

## 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

<sup>1</sup>*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).<sup>1</sup> 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 2002<sup>2</sup> 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

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primary resources” and the ability to “use standard paper and electronic resources to produce up to date information”. The statement does not give any guidance on what the standard paper resources are.

Guidance from the Joint Academic Stage Board on the determination of learning resources for recognised law programmes<sup>3</sup> requires institutions to take the SLS Statement of Standards<sup>4</sup> into account in planning and developing its law library provision. The standards were revised in 2009, and paragraph 4.6 states that “the collections of the Law Library should be held in the format, or combination of formats, that best serves the needs of its users and the teaching and research objectives of the Law School”. (p. 20). The standards include an indicative list of sources, which acknowledges that sources are often available in a variety of formats and that “the choice of the format...is left to individual law schools and law libraries to decide, in the light of local circumstances”. (p.2). In some institutions, user preference and budgetary considerations are likely to play a part in making these decisions.

This article is primarily concerned with undergraduate teaching, but I thought it would also be worth looking at the requirements for the LPC and the BPTC (formerly the BVC). The Legal Practice Course Outcomes<sup>5</sup> require students “to identify, prioritise and use primary and secondary sources...use indices and citators...periodicals digests, and standard practitioner texts... use appropriate paper and electronic research tools”. (p.16). This seems to indicate that students should have the ability to use at least some print research sources.

The LPC: what you are expected to know before you start<sup>6</sup> states in the section on practical legal research that “On joining the course, you are expected already to be able to...answer specific legal problems, using both traditional paper-based sources and electronic bibliographic primary and secondary sources...you should be able to...use a case citator...use *Halsbury’s Laws of England* and *Current Law*”, (p.30). Inevitably, some candidates will not have experience of using these sources in print format if the institution where they study for their first degree does not provide them.

The Bar Professional Training Course (formerly BVC) Specification Requirements and Guidance<sup>7</sup> are quite explicit. “Pupil barristers should be able to display equal competence in the use of paper and electronic research sources”. (p.68).

### The shift from print to online provision

There is evidence from the SLS/BIALL surveys and from discussion lists, of the shift from print sources to online provision, as a result of user preference and budgetary constraints. For the first time in 2005/2006, the SLS/

BIALL survey<sup>8</sup> sought information about the impact electronic subscriptions were having on print. Thirty four institutions gave details of planned or recent cancellations, with five institutions mentioning *Halsbury’s Laws*, and six mentioning *Halsbury’s Statutes or SI’s*. In the 2007/2008 survey<sup>9</sup> four institutions reported cancelling *Halsbury’s Laws* and two *Halsbury’s Statutes*.

In the 2007/2008 survey, 51% of respondents indicated that in their view there will be a significant move from print to electronic sources in their institutions in the next five years. This compared with 41% in 2006, and 33% in 2004. (p.220).

In April 2009, I made a posting to the lis-law discussion list, asking if institutions had cancelled, or were thinking of cancelling, any of the *Halsbury’s* encyclopaedias in print format. I received twenty one replies in total, fifteen from academic institutions, five from law firms (including smaller firms), and one from a public sector organisation. Thirteen had already cancelled some or all of the *Halsbury’s* print encyclopaedias in favour of online access. This included respondents from all sectors. None of the replies indicated any difficulties in going online only.

Diane Raper<sup>10</sup> from the University of Kent describes a picture that will resonate with many academic law librarians. “At Kent there is an overwhelming preference for accessing material online rather than in print format”. (p.165). Increasing student numbers means that there is pressure to ensure improved access to recommended reading and to enhance the collection in line with current teaching and research interests. One consequence is that print sets of the major legal research encyclopaedias are not maintained, as the online versions are provided.

