2019

Collaboration between Legal Writing Faculty and Law Librarians: Two Surveys

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COLLABORATION BETWEEN LEGAL WRITING FACULTY AND LAW LIBRARIANS: TWO SURVEYS

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I. Introduction

In October 2017, there was a conversation on the LRW-PROF listserv about the role that print should play in teaching contemporary legal research. The original post asked this question:

> At [law school], we have traditionally held one or two class sessions in which students conduct legal research in the library in books.
>
> Some of us are considering modifying, shrinking, or even eliminating these exercises to make more time for additional electronic research practice. We identified some theoretical pros and cons to this approach. We are curious to hear about practical effects from anyone who has gone through this process of shrinking or eliminating book research. What effects, good and bad, have you seen in your students' ability to research? Any flak from librarians or employers? I appreciate any ideas.[1]

This post led to several thoughtful responses.[2] Some felt that incorporating physical books into their teaching was unnecessary because many useful bibliographic features (*i.e.*, digesting and

* Associate Director, Rutgers Law Library, Rutgers Law School. I would like to thank my Rutgers Law School colleagues Ruth Anne Robbins, Distinguished Clinical Professor of Law, Charlotte Schneider, Reference and Government Documents Librarian, and Nancy Talley, Reference and Collection Development Librarian, for their helpful comments on the survey instruments and draft. All errors are my own.

[1] *See* Jamie J. Baker, *Teaching Legal Research in the Books: Necessary or Not?,* THE GINGER (LAW) LIBRARIAN, (Oct. 17, 2017), http://www.gingerlawlibrarian.com/2017/10/teaching-legal-research-in-books.html (last visited June 19, 2018).

[2] *Id.*

indexing) have survived the transition to digital distribution. Others found benefit in introducing research concepts, like the importance of secondary sources, by using tangible books in the law library. Some commenters also made practical points—familiarity with research in different media could help students function in low-tech or less resource-intensive workplaces, and may give students options to research at different price-points. No one mentioned receiving flak from librarians.

As a law librarian, I find these conversations encouraging. As someone who also teaches legal research, I'm grateful to be part of a community that is actively thinking, experimenting, and looking towards the future of the discipline. There is a sizable body of scholarship on legal research pedagogy, which has grown as technology has prodded research practices in new directions. Some of this work is written by law librarians, and some of it is written by law teachers with expertise in the disciplines of legal writing, research, analysis, and other related facets of lawyering practice. (For brevity in this article, I will refer to this latter group as "legal writing faculty.")

All this thinking and writing about legal research tends to happen in niche professional spaces that are sometimes, but not always, in conversation with each other.[3] My first reaction, when reading the listserv post quoted above, was to fixate on the idea of law professors receiving "flak" from librarians about their teaching strategies. It hinted at a workplace dynamic informed by competing agendas and professional mistrust.

Legal writing faculty and law librarians have overlapping expertise and responsibility for developing law students' legal research skills. Within the first-year of law school, there are many ways that legal writing faculty and law librarians apportion the teaching of legal research. Some involve a great deal of collaboration—others almost none. I was curious to know what legal writing faculty *really* think about their law librarian colleagues and their role in legal research instruction, and vice-versa. Are law librarians and legal writing faculty natural institutional allies, competitors, or something else?

To explore these questions I surveyed academic law librarians and legal writing faculty, asking them to anonymously share their opinions about teaching 1L legal research and collaborating with

[3] For example, the Legal Writing Institute listserv and the "law-lib" listserv (currently hosted by the University of Mississippi) are very active spaces where these types of conversations take place.

members of the other group. I drafted two separate surveys, using parallel sets of questions framed to address each group individually, in order to compare their perspectives. Despite the limitations of this method, the results suggest a set of inter-related observations. First, generally speaking, the roles librarians are most likely to play in 1L legal research teaching are those that require the least formal engagement with legal writing faculty.[4] Second, librarians who play a formal role teaching legal research to 1Ls have similar preferences to their legal writing faculty counterparts when it comes to using assignments, requiring textbooks, and incorporating research skills over the course of a class.[5] Third, librarians and legal writing faculty express a range of views what successful 1L legal research teaching should look like, and while there are some significant differences between their perspectives, respondents from both groups identified benefits from collaborating to teach legal research, both to students and themselves.[6]

This article will begin with an overview of how legal research is taught in the first year of J.D. programs, and how this approach has changed over time. It will then discuss the limited literature that characterizes the relationship between law librarians and legal writing faculty. The article will describe my surveys and their results, including comments made by the surveys' respondents. These results lead me to conclude that improved collaboration has the potential to improve legal research teaching in the first year. Finally, I will offer some suggestions for improving collaboration and using it for legal writing faculty and law librarians' mutual benefit.[7]

II. Background

A. Who Teaches Legal Research?

Collectively, academic law librarians and legal writing faculty share responsibility for teaching first year legal research.[8] Data about

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[4] *See infra* section III.C.1.
[5] *See infra* section III.C.2, a-d.
[6] *See infra* section III.C.3, a-d.
[7] *See infra* section IV, A-D.
[8] Advanced legal research courses are primarily taught by law librarians. Ass'n of Legal Writing Dirs./Legal Writing Inst., *ALWD/LWI Annual Legal Writing Survey: Report of the 2016-2017 Survey* 24, https://www.lwionline.org/sites/default/files/Report%20of%20the%202016-2017%20Survey.pdf (Q 6.6) (hereinafter *ALWD/LWI 2016-2017 Survey*).

this precise topic is limited, but the ALWD/LWI Annual Survey provides the most thorough examination of first year legal research and writing programs, including identification of who teaches legal research.[9] According to the most recent edition of the Survey, describing data collected in 2016-2017, legal writing faculty provide research instruction at approximately 68% of schools.[10] The survey further indicates that librarians (either non-LRW[11] faculty or in administrative/staff positions) *also* provide research instruction at approximately 68% of schools, suggesting a substantial amount of overlap.[12] The data do not describe what forms that overlap may take.

In a 2014 study, Professor Caroline Osborne surveyed first year legal research programs, collecting information from roughly half of U.S. law schools.[13] She found that the primary teachers of 1L legal research are dual-degreed law librarians (44%) and legal writing faculty (43%).[14] The ALWD/LWI surveys and Professor Osborne's study, which are the only recent explorations of this topic, suggest

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[9] *See generally* Legal Writing Inst., ALWD/LWI Survey, https://www.lwionline.org/resources/surveys (last visited Sept. 20, 2018). For the 2016-2017 survey, the most recent to date, 182 law schools responded, representing 89% of those eligible to complete the survey. *See ALWD/LWI 2016-2017 Survey*, *supra* note 8, at iv.

[10] *ALWD/LWI 2016-2017 Survey*, *supra* note 8, at 35 (Q 6.14).

[11] "LRW" is a commonly-used acronym meaning "Legal Research and Writing."

[12] *Id.* This appears roughly consistent with the results of the previous iteration of the survey. In 2015, the survey asked "[W]ho teaches legal research [in your program]?" The most popular answer was "Both LRW Faculty and Librarians" (with 87 responses), followed by "LRW Faculty" (73 responses), and then "Librarians" (56 responses). Ass'n of Legal Writing Dirs./Legal Writing Inst., *Report of the Annual Legal Writing Survey 2015* 11, http://www.alwd.org/wp-content/uploads/2017/03/2015-survey.pdf (Q. 18) (hereinafter *ALWD/LWI 2015 Survey*). 194 law schools responded to the 2015 survey, representing approximately 95% of schools eligible to participate. *Id.* at i.

[13] Caroline L. Osborne, *The State of Legal Research Instruction: A Survey of First Year Legal Research Programs, or "Why Johnny and Jane Cannot Research"* 108 LAW LIBR. J. 403, 404-05 (2016) (describing methodology). Prof. Osborne distributed her survey to the 200 law schools listed in the *U.S. News & World Report* rankings for 2015; 97 schools responded. This work built upon a telephone survey Prof. Osborn conducted the previous year of the law schools ranked in the top 100 by *U.S. News*' 2013 rankings. *Id.* at 405.

[14] *Id.* at 412. Librarians were more likely to be identified as 1L legal research teachers at the 25 highest-ranked law schools. *Id.*

that law librarians and legal writing faculty are teaching legal research in fairly equal measure. But these figures do not tell us who bears ultimate responsibility for that teaching. In some cases even if librarians are doing the teaching, the decisions about what, when, and how the material should be taught lie with the legal writing faculty.[15]

Some older works shed light on how law schools arrived at this arrangement. Legal research skills courses, usually styled as "legal bibliography," became part of the standard J.D. curriculum during the first half of the twentieth century, and were frequently taught by librarians.[16] Legal writing courses emerged in the years after World War II[17] and "mushroomed" in the early 1980s.[18] As legal writing programs became more familiar and established within law schools, librarian-led stand-alone research courses became less common.[19] Legal writing faculty are now considered to have primary responsibility for 1L research instruction at most law schools. [20]

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[15] *See* Tammy R.P. Oltz, *Relinquishing Legal Research*, THE SECOND DRAFT, Fall 2017, at 54, 55 (describing practices at the University of North Dakota School of Law).

[16] *See* Marjorie Dick Rombauer, *First Year Legal Research and Writing: Then and Now*, 25 J. LEGAL EDUC. 538, 539 (1973); Robin K. Mills, *Legal Research Instruction in Law Schools – The State of the Art*, 70 LAW LIBR. J. 343, 343-44 (1977); Helene S. Shapo, *The Frontiers of Legal Writing: Challenges for Teaching Research*, 78 LAW LIBR. J. 719, 724 (1986) (describing mid-twentieth century practices).

[17] *See* ROBERT STEVENS, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S 212-13 (1983) (describing the legal writing program at the University of Chicago and followers-on).

[18] Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. L. REV. 117, 119 (1997).

[19] In 1973, approximately one third of law schools offered legal research as a stand-alone course. *See* Shapo, *supra* note 16, at 724. By 2014, only 16% of law schools responding to a survey (97 respondents from among the top 200 U.S. law schools) indicated that they offered a stand-alone research class. *See* Osborne, *supra* note 13, at 408.

[20] Barbara Bintliff, *Legal Research: MacCrate's "Fundamental Lawyering Skill" Missing in Action*, 28 LEGAL REFERENCE SERVICES Q. 1, 1 (2009) (writing that by the turn of the 21st century, "[t]he large majority of U.S. law schools have assigned research instruction responsibilities to their legal writing faculty."); *see also* Aliza B. Kaplan & Kathleen Darvil, *Think [and Practice] Like a Lawyer: Legal Research for the New Millennials*, 8 LEGAL COMM. & RHETORIC 153, 187 (2011) ("Most law schools use legal writing instructors, vendor representatives, or both, to teach the legal research portion of the first-year legal writing courses.").

