

Bridging the Gap Between University and Practice: Findings from a Study on Legal Research Education

Abstract: Legal research is an important aspect of the legal profession and is something that students will learn how to conduct during their education. David Hand and Matthew Terrell describe a research project, conducted by Justis, a vLex company, which has identified that the teaching of legal research is highly variable across universities, who broadly adopt one of three models. At individual universities, students are not always aware of the legal research platforms to which their university may subscribe. These are factors which can have an impact on student confidence in conducting legal research and may contribute to the level of additional support that students seek. To address these issues, this research suggests the possibility of a standardised approach to legal research teaching.

Keywords: legal education; legal research; skills training; universities

INTRODUCTION

Learning how to conduct legal research is something that is important for every law student, as they will need to find legal material throughout their studies, and beyond into a legal career for the purposes of conducting thorough, efficient legal research.

The Legal Education and Training Review (LETR)¹, published in 2013, was a thorough, evidence-based review of legal education and training in England and Wales. As the LETR was comprehensive and wide-ranging, understanding the findings is important for any further research that touches on legal education.

Regarding legal research specifically, the LETR found that:

‘There was a strong consensus that legal research skills are important and need to be addressed at different stages in the training process. Despite the small proportion of time spent, on average, doing legal research in practice, it is still considered a crucial skill especially for trainee solicitors. It was widely recognised that legal research skills were not sufficiently acquired by the end of the academic stage.’²

The LETR went on to make recommendations to ensure these skills were sufficiently acquired by students, including incorporating legal research teaching into the curriculum more explicitly and assessing students to ensure that intended outcomes were being met.³

Justis, a vLex company, has found that students are still not fully and consistently equipped with these skills,

which we first became aware of around our Justis Academy event in 2017. In 2018, we began a research project to understand how legal research was being taught to students. The research project aimed to answer these key questions:

- How is legal research teaching conducted?
- What is considered good teaching practice?
- Does this teaching leave students feeling prepared to conduct legal research?

RESEARCH METHODS

In order to answer the research questions above, the research we conducted took place over four stages. This approach was adopted to allow for an exploration of legal research teaching both in detail through using qualitative methods, and at scale through using quantitative methods. A strength of this multi-stage approach is that each stage was designed to further interrogate the findings of prior stages.

Firstly, we conducted three focus groups with 12 students from a range of London universities to gain insight into how they are being taught legal research. During these focus groups, it was notable that students at similar stages in their academic careers had very different experiences of learning legal research and how to use legal research platforms.

To determine if this variable provision of legal research teaching existed on a wider scale, we conducted a survey which drew 280 responses from participants at 67 universities across 13 jurisdictions. While these were

predominantly students, this survey also included law librarians and academic staff, to explore if there was any disparity between what legal research teaching provision universities were offering and the provision students thought they were being offered.

In order to follow up this survey, we conducted a mixture of telephone and in-person interviews with 16 law librarians and members of academic staff from a range of UK universities. These interviews explored the provision of legal research teaching and the decision-making process around it at these universities in greater depth.

As a final stage to this research, we conducted a second survey with students, drawing 58 responses from law students at 24 universities across 9 jurisdictions, to see how widespread different approaches to legal research teaching are and which of these approaches that students might prefer.

THE VARIABLE DELIVERY OF LEGAL RESEARCH TEACHING

When examining how legal research platforms are taught to students, the method of delivery changes between lectures and hands-on workshops depending on the university. Where universities use lectures rather than workshops, this is typically because there is a lack of resources to be able to deliver it in a way which would enable students to have more hands-on experience with legal research platforms during the session. Lorna Rosbottom, Academic Liaison Librarian at the University of Westminster, highlights this in saying ‘with a cohort of 300 students, it’s not realistic to do practical workshops as we might with other subjects.’ She went on to discuss that this is not realistic because of limitations of space, in terms of access to large enough computer labs to run workshop sessions, or time, in terms of not having enough time to be able to host enough sessions to cover an entire cohort while maintaining responsibilities for

other subjects. These can be seen as determining factors in whether a university can offer hands-on workshops with legal research platforms.

