

Building Proficiency: Approaches to Teaching Legal Research at the College of Law

Abstract: Tony Simmonds describes the initiatives taken at the College of Law to assist students to perform effective practical legal research including a *Legal Method* foundation course; a vocational course for the Legal Practice Course and additional in house learning activities devised by the information professionals.

Keywords: legal research; academic law libraries; vocational education

Introduction

It is a bitter pill to swallow, but however much energy we information professionals bring to the task, legal research training is never going to make students catch fire. Nonetheless, at The College of Law, we persist with all the creativity and enthusiasm we can muster. We are committed to developing young lawyers who can operate effectively on day one in legal practice, and we know that robust research skills are an essential attribute.

This article outlines the extensive and varied opportunities available to College of Law students to build proficiency in carrying out research across two of our core programmes. These are the Graduate Diploma in Law (GDL), a “conversion course” for non-law graduates who seek a legal career, and the Legal Practice Course (LPC), a vocational qualification for aspiring solicitors. Both are highly intensive courses, lasting one year full-time and two years part-time.

These opportunities span the academic year and beyond (a timeline is provided as Figure 4). They begin with pre-course study and stretch into extended access to libraries to prepare training contract applications, which increasingly have a legal research component. Some activities form a compulsory part of the curriculum, others are optional. Some learning is face-to-face, some rests upon our world-class e-learning tools.

Setting the Foundations: GDL Induction

GDL students are new to law on enrolment each September. They begin with a foundation course called *Legal Method*, which introduces the concepts, materials and institutions of the law of England and Wales.

Legal Method also acquaints students with a problem-based approach to learning. This then underpins much of

the subsequent programme, so students are encouraged from the outset to think of practical legal research as part of a larger process, one that involves crystallising and then solving problems on behalf of clients.

Legal Problem Solving is the title of one of the units in an online version of the Legal Method course, which students access via ELITE, the College’s Virtual Learning Environment, in the month before they enrol. The generic problem-solving model (Figure 1) that features here is recommended to students as a framework for the rest of their legal studies, and beyond into practice.

Within this stepped model, legal research, matching needs to sources, then exploiting those sources effectively, is discussed in principle within Stage 3, Identify potentially relevant law, although it is explained to students that any stage may entail a measure of research.

On enrolment, library staff deliver two separate timetabled workshops to small groups of GDL students. These induction sessions, each lasting 40 minutes, involve students in the practicalities of choosing and then exploiting different sources. We take a “tell-show-do” approach, mixing explanation and demonstration of techniques with student exercises. The first workshop, in week 1, focuses on electronic solutions. The second, covering printed sources, ties in with a set of coursework tasks that GDL students are required to tackle using books only (they must record page references with their answers). With the aim of making these tasks more rewarding for students, library staff recently re-devised them so that they all attach to a single, topical issue (Assisted suicide).

Building the Walls: Practical Legal Research on the LPC

By virtue of the Academic Stage of legal training, students joining the LPC should already be grounded in the tools

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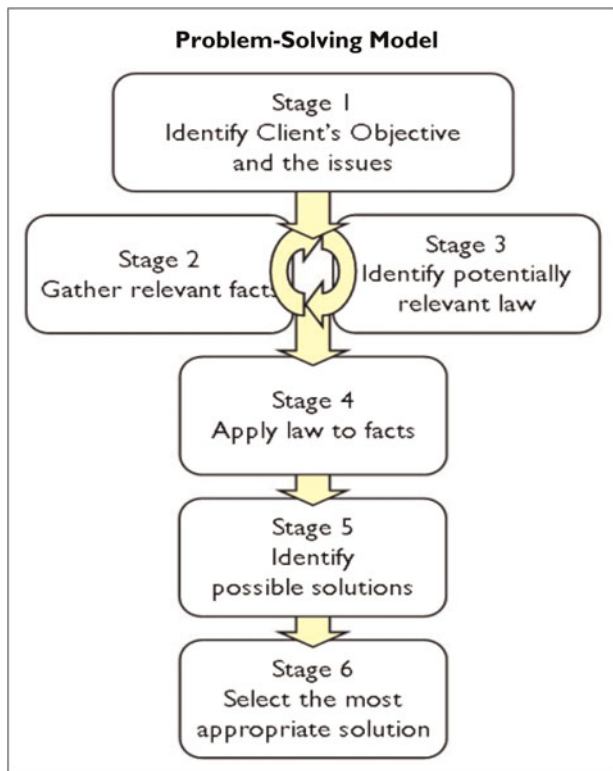


Figure 1: A Legal Problem-Solving Model.

and techniques of legal research, so the aim at the Vocational Stage is to develop and apply practical research skills, with a strong emphasis on “practical”.