Taking a long view, librarians have been sidelined from teaching first-year research in many institutions.[21]

At the same time, many librarians have strong incentives to work in the classroom. For several reasons, academic law libraries have seen fewer patrons visit their reference desks since the 1990s.[22] Teaching remains an attractive pathway to interact with students, sell them on the importance of legal research and information literacy, and demonstrate value to the law school. Law librarians are also increasingly well-equipped to teach as credentialing and expectations

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[21] This may be a partially self-inflicted wound. "[L]aw librarians, through responsive services tailored to faculty needs, have so successfully insulated law faculty from the realities of today's research environment that the faculty are not making their curricular decisions based on actual knowledge of how research has changed since their years in law school and how it is currently conducted in law firms." Bintliff, *supra* note 20, at 3. Similarly, academic libraries' adoption of technology intended to smooth the process of information acquisition, "for example, by removing barriers (such as logins)…obfuscates the connection between the resource and the library as the resource provider. The effort invested by libraries to select resources and make the materials available to users in a more streamlined manner may therefore contribute to the confusion that users feel about the library's role." Michelle M. Wu & Leslie A. Lee, *An Empirical Study on the Research and Critical Evaluation Skills of Law Students*, 301 LEGAL REFERENCE SERVICES Q. 205, 222 (2012).

From the early 1980s to the present, the transition to digital and web-based resources has significantly changed what legal information looks like, and the way that research skills are taught. *See, e.g.*, Ellie Margolis & Kristen E. Murray, *Say Goodbye to the Books: Information Literacy as the New Legal Research Paradigm*, 38 U. DAYTON L. REV. 117, 121-26 (2012). Legal information has become decentralized and de-hierarchized, and its acquisition has become driven by convenience. *See* Sarah Valentine, *Legal Research as a Fundamental Skill: A Lifeboat for Students and Law Schools*, 35 U. BALT. L. REV. 175, 190-97 (2010); *see also generally* Richard A. Danner, *Contemporary and Future Directions in American Legal Research: Responding to the Threat of the Available*, 31 INT'L J. LEGAL INFO. 179 (2003).

[22] *See* Charles Martell, *The Absent User: Physical Use of Academic Library Collections and Services Continues to Decline 1995-2006,* 34 J. ACAD. LIBRARIANSHIP 400, 404 (2008) (describing a 33% decline in use of reference services, likely related to the increased use of "networked electronic resources"). At the same time, academic library staff offered 30% more presentations and instructional sessions; "[o]ne factor contributing to the increase in group presentations may be the shift in staffing and services away from the reference desk." *Id.*

have become more rigorous over time. A generation ago, only 42.4% of academic law librarians held law degrees.[23] Today that number has increased to over 60%.[24] For academic reference law librarians, meaning those who work directly with law students and faculty to provide research-related services, the J.D. (or its non-U.S. equivalent) is now a standard job requirement[25]; "[t]eaching experience is also more regularly sought after in job descriptions than it was for law librarians even a decade ago."[26] Ironically, as Professor Sarah Valentine has pointed out, "although law librarians at most law schools are required to have both a Master's degree in Library and Information Science and a J.D., non-librarians who teach legal research within a legal writing course are not required to have advanced legal research training."[27]

B. Arguments For and Against Bringing Librarians into the 1L Classroom: The Literature

There is a very small body of literature exploring relationships between law librarians and legal writing faculty and their respective roles in first year legal research teaching. Among legal writing faculty who have addressed this issue, there are generally two arguments against sharing or delegating teaching responsibilities to librarians: that their involvement creates logistical problems that outweigh any benefits, and that librarians lack the pedagogical skills or practical experience to nurture student learning. Law librarians have tended to express opposite views on both points: that librarians are well-

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[23] Katherine E. Malmquist, *Academic Law Librarians Today: Survey of Salary and Position Information*, 85 LAW LIBR. J. 135, 143 (1993). Consider also that, in the 1980s, library directors (who were required by the ABA accreditation standards to hold a JD) were the librarians most likely to teach. *See* Rhonda Carlson, Lois Calvert & Joan McConkey, *Innovations in Legal Bibliography Instruction*, 74 LAW LIBR. J. 615, 616 (1981).

[24] *See* American Association of Law Libraries, *AALL Biennial Salary Survey & Organizational Characteristics* 12 (2017), https://www.aallnet.org/salary_survey/salary-survey-2017/.

[25] *See* Mark P. Bernstein, *One Size Fits All No More: The Impact of Law Specialization on Library Services*, AALL SPECTRUM, Mar. 2007, at 16, 17 ("[G]enerally most academic institutions require reference librarians to hold an MLS and JD.").

[26] Ingrid Mattson & Susan Azyndar, *Collaborative Relationships Between Law Librarians and Legal Writing Faculty*, THE SECOND DRAFT, Fall 2017, at 8, 9.

[27] Valentine, *supra* note 21, at 200, n. 175.

positioned to alleviate faculty teaching burdens, and that they have special skills that make them ideal legal research teachers.

The first argument cautioning against involving librarians or other third parties in 1L legal research teaching is that it creates "liaison difficulties" that over-complicate the teaching process and do not improve students' experience. [28] If research is taught by a librarian, but assignments are graded by someone else, students may become confused about where to direct their questions.[29] Courses with divided responsibility for teaching may lack consistent standards of quality and rigor.[30] Librarians who are tasked to take on first year research instruction may do so in addition to their regular workload, and such over-extension threatens the quality of their work, inside and outside of the classroom.[31]

In the law library literature, by contrast, commentators have focused on how bringing librarians on board can improve students' experience by allowing legal writing faculty to focus on writing.[32] This is often based on a generalization that faculty who teach first-year lawyering courses are typically experts in writing, first and foremost, [33] and that this can contribute to the marginalization of the research component of the course.[34] Professor Lynne Maxwell has suggested

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[28] *See* Allen Boyer, *Legal Writing Programs Reviewed: Merits, Flaws, Costs, and Essentials*, 62 CHI.-KENT L. REV. 23, 46-47 (1985).

[29] *See id.* at 47.

[30] *Id.*

[31] *See* Helene S. Shapo, *The Frontiers of Legal Writing: Challenges for Teaching Research*, 78 LAW LIBR. J. 719, 723 (1986). *See also* Boyer, *supra* note 28, at 47 (noting that teaching might make librarians "less available to assist faculty members with research.")

[32] *See, e.g.*, Carol A. Parker, *How Law Schools Benefit When Librarians Publish, Teach, and Hold Faculty Status*, 30 LEGAL REF. SERVS. Q. 237, 241 (2011).

[33] Bintliff, *supra* note 20, at 2. In Professor Barbara Bintliff's words, "[w]riting faculty are, by and large, writing and communications experts and not research experts." *Id.*

[34] Over twenty years ago, Professor Lucia Ann Silecchia surveyed legal writing program directors about the scope of lawyering skills covered by their first-year courses. Lucia Ann Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?*, 100 DICK. L. REV. 245 (1996). Her survey found that, among 111 respondents, a majority devoted "some" (less than thirty percent) of their class time to developing research skills, with writing and analysis being more likely to take up a "significant" or "dominant" amount of class time. *Id.* at 255. Professor Silecchia noted that "legal writing skills seemed to outweigh legal research

that because legal reasoning skills and writing mechanics may take up increasing amounts of classroom time, faculty should divest legal research teaching to law librarian professors.[35]

A second argument for limiting librarian involvement in 1L legal research teaching is that librarians are not adequate instructors. Their presumed knowledge is too narrow, their approach is too bookish, and they might be boring.[36] For example, Professor James B. Levy has suggested that delegating legal research teaching to librarians may be a mistake unless the librarians are fully committed to teaching as a career. While "[t]here is no question that librarians have superior expertise in the use of library resources, but expertise alone does not necessarily translate into good or effective teaching. The person responsible for teaching research should be someone who possesses the personal wherewithal to make the material come alive for students."[37] Similarly, Professor Ian Gallacher has expressed concern with librarian-led models of research instruction, cautioning that they tend to be oriented towards library science instead of legal practice.[38]

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skills by a fairly significant margin." *Id.* at 257. However, she also noted that "it is probably impossible to state with any certainty what this balance is where research is both an integral part of the writing assignments and a discretely taught skill." *Id.* at n.42. " More recent commentators have also noted that first-year legal writing curricula focus more on writing and less on teaching legal research, and some suggest that this produces "attorneys who lack professional levels of expertise" in performing research. *See generally* Osborne, *supra* note 13, at 406.

[35] Lynne F. Maxwell, *The Emperor's New Library: The Decline and Fall of Academic Law Libraries or a New Chapter?* 44 RUTGERS L. REC. 46, 56 (2016-2017). As Professors Aliza B. Kaplan and Kathleen Darvil have described, legal research has in some instances been squeezed out by the incorporation of additional lawyering skills, such as negotiation, interviewing, and counseling, "without increased credits or class time." Kaplan & Darvil, *supra* note 20, at 163.

[36] Consider the similarities to how legal research and writing programs were characterized in the mid-20th century: "The early dominance of legal bibliography, with instruction by librarians; the remedial and introductory image; the abnormal staffing methods—all combined to create an image of a course requiring less than the expertise of 'law' teaching, and not very much credit." Rombauer, *supra* note 16, at 542.

[37] James B. Levy, *The Cobbler Wears No Shoes: A Lesson for Research Instruction*, 51 J. LEGAL EDUC. 39, 48 (2001).

[38] *See* Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation*, 39 AKRON L. REV. 151, 173-74 (2006). This characterization is based on the "pathfinder" model of legal research course design described by Bob Berring and Kathleen Vanden Heuvel in

He has recommended that research be taught by legal writing faculty *and* librarians to provide a balanced approach.[39]

On the other hand, some law librarians have argued that the combination of legal training and familiarity with the dynamic world of legal information makes them ideal legal research instructors. In a 2006 essay, law library director Roy Mersky argued that legal research should be taught by "lawyer-librarians" who are both licensed attorneys and information professionals.[40] The ideal legal research teacher, Mersky claimed, "must be both information professionals, skilled in information retrieval theory and practice, and licensed attorneys who understand legal analysis in the content of law-related sources and are able to apply that knowledge in both academic and practical environments."[41]

III. The Surveys

A. Goals and Design

As described above, law librarians have ceded exclusive (or at least primary) authority over legal research teaching over a period of several decades as legal writing programs have taken root and grown.

1989. *See* Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: Should Students Learn It or Wing It?* 81 LAW LIBR. J. 431, 445-48 (1989). Professor Gallacher notes that "from a practitioner's perspective, this form of research training could be disastrous if it were the only available pedagogical approach." *See* Gallacher, *supra* note 38, at 174. However, note that Berring and Vanden Heuvel's article describing the pathfinder model was written in response to an alternate model based on situating research tasks in a practitioner-oriented context, which they termed the "process-based" approach. *See generally* Christopher G. Wren & Jill Robinson Wren, *The Teaching of Legal Research*, 80 LAW LIBR. J. 7 (1988). The "bibliographic-versus-process" debate continued within the law library community for years. *See, e.g.*, Helene S. Shapo & Christina Kunz, *Teaching Research as Part of an Integrated LR&W Course*, 4 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 78 (1996); *see* Paul Douglass Callister, *Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Education*, 95 LAW LIBR. J. 7, 11-20 (2003).

[39] *See* Gallacher, *supra* note 38, at 174.

[40] Roy M. Mersky, *Legal Research versus Legal Writing within the Law School Curriculum*, 99 LAW LIBR. J. 395, 401 (2006).

[41] *Id. See also* Filippa Marullo Anzalone, *Some Musings on Teaching Legal Research*, 20 LEGAL WRITING 5, 7 (2015) ("The teacher in a learning centered legal research classroom should be a lawyer-librarian, whose main focus, whose very career, is legal reference and research.").