There is an acknowledgement that this more hands-on approach offered by workshops has benefits which a lecture introducing legal research platforms doesn’t, which was recognised by Dr Graham Ferris, Associate Professor at Nottingham Law School. While he uses a legal research platform to give examples in lectures, he went on to elaborate that they ‘host workshops to teach students to use the platforms, which are library-led. They are all software-based, rather than theory-based, so the students get experience with support there on-hand’. This provision of support when students are going through exercises in a workshop is a way to resolve any issues they may encounter.

When students were surveyed asking how to select how they preferred to learn about legal research, although lectures were the most popular method with 52% of respondents identifying them as a preference, 44% of respondents prefer library sessions, and 43% preferring online user guides. Video guides (34%), personal tutoring (30%) and printed user guides (15%) were less common as preferences. Overall, this shows that while each individual student has a preference of how they like to learn about legal research, on the whole students prefer a variety of teaching methods and supporting materials to be made available to them.

Awareness of access to legal research tools

Students and staff were asked to identify which legal research services their institution subscribes to, and where staff and students from the same university responded their answers were compared as shown in Table 1. In this table, scores range from 1, representing 100% of respondents, to 0 which represents 0% of respondents.

Table 1: A comparison of the awareness staff and students have of the legal research platforms to which their institution subscribes.

Respondent	Please select the legal research platforms your university or college subscribes to:						
	University/College	Westlaw	Lexis Nexis	Hein Online	Justis One	Just Cite	Justis
Student	City University	1	1	0.7	0.3	0.1	0.3
Staff	City University	1	1	1	1	0.5	0.5
Student	Hugh Wooding Law School	1	1	0.3	0.4	0.3	0.5
Staff	Hugh Wooding Law School	1	1	0	1	1	0.5
Student	Harvard University	1	1	1	0	0	0
Staff	Harvard University	1	1	1	1	1	0
Student	University of Exeter	1	1	1	0	0	0
Staff	University of Exeter	1	1	1	1	0	0
Student	University of Technology	1	0.7	0	0	0	0
Staff	University of Technology	1	0	0	1	0	0

It is apparent that students and staff are not fully in agreement as to which services their institution subscribes to. From the five universities listed below, we can see discrepancies not only between the staff and students but also between members of staff and between individual students.

Differences between staff and students can be seen across all five universities in Table 1. For example, the student respondents from the University of Technology indicated their university does not subscribe to JustisOne, while a staff member has stated they do have a subscription. Similarly, for the University of Technology, while the majority of students stated they have access to LexisNexis the staff respondent did not believe they have access to this platform.

Differences between staff knowledge of legal research platform subscriptions can be seen in the responses from City University and Hugh Wooding Law School. In both instances, staff members are in agreement that they have access to some services (Westlaw and LexisNexis), yet with other services, there is disagreement.

Finally, differences between students are seen where there is a variation in the number of responses within the same university. For example, at Hugh Wooding Law School, all student respondents appear to be in agreement with their access to Westlaw and LexisNexis, while fewer students indicated an awareness of access to other services.

These findings are of significant importance because it is vital that students are aware of, and can develop the skills to use, a range of legal research platforms. This is particularly important where content is exclusive to a specific platform, as when they begin their careers they will be required to use the resources that a firm has available. This was strongly emphasised by Holger Aman, formerly Holborn Library Manager at BPP:

‘They need to know how to use them because content is exclusive sometimes. For example, if you want Halsbury’s, it doesn’t matter how you feel about Lexis, you’ve got to use it. Some of the smaller firms might only have one of the platforms, so it doesn’t matter what you like you need to be able to use what they have or what the partner wants. Also, sometimes, platforms go down and you can’t just tell a client that ‘Lexis went down and I don’t know how to do it on Westlaw’.