The Solicitors Regulation Authority publishes useful guidance on what a student is expected to know and

understand on starting the LPC, including in relation to legal research:

“On joining the course, you are expected already to be able to:

Generally

- Locate, collate, analyse and apply information to answer specific legal problems, using both traditional paper-based sources and electronic bibliographic primary and secondary sources
- Check the development and current validity of the law in a particular area

Specifically

- Find and use the primary sources of the law (cases, statutes and statutory instruments) using both paper-based and electronic sources. In particular, you should be able to:
 - Locate a law report from either the reference or the party information
 - Use a case citator and understand its significance
 - Find statutes and statutory instruments and know how to use relevant updating services
 - Use Halsbury’s Laws of England and Current Law
- Access EU material, in particular directives, regulations and EU case reporting series

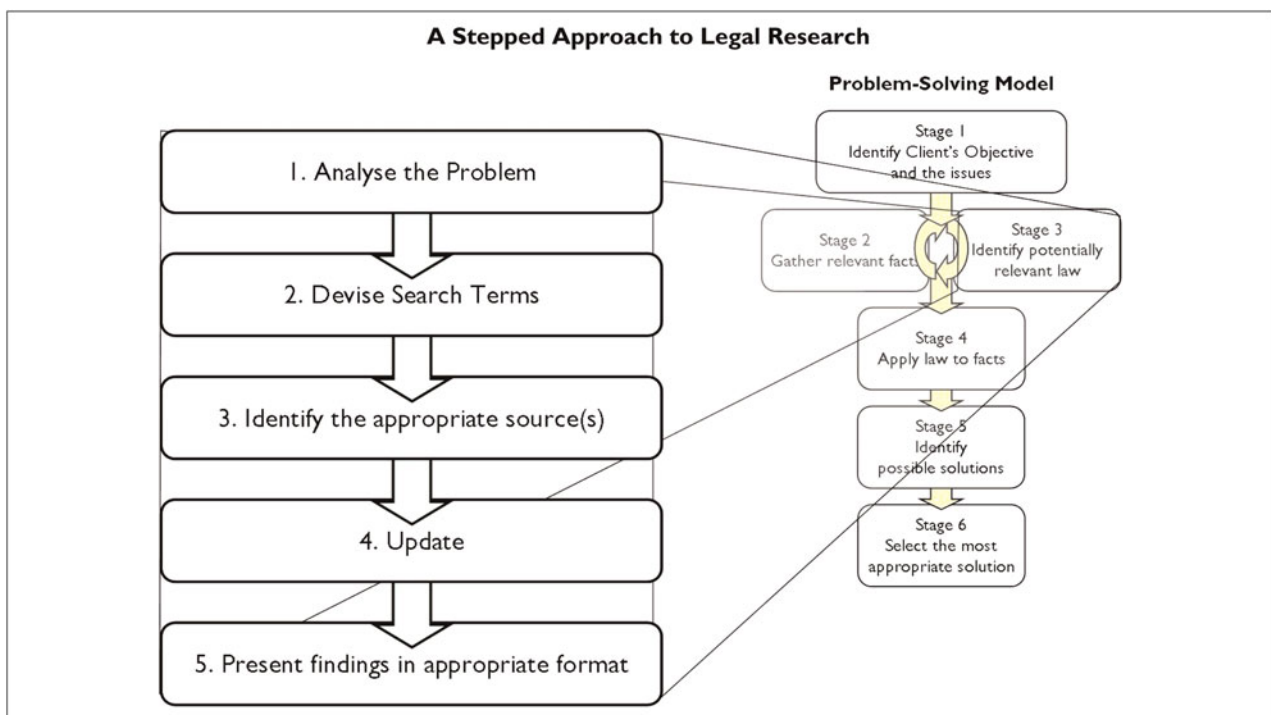


Figure 2: The Role of Research in Legal Problem-Solving.