As this shift has been taking place, voices among legal writing faculty and law librarianship have explained why they (and not the other group) should be responsible for this teaching task. For such a poorly-loved subject,[42] is legal research teaching actually a source of conflict within law schools? This question led me to conduct the surveys described here.

I had three primary goals for this project. First, I wanted to explore the apparent overlap in legal research teaching responsibilities suggested by the ALWD/LWI survey and Professor Osborne's study, and get a sense of what professors were doing in practice. Was research instruction happening as an iterative, embedded part of the larger legal writing curriculum, a discrete, stand-alone component, or through one or two guest lectures?[43] Second, I wanted to confirm whether, among law librarians who *did* teach 1L legal research in a formal way, their teaching methods or preferences differed substantially from those of legal writing faculty.[44]

Finally, I wanted insight into what types of inter-disciplinary collaboration were considered fruitful by the people involved, and whether legal writing faculty and librarians were satisfied with the state of first year legal research instruction at their schools.[45] Did law librarians who taught first year legal research enjoy playing a greater role in teaching? Did legal writing faculty find that their law librarians added value? By keeping the survey strictly anonymous I would lose the ability to compare perspectives within any individual institution,

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[42] *See* Levy, *supra* note 37, at 46 ("Unfortunately, many people who teach legal research for a living are not much interested in it.").

[43] *See infra* Section III.C.1.

[44] *See infra* Section III.C.2.

[45] *See infra* Section III.C.3 It is conventional wisdom among law librarians that recent law graduates lack mastery of legal research. *See* Christina Elizabeth Peura, *Electronic Legal Research Tools: An Examination of the Resources Available, Training of New Attorneys, and Employer Expectations*, 33 LEGAL REFERENCE SERVICES Q. 269, 276 (2014) ("New associates' research skills are failing to meet their employers expectations."); Kaplan & Darvil, *supra* note 20, at 155 (describing new lawyers as "unprepared to conduct legal research"). A recent survey of federal and state judges conducted by the vendor Casetext indicated that over 80% of judges report that they or their clerks identify relevant case law that is missing from litigant briefing at least some of the time, and that over two-thirds reported that attorneys missing relevant precedent has materially impacted the outcome of a motion or proceeding. *See* Casetext, *The Prevalence of Missing Precedents* 3-4 (2018), https://info.casetext.com/report-prevalence-of-missing-precedents/.

but participants would hopefully feel free to share their opinions freely.

To compare law librarian and legal writing faculty perspectives on the same topics, I drafted two surveys. Each survey asked about the same core topics, but with some differences in question phrasing to make each survey speak most directly to its target group of respondents.[46] The final research proposal and the survey texts were reviewed and approved by Rutgers' Arts and Sciences Institutional Review Board. Participation was limited to adult respondents who affirmed their consent to participate and who currently teach or work at a U.S. law school.

I used the online survey platform Survey Monkey to host both surveys and collect responses. Each survey was "live" and open for response collection for six weeks.[47] To solicit participation from each group of potential respondents, I shared a recruitment message on listservs commonly used by academic law librarians and legal writing faculty.[48] The law librarian survey ultimately received 125 responses; the legal writing faculty survey received 84. As respondents were free to skip questions other than those establishing qualification to participate, not all questions received an identical number of answers; the number of respondents to each question is indicated in the tables below.

B. The Respondents

To keep the survey anonymous, I did not ask for respondents' names, titles, institutional affiliation, location, or demographic information. The survey platform did not collect respondents' IP addresses. The only individual characteristic surveyed was professional experience: for approximately how long had each respondent been a law librarian or had taught as part of a J.D. program? This question was intended both to draw a picture of the respondent group and to enable me to identify what, if any, opinions might dominate among newer professionals in comparison to their more experienced colleagues.

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[46] *See infra* Appendix.

[47] The surveys were "live" from January 9 through February 20, 2018.

[48] A link to the law librarian survey was disseminated via the American Association of Law Libraries' Academic Law Library Special Interest Section (ALL-SIS) and the Research Instruction and Patron Services Special Interest Section (RIPS-SIS) listservs. A link to the LAWR faculty survey was disseminated via the LAWPROF and DIRCON listservs.

As shown in Table 1, the law librarian respondents were distributed in seniority. Among legal writing faculty, mid-career teachers were the majority of those represented. Because the respondent pool for legal writing faculty was smaller, the total number of these respondents was comparable to their law librarian counterparts working for the same amount of time.

Table 1. Length of Time in Law Teaching or Librarianship

	Legal Writing Faculty N= 78		Law Librarians N = 120	
Less than one year	0	0.00%	3	2.50%
1-5 years	7	8.97%	31	25.83%
6-10 years	16	20.51%	31	25.83%
11-20 years	33	42.31%	30	25.00%
More than 20 years	22	28.21%	25	20.83%

C. Results

1. Law Librarians' Role in 1L Legal Research Teaching

In order to better-understand how legal writing faculty and law librarians share responsibility for teaching legal research, I first sought to confirm the extent to which librarians play a role in designing or implementing legal research instruction in 1L programs. Consistent with the results reported by the ALWD/LWI survey and Professor Osborne, large majorities of both respondent groups indicated that law librarians play such a role at their schools.[49]

[49] Given the small sample sizes and lack of any way to verify whether each pool of respondents shared any institutions in common, it is impossible to come to any firm conclusions from the difference between these answers. However, in light of the responses to subsequent survey questions, it leaves open the possibility that legal writing teachers and librarians interpret "playing a role" differently.

Table 2: Do Law Librarians Play A Role in Designing or Implementing Legal Research Instruction to First-Year J.D. Students at Your School?

	Legal Writing Faculty N= 72		Law Librarians N = 116	
Yes	55	76.39%	97	83.62%
No	17	23.61%	19	16.38%

Among law librarians, these figures were generally consistent across length of service. Those who had worked as librarians for fewer than five years were slightly less likely (77.42%) to indicate that librarians "played a role" in 1L research instruction at their school.

I then wanted to know what "playing a role" looks like. Professors Catherine Dunn, Sara Sampson, and Janet Sinder have categorized first-year legal research instruction into four models:

- An integrated legal research and writing course, in which one professor teaches everything;
- An integrated course co-taught by Legal Writing faculty and librarians;
- An integrated course taught by Legal Writing faculty with guest lectures by librarians; and
- Separate legal writing and legal research courses.[50]

There are as many opinions on each of these models as there are people teaching legal research. Some strongly favor stand-alone research courses on the grounds that only a dedicated class can convey the breadth of the subject.[51] Others advocate for integrated models, emphasizing the recursive project of gathering, analyzing, and using legal information.[52]

One way to think about these teaching models, in the context of multiple potential teachers, is to place them along a spectrum of collaboration. Scenarios in which one person is solely responsible for teaching research and writing in an integrated format, and those in

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[50] *See* Catherine Dunn, Sara Sampson & Janet Sinder, *Models for Teaching Legal Research* (forthcoming, on file with authors).

[51] *See, e.g.*, Anzalone, *supra* note 41, at 7-8.

[52] *See, e.g.*, Ellie Margolis & Susan L. DeJarnatt, *Moving Beyond Product to Process: Building a Better LRW Program*, 46 SANTA CLARA L. REV. 93, 109-10 (2005); Julie Spanbauer, *Mind the Gap: Teaching Research as a Fluid, Ever-Present Concept in the First-Year Legal Research and Writing Classroom*, 66 MERCER L. REV. 651 (2015); Liz McCurry Johnson, *Teaching Legal Research and Writing in a Fully Integrated Way*, THE SECOND DRAFT, Fall 2017, at 31.

which writing and research are taught independently by two separate faculty members, are both models that do not demand any collaboration.[53] Legal writing faculty who invite law librarians in as guest lecturers may seek more coordination, for example, by sharing a syllabus or specifying what their goals are for the presentation. The discrete and occasional format of this model, however, makes collaboration largely optional and makes control more likely to be asymmetric. Classes co-taught or co-designed by legal writing faculty and librarians require a very high level of engagement and coordination.

My surveys asked legal writing faculty and law librarians to describe the role that law librarians played in 1L legal research instruction at their schools. The results suggest that the most popular teaching models are those that fall towards the "little to no collaboration" end of the spectrum, regardless of who is in charge.

Table 3: The Role of Law Librarians in 1L Legal Research Instruction
(Respondents could chose multiple answers)

	Legal Writing Faculty N = 55		Law Librarians N = 97	
Legal writing faculty recommend or suggest that students may want to consult with a law librarian regarding their legal research for LRW class	40	72.73%	45	46.39%
Legal writing faculty require students to consult with a law librarian their legal research for LRW class	4	7.27%	9	9.28%
Legal writing faculty request that law librarians visit their	32	58.18%	41	42.27%

[53] Although, of course, faculty teaching in these scenarios may *choose* to consult or coordinate with colleagues in any number of ways.

	Legal Writing Faculty N = 55		Law Librarians N = 97	
LRW class sometimes to provide research instruction				
Law librarians offer optional legal research instruction outside of LRW class time	15	27.27%	29	29.90%
Law librarians offer mandatory legal research instruction outside of LRW class time	9	16.36%	19	19.59%
A law librarian teaches legal research as a discrete component of the LRW class	10	18.18%	25	25.77%
Legal writing faculty co-teach with a law librarian	4	7.27%	7	7.22%
Law librarians teach 1L legal research as a stand-alone class	8	14.55%	40	41.24%
Other	13	23.64%	10	10.31%

The most frequently-used models, as shown in Table 3, are those that put legal writing faculty in control of the research teaching agenda with librarian involvement largely optional and at the legal writing faculty member's discretion. The most common instructional role for librarians, as identified by both groups, was as a recommended contact person for students' questions about their research. The second-most popular option among both groups was for law librarians to visit a legal writing faculty-member's class to provide research instruction by request. Optional legal research sessions led by law librarians were the third most popular choice among legal writing faculty (ranked fourth by law librarians).

At the same time, over 40% of law librarian respondents reported that law librarians at their schools teach 1L legal research as a stand-alone class. This model is drastically different from the perspective of

the librarian-professor's autonomy in the classroom, but similarly avoids mandatory, sustained engagement with legal writing faculty.[54] Among librarians, there was no correlation between the length of the respondent's law library career and likelihood that their school would offer librarian-led stand-alone classes.

Teaching models that require more intensive coordination between legal writing faculty and librarians, meaning those in which librarian consultations or out-of-class instruction by librarians are required, were less commonly-reported. The least popular choice among both groups was formal co-teaching, selected by fewer than 8% of all respondents.

2. Similarities in Teaching Practices

My second goal for the project was to confirm whether, among law librarians who *did* teach 1L legal research in a formal way, their teaching methods or preferences differed substantially from those of legal writing faculty. I also wanted to know if librarians and legal writing faculty have strong differences of opinion about teaching tools. The results of my surveys suggest that, with minor exceptions, legal writing faculty and law librarians hold largely overlapping views about the role of research instruction in the 1L year, and the use of textbooks, assignments, and vendors.

a. The Role of Research Instruction

The surveys asked legal writing faculty and librarians who play a formal role in the first-year classroom[55] to describe how legal research is integrated into their class(es). Respondents could choose as many answers as they found applicable. The results indicate many areas where members of both cohorts have similar preferences.

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[54] Just 15% of legal writing faculty respondents reported the use of this model at their schools. This suggests that the (self-selected) librarian respondents are more likely to hail from law schools where they play a more autonomous role.

