

Avoiding Holes in Our Britches – Resources for the Faster, Cheaper, Better Legal Researcher

Abstract: This article reviews the kinds of resources available to support the training of legal researchers and to guide them in their research, so that law librarians can avoid “re-inventing the wheel”. Karen Crouch places her emphasis on practical legal research. She also highlights some work in progress and possible future directions for legal learning resources and reviews some of the online tools that enable legal researchers to work more efficiently. The emphasis is on low cost resources, and those which enable additional value to be extracted from existing legal database subscriptions.

Keywords: legal research; online services

Poll ar thóin an táilliúra?¹

Irish readers will recognise the proverbial tailor, busy sewing great pants for everyone else, whose own trousers are in a sorry state. Law librarians excel at ensuring our clients can access existing precedents and know how instead of fashioning solutions to problems that have already been solved. Initially we will look at some of the devices that can help researchers work more efficiently and then examine some of the ready-made resources for both training legal researchers and helping them to navigate legal information sources.

Faster, Cheaper: tools to ease the quest

Precedents in housestyle

PLC Firmstyle is an add-on to PLC databases that saves users the time and effort of reformatting template documents. Lawtel Precedents incorporate the same functionality as part of their core offering. Once a Firmstyle or Lawtel user locates the precedent they wish to use, it can be opened and edited in the user’s corporate housestyle.

LexisCheck – from Lexis Nexis

LexisCheck automates the task of legal proofreading i.e. verifying the accuracy of case and legislative citations. LexisCheck Toolbar analyses documents in Internet

Explorer 7 pages and Microsoft Word documents to produce a pop-up report highlighting the status of each case or legislative provision cited. A “traffic light” notation is used to show at a glance the status of each citation, with the option to access additional information about each item.

JustCite Toolbar (formerly J-Link)

The JustCite Toolbar allows JustCite subscribers to see status information, e.g. whether legislation cited has been amended, without leaving the page they are reviewing and also to locate quickly the full text of the legal material cited. For users who are not JustCite subscribers, the toolbar can locate the full text of cited documents, including cases, journal articles, legislation, either on the web or on a subscription database.

Free, but not so easy?

The tools featured above free up lawyers’ time to concentrate on more complex research tasks. Tools such as JustCite and LexisWeb (see further p. 124) also save users from looking in multiple locations for a specific item, directing them to free sources of a document where appropriate, thus helping to manage costs as well as time. There are circumstances where the legal web is the most cost effective, or the only place to find a particular official document. The legal risk of injudicious use of free legal information has already been highlighted, for example by Choolhun (2009)² and Rayner and Harris (2009)³. Anyone wishing to emphasise the importance of choosing

the right tool for the task might direct students or practitioners to Westlaw's "stress toys" films⁴ on You Tube. In these highly entertaining films, the lawyers featured treat their executive toys very badly indeed. Driven to distraction by the pressure of meeting client deadlines and equipped only with free sites such as "reallycheaplaw.com", they vent their frustrations, with comic results.

Of course, appropriate source selection is only one of the skills the information literate and cost efficient practitioner needs.

Better? Developing the skills of the legal researcher

Re-use, recycle, renew: RLO's

There are numerous initiatives in the academic sector worldwide to encourage educators to share reusable learning objects (RLO). RLO repositories allow the exchange of all kinds of learning materials including online tutorials, handouts, simulations. When the term RLO is used, the emphasis tends to be on intermediated use. Repositories have primarily been intended for use by educators to make materials available to students at their institutions, or to rework them to produce new training materials. Some repositories will stipulate that any derivative materials are made available for re-use.

Allbon and Wakefield (2008)⁵ have already highlighted the key UK sources of legal research RLOs: Jorum, The HEA Subject Centre for Information and Computing Science RLOs and Informs:

Jorum

Funded by JISC, Jorum⁶ provides access to free learning and teaching resources contributed by UK further and higher education institutions. "Jorum Open" - a selection of Jorum content open to all - was launched in 2010. The HE or FE institution depositing the resource makes clear to users the basis on which it can be used. The *Jorum Open Licensing Guide* JISC (2010)⁷ explains that it is possible for institutions to choose to allow commercial use. At the time of writing, all items relevant to information literacy or the law are designated non commercial use. Content in the "Jorum UK" collection is available only to HE and FE users.