STUDENT CONFIDENCE IN CONDUCTING LEGAL RESEARCH

When asked in a survey how confident they felt when conducting legal research, a majority of students on both undergraduate and postgraduate vocational degrees responded with feelings of moderate confidence. This varied for other postgraduate students, with the majority of taught postgraduates feeling highly or moderately confident.

It is notable that student confidence amongst respondents does not noticeably increase during their undergraduate degrees, as shown in Figure 1. This changes on vocational courses; while the majority of students remain moderately confident, every respondent was either moderately or highly confident at this level. This can be seen to reflect the nature of vocational courses, which their greater emphasis on the skills necessary to begin a career practising law, which includes a more efficient approach to legal research.

When student participants discussed confidence, the most common reason identified as causing a lack of confidence was feeling like they were not aware when they had reached the point that their research was complete; when

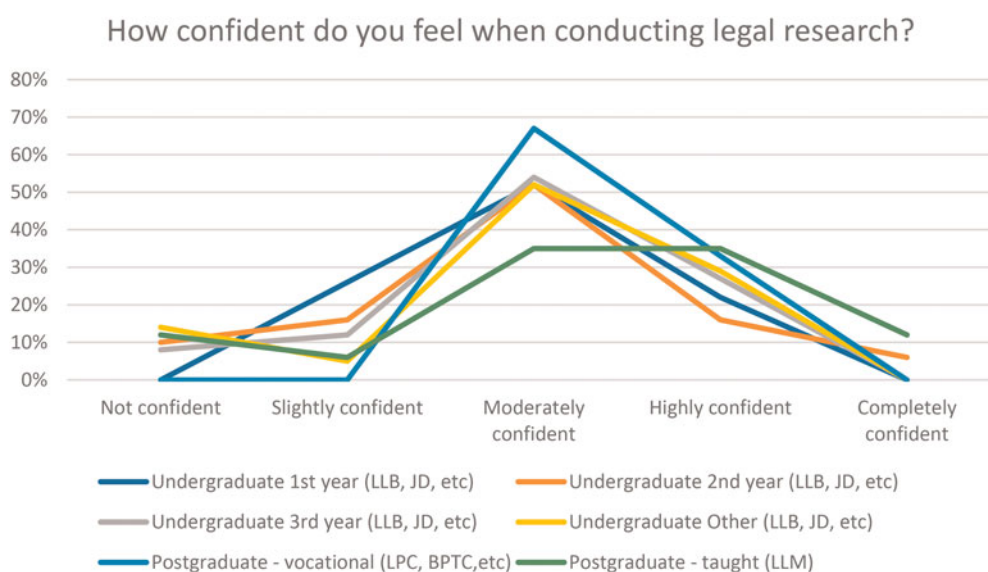


Figure 1: A comparison of student feelings of confidence in conducting legal research at different levels of study.

asked how they know when they have reached that point, an LLM student from University College London answered 'I don't! Sometimes it's not just exhausting case law, sometimes a journal article will give it away, or something in a judgment will be perfect to answer a particular question. It can feel never-ending though.' This was emphasised by an LLB student from City, University of London:

'I don't think you ever really know, you just hand things in and hope that you get a good mark! [...] You have to gauge it as you go along, but I found it hard to know if I had done enough or not.'

The need for additional student support

At every university which participated in the interview stage of this research, library and academic staff are making the effort to provide additional support to students, and this is undoubtedly a positive thing. When surveyed, the most common response from staff members was that students only occasionally approached them with problems using legal research platforms, with 42% of respondents indicating this. However, 58% of respondents indicated they frequently or very frequently received approaches for assistance with finding specific cases or legislative provisions. Similarly, 58% of respondents also indicated they frequently or very frequently have to assist students with legal research questions.

There may be overlap between problems with using legal research platforms and finding cases and legislation, as these problems using platforms could extend to being unable to find a required case on a specific legal research platform.

The equivalent question asked to students highlighted that individual students rarely approach academic or library staff for assistance on these issues. One explanation for this is that students as individuals do not approach staff for assistance particularly often, but these individual requests for support lead to common queries being identified.