- access relevant articles in leading journals
- locate and use secondary sources (such as leading practitioner texts) where appropriate as a precursor to detailed reference to primary sources
- collate, analyse and apply relevant material in a particular field of law”¹

It is striking that the SRA continues to emphasise “using both paper-based and electronic sources”. The College is mindful of such regulatory guidance when balancing research teaching and when making decisions about ongoing parallel purchase of resources in hard copy and online. If a student is to achieve this benchmark of competence on day 1 of the LPC, then providers of law degrees must also strive for the same balance. This is made difficult if a university library chooses to cancel, for example, all printed sets of *Halsbury’s Laws* or *Current Law*, however tempting in tight budget conditions.

Within the formal LPC curriculum, Practical Legal Research (PLR) is one of a cluster of skills that are taught early on under an umbrella of *Introduction to Professional Practice*. Teaching staff deliver two workshops that focus especially on PLR, in the context of analysing and then researching real-world legal problems and then reporting findings in an appropriate format and drafting advice to clients (Figure 2). The content of problems that students encounter depends on which LPC pathway they are following. For example “Firm-Specific” students, those sponsored by Clifford Chance, Linklaters or Allen & Overy, firms which send their future trainees exclusively to the College, will generally work on problems set in a corporate context.

In addition to preparing and then consolidating their learning in workshops, students must also complete online “test and feedback” exercises, including a set of multiple choice questions that test their knowledge of using printed sources. The PLR assessment which follows in October requires students to produce two research reports, one dealing with a specific issue and the other dealing with two or more intertwined issues.

Each LPC course thereafter incorporates research activities, so that the skills learned on the formal PLR course are reinforced and strengthened throughout the programme.

Plumbing and wiring: learning within the curriculum

As well as course materials for Legal Method and PLR, students are provided with a variety of other resources within the curriculum to support learning about research. A manual accompanying each course includes extensive coverage of legal research techniques and sources and students are guided in their reading as the course unfolds. Additionally, all students receive a bound pack of *Research Guides*, in which library staff describe how to

exploit individual databases and printed encyclopaedias, and also outline aspects of research by theme (for example, *Effective Electronic Research* or *Finding Older Cases*).

In recent years the College has invested heavily in e-learning. Its flagship product is a wide-ranging suite of interactive training tutorials, or “i-Tutorials”. These comprise online video recordings of tutors, supported with slides and interactive exercises. Each lasts around 45 minutes, is accessible over the internet and can be stopped, started and replayed. Students have responded very positively to this flexible and re-usable mode of learning. An i-Tutorial in support of PLR was among the first to be introduced at the College, and has recently been re-scripted and re-filmed for a third edition. A senior member of the Knowledge team led design throughout (Figure 3).

Fixtures and fittings: learning outside the curriculum

Besides the compulsory research activities that students encounter as part of the curriculum, College libraries offer an assortment of voluntary learning opportunities. Each stocks a variety of textbooks about legal research. Qualified information officers are available to help with ad hoc research queries. Student representatives employed by Westlaw and LexisNexis host regular drop-in clinics where students can obtain informal peer-to-peer training.

Various sign-up workshops are also offered on a rolling basis from September each year, as demand dictates. We arrange for external trainers from the various publishers to come on site to enable students to learn about specific databases in detail. Also, library staff deliver three separate one-hour workshops by theme, which enable students to consolidate their skills and knowledge by watching demonstrations then carrying out exercises with expert support:

- How to research case law and legislation using electronic sources
- How to research using paper sources
- How to research journals and newspapers

Finally, library staff launched a new suite of eight multimedia tools for the 2009/10 academic year, called “i-Guides”:

- Before you Start (*covering general techniques and tips*)
- Starting Paper Research
- Starting Online Research
- Finding and Updating Cases – Paper
- Finding and Updating Cases – Online
- Finding and Updating Legislation – Paper
- Finding and Updating Legislation – Online
- Researching EU Law

