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Candy, Points and Highlighers: Why Librarians, Not Vendors, Should Teach CALR to First Year Law Students

Shawn G. Nevers

Candy, Points, and Highlighters:
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CALR to First-Year Students[*]

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Mr. Nevers reconsiders the debate over who should teach computer-assisted legal research, concluding that, for the instruction of first-year law students in 2007, arguments favoring the using of librarians outweigh those supporting the use of vendor representatives.

¶1 Picture the following. A vendor stands at the front of a room. A crowd files in, taking turns grabbing at a bowl of candy. The group is informed that after a presentation by the vendor each attendee will receive special points that can be redeemed for an assortment of prizes. A fifty-minute presentation about the product then ensues, concluding with the vendor handing out highlighters to those in attendance.

¶2 Strangers to the law school community may be shocked to learn that this is not the picture of a formal sales pitch, but rather the typical way law students are introduced to an essential legal research tool. The reality is that law students are all too familiar with receiving computer-assisted legal research (CALR)[1] training from commercial vendors.

¶3 The debate over whether vendors or librarians should teach CALR has existed since the early days of computerized legal research systems. Different law schools at different times have had different answers. The literature provides compelling arguments on both sides of the issue; however, the most recent article devoted entirely to the subject appeared in 2000. Additionally, the bulk of the analysis in the relevant literature focuses on law students as a whole.[2]

¶4 When examining who should teach CALR to *first-year* law students *in 2007,* arguments favoring the use of vendors as instructors are significantly weakened, while those favoring law librarian instruction are strengthened. By examining each

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1. For purposes of this article I use CALR to refer to the major systems used in first-year computer-assisted legal research: LexisNexis and Westlaw.

2. A few articles do examine a handful of relevant arguments with respect to first-year students. *See* Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation,* 39 Akron L. Rev. 151, 175–78 (2006); Marilyn R. Walter, *Retaking Control Over Teaching Research,* 43 J. Legal Educ. 569, 581 (1993).

argument from this perspective, this article attempts to show that law librarians, not vendors, should be teaching CALR to first-year students in 2007.

Background

History

¶5 As CALR entered the law school curriculum, it was generally taught by those affiliated with the law school, particularly law librarians.[3] For example, law librarians at several Ohio and Missouri law schools were training law students in the use of CALR by the mid-1970s.[4] By the late 1970s and early 1980s, law librarians at the University of Oklahoma and at many of the Texas law schools participated in some way or another in the instruction of CALR.[5] Lack of vendor involvement in CALR instruction at this time is illustrated by a survey conducted by Roy Mersky and John Christensen in 1980 of those developing CALR training programs.[6] The question "Who will conduct the training?" was followed by the possible answers: "Full-time teaching faculty," "Library staff," "Student teaching assistants," or "Combination."[7] Vendor instruction was not even an option.

¶6 Besides providing information on who taught CALR, these early accounts also provide insight into how librarians viewed CALR instruction. "Time consuming,"[8] "host of difficulties,"[9] and "expensive burden"[10] were just a few of the descriptors they used. These responses seem natural considering how new and cumbersome the technology was at the time. In what was most likely a common experience of that era, University of Oklahoma law librarians would rotate training a group of two or three students huddled around one computer terminal until all 225 first-year students were trained.[11]

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3. Mathew F. Dee & Ruth M. Kessler, *The Impact of Computerized Methods on Legal Research Courses: A Survey of LEXIS Experience and Some Probable Effects of Westlaw,* 69 Law Libr. J. 164, 168–75 (1976) (LEXIS instruction in Ohio and Missouri provided by law librarians, trained law students, and legal writing faculty); Robert Laurence, *Introducing Students to LEXIS: A Model Self-Teaching Exercise,* 71 Law Libr. J. 467, 467 (1978) ("Individual instruction is effective but time consuming and can be an expensive burden on library staff."); Kenneth A. Zick, *Developing and Implementing a Law School Westlaw Orientation Program,* 72 Law Libr. J. 260, 260 (1979) ("The introduction of a computer-assisted legal research instructional program at any law school is bound to present a host of difficulties for the person responsible for orientation. This burden usually falls upon the librarian or the legal research and writing instructor.").
4. Dee & Kessler, *supra* note 3, at 168–75.
5. John D. Edwards, *LEXIS and Westlaw Instruction in the Law School,* 76 Law Libr. J. 605, 606 (1983); Roy M. Mersky & John E. Christensen, *Computer-Assisted Legal Research Instruction in Texas Law Schools,* 73 Law Libr. J. 79, 86–90 (1980).
6. Mersky & Christensen*, supra* note 5, at 86.
7. *Id.*
8. Laurence, *supra* note 3, at 467.
9. Zick, *supra* note 3, at 260.
10. Laurence, *supra* note 3, at 467.
11. Edwards, *supra* note 5, at 606, 610.