[55] "Formal role," as framed by the survey questions, refers to teaching a discrete component of a Legal Research and Writing class, co-teaching with a legal writing faculty member, or teaching a stand-alone legal research class to first-year J.D. students. *See infra* Appendix.

Table 4: Describe the Role that Legal Research Instruction Plays in Your Class(es)

	Legal Writing Faculty N = 74		Law Librarians N = 94	
I devote one or more entire class periods to introducing legal research	61	82.43%	59	62.77%
I incorporate legal research instruction throughout the semester(s), as needed	67	90.54%	39	41.49%
I require students to receive legal research instruction from another person outside my class time	30	40.54%	2	2.13%
I require my students to use legal research vendors' instructional modules or CALI lessons outside my class time	18	24.32%	27	28.72%
I invite legal research vendors to present to my class about using their products	33	44.59%	18	19.15%
I invite other faculty from my school to present to my class about legal research	30	40.54%	1	1.06%
Not applicable/None of the above	2	2.70%	25	26.60%
Other	18	24.32%	12	12.77%

A majority of both groups reported that they devote one or more classes to introducing legal research. Ninety percent of legal writing faculty and forty percent of librarians indicated that they incorporate legal research instruction throughout the semester as needed. (The lower figures among librarians likely reflect the poor fit of the question for those who play a formal but less autonomous role in the

classroom.[56]) Members of both cohorts were similarly likely to require students to use vendors' instructional modules or CALI lessons. Legal writing faculty are more likely to require students to receive instruction from someone else outside of class and to invite other faculty into the classroom for research presentations; these figures are likely both a reflection of their working relationships with law librarians.

b. Textbooks

Legal writing faculty and law librarians also appear to have comparable views on the use of legal research textbooks. As shown in Table 5, the most popular choice among members of both cohorts (to whom the question applied) was to require a textbook. Law librarians (who teach) and legal writing faculty choose to require, recommend, or dispense with textbooks in roughly similar proportions (and by similar percentages, if we exclude librarians who indicated that the question did not apply).[57]

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[56] Six respondents used the optional short-answer box on this question to confirm that they teach stand-alone research courses, in which one assumes every class meeting is dedicated to research instruction, throughout the semester.

[57] As Professor Nancy Johnson has described, formal research textbooks provide students with an information safety net and may encourage good study practices by encouraging students to annotate as they read. *See* Nancy P. Johnson, *Should You Use a Textbook to Teach Legal Research?* 103 LAW LIBR. J. 415, 425 (2011). A well-designed research text may also have a useful life after law school as an attorney's desk reference. *Id.* at 427. Requiring students to read outside of class may free class time for more sophisticated instruction. On the other hand, legal textbooks are a cumulative cost burden to students; research texts are also quickly outmoded by incremental changes made to legal information platforms by their vendors. *See id.* at 418-19.

Table 5: Do You Require or Recommend That Your Students Use a Legal Research Textbook?

	Legal Writing Faculty N = 71		Law Librarians N = 95	
Yes, I require it	41	57.75%	36	37.89%
Yes, I recommend it	8	11.27%	10	10.53%
No	22	30.99%	21	22.11%
Not applicable	-	-	28	29.47%

c. Assignments

From the ALWD/LWI 2015 survey we know that it is common for teachers to use research exercises unrelated to writing assignments.[58] Professors are also very likely to assign a combination of closed and open research assignments,[59] suggesting that research is required for some but not all of a student's success in completing assigned tasks.

Among those who teach, law librarians and legal writing faculty also have very similar preferences around the use of research assignments. The only notable distinction is that legal writing faculty are much more likely to *not* use stand-alone research assignments, compared to librarians.

Each survey also asked respondents with formal roles in the classroom what type of stand-alone legal research assignments, if any, they used in their teaching.[60] Most respondents do use such assignments, and the most popular assignment style is the open-ended, short-answer research problem. Over half of legal writing faculty and law librarians also reported using "treasure hunt"-style exercises, prompting students to find specific cases, code sections, or

[58] The ALWD/LWI 2015 survey indicates that, in 2015, these types of assignments were used in 81% of programs (136 out of 167) where research and writing are integrated, and in 86% of programs (56/65) where research is taught separately. *See ALWD/LWI 2015 Survey*, *supra* note 12, at 12. The 2016-2017 survey did not pose this question.

[59] The ALWD/LWI 2015 survey indicates that, in 2015, a combination of closed and open library research assignments were used in 92% of programs (154/167) where research and writing are integrated, and in 95% of programs (62/65) where research is taught separately. *See id.*

[60] This question was intended to gauge the use of research assignments other than the commonly-used open-universe memo or brief writing project.

other sources. These figures are higher than those previously reported by Professor Osborne.[61]

Table 6: Do You Use Stand-Alone Research Assignments?
Respondents could choose multiple responses.

	Legal Writing Faculty N = 71		Law Librarians N = 95	
"Treasure Hunt" Exercises	39	54.93%	54	56.84%
Open-ended short-answer research problems	45	63.38%	66	69.47%
I do not use stand-alone research assignments	15	21.13%	4	4.21%
Other	18	25.35%	18	18.95%

Given the option to describe any other types of stand-alone research assignments they used, both cohorts offered interesting examples. Some mentioned tying research exercises to specific types of lawyering tasks, such as crafting a client email, demand letter, or confirming the statutory or regulatory compliance of a particular legal document. Several legal writing faculty pointed out that they used research exercises tied to developing authorities for students to use in subsequent writing assignments. Law librarian respondents described using research journals, online multiple-choice tutorials, and quizzes, and having students create research plans and logs.

d. Vendors

Legal writing faculty and law librarians also reported very similar levels of vendor involvement in the design or implementation of 1L

[61] *See* Osborne, *supra* note 13, at 414 (finding that "treasure hunts" were used by 22% of respondents). I found this interesting, as "treasure hunts" have been maligned in the literature for decades, criticized as the stultifying expression of the inadequate and outdated bibliographic method of research instruction. *See* Nancy Vettorello, *Resurrecting (and Modernizing) the Research Treasure Hunt*, 109 LAW LIBR. J. 205, 210 (2017). Professor Vettorello, however, makes a compelling case for the use of "treasure hunt"-inspired exercises in a 1L legal methods course.

legal research instruction. In both surveys responses to this question were almost evenly split, with just over half of each group reporting that vendors were not involved.

Legal research professors have fretted over the role of legal information vendors (*e.g.*, Westlaw, Lexis, and, more recently, Bloomberg) since at least the early 90s, by which time computer-based research platforms had become both widely-accessible and popular with students.[62] Vendor representatives are naturally a source of the most current information about the platforms they represent and may offer academics insight into research trends and evolving norms among their clients in private practice. But the imperative to market their products makes vendors unreliable narrators.[63]

Table 7: Do Legal Information Vendors Play Any Role in Designing or Implementing 1L Legal Research Instruction at Your School?

	Legal Writing Faculty N = 69		Law Librarians N = 117	
Yes	34	49.28%	56	47.86%
No	35	50.72%	61	52.14%

[62] *See* Shawn G. Nevers, *Candy, Points, and Highlighters: Why Librarians, Not Vendors, Should Teach CALR to First-Year Students*, 99 LAW LIBR. J. 757, 758-59 (2007) (noting that, although computer-assisted legal research had been available in some form since the mid-70s, training in these systems did not shift to vendors until the late 80s and early 90s). *See also* Gallacher, *supra* note 38, at 176 ("The practice began at a time when legal research teachers were themselves in need of computer-assisted legal [research] (CALR) training, and the vendor representatives were more experienced and more proficient at using the new programs.").

[63] Vendor marketing-tabling in law schools, hiring law student representatives, and offering incentive programs to entice students to use their tools—has been the primary focus of ire among legal research teachers. Professor Gallacher, writing in 2006, declared that "[t]hese rewards programs illustrate the dangers associated with vendor-based computer-assisted legal research instruction. Although the account representatives who provide training might act professionally, and might think of themselves as attorneys and instructors first and company representatives second, both companies [Westlaw and Lexis] are using sophisticated marketing ploys to persuade students to use their products." Gallacher, *supra* note 38, at 177-78. For these reasons, entrusting legal research instruction to vendors is generally not considered good practice. *See* Dunn, Sampson & Sinder, *supra* note 50.

Vendor's instructional modules (such as Lexis Learn) and CALI lessons would appear to have a foothold but fall short of true popularity; as noted previously in Table 4, approximately 28% of law librarians and 24% of legal writing faculty respondents require students to use them outside of class time.[64] Over 40% of legal writing faculty report inviting legal research vendors to present to their classes about the products they represent, yet less than 20% of law librarians do the same.[65]

3. Gauging Satisfaction with Legal Research Teaching

My final goal for this project was to understand what forms of collaboration between legal writing faculty and law librarians (if any) were considered fruitful by the people involved, and whether members of both groups approved of the state of first year legal research instruction at their schools. To gather relevant descriptions and opinions, I used a series of four short-answer questions: are you satisfied with the services that law librarians provide to your school's 1Ls? How would you characterize working relationships between legal writing faculty and law librarians? What benefits (if any) do you see in collaboration between legal writing faculty and librarians? And how satisfied are you with your law school's learning outcomes related to legal research?

The results of these free-form responses suggested that, while law librarians and legal writing faculty are thoughtful people inclined to speak well of one another, they also have notably different views about what adequate or successful legal research teaching looks like. Notably, legal writing faculty are more likely to see occasional or one-off research sessions or librarian classroom visits as useful and productive, while librarians describe the same types of sessions as marginal and inadequate. In general, librarians are less likely to be satisfied with the status quo of 1L legal research instruction at their law schools. That said, members of both groups identified real or potential benefits to working together, and have a generally positive view of inter-disciplinary collaboration.

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[64] *See supra* at Table 4.
[65] *Id.*

a. Satisfaction with Law Librarian Services

I first asked both groups if they were satisfied with the service that law librarians provide to first-year J.D. students at their law schools. I anticipated that law librarians, presumably being both self-interested and well-informed about the extent of their offerings, would report a higher level of satisfaction with their own services than their legal writing colleagues. The results suggested that this is not the case: librarians were relatively less likely to express satisfaction. They also appeared to view the question as directed towards the collective actions of the library, rather than directed towards individual performance.

Table 8: Are You Satisfied with the Service that Law Librarians Provide to 1Ls at Your Law School?

	Legal Writing Faculty N = 70		Law Librarians N = 110	
Yes	56	80.00%	66	60.00%
No	14	20.00%	44	40.00%

While 80% of legal writing faculty reported that they were satisfied with the services of their institution's law librarians, only 60% of law librarians said the same. There was no correlation between the length of a respondent's law school career and their satisfaction with librarians' services. However, legal writing faculty who indicated that law librarians played no role in designing or implementing legal research instruction were more likely to express dissatisfaction with their law librarians' services.[66]

Thirty-three legal writing faculty respondents included an optional short explanation of their response to this question, which sheds some anecdotal light on the discrepancy. Many were enthusiastic in describing their librarian colleagues, offering that the law librarians they work with are "amazing," and "eager to help the

[66] 40% of legal writing faculty who answered "No" to Question 10 (*see infra* Appendix) also indicated that they were dissatisfied with law librarian services in Question 12, versus 15% of those who answered "Yes" to Question 10. However, among those who included an optional explanation tended to focus on external limitations to more expansive services, rather than individual shortcomings. For example, as one respondent wrote, "I'd like to see them [librarians] be more involved in the direct student training, and I believe they would like to be more involved in the direct student training. Unfortunately, there are some political impediments to that at this time."

students"; "wonderful"; "well-organized"; "awesome"; "accessible and knowledgeable"; and "exceptional," among other terms of praise. Satisfied respondents noted that law librarians are experts in legal research, that they are well-situated to stay current with developments in web-based research and digital sources, and that they would like to work with law librarians more if time permitted.