HEA RLOs for law librarianship

The Subject Centre for Information and Computing Science at the Higher Education Academy hosts a series of tutorials authored by Nicola Wakefield (2006)⁸. The *Case Law* module explains the components of case law, including the distinction between civil and criminal cases, the parties to a case, citations and case reporting. It contains activities to introduce users to case finding and test yourself multiple choice questions. There are ten others,

including: *Finding Legal Case Citations Electronically; Introduction to Legislation; Legal Dictionaries; Halsbury's Laws of England; Using Halsbury's Statutes; Law Reports; English Court Structure; Using Current Law Case Citorator and Medical Dictionaries.*

Informs

Part of the Intute service, Informs⁹ is a tool for the creation of interactive online tutorials. Tutorials created by users are added to the Informs database for use by other HE and FE institutions. Tutorials created using Informs include guides to searching *Halsbury's Laws* on Lexis Library and to Westlaw UK.

Open Educational Resources and Open Courseware

Clearly access to re-use RLOs is more straightforward for non-commercial users, but the world may gradually be becoming more open. There has been a dramatic expansion in the amount of quality educational material available directly to the public. There is now a dedicated channel on You Tube for material shared by colleges and universities. The You Tube EDU channel was added in May 2009. The term Open Educational Resources (OER) has come to encompass a very wide range of educational materials available directly to the public. The distinction between RLO and OER is not always clear-cut. JISC's definition of OERs¹⁰

"Existing learning resources that are made freely available online, licensed in such a way to enable them to be used and repurposed worldwide"

will sound remarkably like the description above of RLOs. The main distinction is the one already alluded to: the move to make materials available to all. Platforms such as Slideshare and You Tube provide low cost, easy means to do this. The term Open Courseware is used to describe the phenomenon where entire programmes are made available. One of the first and most well-known initiatives is Massachusetts Institute of Technology's Opencourseware¹¹ which now has 1900 courses, including law modules. A *Guide to Researching Legal Materials* and a video lecture about researching US copyright law are just two of the resources found by searching on the phrase "legal research" at the time of writing.

Online Legal Method for Inquiry-Based Learning

This is an OER project at Kings College London funded by UKCLE. The project will build an entire legal method course on an open access basis, introducing students to the English legal system and legal skills, particularly legal research. Materials will include online assessment and

feedback activities. Problem-based and inquiry-led approaches will be used. The project summary¹² points out that providing a stand-alone module avoids the risk inherent in teaching legal research primarily as part of substantive law subject modules. That is, teaching legal research “in a piecemeal and variable fashion within individual modules” leading to “a lack of coherence, uniformity and efficiency with a negative impact on students”. A specific course will be provided to enable law students to focus on legal research and how the law works.

Inquiry-based learning (IBL) is an approach to learning where the emphasis is on self-directed inquiry and research. Students typically work on case studies and research projects, often working collaboratively. One IBL approach, problem-based learning (PBL) requires students to analyse and apply information to solve realistic problems. The idea is for students to take control of their learning and construct a deep understanding of the subject. Clinch (2006)¹³ provides a useful overview of constructivist and other learning theories placed in the context of teaching legal research skills.

Next step? Simulated for legal research?

The UK Centre for Legal Education (At the University of Warwick) has initiated the SimShare¹⁴ repository of simulation resources for legal education. The pioneering legal education simulation in the UK is undoubtedly SIMPLE, the Simulated Professional Learning Environment with the virtual town of Ardcalloch at its core. At the time of writing, SimShare does not contain any simulations devoted specifically to legal research, although of course, students will often need to undertake research as part of a simulated transaction. Patricia McKellar of UKCLE, asked for this article about the use of simulations (sims), says:

“I’m sure that sims would be a good methodology for teaching research skills. In the future you can imagine 3D simulations directing students to various sources as well as the more traditional case study type situation translated into an online role play scenario. One of the platforms used to run simulations (SIMPLE) works well with process-led sims so would work well with a research type scenario. Many of the sims developed for SIMPLE will be on the SimShare site”.

We might ask whether it is worth the investment in time and effort to produce simulations? We have already mentioned the notion that problem-based learning can contribute to building students’ understanding of legal research skills. For those destined to become practitioners, there needs to be an ability to transfer that learning into the workplace. The issue of how trainee

solicitors transfer research skills from the LPC into practice was identified by Webber (2007)¹⁵ as an issue that warranted further investigation. The existing research on learning transfer is reviewed by Lloyd (2009)¹⁶. She points out that the research on how individuals transfer information literacy skills from the academic setting to the workplace is not conclusive, but it does provide some clues, including the notion of “near transfer”, which is the idea that the greater the similarities between contexts, the greater the chance that skills will be transferable. This would imply that learning experiences resembling legal practice will assist new lawyers to hit the ground running and reflects the value of problem-based learning, transactional learning (based on legal transactions) and indeed, simulations.

