012 academic year. We started by identifying necessary changes to the number and content of training sessions, including incorporating Lexis Advance and WestlawNext. We also began developing additional methods of delivering training, such as through in-class recordings for smaller topics that did not require an entire session. Finally, we reviewed the guidance with an eye toward making it more comprehensive based on the issues that arose during the academic year.

IV. A Bend in the Road: Partnership Outcomes and Challenges

With a year of the AM-partnership behind us, we identified several outcomes, all of which benefited the students, the AMs, and the LRW Program. First, based on attendance data, we know that all first-year students received equal amounts of training—measured in both length and content—on both online research systems. At a minimum, students left their first year of law school with enough familiarity with both systems that they could use either system in a summer job. Though there is no guarantee that all students acquired basic research skills, all students had the opportunity to acquire the skills—and indeed, had no choice but to attend the training opportunities because they were mandatory within the legal writing course.

Second, and perhaps most valuable from a pedagogical standpoint, the trainings were timed to teach students how to find and navigate sources and searching techniques at appropriate points during the semester. This timing helped students translate the skills they learned in the trainings to the practical research for their legal research and writing assignments. Upper-level students also stand to gain from the curricular change because AMs can dedicate upper-level trainings to advanced research topics, confident that the audience consists of students with the same basic skill level.

Third, working with the AMs on the content of the training and providing specific guidance on appropriate sample searches or topics used in the trainings avoided issues with accidental

encroachment on students' legal research and writing assignments. Setting up clear rules about how much assistance AMs can provide students in a one-on-one context also helped AMs feel like they were part of the program, rather than outsiders trying to access students in any way possible. And, finally, identifying what sources and navigational techniques are best suited to AM instruction liberated teaching assistants from overly burdensome weekly teaching assignments. Instead of relying on the teaching assistants to teach everything about a source (what it is, how to use it, why to use it, when to use it), teaching assistants introduced a type of source and the AMs built on that with practical online research instruction.

Of course, no partnership is without its challenges. Working with the AMs can be challenging because they have corporate responsibilities, but ultimately their goals are likely to be met through a partnership that encourages student attendance at trainings. Open acknowledgment of the various pedagogical and corporate goals can be an effective first step toward a successful partnership. Also, AMs may have multiple schools or other responsibilities that prevent them from dedicating all their training time to one school's needs. With advance planning, however, AMs are likely able to commit to a training schedule. This commitment is an essential piece of linking the training sessions to a LRW curriculum because once the training subjects and dates are listed in the syllabus, changes may cause confusion and less attendance.

V. The Road Ahead: Considerations for Collaborating with AMs

In planning a partnership with AMs, there are a number of considerations to keep in mind. First, start with logistics. Working with the AMs to develop an integrated online research training series requires a lot of time. For the partnership to be successful, be specific about your goals and needs; the more specific you can be, the better response and input you will get from the AMs. Making time for planning and discussion is essential to establishing and sustaining a productive relationship with the AMs. The more time you devote to planning and

working through the first year of trainings, the less time you should need each following year as you build on the existing framework and institutional knowledge—even if there is a personnel change. Scheduling can also be a challenge, depending on the number of students in your first-year class, the AMs' other commitments, and law school resources, such as room availability.

Second, consider how to convey to students the value of the online research trainings. First-year students need to understand the pedagogical reasons behind the mandatory trainings. Telling students up front that the training sessions are not designed to give them answers for the assignments they are working on, but to give them the skills to work on finding “the answers” on their own, can help manage student expectations. One way to balance this perceived disconnect between the trainings and what the students are doing in class is to incorporate short ungraded research assignments into the curriculum. The AMs can then use these discrete assignments as context for the training sessions, providing an immediate practical value in completing an assignment, and also linking that work to the broader skill taught in that training.

Finally, consider how you will manage your relationships with the AMs. Think about setting up a regular meeting to discuss progress and formalize an opportunity for AMs to give input to a research curriculum. Determine an appropriate level of oversight; if you want to review scripts and student handouts in advance, plan ahead with deadlines. Working closely with the AMs helps them keep sight of the fact that they, together with the LRW faculty and the library, are part of a team working for the best interest of the students. The more AMs are invested in the collaborative approach to an integrated online research curriculum, the more likely they will travel the road with you as partners to develop your students' research skills.

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