The shift in preference for online sources is also discussed by Meredith (2007).<sup>11</sup> Her study highlights the increase in the use of online databases to find cases, legislation and journals between 2004 and 2006 at Oxford University. “In 2004 nearly three quarters of respondents used databases for case law at least weekly; in 2006 almost all respondents did...In the 2006 survey 89% of students accessed online journals at least once a fortnight compared with only 39% in 2004”. (p194–195)

In 2005, Hannibal and Pope<sup>12</sup> referred to the dilemma of finding the appropriate balance between using print and electronic resources. They made the point that “Irrespective of their final destination, it is necessary for all students to have a sound understanding of the good quality free material which can be found on the web, and to have developed good web evaluation skills”. (p. 239).

### Legal research training

The SLS/BIALL Academic Law Library Survey examines legal research skills instruction in alternate years,

although the content of such instruction is not analysed. The 2006/2007 survey<sup>13</sup> states that “the trend since the last survey seems to be for a reduction in contact hours amongst most respondents”. (p.199). The number of hours spent by librarians delivering legal skills instruction in 2006/2007 (mean) was 38 hours, down from 45 hours in the 2004/2005 survey. The mean figure for the amount of teaching an undergraduate receives however has stayed constant, 3.7 hours in 2006/2007, 3.8 hours in 2002/2003. There are a number of possible explanations for this, including training being delivered by external trainers or other staff instead of librarians. This being the case it is possible that some institutions are prioritising training on online sources and comments from the BI-ALLSIG posting discussed later in this article appear to support this.

Legal research training at Oxford University is discussed in an article by Angela Carritt (2007).<sup>14</sup> She outlines the three units in the Legal Research Skills Programme, the second of which is an Introduction to Advanced Research Skills. This “introduces a number of print resources, although the emphasis has changed over the years from focussing on print to focussing on advanced research using print and online”. (p.241)

### **The current picture: feedback from BI-ALLSIG**

In January 2010 I made a posting to BI-ALLSIG, the discussion list of the BIALL special interest group for academic law librarians. I asked if undergraduate students received any specific training from the library or the law school in the use of printed legal research sources such as *Halsbury's Laws* and *Current Law Citators* and, if so, how this was delivered. I got twelve replies from institutions that referred to undergraduate skills training. This is not a large number, but I feel that the responses probably provide a useful snapshot of what is currently happening in universities.

A majority of the universities which replied (eight institutions, two thirds of the total) do provide some training or guidance on print sources. Seven of these provide training on research sources such as *Halsbury's Laws* or *Current Law*, with the remaining institution providing training on print versions of legislation, law reports and journals at undergraduate level, but not on research sources such as *Halsbury's*. Methods of delivery range from the use of online materials without any face-to-face training, a tour and demonstration in the library, and workshops and lectures, some specifically relating to print sources, others dealing with print and online together. Two replies mentioned that law school staff in their institutions were still keen for students to be able to use print sources, and another included the comment “I sometimes use print to illustrate WHY an online service works as it does”

The replies from the four institutions that do not provide any training on print research sources included the following comments:

“Students prefer using online resources and most of my teaching time is taken up with showing them the basic databases. All of our print resources (*Halsbury's Laws* etc.) are available online so students do not feel the need to learn how to use the print versions.”

“...with limited time to train anyway, it has to concentrate on the electronic.”

“Students are not interested in using print unless there is no alternative.”

I also asked what impact the increasing availability of online research sources was having on training on print legal resources. Only one reply felt that there was no impact, but this related primarily to training in print sources for LPC and BVC students, not undergraduates. All the other replies felt that the impact was significant, and the following comments are typical of the picture described:

“It makes it more difficult to get them to see the point [of using print sources]”

“We do no training in the use of hard copy sources at all. This is entirely because all the key sources are now available online”

Several replies also alluded to the impact of budgetary constraints:

“...budgetary constraints have led us to stop subscriptions to many of the old print tools.”

“I am no longer updating *Halsbury's Laws* in print or *Halsbury's Statutes* and SIs as all are updated online - but have kept print copy so students can see it with a warning notice to use online now for up to date information.”

