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Designing and Implementing Research Competency

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DESIGNING AND IMPLEMENTING RESEARCH COMPETENCY

How using rubrics can
improve assessment.

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In 2013, the American Association of Law Libraries (AALL) adopted the Principles and Standards for Legal Research Competency (PSLRC) with the aim of identifying a set of legal research skills required to be considered competent in any practice setting. The five broad principles are each supported by more specific standards and demonstrable competencies. By outlining the required qualities, skills, and knowledge attributes of a successful legal researcher, the PSLRC act as a guide for legal research instructors to ensure that students are trained with the skills they need to succeed as new attorneys.

The competencies help guide the process of creating learning outcomes as required by American Bar Association (ABA) Standard 302, and they assist in the assessment of those outcomes as required by ABA Standard 314. For legal research instructors, assessment can be administered using quizzes, papers, and assignments. However, even after having identified options for assessment with the competencies as a guide, legal research instructors are still left with the problem of how to grade the assessments. Rubrics are an excellent assessment tool that ensures skills measured match the learning outcomes identified.



PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCY (PSLRC)

- A successful legal researcher possesses foundational knowledge of the legal system and legal information sources.
- A successful legal researcher gathers information through effective and efficient research strategies.
- A successful legal researcher critically evaluates information.
- A successful legal researcher applies information effectively to resolve a specific issue or need.
- A successful legal researcher distinguishes between ethical and unethical uses of information, and understands the legal issues associated with the discovery, use, or application of information.

Learn more about the Research Instruction & Patron Services Special Interest Section Legal Research Competencies at bit.ly/AALLRIPSLrc.

Law Firms

How do the PSLRC fit within the law firm environment? Law firm libraries don't have to meet ABA education requirements, so instructors don't need to create learning outcomes or grade the research skills of new attorneys. However, they do want attorneys within firms to research efficiently. The PSLRC can guide a firm's assessment of summer associates', new attorneys', or lateral hires' research skills.

New attorneys generally undergo orientation with the firm library or knowledge management center. Some firms include an assessment at the end of the orientation by having the new attorneys work through exercises under the library's guidance. The goal of this assessment is not to test whether the new attorneys can identify a specific statute or identify a good secondary source. Instead, the assessment looks at the broader research skills as identified in the PSLRC. Firms want to see a

demonstration of broad research skills, not the ability to use a single database or find a specific resource. This is exactly what the PSLRCs strive to address, and they can help firms that are using similar assessment practices during their orientations to create effective legal research exercises.

With this in mind, how are *academic* libraries helping students to develop the legal research competency skills they will need as new attorneys and at firms? Law schools are using the PSLRC to guide assessment practices, and they are using rubrics as a tool to grade assessment.

Assessing PSLRCs in Law School

After teaching first-year legal research for four years, those of us teaching the course settled on a format for our graded assignments; nevertheless, we constantly tweak the way we draft hypotheticals, questions, and research problems to better assess our students'

legal research competencies. Like legal research, assessment is an iterative process, and it might often change during a course, depending on the ongoing needs of the students. Fortunately, there are many different ways to assess legal research competency, so students should never be bored with the same type of exercises, and instructors can work in assessment exercises that mirror the real-life research requests law students might get once they begin to practice.

Each of the PSLRCs tend to lend themselves to a different type of assessment. For example, online quizzes and short-answer exercises are a great way to assess PSLRC I (foundational knowledge of the legal system and legal information sources). Using classroom technologies, such as Nearpod, a classroom presentation tool, to do collaboration boards and polls, allows students to see how they are doing in real-time and provides live instructor feedback to the entire class.

To assess PSLRC II (gathering information through effective and efficient research strategies), students can create research plans, keep research logs, and track the time it takes to complete a project. These exercises are carried out throughout the semester so that students get frequent feedback on how they can better draft search strings, recognize legal issues, and more effectively plan their research methods, which helps to make these skills second nature to them by the time they complete the course and start their summer jobs.