Criticism of law librarian services was muted. One respondent indicated that law librarians "are too focused on the individual sources rather than the research process." Another was dissatisfied that, at the respondent's law school, law librarians do not hold law degrees. Some respondents suggested that their librarians lack talent or experience with teaching. One respondent wrote: "We have difficulty retaining librarians and continuity. We also tend to disagree on how to teach the outside sessions themselves. Students are generally dissatisfied and so are we." Multiple respondents indicated that their opinions varied between their law school's librarians, with some being more effective in the classroom than others. As one respondent put it,

> I would answer both yes and no if I could. It really depends on which liaison I work with in a given year. Some are great in the classroom, some are not. Some are creative and collaborative and others are not. So it is hit or miss in terms of classroom instruction, but I have never been dissatisfied with the level of knowledge or engagement in our law librarians. It's just that some are not as comfortable or able in a classroom setting.

Law librarians tended to approach this question by focusing on the success of librarians as a cohort within their institutions. Among the 58 librarian short-answer responses to this question, several expressed dissatisfaction with their lack of access to the students, with comments like:

- "They need more training, but there just isn't enough time in the curriculum."
- "[C]asses are only 2 hours and it is not enough time to teach them what they need to know."
- "Too much information is crammed into these short sessions, and it's clear that they're not taking in all the information."
- "My primary concern is the lack of time devoted to research in the first year."

Several respondents also complained about lack of librarian involvement, direction, or autonomy in the first-year program:

- "Librarians should be more involved in teaching the legal research aspect of the LRW course. Currently, librarians play only a supporting role at the reference desk. Occasionally, librarians are asked to participate in a class session. But that is not consistent."
- "We are not involved in the curriculum in any meaningful [way]….The research skills of students who take advanced legal research courses and/or ask for help at the reference desk are abysmal."
- "We are actively developing a better model, but we could be far more integrated into standard classroom time than we are typically. The authority to assign and grade work would also make a significant difference."
- "I'm satisfied in the sense that I think we're doing everything we can right now. However, ideally I would like the law librarians to have more control over the research portion of the curriculum at least. If students were learning research, then we wouldn't have to step in, but too many upper level students ask questions at the Reference Desk that should be covered in LRW."

Some librarian respondents specifically complained about shortcomings with the guest-lecture model. For example:

- "We are invited to teach legal research during two class sessions in LWI. We occasionally get invited to teach one class in LWII. It's not enough research instruction."
- "Librarians merely put on a 'dog and pony' show and have only 45 minutes a semester to conduct all legal research instruction."

Another described a problem of disconnect: "We offer individual lectures to LRW classes….these are pure lectures to moderate sized classes (25-50 students) that do not incorporate student activities or input and are not accompanied by lecture-specific assignments. In most cases, the lectures do not tie in with ongoing LRW assignments and activities, either. This makes them little more than an opportunity for the LRW instructors to skip a class period and grade." In contrast, law librarians who expressed satisfaction with their current offerings cited access to students, dedicated time, and autonomy as components of their success.

- "Because our librarians are first year instructors, we have a lot of face time with 1L students. We form bonds

> with them and assist them outside of class with legal research exercises as well as their research work in other classes."
> - "We provide a legal research workshop series, which is well attended. The workshop series receives a very high level of student satisfaction in our surveys. Some are required, some are optional."
> - "We use a flipped classroom model so students get hands-on practice for the semester that they then apply to assignments….This allows us to increase complexity over the course of the semester and help ensure that students are grounded in the basics of legal research. They also immediately use the skills they learn for their LRW class."

The working relationship between librarians and legal writing faculty was also a factor for some respondents. One librarian wrote:

> While there is never enough time in the first year to teach research (as well as the other critical skills of legal analysis and legal writing), I think that, thanks to the collaborative relationships the librarians have developed with the LRW&A faculty, we all do a decent job teaching foundational research skills. Each LRW&A section has a liaison librarian who works closely with the instructor to supplement (and in some cases even shape) research instruction.

By contrast, among the 19 law librarians who indicated that they played no role in developing or delivering research instruction, 76% indicated that they were dissatisfied with the services that they were able to provide to first-year J.D. students. One explained:

> We are far removed from what the 1Ls learn in their Legal Writing program. They seem to not learn much about research, just writing, but we have no control over it. We are actually forbidden to give assistance to 1Ls with research on their memo topic…it is considered cheating. That is ridiculous and drives a wedge between librarians properly being able to train the law students until 2L or 3L year and by then it is too late.

Newer law librarians tended to be less satisfied with law library services than their more-experienced counterparts. Only half of respondents who had been law librarians for ten or fewer years were satisfied with their libraries' 1L services. Those who had eleven to

twenty years of experience were more likely (65.65%) to express satisfaction. Respondents with the greatest length of experience—those who had worked as librarians for more than twenty years, were the most likely (76.00%) to be satisfied.

b. Characterizing Existing Working Relationships

As a follow-up to the question about satisfaction with law librarian services, both surveys asked respondents to "share your reflections on the working relationship, if any, between LRW faculty and law librarians at your law school." 66 legal writing faculty respondents and 96 law librarians addressed this question. While responses from both groups reflected a range of opinions, legal writing faculty respondents tended to describe their relationships with law librarians in more positive terms than those that law librarians used to describe their relationships with legal writing faculty.

Among the legal writing faculty who provided short answers to this question, a large majority (51 respondents) also indicated that they were satisfied with the services of their institution's law librarians. Many of these respondents described a working relationship centered on guest lectures or other discrete assistance from law librarians, and did so in positive terms. For example:

- "We have a good relationship, and although law librarians do not teach all research, librarians come into our classrooms to teach various aspects of legal research. I try to use law librarians to teach Lexis and Westlaw rather than using vendors."
- "I work extremely well with [our] librarians. We co-design the classes that they lead (two classes in the fall, one class in the spring), and students are encouraged to work directly with them during their research."
- "I would describe the relationship as good/excellent, but limited, as we do not interact much beyond their classroom visits. Our curriculum (librarians teaching sessions within the legal writing course) has remained essentially the same during my 9 years of teaching. I don't consult with the librarians in the design of my assignments."
- "The relationship is good, and they are very supportive in helping as needed and requested."
- "They offer primarily support, which is appropriate in our curriculum."

A significant number of law librarians (27 respondents) explicitly characterized their relationships with legal writing faculty as positive, using terms like "good," "great," "cooperative," and "very solid." Several others (18 respondents) indicated that they have little to no relationship with legal writing faculty. While a small number of respondents were explicitly negative (describing the relationship as "tortured" or "poor"), most law librarians characterized their interactions as mixed, under development, or described their programs without evaluative language.

Law librarians were also more likely to cast periodic or "by request" services in a negative light:

- "There really is no relationship. LRW faculty may choose to invite law librarians into one class a semester to provide legal research instruction."
- "The LRW faculty are happy to have the librarians teach in their classes, but time is very limited and insufficient. Librarians do not give or grade assignments."
- "[T]he librarians support our research and writing faculty, rather than play major roles in student's [sic] instruction. We librarians are asked to present on specific topics or research resources, but do not contribute to the main body of the information taught to our students."
- "The relationship is tense. We guest-lecture when invited (but we are rarely invited)."

Some legal writing faculty described collaborations in more expansive terms. These respondents also reported satisfaction with their law librarians' services:

- "Our Law Librarians are part of our LRW faculty (although they only teach in the first semester). They are also wonderful resources in helping us design assignments and will always come into class to demonstrate research concepts."
- "The relationship is one of respect and cooperation. We work together as partners in educating first-year students about legal research."
- "LRW and law librarians have a strong working relationship. A librarian attends a weekly meeting with LRW faculty to coordinate instruction."
- "At my law school, we are colleagues. We all teach writing, we all teach research. Some of us do parts of this better than other parts, but we all have to learn the

basics of teaching each part. I've taught and worked under each model and this is the one that I personally enjoy the best."

- "We have a good working relationship, including working collaboratively to provide instruction, to design problems, and (through a designated librarian who coordinates the research curriculum) to try to ensure that our team-teaching works seamlessly."
- "We are a team, and we love working together. The director meets with the head reference librarian each semester to ensure smooth coordination. Each librarian is matched with a professor, although other librarians might lead a particular training session."
- "The law librarians are treated like clinical faculty in terms of appreciation and respect. They're essential to staffing our legal writing program, and they are universally regarded as very skilled and knowledgeable. However, for better or worse they are formally adjunct and are compensated as such (rather than as clinicians)."

Among legal writing faculty who indicated that they were *dissatisfied* with their law librarians' services, multiple respondents described staffing problems as a barrier to collaboration:

- "Our librarians are great and support—there are just too few of them to accommodate live lectures in every section of legal research and writing."
- "It is in constant flux. We need the librarians' help and expertise but we are not collaborating well due in large part to turnover."
- "We largely work collaboratively and our law librarians are eager to help. They have been understaffed for several years now, which has limited how much they are able to collaborate. But overall it has been, and continues to be, a good working relationship with the common goal of helping our students develop effective research skills."

Respondents from both groups pointed out that the quality of this kind of relationship was largely or entirely dependent on the individuals involved. Librarians offered the following responses:

- "Each librarian is paired with two or three writing faculty & each pair teaches a section cooperatively—but the level of cooperation or integration completely

depends on the pairing. It feels like the librarians are the 'team players' and the writing faculty (who have more status) dictate the terms of the pairing—how much to integrate our teaching, how much to keep separate. If you can keep a good relationship with your pairing, things work well; if not…"

- "It varies. Some faculty are deferential, others are very involved, and still others ask questions that are shocking only because they reveal how little they understand about legal research and relevant resources. This would be less concerning if we had a more standardized role in how the course is taught."
- "It depends on the instructor. Some are very good and work well with the librarians, while others ignore us and pretend that they can teach research on their own."

Legal writing faculty offered similar responses:

- "[I]t depends on the people involved. I've worked with a librarian who was not as interested in teaching, and the relationship, while fine, was not as productive. I now work with a librarian who is a committed teacher who values her time with my students. It's wonderful."
- "The working relationship is currently ad hoc and depends on the individual relationships between faculty members and their library liaisons. We are currently investigating developing a separate, more standardized research course."
- "The working relationship very much depends on the individual faculty member and librarian. I've had highly successful and collaborative relationships with some, but others I have decided not to invite to my class. My colleagues have had similarly mixed results."
- "This varies by LRW professor. Some professors teaching LRW are very reliant on law librarians for the success of their legal research curriculum. Others are less so. Personally, I am enriched by my working relationship with the law librarians and I have changed my teaching because of it."

c. Identifying Benefits of Collaboration

The previous two open-ended questions asked respondents to comment on their satisfaction with their law librarians' services and

their existing relationships across cohorts. To explore whether there is any need or appetite for change in these areas, the surveys also asked each group of respondents to "describe what benefits, if any, you perceive in working with or collaborating with" members of the other group to provide legal research instruction. 59 legal writing faculty respondents and 80 law librarian respondents provided short answers to this question. The responses suggest that many law librarians and legal writing faculty believe that there are many benefits to be found in working together. This question also provided an opportunity for respondents currently enjoying productive relationships with members of the other cohort to describe how those relationships work.