¶7 The heavy burden of CALR instruction, coupled with the willingness of vendors to conduct training sessions at no additional cost to the schools, contributed to a shift away from librarians as CALR instructors. As CALR became more popular, students demanded "more and better CALR training."[12] And as demand for training increased and library budgets dwindled, librarians "were relieved when LEXIS and WESTLAW representatives offered to do the computer instruction."[13] As a result, the majority of law libraries turned CALR instruction over to vendors in the late 1980s and early 1990s.[14] This trend has continued into the twenty-first century,[15] causing one commentator to point out that CALR vendors' most significant undertaking in law schools is CALR instruction.[16]

¶8 Even as the shift toward vendor instruction was occurring, many librarians felt uneasy about the result. In 1993, Donald J. Dunn opined that CALR instruction "should not consist of the increasingly common practice of providing one or two hours of training by vendors' student representatives."[17] At about the same time, another librarian was quoted as saying, "I think we've made a big mistake in turning this vital function [of teaching CALR] over to vendors' reps."[18] In 1993, Cam Riley, then chair of the Ad Hoc Committee on LEXIS/WESTLAW Policies of the American Association of Law Libraries, reported receiving letters from law librarians all over the country expressing concerns about vendor-instructed CALR.[19]

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12.   Donald J. Dunn, *Why Legal Research Skills Declined, or When Two Rights Make a Wrong*, 85 LAW LIBR. J. 49, 60 (1993).

13.   Walter, *supra* note 2, at 569.

14.   *Id.* at 581 n.80 (reporting that West Publishing Company was involved in teaching CALR to first-year students in approximately 80% of law schools and that Mead Data Center was involved in teaching the majority of CALR in 86% of law schools); GARY L. HILL, SURVEY ON LEGAL RESEARCH INSTRUCTION 19–21 (Briefs in Law Librarianship No. 2, 1998) (According to a 1997 survey, vendors were involved in approximately 70% of LexisNexis training and approximately 74% of Westlaw training.); Linda M. Ryan, *Designing a Program to Teach CALR to Law Students: A Selective and Annotated Bibliography of Resource Materials,* 4 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 53, 53 (1996) ("Many schools abdicate all responsibility for direct instruction in CALR, opting to use representatives of the CALR vendors themselves instead of their own faculty or staff."); Dunn, *supra* note 12, at 66 (reporting the "increasingly common practice of providing one or two hours of training by the vendors student representatives").

       Some programs kept librarians as CALR instructors. These programs were often highlighted as noteworthy or innovative. Joyce Manna Janto & Lucinda D. Harrison-Cox, *Teaching Legal Research: Past and Present,* 84 LAW LIBR. J. 281, 295 (1992) (librarians responsible for CALR training at University of Richmond School of Law); Anna M. Cherry, *A Measure of CALR Use by First-Year Law Students Following Mandatory Training,* 83 LAW LIBR. J. 73, 77 (1991) (library reference staff responsible for bulk of CALR training at William Mitchell College of Law); Dunn, *supra* note 12, at 66 (proposing a program that would include a librarian whose primary responsibility would be CALR instruction).

15.   Relations with Online Vendors Comm., Academic Law Libraries Special Interest Section, Am. Ass'n of Law Libraries, Survey on LexisNexis and Westlaw Instruction (2004), *at* http://www.aallnet .org/sis/allsis/relationswithvendors/SurveyonCALRInstruction2004.pdf (showing that vendors were involved in first-year CALR instruction in forty-nine of sixty law schools in 2004).

16.   Gallacher, *supra* note 2, at 176.

17.   Dunn, *supra* note 12, at 66.

18.   Frank G. Houdek, *Our Question—Your Answers,* 3 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 80, 80 (1995) (quoting anonymous source).