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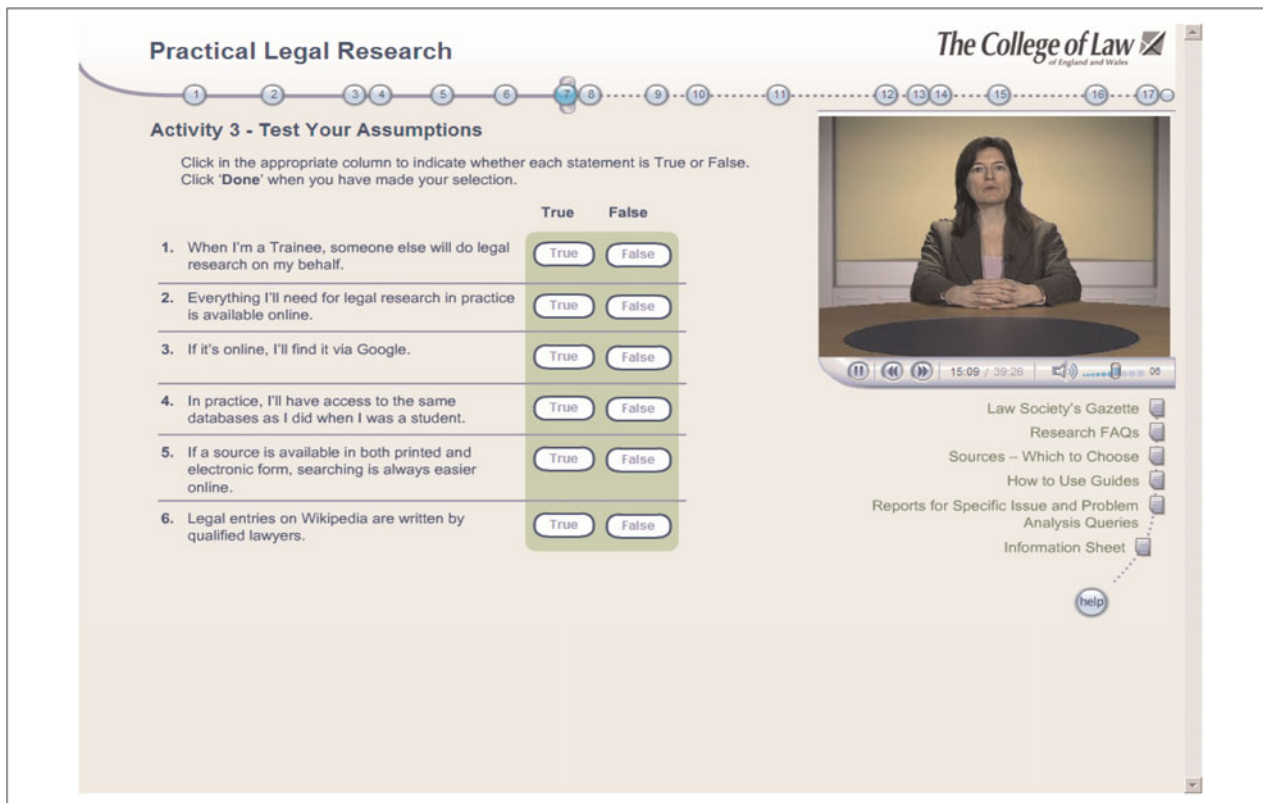


Figure 3: Screenshot from the LPC Practical Legal Research i-Tutorial.

Each of these short (10 minute) presentations comprises a series of slides, overlaid by a podcast that explains a particular area of research. We used Adobe Captivate to capture then embed videos of searches within the i-Guides that cover

online sources. Students can check their learning by answering a few brief questions at the end of each i-Guide. In addition, an overall “test and feedback” quiz is offered to gauge learning across all eight presentations (Figure 4).