Any reader inspired to find out more, or who may be interested in devising simulations for legal research, should visit the Simshare section of the UKCLE website. A detailed account of the pedagogic theory underpinning the Ardcalloch simulation can be found in Paul Maharg’s book *Transforming Legal Education*¹⁷.

Other sources of re-usable content on the internet

Repositories such as Jorum have clear licence conditions for those seeking to re-use their works. For the guides and tools listed below, the copyright position may be less clear: the importance of avoiding plagiarism and observing copyright law cannot be overstated. Generally speaking, it will be acceptable to refer researchers to publicly available sites providing adequate attribution is given. If in any doubt, contact the rights holder.

The remainder of this article can only hope to give a sample of the kinds of resource available to assist researchers, but in future librarians and researchers will be able to consult IALS SKiLLs¹⁸. The Institute of Advanced Legal Studies library is building a comprehensive directory of legal research and information skills resources.

All the resources you ever need: one-stop shop for legal research know how from IALS

While this article is limited almost exclusively to initiatives based in the UK, the new directory will have a global reach. To give just a few examples of the materials already included in the database, there is a guide to the law and legal research in Swaziland; an introduction to Venezuelan government institutions and primary materials, as well as tutorials for online and hard copy legal research resources. Steven Whittle of IALS says:

“IALS hopes that the know-how database will help to share established expertise and support those

new to an area of legal study and research as well as distance learning programmes (offering links to skills and know-how material information professionals have generously made available on their websites) potentially helping with foundation in UK, foreign and international law as well as use of key sources including particular electronic online services.

Initially skills resources have been traced from websites of those UK libraries featured in the FLAG Foreign Law Guide as holders of foreign and international law materials in the UK. Suggested additions are very welcome. Please contact Steve Whittle at IALS steven.whittle@sas.ac.uk."

Legal research basics

***Internet for Law*¹⁹**

This tutorial from Intute explains the structure of legal literature and scholarly communication. Students can then take a tour of a wide range of authoritative internet sources for law. There is a neat 'basket' facility allowing students to collect links during the tutorial to save for later use.

***Learnmore*²⁰**

The Lawbore tutorials initiative from City University includes comprehensive lessons about law reports, legal abbreviations and using practitioner texts. As well as legal research topics there are guides on other topics such as *assignments, mootings, pro bono opportunities for the law student* and several study skills guides.

***Inner Temple Legal Research FAQ's*²¹**

The legal research FAQ's answer questions about key aspects of finding UK and EU law and researching treaties. The *Researching Treaties* FAQ guide explains some basic terms and concepts to help the researcher make sense of treaties.

Vendor and publisher materials

Publishers, keen to promote usage of their products provide tutorials and user guides for their databases. Increasingly guides are hosted on the internet so that users do not need to log in to use them. Hein Online²² and ICLR, publishers of *The Law Reports* now have their own channels on You Tube. Among the films on ICLR's channel is a guide to case research using both online and hardcopy sources²³.

Increasingly students and practitioners can register themselves for training delivered over the internet and phone. Web-based training such as Lawtel lessons or Lexis Webinars are more interactive than e-learning tutorials, in the sense that they are delivered by a tutor,

allowing attendees to ask questions or seek clarification if they wish.

Lexis Nexis also provides the opportunity for interaction as visitors to its LawCampus²⁴ are invited to ask "Cat" who then posts the answer to their query to a growing page of FAQ's

Westlaw now use video demonstrations to explain enhancements to the database. (See further at pages 120 and 124 of this issue)

Subject guides

The Institute of Advanced Legal Studies Library²⁵ provides research guides on a very wide range of topics covering both internet and hardcopy sources.

Exeter University's recently updated online library guides²⁶ include detailed guides to research sources for international law, EU law and comparative law. *Researching International Law* includes a wide range of sources on all aspects of international law including trade law, migration, human rights and war crimes. The international law sources are put in context, e.g. the role of key international organisations is explained. *Researching EU law and policy* also puts the research sources in context, introducing the student to the European Union, its legislative process and institutions. *Comparative Law* contains a section dedicated to researching conflict of laws as well as guides to researching the law and legal systems of the US, Commonwealth, Europe, France and Germany.