19.   Walter, *supra* note 2, at 581 n.79.

And, in 1995, Gail Daly expressed her hope that the ABA's proposed standards for library service would compel libraries "to defend such practices as sharing online database instruction with vendor representatives."[20]

¶9 Concerns surrounding vendor-led CALR instruction were evident in the first of two articles devoted entirely to the question of who should teach CALR to law students.[21] This 1995 article is not an analytical piece, but rather a series of answers from the law library community in response to the question of whether vendor representatives should teach CALR.[22] The answers provide a glimpse into the prevailing sentiment of the time. Almost all academic law librarians represented in the article agreed that vendors should either not be involved in CALR instruction or that their instruction should be heavily supervised or supplemented by librarians.[23] Only one academic law librarian supported vendor instruction without reservation.[24]

¶10 In 2000, Pauline M. Aranas took up the question of "Who Should Teach CALR—Vendors, Librarians, or Both?"[25] She concluded that a hybrid approach, with librarians teaching CALR to first-year students and vendors providing "advanced and specialized training for upper-division students," was the best way to teach CALR.[26] Although Aranas endorsed librarian instruction for first-years, her analysis focused on the issue as it relates to law students as a whole. In the following section, her arguments in favor of CALR instruction by vendors and librarians will be presented and then examined in the context of teaching first-years in 2007.

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20. Gail M. Daly, *Law Library Evaluation Standards: How Will We Evaluate the Virtual Library?* 54 J. Legal Educ. 61, 76 n.52 (1995). The ABA has since approved this proposed standard 605 in a slightly modified form. The portion of standard 605's interpretation to which Daly referred in making her statement, "[a]ppropriate services include . . . enhancing the research and bibliographic skills of students," was not modified. Section of Legal Educ. & Admission to the Bar, Am. Bar Ass'n, Standards and Rules of Procedure for Approval of Law Schools 2006–2007, interpretation 605-1, at 42 (2006).

21. Although there are a number of articles that offer some analysis on who should teach CALR to law students, this topic is not their primary focus. *See* Dunn, *supra* note 12, at 65–67; Gallacher, *supra* note 2, at 175–78; Lee F. Peoples, *The Death of the Digest and the Pitfalls of Electronic Research: What is the Modern Legal Researcher to Do?* 97 Law Libr. J. 661, 677–78, 2005 Law Libr. J. 41, ¶¶ 41–43; Ryan, *supra* note 14, at 53; Walter, *supra* note 2, at 581–82. While the arguments presented in these articles are important and will be analyzed later, they are not discussed here.

22. Houdek, *supra* note 18, at 80 ("Should vendor representatives be used to teach computer-assisted legal research, or other aspects of legal research, in either the law school or law firm environments? If so, to what extent and under whose direction?").

23. *Id.* at 80–82.

24. *Id.* at 80 (quoting Sean Doherty, Golden Gate University) ("[B]y team teaching with them, I found the reps not only to be knowledgeable about their respective CALR system, but also sensitive to the needs of the students in light of what each system has to offer.").

25. Pauline M. Aranas, *Who Should Teach CALR—Vendors, Librarians, or Both?* 8 Perspectives: Teaching Legal Res. & Writing 85 (2000).

26. *Id.* at 86.

Analysis

¶11 Looking at the issue through the lens of teaching CALR to *first-year* students *in 2007* clarifies the need to use librarians for this task. Many of the arguments favoring vendors as CALR instructors are weakened when viewed through this lens. At the same time, many of the arguments advocating for librarians as CALR instructors are strengthened when the question is narrowed specifically to who should teach CALR to first-years in 2007.

Arguments for Vendors as CALR Instructors

¶12 Over the years, the case for vendors as CALR instructors has been made using a variety of arguments. Aranas identifies three that seem typical: vendors are experts in using their system, vendors can better teach cost-effective legal research, and vendor use reduces a library's workload.[27] Each of these arguments has been offered in the context of teaching law students as a whole. While they still remain relevant, when considered in the context of teaching first-year law students only, particularly in 2007, they are substantially weakened.

Vendors as Experts

¶13 Aranas and others present the argument that vendors should teach CALR because they are experts in using their system.[28] In contrast, so the argument goes, the multitude of features that exist and that are continually added make it a difficult task for the already overwhelmed librarian to stay current.[29] Vendors, therefore, are in a better position than librarians to educate students about the special features and advantages of using their particular systems.