Legal writing faculty emphasized law librarians as a source of current subject expertise. 43 of the legal writing faculty responses cited librarians' research specialization and/or ability to stay abreast of changes and developments in research technology as benefits of collaboration. Other respondents mentioned that having another perspective on the subject matter could be helpful; in the words of one respondent, "[s]ometimes students benefit from hearing concepts put in other words."

The most common theme among law librarian responses was the potential to improve student recognition of the close connection between research and writing. As one librarian wrote, "The ability to reinforce research skills beyond the reach of any required legal coursework is key. Student feedback also seems to suggest that they appreciate when they can identify the ways in which the two skillsets intersect, and that is assisted by collaboration." There are also logistical benefits: "It's critical for law librarians and LRW faculty to work together so our students have a consistent experience" one librarian wrote. "I especially want to make sure that I am not contradicting what my LRW prof says." It can also give librarians a practical frame for demonstrating research techniques. As one librarian wrote, "I believe it can make it more useful, when students are researching actual problems they have to write about. That is more realistic than canned problems." Another saw benefit from "the opportunity to find out what legal research skills [legal writing faculty] believe are crucial for success in their classes. It is also a great way to get to know faculty outside of the library."

Librarian respondents also identified benefits to themselves. For example, six librarians mentioned that working with legal writing faculty enhanced the librarians' credibility or authority with students. Fifteen librarians identified early access to students as a benefit for

developing future relationships, *e.g.* "It helps to develop a rapport between librarians and first-year J.D. students. The students can seek out librarian assistance throughout their law school careers."

d. Satisfaction With Learning Outcomes

Ultimately, questions about how or whether to collaborate on teaching legal research boil down to the impact that teaching has on students. Are the students leaving their first year with the knowledge and skills they need to, at a minimum, tackle a summer clerkship, legal externship, or upper-level class? Are they meeting their teachers' expectations? To explore this issue, I asked respondents to provide their thoughts about legal research learning outcomes at their schools.

In 2014, the ABA revised its accreditation standards to require law schools to create institutional learning outcomes for their J.D. programs and develop methods to continually assess those outcomes.[67] Competency in legal research is one of the minimum outcomes prescribed by ABA Standard 302.[68] Given that advanced legal research classes are rarely required in the upper-level curriculum,[69] exposure to research skills in the first year is now, more than ever, freighted with significance.

The final question on each survey asked "what, if anything, would you like to change about the legal research learning outcomes for first-year J.D. students at your law school?" 74 law librarians and 54

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[67] *See* Am. Bar Ass'n, *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*, Aug. 13, 2014, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.pdf.

[68] Am. Bar Ass'n, *ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018*, Standard 302(b), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-_2018ABAStandardsforApprovalofLawSchools/2017_2018_standards_chapter3.pdf (last visited Oct. 23, 2018) ("A law school shall establish learning outcomes that shall, at a minimum, include competency in the following…Legal analysis and reasoning, legal research, problem-solving, and written and oral communications in the legal context.").

[69] According to the ALWD/LWI 2016/2017 survey, advanced legal research courses are required at 7.1% of responding law schools. *See ALWD/LWI 2016/2017 Survey*, *supra* note 8, at 21 (Q 6.4).

legal writing faculty provided short responses to this question.[70] While many respondents were satisfied with their outcomes as they are, others used this question as a space to offer suggestions for how research instruction could or should be improved at their law schools.

Legal writing faculty generally expressed desire to see students learn to be more efficient and sophisticated researchers. Among the legal writing faculty who answered this question, fifteen (28%) indicated that they were satisfied with their outcomes or saw no need for change. Among those who suggested changes, many of these centered on making legal research a more complex endeavor. Substantive suggestions included greater emphasis on administrative and legislative research, and greater focus on technology. More generally, several respondents mentioned a need to stress the relationship between research and analysis, and to focus on research process and strategy. As one legal writing faculty respondent put it, "I'd like to see more time and focus on legal research, but integrated with the legal writing curriculum so that students do not see research and analysis as separate skill sets." Another wrote "I'd like to see them spend more time becoming effective, efficient, and curious legal researchers instead of checking the boxes for what is assigned." Regardless of whether they expressed satisfaction with student outcomes, almost half of respondents specifically stated that they needed or wished they had more time for research instruction or practice.

Law librarian respondents were slightly less likely to indicate satisfaction with existing outcomes—sixteen (22%) indicated they would not change anything. A handful of librarians indicated that they were unfamiliar with their outcomes, or that outcomes had not been articulated at their schools. As with legal writing faculty, multiple librarians expressed a desire to emphasize research as a process. For example, one person wrote "I would like greater emphasis on the research process in the first year LRW program. Students learn a very inefficient, myopically case-focused research skills [sic] in the first year." Librarians also flagged the need to address incoming students' information literacy (or lack thereof), such as by teaching "effective searching of the catalog, evaluating databases, citation management, etc." Several librarians spoke about

[70] The question(s) did not define the term "learning outcomes," which may have impacted the results. Many respondents to both surveys used this question as a forum for expressing in general terms things they would like to see changed about their school's research curriculum.

wanting greater emphasis on research within the larger context of a legal writing course or the curriculum as a whole. One wrote "I wish there was a way to get more of the students to see the research skills as equal [sic] important to the writing skills as opposed to mere secondary instruction (and therefore not as important, just something to get through quickly) or to pick up later on."

Although it is not a "learning outcome" as such, multiple librarian respondents responded to this question with calls for more librarian involvement in research instruction. One wrote seeking "[m]ore involvement by the librarians, even if that means cutting back on our teaching of advanced research." In another's words, "Librarians should play a central role in defining the legal research learning outcomes, teaching legal research, and assessing students' mastery of those skills."

IV. Discussion

The results of these surveys indicate that many legal writing faculty and law librarians are collaborating productively to teach 1L legal research, and that such collaboration is generally beneficial. The surveys also suggest that there are logistical, institutional, and personal reasons why not all legal writing faculty and law librarians choose to, or are able to, collaborate. These reasons may derive, in part, from differences in how members of both groups define their roles and define what constitutes success in teaching legal research. By asking law librarians and legal writing faculty to comment candidly about each other, I hoped to draw out these definitions and identify any unspoken assumptions that complicate or interfere with effective institutional relationships. By articulating these assumptions, law librarians and legal writing faculty can choose to identify and potentially dismantle whatever barriers that may come between them. While there is surely no single model for successfully helping students to master legal research, meaningful collaboration between law librarians and legal writing faculty has the potential to improve legal research teaching in the first year. To be maximally effective, this collaboration should happen on terms that both parties define in the same way. In this section, I will discuss four areas with potential for improvement that I have identified from these surveys, and suggest some ways that improvements may be made.

A. Opening Dialog around Legal Research Teaching

These surveys suggest that, at present, many law librarians and legal writing faculty do not share a common view about whether, or to what extent, 1L legal research instructional responsibilities should be divided or shared, or how they should be carried out. As described above, large majorities of both respondent groups indicated that law librarians have a role in designing or implementing legal research instruction at their schools,[71] but the most common roles for librarians are those that require minimal collaboration and, often, minimal autonomy or control.[72] When asked to reflect on the success of their offerings, and their relationship with legal writing faculty, many law librarians expressed frustration because too little time is allotted to research and librarians have too small of a role in research instruction.[73] Based on this combination of results, I conclude that many law librarians believe that their contributions are under-used or under-valued, and that this may lead to resentment and frustration.

In a 2017 article for *The Second Draft*, Professors Ingrid Mattson and Susan Azyndar suggested that "[t]ension over differing teaching approaches, limited time to share in the classroom, and struggles for status and recognition" are sources of conflict between legal writing faculty and librarians.[74] Given the limitations of the survey methods used in this project, it is impossible to conclude what legal writing faculty and law librarians think of one another and their collaboration (or lack thereof) at individual institutions or under specific curricular models. However, the responses suggest that legal writing faculty and law librarians, as groups, tend to view their routine interactions through different lenses. Most particularly, legal writing faculty tend to see discrete sessions of legal research training (such as librarian's visit to the legal writing classroom once or twice per year) as making beneficial and efficient use of available librarian expertise, while librarians are more likely to view these same encounters as insufficient to establish student competency for upper-level work or practice.

One likely root of this problem is a lack of effective communication. Law librarians have a unique vantage point on

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[71] *See supra* Section III.C.1.
[72] *See id.*
[73] *See supra* Section III.C.3.a.
[74] Mattson & Azyndar, *supra* note 26, at 9.

students' legal research competencies, particularly after the first year, either through encounters at the library's reference desk, through working with student journal editors, or through teaching advanced research courses. Librarians who have concerns about students' research abilities owe it to the students to address them, or raise them with the faculty who are best-positioned to do so. This means having open lines of communication with the professors who teach 1L legal writing.

One simple way to do this is to include librarians in whatever existing meetings, teaching rounds, or professional development sessions legal writing and lawyering faculty are already holding within their law schools. If librarians are part of routine conversations with and among legal writing faculty, they may be able to share feedback and suggestions on a continuous basis. Giving law librarians a seat at the table provides the opportunity for them to identify problems and propose solutions. It also creates space for dialog, allowing librarians to hear and understand why their proposals may or may not be practicable. For example, if law librarians are concerned that "one-shot" research training sessions are insufficient to give students the foundation they need in the first year, they should share those concerns candidly with all legal writing faculty and explain their reasoning. If devoting additional class time to legal research is unrealistic, librarians and legal writing faculty should brainstorm together about how to create additional research training opportunities and how to make them appealing to students. Librarian-led training sessions outside of class time could be one such opportunity; legal writing faculty can boost attendance at such sessions by making them mandatory or otherwise lending their professorial credibility for promotional purposes.[75]

Relatedly, law librarians should inform their legal writing colleagues about major developments in their law school's library

[75] Also of note: in a survey published in 2012, 40% of students identified their legal research and writing course as the most important positive factor in shaping their legal research skills. *See* Wu & Lee, *supra* note 21, at 219. Library services, such as an interaction with a librarian or librarian-led research sessions, were chosen by only 2%. *Id.* The authors note that this tiny percentage may be misleading because librarians may play a role in the legal research and writing courses or advanced legal research courses that garnered a higher percentage of responses. *See id.* at 218. As some of the librarians surveyed in this project noted, working with legal writing faculty enhanced the librarians' credibility or authority with students. *See supra* III.C.3.c.

collections, such as a decision to discontinue popular print serials or replace them with digital resources.[76] This is both a marketing opportunity and a chance to counter misconceptions about what the library is (and is not: a warehouse for books). The way that faculty, particularly legal writing faculty, talk about their institutions' libraries has the power to influence student impressions and behavior.[77] It also anticipates conversations legal writing faculty may wish to have about how or whether to use print materials to teach 1L legal research.[78]

In my survey of legal writing faculty, some respondents mentioned how regular and meaningful contact with law librarians strengthened their 1L legal research instruction.[79] In those comments, respondents positively described jointly-attended weekly meetings, faculty-librarian liaison relationships, and coordinated management by departmental leaders.[80] These types of practices should be adopted widely.