*Access to Law*²⁷ from Inner Temple library consists of 1400 sites selected for their relevance for practising lawyers and categorised by subject and by jurisdiction.

Subject-specific training from vendors

Westlaw UK Workouts is a series of webinars tailored to specific practice areas such as employment, EU, real estate, Scots law and crime. Lawtel Lessons mentioned above also include specialist modules on using Lawtel to research particular topics including EU, human rights, personal injury, commercial and family law.

Learning activities

The BIALL *Legal Research Training Packs*²⁸ comprise a series of questions which involve using a variety of hardcopy and online sources and include answers and suggested methodology.

Storytelling: to entertain and inform

"Stories have the power to reach within us, to command emotion, to compel involvement, [...] Stories are a way of thinking, a primary organiser of information and ideas, the soul of a culture, and the consciousness of a people. Stories are a way in

which we can know, remember and understand”
(Livo, 1986)²⁹

The stress toy videos from Westlaw highlighting the pain caused by failure to use the correct research tool have already been mentioned. Another cautionary tale comes from ICLR in their short film *A Tale of Two Citations*³⁰. Humour is the means for getting the message across in both the Westlaw and ICLR films. In *A Tale of Two Citations*, an ill-prepared barrister, with a serious ginger beer habit, fails to cite the correct authority in court. He has to contend with an irascible judge and an extremely smug opponent. *A Tale of Two Citations* can be watched on YouTube and copies of ICLR films are also available direct from the publisher.

Steven Whittle has devised a story for use on Intute. *Dominic's Virtual Failure*³¹ tells how poor Dominic came to fail his law assignment despite “doing loads of internet research” and acting as the patent advisor to Spencer, inventor of the “personal portable coffee percolator”. With all the excitement of a trip to the *Dragon's Den*, Dominic somehow missed some key tools that would

have ensured him a good mark for his essay. He risks being accused of plagiarism. His tutor duly provides the guidance he needs to avoid this fate in future.

And a final narrative: Legal Research, the movie³²

This silent film starring law students at Stanford University is an excellent example of learner generated content. No one would deny that the misfortunes of the characters in the previous stories are an extremely effective way of engaging our interest. This film, however, is a celebration: “Indexing – I could not be happier!” “Treatises: I am somehow happier than before!” Annotated cases are “sweeeeeeeeeet”, statutory indexes leave the students breathless and “using the Digest is what heaven is like”.

Lawyers who delight in legal research – now that is a learning outcome worth striving for.

Footnotes

¹Literally “Hole on the rear of the tailor”

²Choolhun, N. (2009) Google: to use, or not to use. What is the question? *Legal Information Management*. 2009, 9(3), 168–172

³Harris, E. & Rayner, J. (2008). Net-surfing lawyers warned of compliance risk. *Law Society Gazette* 105(23)

⁴Westlaw: Westlaw Stress Toy <http://www.YouTube.com/watch?v=miv9k2kfEW4> Westlaw Stress Toy Part 2 <http://www.YouTube.com/watch?v=qTwdnmE3Wbl> – or search on ‘Westlaw stress toy’ at www.YouTube.com accessed 23 March 2010

⁵Albon, E. & Wakefield, N: Staying vital to the virtual learner: what role for future university law librarians? *Legal Information Management*. 2008, 8(1), 18–23

⁶<http://www.jorum.ac.uk> accessed 23 March 2009

⁷Joint Information Systems Committee (2010): Jorum Open Licensing Guide <http://www.jorum.ac.uk/docs/pdf/JorumOpenLicensingguide.pdf>

⁸Wakefield, N. (2006) Re-usable learning objects for Law Librarianship http://www.ics.heacademy.ac.uk/resources/rlos/rlo_repository.php

⁹Intute (*Informs* <http://www.informs.intute.ac.uk/> accessed 23 March 2010)

¹⁰Joint Information Systems Committee: *Glossary* <http://www.jisc.ac.uk/aboutus/glossary.aspx> accessed 23 March 2010

¹¹Massachusetts Institute of Technology: *Opencourseware* can be accessed at <http://ocw.mit.edu/OcwWeb/web/home/home/index.htm>

¹²United Kingdom Centre for Legal Education (2010): *Developing research-based learning and teaching approaches through the innovative use of technology*; <http://www.ukcle.ac.uk/research/projects/dea.html>

¹³Clinch, P. (2006) *Teaching legal research*. 2nd ed. Coventry, UKCLE.