¶14 While it is true that vendors are (or should be) experts in using their research system, the nature of legal research in 2007 requires librarians to be experts as well. The preferred medium for conducting legal research has shifted due to the Internet and online databases. Using online legal research systems, especially fee-based products, has become standard practice.[30] Librarians, whether performing their own research or assisting others, use LexisNexis, Westlaw, or both on a daily basis. Because computers and the Internet have become integral parts of

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27. *Id.* at 85.

28. *Id.*; Houdek, *supra* note 18, at 81 (quoting Joe Gornick, CCH Incorporated) ("[V]endor representatives should be used to teach CALR because they are closest to the products they represent and more fully understand the features, benefits and methods of using the tools. . . . These individuals know what the systems or tools are intended to do and how they should be used to provide the quickest and most effective results.").

29. Aranas, *supra* note 25, at 85.

30. According to a survey conducted by the American Bar Association in 2006, 82.9% of attorneys surveyed use fee-based online legal research resources. 4 Legal Tech. Resource Ctr., Am. Bar Ass'n, 2006 Legal Technology Survey Report: Online Research 59 (2006) [hereinafter ABA Legal Technology Survey Report].

their personal as well as professional lives, librarians no longer have to be afraid of learning a "new, unfamiliar technology" as they were in the past.[31]

¶15 Teaching CALR to first-year students further weakens the "vendor as expert" argument because the content taught is so basic. While some law librarians may be hesitant to teach advanced CALR techniques, all law librarians should be familiar with the basic techniques that are taught to first-year students.[32] While vendors will most likely remain superior in their knowledge of the particular systems, the knowledge gap between vendors and librarians in basic CALR should now be small or even nonexistent.

Vendors and Cost-Effective Research

¶16 A second argument favoring the use of vendors as CALR instructors contends that they are the best qualified to provide training on *cost-effective* legal research. Vendors are "familiar[] with the variable pricing structures available to law firms and legal practitioners."[33] This familiarity, coupled with superior knowledge of their system, qualifies vendors to train students to conduct cost-effective CALR.

¶17 The validity of this argument has always been in doubt. While it is true that vendors have a better understanding of the pricing schemes as well as the system itself, it does not follow that they will teach cost-effective CALR use. Law librarians have routinely questioned the economic motives of vendors in providing CALR instruction.[34] Walter points out that vendors "have little motivation to focus on the economic use of CALR."[35] Surveys conducted by Aaron Schwabach show that vendor instruction does not equal economical CALR use.[36] While vendors may be better qualified to teach cost-effective CALR, they have no practical incentive to follow through.

¶18 Even if vendors would teach cost-effective CALR more effectively than law librarians, today's legal research environment has weakened the importance of this argument. In 2002, two years after Aranas's article, Roy Mersky and Donald Dunn reported that "[c]harges to commercial accounts are *often* based on the amount of time spent online, the number of searches executed, or both," while

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31.   Walter, *supra* note 2, at 569.

32.   Some of the elements taught by vendors to first-years include selecting a database, natural language searching, terms and connectors searching, searching by topic, use of electronic legal citators, and using the history/search trail. Each of these is generally taught at a basic level.

33.   Aranas, *supra* note 25, at 85.

34.   Houdek, *supra* note 18, at 80 ("I really resent being a marketing ground for these companies, furthering their objectives, not the law school mission.") (quoting anonymous source); *Id.* ("Vendors exist to sell a product.") (quoting Ken Kozlowski); Ryan, *supra* note 14, at 53 (wondering whether CALR training by vendors was motivated by "well-considered commercialism or some higher motive," and implying it was the former); Peoples, *supra* note 21, at 677, ¶ 41 ("Leaving training entirely up to database vendors invites educational concerns to be superseded by market strategies.").

35.   Walter, *supra* note 2, at 581.

36.   Aaron Schwabach, *An Analysis of First-Year Student Westlaw Use: Why Vendor Training Isn't Enough,* Legal Reference Services Q., 1997, no. 2, at 7, 23–24.

only "*some* organizations negotiate flat rates."[37] By contrast, in 2006, 74.1% of lawyers surveyed by the American Bar Association reported that their law firm had a negotiated flat rate fee structure for their CALR resources; only 9.7% described their fee structure as "incremental" or "pay as you go."[38]

¶19 Despite the fact that flat rate fees are so common today, a first-year introduction to CALR is most likely only a place to mention cost-effective strategies in passing. A law librarian who makes a brief inquiry of a vendor will be able to find out all the information he or she needs to teach first-years. The bulk of cost-effective legal research teaching can be done in conjunction with preparation for summer clerkships or in an advanced legal research course.