In an academic environment, presenting research problems that mimic the kinds of research questions that students will face in practice provides practical opportunities for students to apply what they are learning in class. Students research and write memos several times throughout the semester, which requires them to critically evaluate the information they have found and then apply that information effectively to resolve their specific legal issue. This can be done with informal in-class exercises and with formal graded assignments, and it allows for assessment of PSLRCs III and IV. Further, it requires students

to use basic foundational legal knowledge and research process skills to reinforce the importance of the first two PSLRCs.

Developing Rubrics for Assessment

Using rubrics for assessment is essential for many reasons: they are an organized record of the skills you wish to assess; they keep you on task; they help you remain fair; and they help you understand the depths of your question, to name but a few. All of these things are key for any teacher—newbie or seasoned—no matter what subject matter they teach or where they teach it. So how can you apply rubrics in your own workplace? First, you'll have to find what works for you. But, if you are looking for suggestions, here are some insights from using rubrics in the Advanced Legal Research class at Boston College Law School:

Test the skills and the competencies of the subject matter you are teaching. In terms of Advanced Legal Research, use the PSLRC (or some other guiding principles and standards for different subjects) as a foundation for your course. That means reading all of them, spending ample time with them, and trying to understand what they mean, and then applying them to all the materials you use for that class. Specifically, utilize them as the base for your rubrics, where the language of the assessment criteria matches that of the competencies and skills the class is structured to develop in students.

Look at examples of how others have integrated the PSLRC into their work. Talk to your colleagues about their use of rubrics—ask to share them and put your own twist on them—and then ask for their opinions again. Look at samples online, research rubrics in journals, join a listserv dedicated to teaching, or visit the Research Instruction & Patron Services Special Interest Section (RIPS-SIS) Legal Research Competencies webpage. Know what's out there and adapt it or use it as a starting point to craft your own rubric.

Have an open mind about the “right” answers or the “right” way to

search. Some students who are good legal researchers may not be the ones who draft the greatest legal research argument or select the most infallible sources or choose the exact, most applicable primary law. Keep that in mind and award points where you can see the potential based on the ties to the PSLRC—then help draw that out. It's a tall order no doubt—but good assessment is a tall order.

Reflect on what you've done so far, what you've learned from your experiences, and what you've learned from trial and error. The rubric that included each and every important case, statute, and/or regulation is great—but let that be a guide. It might work particularly well in a class where students need to see everything clearly in front of them; however, some students might need a little less structure to get the points. Consider a grid style rubric that also awards credit for clearly creating a research plan and strategy and adjust that up or down based on the quality of the research plan and strategy. Think about giving points to a student for recognizing the role of administrative law in a particular question—and give some points even if the student did not cite exactly to 11 CFR 300.10(c), 300.31, and 300.34(a)(2).

Try different things and keep making adjustments. One rubric won't always work, but it will be a start. Grading with rubrics is not about having the perfect assessment tool. It's about using an assessment tool to keep you focused, organized, fair, structured, and grounded in the PSLRC. After that, use the rubric to tailor and support your feedback to each student based on the answer they submit.

Noting the increased demand for skills-based training as required by the ABA and reflective of the current law firm environment, this article provides several ideas that any librarian or instructor can use to adapt or devise effective and specific assessments. While the specific demands and objectives of legal research courses may vary based on the vision of the instructor, the PSLRCs provide a valuable and foundational structure for legal research

instruction. Anchoring assessment tools, such as rubrics in the PSLRC, unify the vision of the ABA by calling for well-trained and highly-skilled law school graduates to enter into practice. ■

AALL2go EXTRA

Learn how the RIPS-SIS Legal Research Competency Committee teaching librarians have incorporated the PSLRC into assessment of legal research skills, and get specific examples of graded assessments and rubrics. Watch the May 2018 committee webinar at bit.ly/AALL2go053018.

T-T Teaching + Training



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