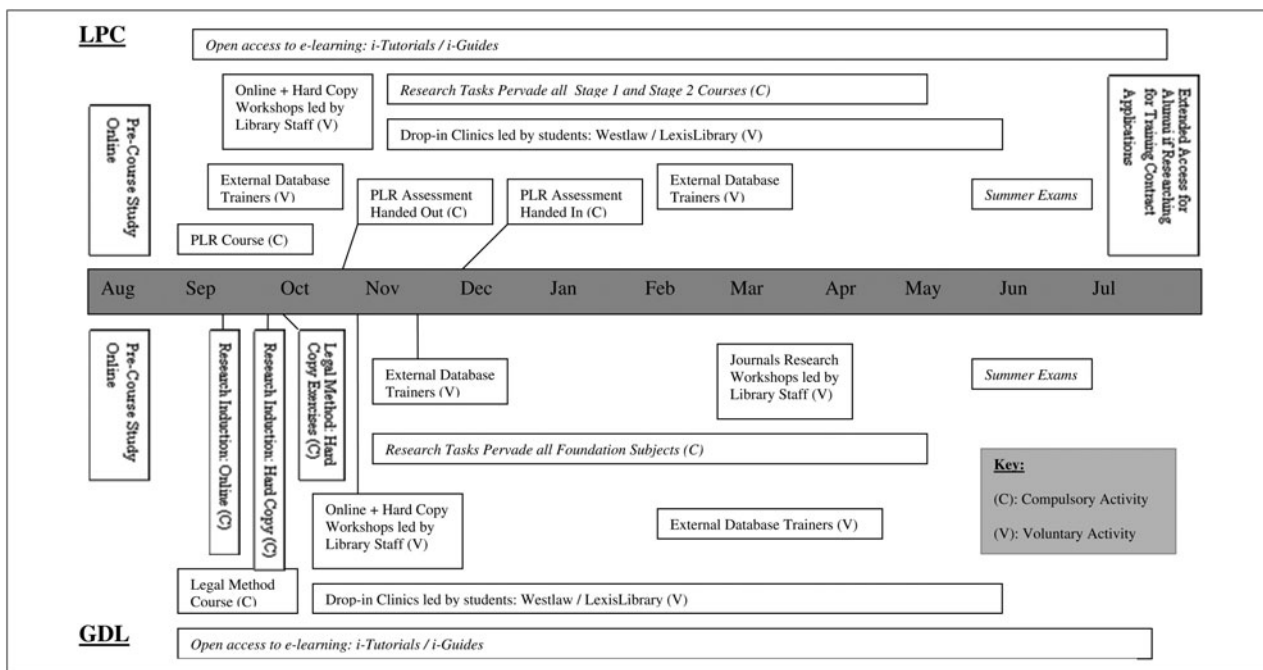


Figure 4: Timeline of legal research learning opportunities.

Conclusion

Research skills are vital to the success of any young lawyer, but there is a risk that this truth will not dawn on many students until after ripped jeans are swapped for smart suit. Student misconceptions about research are deep-seated and many, so information professionals must continue to offer diverse and ingenious opportunities to build

the right skills. They are convinced that someone else will do the spadework for them in practice; we emphasise that the ability to find the right law fast can make or break a trainee's credibility. They treat Google as an oracle; we show why Google is not the magic solution to every query. They assume that if it is not online, it is not worth the trouble; we explain why book research still has a role to play. It may feel like an uphill struggle sometimes, but they will thank us for our persistence in the long run.

Footnote

¹*Legal Practice Course: what you are expected to know before you start*, p. 30; available via a link at <http://www.sra.org.uk/enroll/>; accessed 17 March 2010)

“What do you Mean, Look it up in the Library? Isn't it on the Internet”?

Abstract: Maria Mawson explores the extent to which universities still teach undergraduates how to use print legal research sources. It also examines the level to which these sources are still provided, in the light of increasing costs, shrinking budgets and the convenience of online access.

Keywords: legal research; academic law libraries

Introduction

Are university libraries still providing print versions of legal research tools and showing undergraduates how to use them? If they are not, does it matter? To try to answer these questions, this article examines guidance from the regulatory bodies for legal education. It also draws on the reports of the annual SLS/BIALL Academic Law Library Surveys to discuss the shift from print to online provision and the amounts of time spent on legal research training in universities. Finally, the article summarises replies to a posting made about these issues to the BIALL discussion list for academic law librarians.

Guidance from regulatory bodies

My starting point for this section of the article was Chapter one of *Teaching Legal Research* by Peter Clinch (2006).¹ I wanted to establish what the regulatory bodies for qualifying law degrees said about legal research skills training, and the sources that should be used.

Schedule One of the Joint Statement on the academic stage of training issued in 2002² outlines the knowledge and transferable skills that the initial stage of training should address. These include “the intellectual and practical skills needed to research and analyse the law from