Vendors Alleviate a Burden

¶20 The most compelling argument for vendor instruction is that it is a solution to a law library's lack of resources.[39] It is impossible to dispute the fact that CALR instruction "is a very labor-intensive endeavor."[40] Each moment spent preparing for and teaching CALR is a moment lost for another task. As one librarian said, "[i]n these times where the dollar is so 'tight' it has been convenient to rely on the electronic legal publishers to teach these services."[41]

¶21 This final argument in favor of vendors is not easily dismissed. Ultimately, the solution becomes a balancing act for individual libraries. Do the benefits received by the students outweigh the burdens required of librarians? Burdens, in this analysis, not only consist of time spent, but also the opportunity costs associated with teaching CALR. No one can fault a library that, seeing needs in other areas, turns its first-year CALR instruction over to vendors. However, the context of teaching CALR to first-year students in 2007 requires a careful reexamination of this balance.

¶22 While CALR instruction is still a burden, it is not as heavy as it once was. The requirements of getting up to speed and staying there were great in the pre-Internet and nascent Internet days.[42] Technology was new and unfamiliar and often times unstable. Today the technology is very familiar and relatively stable. Therefore, this cost of librarians teaching CALR is less than it used to be.

¶23 At the same time, the benefits of librarian instruction are more critical than they have ever been. The next section analyzes several of these benefits. As law

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37.   Roy M. Mersky & Donald J. Dunn, Fundamentals of Legal Research 545 (8th ed. 2002) (emphasis added).

38.   4 ABA Legal Technology Survey Report, *supra* note 30, at 59. This number may be even higher since 14.3% of those surveyed responded "don't know" to the question regarding their firm fee structure.

39.   Aranas, *supra* note 25, at 85 ("For many schools, the issue of staff resources is a critical factor in deciding who should provide CALR."); Walter, *supra* note 2, at 581 n.79 (many schools would have difficulty using their own resources for CALR instruction).

40.   Aranas, *supra* note 25, at 85.

41.   Houdek, *supra* note 18, at 80 (quoting Leslie Loar, Hamline University).

42.   Walter, *supra* note 2, at 569 (librarians would be forced to learn new, unfamiliar technology); Aranas, *supra* note 25, at 85 (discussing the difficulty of staying abreast of new developments).

libraries weigh them against the decreasing costs, they will find that, in most cases, first-year CALR instruction by law librarians is the proper path to take.

Arguments for Librarians as CALR Instructors

¶24 Many arguments have been presented favoring librarians over vendors as CALR instructors. Again, these have generally been applied to law students as a whole. Not only does each remain valid today, the lens of teaching first-year students in 2007 makes most of these arguments even more convincing.

Unbiased Guidance

¶25 Law students need unbiased guidance when evaluating and using computer research systems.[43] "[L]aw school personnel are better qualified to objectively compare and offer unbiased information."[44] Because vendors' primary job is to sell a product, they will naturally "emphasize their system's strengths and downplay its weaknesses."[45] A law librarian's focus, on the other hand, should be the best interest of the students.[46] They, therefore, have more motivation to focus on things vendors may avoid, such as the advantages of a competing system.[47] In fact, one of the "qualities of an ideal CALR vendor-library relationship" is that librarians discuss strengths and weaknesses of CALR services with students.[48]

    ¶26 While this argument applies to all law students, it is especially critical for first-year law students. The instruction first-years receive will likely be their initial exposure to CALR. At this point in their legal education, first-year students may not even know what questions to ask to properly evaluate a CALR system. Such students need unbiased guidance, not product promotion. They need someone who will instruct them in the realities, including both strengths and weaknesses, of CALR research systems. Law librarians are qualified and have the motivation to do so.

