Advanced Legal Research: A Master Class

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ADVANCED LEGAL RESEARCH: A MASTER CLASS

BY FILIPPA MARULLO ANZALONE

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Introduction

Just recently I was a parent observer at my 12-year-old daughter’s violin class. The teacher was a wonderfully energetic and enthusiastic violinist, one of the first Suzuki-trained violin students in this country who had actually studied with the master, Dr. Shinichi Suzuki himself. Because there were four students in the class, there should have been about a dozen observers in the room, at most. Instead, there were at least 30. “Who are these folks?” I found myself wondering, “and what are they doing here?”

I found out later that these people were violin teachers who were seeking ways to improve their own teaching by observing a “master class.” They wanted to scrutinize the techniques of this particularly well-known teacher, hoping to return to their own classes with new knowledge and understanding.

Observing others is an excellent way to improve one’s own performance as a teacher, whether the subject you teach is the violin or the case law digest. But few of us can traipse about the country, learning at the feet of the masters who offer research courses at other law schools. As an alternative, and in the spirit of collective pedagogical improvement, I asked seven experienced teachers of advanced legal research courses a series of questions about what they do and how they do it.2 Not surprisingly, these seven “masters” were more than willing to “open their classes” to “observers” like you and me, pleased to contribute their expertise toward the common good.

In the material that follows, compiled from the responses to questions I posed to these educators, you will see stylistic similarities as well as some real differences in approach. The “observations” may not provide definitive answers, but they do offer lots of food for thought. And that’s what makes a “master class” so special.

Basic Course Information

To help in comparing the responses to the more substantive questions about what they do, I first asked the teachers for basic information about the structure of their particular course:

- How many credits does your course offer?
- How many times a week/hours per week does the class meet?
- What is the duration of the class, i.e., how many weeks does it meet?

The individual responses to these questions are presented graphically in Table 1 on the following page.

In addition to information about course structure, I posed the following additional background questions:

- What is your typical class size? Is your class size limited?
- Are third-year law students given preference in registration?

Class sizes run from very large to small, seminar-size classes. At Boalt there are usually between 100-150 students, with no preference for third-year students, whereas Mississippi’s advanced legal research class limit is 24, with usually between 8-16 students enrolling. Up to now, Mississippi has not implemented a third-year preference. At GSU, the limit is 15 students for purely logistical reasons, such as conference room size and numbers of

1 The author wishes to thank Barbara Bintiff, Law Library Director and Associate Professor of Law, University of Colorado School of Law, and Rebecca Trammel, Associate Director/Head of Public Services and Assistant Professor of Law Library, University of Nebraska–Lincoln College of Law, for their advice on whom to survey for this article.

2 These seven teachers surveyed for this article were, in alphabetical order: John Austin, Research/Instructional Services Librarian and Associate Professor, Northern Illinois University College of Law; James Duggan, Computer Services Librarian and Associate Professor, Southern Illinois University School of Law; Mary Brandt Jensen, Director of the Law Library and Associate Professor of Law, University of Mississippi Law School; Nancy P. Johnson, Law Librarian and Professor of Law, Georgia State University College of Law; Bobbie Studwell, Director of Library Services and Associate Professor of Law, Thomas M. Cooley Law School; Kathleen Vanden Heuvel, Deputy Director and Lecturer in Law, Boalt Hall, University of California at Berkeley; and Virginia Wise, Lecturer in Law, Harvard Law School.
Table 1. Basic Structure of Course

<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>CREDITS</th>
<th>HRS/WEEK</th>
<th>DURATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boalt</td>
<td>2 or 3*</td>
<td>3 hrs/wk</td>
<td>15 wks</td>
</tr>
<tr>
<td>Georgia State</td>
<td>2</td>
<td>once a wk/2 hrs</td>
<td>15 wks</td>
</tr>
<tr>
<td>Harvard</td>
<td>3</td>
<td>3 hrs/wk</td>
<td>13-14 wks</td>
</tr>
<tr>
<td>Mississippi</td>
<td>3</td>
<td>once a wk/105 min</td>
<td>10-12 wks**</td>
</tr>
<tr>
<td>N. Illinois</td>
<td>3</td>
<td>twice a wk/50 min each</td>
<td>14 wks</td>
</tr>
<tr>
<td>S. Illinois</td>
<td>1</td>
<td>1-2 hrs/wk</td>
<td>9-10 wks***</td>
</tr>
<tr>
<td>Thomas Cooley</td>
<td>2</td>
<td>once a wk/2 hrs</td>
<td>14 wks</td>
</tr>
</tbody>
</table>

* Students who take the class for two credits do six assignments. Students who choose the three-credit option must complete five assignments and a pathfinder.

** Number of weeks depends on the number of students in the class and scheduling of in-class presentations.

*** Also offered during four-week summer intersession period with three class meetings per week.

personal computers in the lab. Nancy Johnson finds that the smaller size is positive; the more intimate number encourages greater informality. GSU does have a third-year preference for advanced legal research. At Thomas Cooley, there is a limit of 25 students and third-year, final-term students have a preference. At Harvard, the class limit is 60, and second-year students have a preference so that they will learn research skills in preparation for doing third-year papers. At both Northern Illinois and Southern Illinois,\(^3\) class sizes are not limited and there are no third-year preferences.