B. Overcoming Biases and Recognizing Commonalities

Some short-answer responses to these surveys suggested that respondents held specific views about members of the other group, or teaching practices used by members of that group, that made them less likely to seek out collaboration in 1L research teaching. Fixed, negative perceptions can be damaging to institutional relationships. To combat this, law librarians and legal writing faculty should learn more about one another's teaching methods and expertise. Making an effort to develop cross-disciplinary knowledge may help members of

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[76] *See generally* Amanda M. Runyon, *The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection*, 101 LAW LIBR. J. 177, 189 (2009) (surveying changes made to academic law libraries' print collections; included findings that an "overwhelming majority" of the surveyed libraries had cancelled one or more among fifteen different types of print legal materials and that citators, digests, and law reviews and journals were most likely to be canceled).

[77] Students who associate "library resources" exclusively with books may be less likely to see a librarian as someone competent to assist them with digitally-mediated research. *But see* Wu & Lee, *supra* note 21, at 218 (finding that over eighty percent of surveyed law students identified librarians as "generally helpful in providing research guidance.").

[78] *See, e.g.*, *supra* text accompanying note 1 (quoting listserv question).

[79] *See, e.g.*, *supra* Section III.C.3.b.

[80] *Id.*

these groups deepen their mutual appreciation and develop new instructional strategies.

One example of a problematic preconception among some law librarians is that legal writing programs should be standardized in order to be effective. One librarian wrote "our LRW program is non-centralized; each instructor plans their own course of instruction. This means that different instructors are interested in entirely different forms of librarian involvement." Another offered that "[o]ur LRW faculty are permitted to create their own class structure and assignments, so rather than have one unified syllabus to teach from, it gives the librarians more work because each class we are invited to teach has to be tailored to the individual LRW prof." Another librarian characterized the working relationship between librarians and LRW faculty as being "stymied by the chair of the LRW department, who does not want to implement a unified hypo and assignments within LRW."

Accepting that standardization is attractive in terms of administration and assessment, librarians should also recognize that it can be stultifying. Heavily standardized legal writing courses can deprive teachers of creativity, credibility, and academic freedom.[81] It implies that legal writing courses are somehow different (and lesser) than other types of law school study. As Professor Jan M. Levine once wrote, "It is unlikely that many law teachers would propose that their colleagues…would have the power to dictate course content, coverage, teaching style, or books for a contracts or torts class."[82] Accepting legal writing as a second-class component of the curriculum may in turn re-inscribe existing racial, gender, and class-based hierarchies within law schools.[83] Such a posture may make fruitful collaboration more difficult. Instead, librarians should approach their work with

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[81] *C.f.* Jan M. Levine, *"You Can't Please Everyone So You'd Better Please Yourself": Directing (or Teaching In) a First-Year Legal Writing Program*, 29 VAL. U. L. REV. 611, 618-20 (1995).

[82] *Id.* at 618-19.

[83] *See generally* Lucille A. Jewel, *Oil and Water: How Legal Education's Doctrine and Skills Divide Reproduces Toxic Hierarchies*, 31 COLUM. J. GENDER & L. 111, 115 (2014) ("The end result is that legal education's hierarchy makes it so that the production of legal knowledge is controlled by a small subset of advantaged individuals, elite law teachers, and their students. For elite lawyers in a position to influence government and society, too much social distance creates the risk that legal solutions will be shortsighted and tone-deaf, in terms of the people affected by the decisions.").

faculty who teach legal writing with the same frame of mind that they would use when working with faculty who teach other legal subjects.

Likewise, a few legal writing faculty respondents identified variability in librarians' teaching skills a reason to limit their instructional role.[84] It is true that many law librarians taking an academic appointment find themselves thrust into an instructional role for which they have no formal preparation. However, this is something they have in common with most law faculty, including those specializing in legal writing.[85] There is also reason to be optimistic about the future of librarian teaching. Librarians have been actively working to access and improve their instructional training opportunities for decades.[86] While graduate programs in library and information science have lagged in offering robust training in instructional design,[87] law librarians have established supportive structures within their professional associations to help develop

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[84] *See supra* Section III.C.3.a. For example, one legal writing faculty respondent wrote: "Some of them do an excellent job; others don't. They are too focused on the individual sources rather than on research process." Another reported: "On the whole they are excellent. At times, though, their presentations in class have not been particularly helpful to students."

[85] *See* Jan M. Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs*, 45 J. LEGAL EDUC. 530, 531 (1995) ("There are no formal training programs for legal writing professionals."); Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347, 354 n.25 (2001) ("Law professors receive little to no instruction in teaching, and no instruction at all in designing instruction for others."). *See also* Gerald F. Hess, *Improving Teaching and Learning in Law School: Faculty Development Research, Principles, and Programs*, 12 WIDENER L. REV. 443, 447 (2006) ("Many universities value research and publication over teaching excellence….In such an environment, many faculty members will make the rational choice to expend their greatest efforts on research and writing rather than on raising the quality of their teaching."). And yet, "fascinating empirical research shows that over ninety percent of college and university faculty members rate their own teaching as above average." *Id.*

[86] *See* Sharon Anne Hogan, *Training and Education of Library Instruction Librarians,* 29 LIBR. TRENDS 105 (1980).

[87] *See generally* Rebecca Albrecht & Sara Baron, *The Politics of Pedagogy: Expectations and Reality for Information Literacy in Librarianship*, 36 J. LIBR. ADMIN. 71, 74 (2002) ("the active revision of those curricula and continuing education opportunities has either not been done or has not met the growing need evidenced by market trends, professional surveys, and feedback.").

pedagogical skills.[88] Law librarians who teach or wish to teach should seek out robust teacher training and similar continuing professional development opportunities. They should also embrace opportunities to demonstrate their teaching skills and seek constructive feedback from legal writing faculty.

Professors Mattson and Azyndar point out that law librarians and legal writing faculty are both prone to be "othered" by doctrinal law faculty, and suggest that both groups could benefit "when each is aware of the professional struggles the other faces."[89] I agree that mutual understanding of each cohort's status and professional identity can be instrumental in developing more functional collaborative relationships. There are several ways that this might be accomplished. As suggested above, routine meetings between librarians and legal writing faculty may help to break down barriers, and also allow people to get to know one another's strengths and accomplishments. Members of each group should also seek out the professional literature and scholarship of the other group. Studies in legal research pedagogy appear occasionally in generalist law reviews, as well as in journals dedicated to legal writing, communication, and analysis. They are also very common in the law library literature, not all of which is available via Lexis and Westlaw.[90] Librarians should advertise these sources, and route interesting articles on 1L research teaching, to their colleagues who teach legal writing. Legal writing faculty and law librarians may also benefit from cross-attending conferences; *e.g.*, law librarians attending the biennial LWI

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[88] For example, the American Association of Law Libraries and its regional chapters routinely host continuing education programming on legal research teaching. The Associations' Research Instruction and Patron Services Special Interest Section has sponsored a National Legal Research Teach-In annually since 1993, providing a forum for librarians to share instructional designs and teaching materials. *See* Am. Ass'n Law Libraries, Research Instruction & Patron Services SIS, *Teach-In: Annual Campaign for Sharing Ideas & Materials*, https://www.aallnet.org/ripssis/education-training/teach-in/ (last visited Oct. 23, 2018).

[89] Mattson & Azyndar, *supra* note 26, at 11.

[90] *E.g.*, Legal Reference Services Quarterly, a journal primarily addressed to law librarians, is not available on Westlaw or Lexis; the publisher embargoes the full text for five years on HeinOnline. It is worth seeking out in print. An exciting new journal, peer-reviewed and edited by law librarians, the *Legal Information Review*, is also not available on Westlaw or Lexis, but is available on HeinOnline. *See* LEGAL INFO. REV., http://www.wiselawlibrary.org/LIR/ (last accessed Sept. 25, 2018).

conference[91] and legal writing faculty attending the annual meeting of the American Association of Law Libraries.

C. Developing Institutional Alliances

The results of these surveys suggest that institutional and political roadblocks may frustrate professors' efforts to improve legal research teaching in the first year of law school. The most significant of these roadblocks is lack of time and course-credits allotted to first year legal writing. Other structural problems may include high turnover among librarians or co-adjutant legal writing faculty. In law schools that experience these problems, legal writing faculty and librarians should work jointly to lobby their administrators and doctrinal colleagues for the resources needed to maximize students' educational experience.

Legal research is time consuming to teach and time consuming to practice, particularly as a beginner. This was true before the emergence of the Internet and computer-mediated research practices.[92] It remains true today, as information sources have expanded significantly.[93] My survey of legal writing faculty included an extra question: "Are you satisfied with the amount of time you have available to dedicate to legal research teaching within your class(es)?" A scant majority of all respondents (51%) said yes. Those respondents who were newer to teaching, however, were more likely to be

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[91] Additionally, in alternating years, librarians might be well-served to attend the LWI Applied Legal Storytelling conference or the ALWD conference.

[92] In 1949, Professor Robert Cook, describing the then-new program for teaching legal writing at what was then Western Reserve University, cautioned that "[i]f each student were required to prepare a legal memorandum in connection with each document which he drafts, most of the time which he can spend on the [upper level legal writing] drafting exercises would be used for law-research." Robert N. Cook, *Teaching Legal Writing Effectively in Separate Courses*, 2 J. LEGAL EDUC. 87, 90 (1949). He suggests, instead, giving students prepared statements of the applicable law—a closed-universe of problems—in order to keep legal research "reduced to a minimum." *Id.* In her 1970 survey of law school legal research and writing programs, Marjorie Rombauer asked teachers what "the worst part of the experience is." Rombauer, *supra* note 16, at 548, n.41. The most frequent answer from regular and library faculty was: "[i]nsufficient time to do all that seems necessary or desirable." *Id.*

[93] *See* Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 LAW LIBR. J. 117, 122 (2005) ("The sheer volume of information produced may inhibit a student's ability to locate, critically evaluate, and understand that information.").

dissatisfied; approximately two-thirds of those who had taught for ten or fewer years were dissatisfied with their research-teaching time. I suspect that, had I had the foresight to ask librarians a similar question, they would similarly state that research was not receiving enough attention in the curriculum.

As Professor Tammy Oltz has suggested, in situations where the only way to devote more resources to legal research would be to give legal writing classes additional credit hours, or create stand-alone research classes, legal writing faculty should advocate for those changes.[94] Librarians should do the same, and be prepared to provide the subject-expertise and teaching support that would make such changes impactful. If turnover in professional staffing is making it harder to develop institutional partnerships, librarians and legal writing faculty must identify the problem by name so that it can be addressed administratively. Given that law librarians and legal writing faculty have overlapping expertise and responsibility for developing students' research skills, it makes sense for them to pursue these goals together.[95]

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[94] *See* Oltz, *supra* note 15, at 57.

[95] As cohorts within the law school, law librarians and legal writing faculty share some other important characteristics. For example, they are disproportionately female. The most current available figures indicate that approximately 75% of Legal Writing faculty are female. *See ALWD/LWI 2015 Survey*, *supra* note 12, at 1. (The ALWD/LWI 2016/2017 survey did not collect information regarding gender.) This gender imbalance may have increased over time. *See* Arrigo, *supra* note 18, at 120-21. Current figures on academic law librarians are harder to come by. A 1999 survey indicated that 67% of all academic law librarians (but only 52% of law library directors) were female. Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313, 326 (2000).