Comprehensive Research Approach

¶27 Next, librarians should teach CALR because they are better able to place it in the context of a "comprehensive research program."[49] Vendors generally are more focused on teaching the technical mastery of CALR rather than how their system

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43. Aranas, *supra* note 25, at 85.
44. Houdek, *supra* note 18, at 80 (quoting Leslie Loar, Hamline University).
45. Aranas, *supra* note 25, at 85.
46. Peoples, *supra* note 21, at 677, ¶ 43 ("Law librarians, as the learned intermediaries of legal information, enjoy a unique position of trust and confidence with patrons. Our only allegiance is to our patrons, not to the products they use.").
47. Walter, *supra* note 2, at 581.
48. Academic Law Libraries Special Interest Section, Am. Ass'n of Law Libraries, Qualities of an Ideal CALR Vendor-Library Relationship, with Benchmark Signs of Success (July 12, 2003), *in* 95 Law Libr. J. 572, 576 (2003).
49. Walter, *supra* note 2, at 581.

fits into legal research as a whole.[50] CALR instruction must deal with how "print and electronic research tools complement each other."[51] As early as 1993, Donald Dunn opined that the days of distinguishing between traditional and nontraditional legal research "should be over. Traditional legal research today requires using hard-copy, microform, online, and CD-ROM skills."[52]

¶28 The interplay between hard-copy and online research tools is even more important in 2007, as, due to digitization, the significance of microform is decreasing and CD-ROMs have all but dropped off the map. A thorough understanding of how print and online resources work together is critical to developing the basis of a comprehensive research program today.

¶29 Additionally, there can be no denying that law students in 2007 prefer CALR over print legal research.[53] Students gravitate toward CALR and must be taught that print still has a place in legal research. If CALR instruction focuses solely on the CALR system and its capabilities, students will not learn the important balance that exists in legal research. Given their concern for the legal research process as a whole, law librarians are better able to teach CALR as a means of legal research and not just an end in itself.

Librarians Are Information Professionals

¶30 One argument that has not been discussed much is the fact that librarians have the training and credentials to more effectively teach CALR. Electronic information retrieval is an essential part of librarianship today. Librarians can and should be considered information retrieval specialists. As such, they are better prepared to teach first-year law students the proper ways to perform CALR.

¶31 This argument is illustrated by two first-year vendor-led CALR trainings I recently attended. During their respective training sessions, both vendor representatives followed a similar outline for instructing the students on how to use the full access version of their company's product. When it came time to talk about the use of natural language searching, the first representative extolled the virtues of natural language. Few negatives of natural language were indicated and thus an extremely positive light was cast. A week later, the other company's representative had little good to say about natural language, leaving students with a rather negative impression of it.

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50. *Id.* at 572; ADAM J. PIACENTE, COMPUTER-ASSISTED LEGAL RESEARCH UNPLUGGED, at x (1998) (emphasis omitted) (CALR training "usually concentrates on a 'bells and whistles' approach; that is, training which emphasizes use of the various individual software features, rather than a context or strategy for the use of these features.").

51. Aranas, *supra* note 25, at 86. One law firm librarian demonstrated the need for such instruction when she noted, "Neither summer clerks nor first-year associates have any idea as to when hard copy or online services are most appropriate." Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs,* 40 J. LEGAL EDUC. 381, 387 (1990).

52. Dunn, *supra* note 12, at 61. Print-based legal research has generally been called "traditional legal research," while electronic-based legal research has been called "non-traditional" legal research. *Id.*

53. Thomas Keefe, *Teaching Legal Research From the Inside Out,* 97 LAW LIBR. J. 117, 118, 2005 LAW LIBR. J. 6, ¶ 6; *see generally* Peoples, *supra* note 21.

¶32 This article is not the place for a discussion of the value, or lack thereof, of natural language; however, this experience illustrates some of the problems with vendor instruction. What were these students left with in this situation? Most likely confusion on the subject of natural language. Librarians are trained information professionals who are versed in the techniques of information retrieval and, therefore, are better able to instruct first-year students in the details of this important skill.

Librarian/Student Interaction

¶33 Another argument in favor of law librarians is that CALR instruction is an excellent time for librarians to interact with students and demonstrate their unique skills. CALR instruction by librarians "reinforces the role of librarian as teacher and knowledgeable researcher."[54] This may be essential, as Albert Brecht has noted, "if we want to have . . . jobs in the future and a profession of law librarianship to hand to our successors."[55]

¶34 Law librarians must take advantage of opportunities to interact with first-year students. Some form of first-year legal research is generally the only time law students are required to spend with librarians. It provides an opportunity for law librarians to show how valuable they can be to students. If first-year students develop a relationship with a law librarian, it is likely they will come back for help. It is hoped that law students will interact with law librarians frequently on their own throughout their law school experience, but interacting as much as possible during their first year will increase the likelihood of that occurring. Taking CALR instruction back from vendors allows librarians approximately two extra class periods of interaction with first-year students. This time can be invaluable in developing relationships with and demonstrating skills to these students.