When surveyed, while 36.9% of student respondents identified that they would approach a law librarian or member of academic staff for support, 43.9% responded that online resources would be the first thing they would look to in order to solve any query they have. 10.5% would approach a student representative affiliated with a legal research platform provider for support first, and 8.8% would approach their peers. This suggests that while librarians and academic staff providing support is important, developing comprehensive online support materials is vital, and may work to reduce the level of in-person support required.

When considering this need for support alongside student levels of confidence, they appear to identify an issue which arguably relates to the variable way legal research is taught and the awareness that students have of the legal research platforms available to them. However, in the interview stage of this research, it was apparent that there are more factors influencing the legal

research teaching which takes place, which determine the model of legal research teaching a university adopts.

THREE MODELS OF LEGAL RESEARCH TEACHING

While it is more common that law librarians lead the teaching of legal research rather than academic staff, this teaching occurs within the broader timetable of teaching for the law school at their university, and this is a highly influential factor in determining how legal research teaching takes place. Broadly, there are three models of legal research teaching which universities may adopt: Frontloaded, Integrated and Online.

It is important to note that these three models are not exclusive; a frontloaded approach could feature a timed module about specific legal resources later in the degree programme, an integrated approach could begin with the delivery of a lot of information at the beginning of a degree, and both are highly likely to be supplemented by a varying level of online resources.

Frontloaded

The frontloaded model involves all legal research teaching being conducted in the first few weeks of the first term of a degree programme. This ensures that students are given a baseline of what they are expected to know regarding legal research, and they can focus on developing those skills as they locate readings for seminars and research material for assignments.

However, one problem with the frontloaded model is that the first few weeks of a university term can be demanding for students, as they settle into a new environment, make new friends, adapt to a new way of learning and begin to find an appropriate balance between studying and socialising. Problems with delivering an intense amount of information at this time are something that law librarians are aware of, as discussed by Maria Bell, Learning Support Services Manager at London School of Economics:

'I think the big challenge about delivering this kind of teaching is the timing – making sure that students know what they need when they need it, but also not overloading them so they get told everything very quickly and might not retain it when they do need it.'

Integrated

The integrated model of legal research teaching is identified by the teaching being delivered at appropriate points throughout a degree programme. This is intended to ensure that students are introduced to information as they may need it, such as learning how to find EU material as they study a module on EU law.

Where this approach is adopted, it often involves a closer relationship between law librarians and the law school they work with. Julie Hamley and Sue Shreeve, job-sharing Faculty Librarians at UWE Bristol, discussed the close relationship they have with their law faculty:

'We've reached the point now where we attend departmental meetings, program meetings, staff team meetings, quality assurance meetings, and this last year we are very much more embedded in the program design meetings. So where there are new modules, or there are changes, we are there and involved in the scrutiny of the way the program is structured - where the skills sit, where the support sits to achieve the outcomes of the program'

This level of involvement with a law school helps with a fully integrated approach, as any opportunities for appropriately timed legal research teaching can be identified and timetabled for at the point of program design, although the relationship does not need to be this close to successfully implement an integrated approach to legal research teaching.

However, the integrated model may result in students approaching with more queries about things they haven't yet been taught, as they may not be aware of the future teaching they may receive, potentially further increasing the demands on law librarians in providing support.

Online

The online model of legal research teaching involves the delivery of legal research teaching being delivered through written and video guides. As a primary method of teaching delivery, this was the least common model of teaching identified by this research.