¹⁴UKCLE (2009): *Simshare: Open educational resources in simulation learning*. <http://www.ukcle.ac.uk/simshare/index.html> accessed 23 March 2010

¹⁵Webber, S. (2007) *Information Literacy: Marketing and Educational Views* delivered at Biall 38th Annual Study Conference, Sheffield. Slides can be viewed at <http://www.slideshare.net/sheilawebber/information-literacy-marketing-and-educational-views-and-some-research>

¹⁶Lloyd, A. (2009) *Information literacy landscapes: information literacy in education, workplace and everyday contexts*. Oxford, Chandos.

¹⁷Maharg, P. (2007) *Transforming legal education: learning and teaching the law in the early twenty-first century*. Aldershot, Ashgate.

¹⁸The Institute of Advanced Legal Studies SKiLLs database can be found at <http://ials.sas.ac.uk/library/skills/skills.htm> accessed 23 March 2010

¹⁹Intute Virtual Training Suite: *Internet for Law*. <http://www.vts.intute.ac.uk/tutorial/law/> accessed 23 March 2010

²⁰City University: *Learnmore, law tutorials by Lawbore* <http://learnmore.lawbore.net/> accessed 23 March 2010

²¹Inner Temple Library: *Frequently Asked Legal Research Questions*. Can be accessed from <http://www.innertemplelibrary.org.uk/> accessed 23 March 2010

- ²²HeinOnline's youtube channel can be found at <http://www.youtube.com/user/HeinOnline08> or search for "Heinonline08" on www.youtube.com
- ²³Incorporate Council of Law Reporting (2009) *Find that case!* <http://www.youtube.com/watch?v=Cf4JYR0cQg4> or search "theCLR" on www.youtube.com
- ²⁴Lexis Law Campus: http://lexisweb.co.uk/groups/law_campus/default.aspx
- ²⁵Institute of Advanced Legal Studies Library: <http://ials.sas.ac.uk/library/library.htm>
- ²⁶University of Exeter Library: *Support Area for Law*. <http://as.exeter.ac.uk/library/using/help/law/#d.en.37806>
- ²⁷Inner Temple Library: *Access to Law*. <http://www.accesstolaw.com/>
- ²⁸British and Irish Association of Law Librarians (2007) *Research Training Packs* available from <http://www.biall.org.uk/publications.php>
- ²⁹Livo, N. & Rietz, S. (1986) *Storytelling Process and Practice*. Littleton, CO: Libraries Unlimited. Cited in Unesco: (2005) *Teaching and learning for a sustainable future, a multimedia teacher education programme; module 19: Storytelling*.
- ³⁰Incorporate Council of Law Reporting (2009) *A Tale of Two Citations*. http://www.youtube.com/watch?v=8u_mVlt3_pE or search "theCLR" on www.youtube.com
- ³¹Whittle, S. *Why Internet Research Skills Matter: Dominic's Virtual Failure*
- ³²*Legal Research, The Movie* starring Thomas Nosewicz, Mike Pappas, Whitney Smith and Kelly S Kuehl. <http://www.YouTube.com/watch?v=XCX3RkVTRkl>

Biography

Karen Crouch manages the library at the College of Law Bloomsbury Centre. A key function of the role is fostering excellent legal research skills in future practitioners. Before joining the College of Law, Karen worked in legal information management in the City of London

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HeinOnline Takes a Diversified Approach to Legal Research Training

Abstract: Developing legal research skills is something that takes time and practice and can be enhanced with proper training. Marcie M. Baranich explores the various resources that HeinOnline offers to help law librarians and legal researchers develop their research skills in HeinOnline, from training guides and video tutorials to live webinars and support, together with the platforms and social media applications used to disseminate training resources, including the Wiki, Blog, YouTube channel, Facebook page, and Twitter feed.

Keywords: legal research; online databases

Introduction

With the growing sophistication of digital technology and publishing, legal research proves to be a complex task for

law librarians and legal researchers. Acquiring the skills to conduct in-depth legal research is developed over time and can be enhanced and improved upon through practice, repetition, awareness and training. Every legal researcher and law librarian will take their own individual