Librarians Value CALR

¶35 A related argument is that the failure of law librarians to teach CALR sends the wrong impression to law students. First, students may assume that the law librarians do not even know how to use LexisNexis or Westlaw.[56] Second, students may think that the librarians do not value CALR. Why else would they relegate its teaching to a vendor? Finally, even if librarians value CALR, students may think that librarians dislike it (especially at schools where print is preeminent in the first-year courses). Such impressions are obviously wrong, but they are detrimental to a student's perception of law librarians and CALR.[57] With a librarian teaching CALR, many of these impressions would be non-issues.

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54. Aranas, *supra* note 25, at 85.
55. Houdek, *supra* note 18, at 80 (quoting Albert Brecht, University of Southern California).
56. *Id.* ("At our school, students assume the librarians don't even know how to use LEXIS and WESTLAW. . . .") (quoting anonymous source).
57. Ryan, *supra* note 14, at 53 ("Computer-assisted legal research will play a significant role in the way today's students do legal research throughout their careers. Law schools, therefore, should play a significant role in their students' CALR training.").

¶36 These misconceptions are exacerbated in today's environment. First, CALR's ever-increasing importance in the legal profession makes librarians who don't teach it seem "behind the times." Second, the majority of today's law students have been conducting online research since high school or earlier. Law librarians who leave CALR teaching to vendors may be seen as too connected to print and, consequently, may lose some credibility with students. For example, if a law librarian is viewed as print-bound, will an online-bound student believe him or her when the librarian says print is generally better for researching statutes? Law librarians need to teach CALR to gain credibility with a computer-dependent generation. Ian Gallacher put it well when he said,

> Showing first-year students, who likely suspect their teachers of harboring overt or covert "traditionalist" sympathies, that they are skilled in computer-assisted legal research, helps to cloak legal research teachers with some much-needed credibility when they speak of the dangers as well as the benefits of computer use in legal research.[58]

Legitimate Instruction

¶37 Another reason for librarians to teach CALR that has not been discussed in the literature is that it provides a sense of legitimacy to the instruction. It is difficult to see a vendor as a true teacher when he or she is giving away rewards points, candy, highlighters, or even t-shirts to students. Added to this is the fact that vendors do not require students to be accountable for what they have learned. Howland and Lewis have pointed out that law students perceive legal research as relatively unimportant because such courses "are often taught by non tenure-track faculty, are ungraded, and frequently are not particularly rigorous."[59] It follows that law students will not consider CALR instruction important if it is taught by nonlaw-school-affiliated vendors who do not hold them accountable for what is being taught.

¶38 As a first-year law student, I was lulled into dismissing the importance of my CALR instruction because it was taught by vendors who did not hold me accountable for what I was taught. Even though the classes were held in connection with my legal research course, I figured if it was important we would go over it with our instructor. I listened and picked up a few things (including points and candy),[60] but I can't say that I felt it was important. Consequently, I didn't retain much and had to learn CALR later on.[61] For me, having one of the librarians teach the course and hold me accountable for what I was learning would have instilled an understanding of the importance of CALR.

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58.   Gallacher, *supra* note 2, at 178 n.137.
59.   Howland & Lewis, *supra* note 51, at 390.
60.   For an interesting description of the Westlaw rewards program, see Gallacher, *supra* note 2, at 176–78.
61.   Fortunately for me I worked at a law library reference desk as a third-year law student and as a graduate student. I credit my learning of CALR to my time spent there.

CALR as a Quick and Easy Solution

¶39 Finally, and perhaps most importantly in 2007, law librarians will not portray CALR as a quick and easy solution to legal research. "Training by vendors often gives the impression that CALR can be used for any research problem and can locate any legal authority."[62] Lee Peoples has described vendor training sessions as consisting of "a series of carefully scripted exercises where everyone finds the right answer with relative ease."[63] If it wasn't enough that students bring with them a sense of overconfidence in their electronic research skills, vendors assure students that "all [they] need is one good search."[64]

¶40 As a result of all of these factors, "[s]tudents are not being well-trained in the use of the research tool upon which they most heavily rely."[65] In a climate of inadequate electronic research skills, the last thing the legal profession needs is vendors giving students the impression that an elementary introduction to CALR is all that one requires to conduct good legal research.