Law librarians and legal writing faculty are also less likely to be on the tenure track than their colleagues who teach doctrinal courses. According to a survey published online, as of May 2006 approximately 23.5% of law schools had tenure-track positions for non-director librarians. Brian Huddleston, *Types of Employment Status for Academic Librarians*, in BEYOND THE BOOKS: PEOPLE, POLITICS, AND LIBRARIANSHIP 45 (Leslie A. Lee & Michelle M. Wu eds., 2007). According to the ALWD/LWI 2016/2017 survey, 28.6% of responding law schools employ legal writing faculty on traditional tenure/tenure-track lines, while another 8.2% employ such faculty on specialized programmatic tenure lines (67 total responses out of 182). *See ALWD/LWI 2016-2017 Survey*, *supra* note 8, at 57.

The marginalization of legal writing faculty and others historically categorized on non-tenure tracks has been well documented. *See, e.g.*,

D. Developing Learning Outcomes and Assessment Measures

Librarians and legal writing faculty should be partners in any law school's efforts to assess competency in legal research. As described above,[96] the ABA has identified legal research as one of the essential learning outcomes for any J.D.-granting program, and law schools must programmatically assess student attainment of this and other outcomes.[97] Given that most law schools do not require students to take an upper-level research course,[98] first-year legal research and writing classes are a logical source of embedded assessment mechanisms for this particular outcome.[99] Even if law librarians have

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Kathryn Stanchi, *The Problem with ABA Standard 405(c)*, 66 J. LEGAL EDUC. 558 (2017). Legal research teaching has suffered a poor reputation for generations. *See* Rombauer, *supra* note 16, at 542 ("The early dominance of legal bibliography, with instruction by librarians; the remedial and introductory image; the abnormal staffing methods—all combined to create an image of a course requiring less than the expertise of 'law' teaching, and not very much credit."). Professor Michael Botein once suggested that the "commitment of substantial teaching personnel is neither essential or [sic] perhaps even advisable" to teaching legal research and that students should be competent to teach themselves through simple "finding exercises." Michael Botein, *Rewriting First-Year Legal Writing Programs*, 30 J. LEGAL EDUC. 184, 188 (1979). In some law schools, there is some uncertainty among outsiders as to what law librarians actually do or what value they might add. As Professor Kent Syverud once described, many faculty "are only dimly aware" that, among other things, law librarians teach "and are usually integral to skills education and an integrated legal writing program." Kent D. Syverud, *The Caste System and Best Practices in Legal Education*, 1 LEGAL COMM. & RHETORIC 12, 15 (2002).

[96] *See supra* Section III.C.3.d.

[97] *See supra* notes 67-70 and accompanying text. The ABA has identified legal research as one of the fundamental competencies that law schools must assess as part of the accreditation process. *See* Am. Bar Ass'n, Section of Legal Educ. and Admissions to the Bar, *Managing Director's Guidance Memo: Standards 301, 302, 314 and 315*, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf (June 2015).

[98] *See ALWD/LWI 2016/2017* Survey, *supra* note 8, at 21 (Q6.4) (indicating that advanced legal research courses are required at only 7.1% of responding law schools).

[99] *E.g.*, Janet W. Fisher, *Putting Students at the Center of Legal Education: How an Emphasis on Outcome Measures in the ABA Standards for*

a secondary or informal role in 1L legal research teaching, they can and should help shape a law school's legal research assessment strategy.[100] The task of formulating writing, research, and analytic learning outcomes should require the kind of routine, substantive communication suggested above. It may also provide legal writing faculty and librarians an opportunity to work together to identify gaps or areas of unmet need in the curriculum, in a way that may be meaningful to law school administrators.[101]

V. Conclusion

Legal research is an essential skill for the competent lawyer. Legal writing faculty and law librarians play separate and distinct roles within their law schools, but share expertise and responsibility for teaching law students how to conduct legal research. The surveys described in this article show that law librarians and legal writing faculty generally respect and appreciate one another, but that there are areas of disagreement and non-alignment around 1L legal research teaching. If members of both groups move to collegially share the concerns expressed here with one another, law students will ultimately be better off.

Appendix: Survey Questions

This project is based on the results of two separate but related surveys: one distributed to academic law librarians, the other distributed to legal writing faculty. The questions were intended to cover the same topics but were arranged and phrased differently. The table below pairs the questions by topic, so not all questions are presented in numerical order.

Approval of Law Schools Might Transform the Educational Experience of Law Students, 35 S. ILL. U. L.J. 225, 235-36 (2009) (describing institutional and programmatic outcomes for legal research competency and assessment of direct measures, such as 1L student work product from a legal writing class).

[100] *See* Vicenç Feliú & Helen Frazer, *Outcomes Assessment and Legal Research Pedagogy*, 31 LEGAL REFERENCE SERVICES Q. 184, 196-98 (2012).

[101] *Cf.* Christine Cerniglia Brown, *Efficient Collaboration: How to Build Pathways Between Silos, Model Behavior Ideal for Professional Identity Formation, and Create Complex Experiential Models All While Having Fun*, 1 J. EXPERIENTIAL LEARNING 93, 104 (2015) (describing incentives law school administrators could use to spur collaborative faculty focus on designing outcomes and assessment measures).

Survey of Law Librarians	**Survey of Legal Writing Faculty**
Q1: Consent to participate	Q1: Consent to participate
Q2: Do you currently teach or work for a U.S. law school? [Yes/No]	Q2: Do you currently teach at a U.S. law school? [Yes/No]
Q3: Does your law school offer a course focused on legal writing, legal research, or legal analysis (or any combination of those subjects) to first-year J.D. students? [Yes/No]	Q3: Do you currently teach a course focused on legal writing, legal research, or legal analysis (or any combination of those subjects) to first-year J.D. students? [Yes/No]
Q4: Approximately how long have you been a law librarian?	Q4: Approximately how long have you been teaching as part of a J.D. program?
	▪ Less than one year ▪ 1-5 years ▪ 6-10 years ▪ 11-20 years ▪ More than 20 years
Q5: Do legal information vendors (*e.g.* Westlaw, Lexis, Bloomberg) play any role in designing or implementing legal research instruction to first-year J.D. students at your school? [Yes/No]	Q9: Do legal information vendors (*e.g.* Westlaw, Lexis, Bloomberg) play any role in designing or implementing legal research instruction to first-year J.D. students at your school? [Yes/No]
Q6: Do you play any role in designing or implementing legal research instruction to first-year J.D. students at your school? [Yes/No]	Q10: Do librarians from your law school's library play any role in designing or implementing legal research instruction to first-year J.D. students at your school? [Yes/No]
Q7: Which of the following describe the role that law librarians play regarding legal research instruction to first-year J.D. students at your school (choose all that may apply):	Q11: Which of the following describes the role that law librarians play regarding legal research instruction to first-year J.D. students at your school (choose all that may apply):
▪ LRW faculty recommend or suggest that their students may want to consult with a law librarian regarding their legal research ▪ LRW faculty require their students to consult with a law librarian regarding their legal research	▪ I recommend or suggest that students may want to consult with a law librarian regarding their legal research for my LRW class ▪ I require my students to consult with a law librarian regarding their legal research for my LRW class

Survey of Law Librarians	**Survey of Legal Writing Faculty**
▪ Law librarians visit LRW classes at the LRW faculty member's request sometimes to provide instruction on using legal research databases, books, or other tools ▪ Law librarians offer optional legal research instruction outside of LRW class time ▪ Law librarians offer mandatory legal research instruction outside of LRW class time ▪ Law librarians teach legal research as a discrete component of a LRW class ▪ Law librarians co-teach LRW classes with LRW faculty ▪ Law librarians teach legal research to first-year J.D. students as a stand-alone class ▪ Other (please describe)	▪ I request law librarians to visit my LRW class sometimes to provide instruction on using legal research databases, books, or other tools ▪ Law librarians offer optional legal research instruction outside of my LRW class time ▪ Law librarians offer mandatory legal research instruction outside my LRW class time ▪ A law librarian teaches legal research as a discrete component of my LRW class ▪ I co-teach my LRW class with a law librarian ▪ Law librarians teach legal research to first-year J.D. students as a stand-alone class ▪ Other (please describe)
Q9: If you offer legal research instruction as a discrete component of a LRW class, co-teach with LRW faculty, or teach a stand-alone Legal Research class to first-year J.D. students, please select from the following choices, if any, that describe the role that legal research instruction plays in your class(es) (choose all that apply):	Q5: Please select from the following choices, if any, that describe the role that legal research instruction plays in your class(es) (choose all that apply):
▪ I devote one or more entire class periods to introducing legal research ▪ I incorporate legal research instruction throughout the semester(s), as needed ▪ I require students to receive legal research instruction from another person outside my class time ▪ I require my students to use legal research vendor's instructional modules (*e.g.*, Lexis Learn) or CALI lessons outside of my class time ▪ I invite legal research vendors to present to my class about using their products ▪ I invite other faculty from my school to present to my class about legal research ▪ Not applicable/None of the above ▪ Other (please describe)	

Survey of Law Librarians	**Survey of Legal Writing Faculty**
Q8: If you offer legal research instruction as a discrete component of a LRW class, co-teach with LRW faculty, or teach a stand-alone Legal Research class to first-year J.D. students, do you use any of the following types of stand-alone legal research assignments?	Q6: Do you use any of the following types of stand-alone legal research assignments?
▪ "Treasure Hunt" exercises (prompting students to find specific, individual cases, code sections, or other sources) ▪ Open-ended short-answer research problems ▪ I do not use stand-alone legal research assignments in my legal research instruction ▪ Not applicable/Other	
Q10: If you offer legal research instruction as a discrete component of a LRW class, co-teach with LRW faculty, or teach a stand-alone Legal Research class to first-year J.D. students, do you require or recommend that your students use a legal research textbook?	Q7: Do you require or recommend that your students use a legal research textbook?
▪ Yes, I require it ▪ Yes, I recommend it ▪ No ▪ Not applicable	▪ Yes, I require it ▪ Yes, I recommend it ▪ No
	Q8: Are you satisfied with the amount of time you have available to dedicate to legal research teaching within your class(es)? [Yes/No]
Q11: Are you satisfied with the service that law librarians provide to first-year J.D. students at your law school? [Yes/No][Optional short answer]	Q12: Are you satisfied with the service that law librarians provide to first-year J.D. students at your law school? [Yes/No][Optional short answer]
Q12: In two to three sentences, please share your reflections on the working relationship, if any, between LRW faculty and law librarians at your law school. [Short answer]	Q13: In two to three sentences, please share your reflections on the working relationship, if any, between LRW faculty and law librarians at your law school. [Short answer]

Survey of Law Librarians	**Survey of Legal Writing Faculty**
Q13: In two to three sentences, please describe what benefits, if any, you perceive in working with or collaborating with LRW faculty to provide legal research instruction to first-year J.D. students. [Short answer]	Q14: In two to three sentences, please describe what benefits, if any, you perceive in working with or collaborating with law librarians to provide legal research instruction to first-year J.D. students. [Short answer]
Q14: What, if anything, would you like to change about the legal research learning outcomes for first-year J.D. students at your law school? [Short answer]	Q15: What, if anything, would you like to change about the legal research learning outcomes for first-year J.D. students at your law school? [Short answer]