An advantage of the online model is that it enables students to engage with the material teaching legal research as and when they feel it is appropriate. Lee Snook, Liaison Librarian at the University of Exeter explained that in adopting this model of teaching an important factor is that 'it is there when students can use it when they need it. For example, if they don't want or need it until week 6 then that's fine, it's there for them in week 6'. It is also identified as providing an opportunity for more comprehensive teaching resources to be made available, which means that teaching time can instead be devoted to providing support. Lee continued:

'Rather than trying to pack everything into an hour lecture it meant we could be more comprehensive, and then offer one-to-one sessions for students who need more support or needed to do something really precise that we wouldn't cover in a lecture anyway'

However, this approach to teaching legal research places the emphasis on students to engage with these online resources, which can be difficult to monitor beyond seeing how many 'hits' a particular page may have had. Also, with reduced face-to-face contact, it can be harder to gauge how thoroughly students are absorbing the material, as their competency with legal research teaching will only be revealed when completing assessments.

Student preferences of legal research teaching models

When asked which model of legal research teaching model their university adopts, 50% of student respondents identified that their university adopts an integrated model of legal research teaching, 37.5% identified a

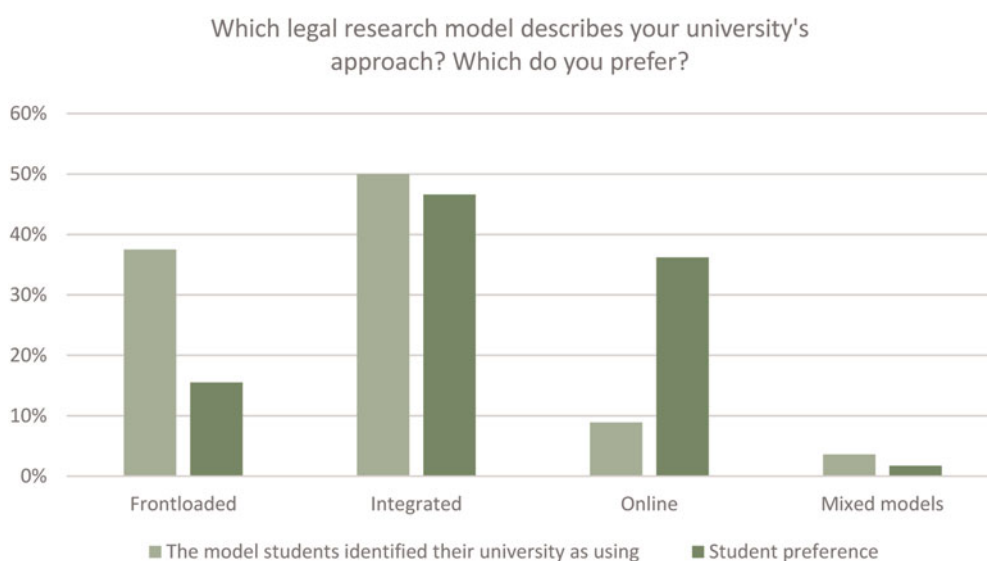


Figure 2: A comparison between the model of legal research teaching that students identify their university as using, and the model of legal research teaching students would prefer.

frontloaded model, 8.9% identified an online model. When asked which model they would prefer, 46.6% would prefer an integrated model, 36.2% an online model, and 15.5% a frontloaded model, as shown in Figure 2.

Students who preferred an integrated model identified that it would refresh and develop their legal research skills at deliberate intervals throughout the degree programme. The depth that more teaching would allow for was also seen as an advantage of this model, particularly where it relates to a particular module. One participant articulated this in saying 'this would facilitate learning the appropriate research method in tandem with the legal topic being taught at that particular moment'.

Those who preferred the online model identified two clear reasons. Firstly, it was identified as being convenient for students, with no requirement to attend lectures or be aware of optional sessions to learn what is required. Secondly, the self-taught nature of the online model brings numerous advantages, as articulated by a respondent who replied that they 'would prefer this model because I would have access to it at any time and because it is self-taught I would be able to move at my own pace'.

Those who preferred the frontloaded model all identified an advantage in knowing everything they need to in order to conduct legal research before it was required of them. One respondent stated this model was preferable as 'you are equipped with the skills early-on when the workload is light, allowing you time to get to grips with it before applying it to coursework and other legal research'.