¶41 The majority of law students today have grown up with the Internet and use computers on a daily basis.[66] The ease of using search engines and other databases often gives students a false sense of research superiority.[67] Studies have shown that researchers, including legal researchers, often trust a good short list of results produced by a computer more than they would their own print-based research.[68] If not trained to be better searchers, law students will continue to trust their inadequate computer search skills when they really should not.

¶42 This false sense of security is perpetuated as vendors spend enormous amounts of time and money to make systems more user-friendly.[69] One library science professor has stated that vendors want users to think information retrieval on their system is as easy as "placing your fast-food order at the drive-in window and driving around to the pick-up window to fetch your completed order."[70] As CALR

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62. Aranas, *supra* note 25, at 86.

63. Peoples, *supra* note 21, at 677, ¶ 41.

64. Barbara Bintliff, *From Creativity to Computerese: Thinking Like a Lawyer in the Computer Age,* 88 Law Libr. J. 338, 348 (1996).

65. Schwabach, *supra* note 36, at 9.

66. Gallacher, *supra* note 2, at 163–64; Keefe, *supra* note 53, at 118, ¶ 6. In 1997, Aaron Schwabach warned of law students developing an "online addiction" from using CALR. Schwabach, *supra* note 36, at 8. Today, students come to law school already strongly addicted to online resources.

67. Bintliff, *supra* note 64, at 349 ("[S]tudies have shown a high confidence level on the part of . . . online database users, attributed to the fact that the resources can be used with little or no formal instruction because of their user-friendly search interfaces."); Peoples, *supra* note 21, at 676, ¶ 38 (stating that the author's finding that students prefer terms and connectors searching because of its ease of use "is in line with previous studies where researchers exhibited a high level of confidence in the results of an electronic resource simply because it was easy to use").

68. Bintliff, *supra* note 64, at 349.

69. Carol M. Bast & Ransford C. Pyle, *Legal Research in the Computer Age: A Paradigm Shift?* 93 Law Libr. J. 285, 299, 2001 Law Libr. J. 14, ¶ 52 (quoting Robert Berring, *Chaos, Cyberspace and Tradition: Legal Information Transmogrified,* 12 Berkeley Tech. L.J. 189, 209 (1997) ("The bulk of research and development in this field centers on developing easier and quicker means of using the systems.")).

70. Karen M. Drabenstott, *Why I Still Teach Online Searching,* 45 J. Educ. for Libr. & Info. Sci. 75, 79 (2004).

systems become more and more like "fast-food drive-thru" systems—that is, more like Google—students are given the impression that they know what to do.[71] Of course, usually what they know how to do is search poorly, without realizing it.

¶43 As CALR instructors, law librarians can help first-year students understand the limitations of CALR systems, as well as their own limitations as researchers.[72] We can craft examples and exercises that are closer to what law students will actually see when they enter the "real world" of legal research. By teaching CALR to first-years, law librarians can combat the idea that CALR is a quick and easy solution to legal research.

Conclusion

¶44 CALR is such a critical part of legal research today that its instruction cannot be taken lightly. Vendor instruction has been useful in the past and it continues to be useful today in certain situations. First-year students in 2007, however, need the guidance of a librarian to effectively learn CALR. It must be taught in an unbiased way in which its place in legal research as a whole can be clearly stated. Students must know how to use CALR correctly and efficiently, something they may think they need little training to do. While vendor instruction offers certain benefits, librarians are in the best position to accomplish the CALR instruction needs of first-year law students today.

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71.   Keefe, *supra* note 53, at 124, ¶ 28 ("We used to have a fighting chance when LexisNexis and Westlaw did not so closely resemble Google.").

72.   Peoples, *supra* note 21, at 677–78, ¶ 43 ("We must make students aware of the tendency of researchers using electronic databases to be overconfident in their results and, hence, stop searching too soon. We should train them about the common shortcomings of electronic databases. . . . When librarians are not involved in the training process, it is easy to see why students may be unaware of their own limitations.").