### **Conclusions**

Guidance from the regulatory bodies does suggest that students should have some knowledge of print sources, even at the initial stage of training, but there are no detailed requirements. There is evidence to suggest that many academic law libraries are making significant moves from print to online provision and in some cases are cancelling print research sources such as *Halsbury's* encyclopaedias. From the snapshot provided by the replies to my posting to the BI-ALLSIG list, many institutions are still providing some training on print research sources, although this may take the form of online tutorials or a quick demonstration. Students may not need to demonstrate that they fully understand how to use the sources. As Angela Carritt said in 2007:<sup>15</sup>

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“It is clear that computers are now central to students’ study methods and print is increasingly less popular. As librarians, rather than attempting to

reverse this trend we should concentrate on improving students’ search strategies and ensuring that they always use the best online resources”. (p.243).

### Footnotes

- <sup>1</sup>Clinch, Peter. (2006) *Teaching legal research*. 2<sup>nd</sup> ed. Coventry, UK Centre for Legal Education. Available at <http://www.ukcle.ac.uk/resources/tlr/preface.html>
- <sup>2</sup>Solicitors Regulation Authority. (2002) *A joint statement issued by the Law Society and the General Council of the Bar on the completion of the initial or academic stage of training by obtaining an undergraduate degree*. <http://www.sra.org.uk/documents/students/academic-stage/academicjointstage.pdf>
- <sup>3</sup>Joint Academic Stage Board. (2005). *Guidance on the determination of learning resources for recognised law programmes* <http://www.sra.org.uk/documents/students/academic-stage/academiclearningresource.pdf>
- <sup>4</sup>Society of Legal Scholars. (2009) *A library for the modern law school: a statement of standards for university law library provision in the UK – 2009 revision* <http://www.legalscholars.ac.uk/documents/SLS-Library-for-a-Modern-Law-School-Statement-2009.pdf>
- <sup>5</sup>Solicitors Regulation Authority. (2010) *Information for providers of Legal Practice Courses, Annex 13, Legal Practice Course Outcomes*. <http://www.sra.org.uk/documents/students/lpc/info-pack.pdf>
- <sup>6</sup>Solicitors Regulation Authority. (2007) *The Legal Practice course: what you are expected to know before you start*. <http://www.sra.org.uk/students/student-enrolment.page>
- <sup>7</sup>Bar Standards Board. (2009) *The Bar Professional Training Course Specification Requirements and Guidance* <http://www.barstandards-board.org.uk/assets/documents/BPTC.pdf>
- <sup>8</sup>Clinch, Peter. (2007) SLS/BIALL Academic Law Library Survey 2005/2006. *Legal Information Management* 7(3) 185–199.
- <sup>9</sup>Clinch, Peter. (2009) SLS/BIALL Academic Law Library Survey 2007/2008. *Legal Information Management* 9(3) 205–220.
- <sup>10</sup>Raper, Diane. (2009) Forty years on: ensuring an academic law library is fit for purpose. *Legal Information Management* 9(3) 163–167.
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- <sup>12</sup>Hannibal, Martin and Pope, Alison. (2005) Developing practical legal research skills. *Legal Information Management* 5(4) 237–239.
- <sup>13</sup>Clinch, Peter. (2008) SLS/BIALL Academic Law Library Survey 2006/2007. *Legal Information Management* 8(3), 188–204.
- <sup>14</sup>Carritt, Angela. (2007) Teaching research skills outside the curriculum. *Legal Information Management* 7(4) 239–243.
- <sup>15</sup>Carritt, Angela. (2007) Teaching research skills outside the curriculum. *Legal Information Management* 7(4) 239–243.

### Biography

Maria Mawson has been the subject specialist for law at the University of Sheffield since 2000, and her current role is Faculty Librarian for Social Sciences, with subject specialist responsibility for economics and management, as well as law.