CONCLUSIONS

The impact that this variable teaching of legal research has on students is important to consider. The majority of students only feel moderately confident in conducting legal research. This moderate confidence is one of the factors in the need for student support, particularly around problems using legal research platforms. While it cannot be determined from this research what relationship there might be between which model of legal research teaching a university adopts and how confident their students feel in conducting legal research, this is something which merits further investigation.

To look beyond a degree programme alone, is variable legal research teaching leaving some students disadvantaged compared to their peers when progressing to vocational degrees, or when starting their career? While this is anecdotal, at least one law firm in the UK arranges intensive legal research teaching sessions near the beginning of their trainee programme to ensure that their trainees are capable of conducting legal research in the way that they require. The implication of this is that they have concerns over the consistency in the quality of the legal research skills their trainees arrive with.

Can universities be supported in legal research teaching?

While universities take the lead on the delivery of research education, could external organisations support them in this? Through initiatives like the Justis Academy event in 2017 and the recent Law Student Legal Research Handbook, Justis has worked to supplement the legal research teaching conducted by universities by providing additional supportive material. The reception these initiatives have received from students suggests that legal research platform vendors can play a role in enhancing the teaching of legal research skills beyond proficiency tests relating to the use of their own products.

Beyond this, what role could law firms play in ensuring that universities are equipping students with the legal research skills they need? If law firms are hosting sessions to ensure their trainees are meeting a certain standard, as discussed above, this suggests that alongside the difference between legal research teaching between universities, there may also be a difference between legal research for academic and professional reasons. If this is the case, it could be beneficial to universities, firms and students if law firms had an involvement in the undergraduate teaching of legal research.

A standardised approach to teaching legal research?

This research shows that the teaching of legal research as part of a law degree is something which varies between universities, and this variance can be notable. From universities which teach legal research solely online through extensive written and video guides to universities who host multiple legal research sessions across a degree programme, there is no standardised approach to equipping students with the skills they need to conduct effective legal research. However, should there be?

The research we have conducted suggests that library staff acknowledge that a frontloaded model is problematic and is often adopted due to a lack of resources. Similarly, only 15.5% of students surveyed would prefer this approach to learning legal research. The online model offers the potential to be comprehensive in the teaching resources it can deliver, which can be added to and tailored over time, although this model requires students engaging with material in a self-study manner. However, while a minority of respondents to our survey study at universities which adopt this model, 36.2% of students have indicated they would prefer it.

The most preferred option among students is the integrated model; this research suggests that law librarians recognise that this avoids issues around frontloading, and instead delivers legal research teaching at deliberately timed points throughout a degree programme. As this model offers the greatest potential benefits to students, it is predominantly the approach that this research would identify as the most

appropriate standardised approach. However, considering the advantages the online model offers, a standardised approach should also seek to provide thorough online resources, so that students have a resource available at any point of need. As 43.9% of students have

indicated that they would seek online resources to answer any queries before approaching a member of academic staff or a law librarian, well developed online resources could also work to reduce the frequency of demand for in-person student support.

Footnotes

¹ 'Setting Standards: The Future of Legal Services Education and Training in England and Wales' (2013) <http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf> last accessed 11 July 2019.

² *Ibid*, p44.

³ *Ibid*, p275.

Biographies

David Hand joined Justis, a vLex company, in 2017, and is the principal Marketing & Communications Analyst, having studied Social & Cultural Studies, Research Methods, and been a doctoral candidate at the University of Nottingham. In his role at Justis, David has been involved with a range of activities, including the Justis International Law & Technology Writing Competition and a multi-stage research project exploring how legal research is taught to students.

Dr Matthew Terrell is the Head of Marketing for Justis, a vLex company, and the driver behind the Law & Technology International Writing Competition. Prior to joining Justis, Matthew was the Co-founder and Chief Communications Officer for Call for Participants, an online research service used by over 600 universities around the world. Matthew was also a Start-up Mentor for both Virgin Start-up's, and Jisc's Summer of Student Innovation.