Class Design

To learn about the different approaches that teachers take in designing their advanced legal research courses, I asked the following:

- What is your class format (e.g., lecture, CALR lab, mixture, etc.)?
- What kinds of research exercises and/or assignments are required?
- Do students keep research logs of their assignments?
- How do you fit in technologies such as CD-ROM or the Internet?

At Harvard, Virginia Wise divides her class into two hours of lecture and one hour of CALR lab every week. Wise totally integrates traditional with online and other nontraditional sources. For example, when she teaches statutory research, she covers print sources, demonstrates a state CD-ROM product, looks at the Library of Congress' Thomas' home page (which includes links to state and federal statutory materials), and examines a state statutory site on the Internet. Wise also spends class time covering the statutory databases and libraries and files on WESTLAW and LEXIS. Her syllabus calls for seven or eight assignments, each of which may require the use of online, CD-ROM, and print sources. Wise has students complete a research guide as a final project for the class. Research logs are not required.

Nancy Johnson at Georgia State uses a mix of informal lectures, class discussions, in-class exercises, CALR and Internet training, and CD-ROM and LEXIS Counsel Connect demonstrations. She takes the class on a "field trip" to a local law firm and brings in a guest speaker, a recent GSU graduate, to inspire and motivate her students by discussing legal research in an actual practice setting. Johnson uses the discussion of assigned articles to get everyone talking as she eases into the lecture part of the class. The weekly assignments at GSU are from Legal Research Exercises,\(^4\) supplemented with problems tailored to state materials. For WESTLAW and LEXIS training, assignments are related to research on an assigned legal memo. The weekly assignments

\(^3\) The advanced legal research class, Legal Research II, is required of all second-year students at Southern Illinois. Students may take the course either during the summer intersession or the fall semester of the second year. The summer intersession is encouraged because the students have no other academic responsibilities at that time, and the intersession class is highly compressed.

\(^4\) <http://thomas.loc.gov>

count for 20 percent of the grade. Keeping track of the cost of online research is a requirement. Students keep logs of their online assignments and Johnson requires that students print their online queries and results. Another assignment, which adds 10 percent to the class grade, requires students to collect their 10 best research tips. GSU students compile a research guide for their final project, which counts for 40 percent of their grade. Oral presentation of the research guide counts as 5 percent of the grade and regular class participation counts for an additional 25 percent.

Johnson assigns e-mail passwords and creates a local e-mail discussion list for her class. She uses the list to alert the class to schedule or syllabus changes, and hot topics in the world of legal information, such as the Thomson/West merger. The GSU electronic services librarian is a guest lecturer for one week, presenting an introduction to the Internet. Another class includes CD-ROM resources, and one assignment requires use of a CD-ROM product.

Mary Brandt, Jensen at the University of Mississippi also varies her class format. She spends the first few weeks in seminar-type discussions, going over assignments and research strategies. LEXIS, WESTLAW, and the Internet each account for one dedicated week of the syllabus. Jensen has found that some topics, such as international law and administrative law, seem to work better with a straight lecture format. Jensen also integrates online research into the weeks devoted to particular topics. Students present their pathfinders to the rest of the class in the final weeks of the semester. Jensen’s class is graded on a pass/fail basis; most of the grade depends on the final project, a pathfinder, which must focus on an area of federal administrative law. Other assignments include going to a local town to research ordinances, researching Native American law, finding a treaty in international law, and tracing a federal legislative history. Although not strictly required, research logs are highly recommended because Jensen requires that the *quid pro quo* for her help is that students be able to reconstruct what they have done and where they have been in their research processes. Jensen has not included CD-ROM resources in her advanced legal research classes because the University of Mississippi Law Library does not have networked CD-ROM titles, and she believes the difficulty in individually accessing the resources outweighs the benefits of learning them.

At Southern Illinois, James Duggan reports that the advanced legal research course is composed of a substantive lecture session each week with ancillary library and CALR lab sections. The labs have a student-teacher ratio of 8-to-1. When appropriate, the research lecture includes an online demonstration. Assignments include both online and traditional sources, although the SIU focus is on manual sources in order to prepare practitioners for the realities of practice in southern Illinois. Research logs are no longer required because the small size of the labs allows the instructor to quickly discover problems students may be having in formulating research strategy or using a particular tool or technique. SIU’s course is team-taught by members of the SIU library faculty. Assignments from *The Process of Legal Research* exercises are used. The course grade is determined by a final exam and two interim quizzes.

At Thomas Cooley, advanced legal research is also a team effort. Bobbie Studwell reports that the class is a mixture of lecture, CALR lab, and library exercises. Five open-ended library finding exercises account for about 25 percent of the grade, and a final research guide adds about 75 percent to the grade. Studwell says that, in the past, students have also been asked to do evaluative papers or presentations on looseleaf services and other research sources to the class. The Thomas Cooley team plans to do less lecturing and more hands-on exercises in the next academic year. Plans are also under way to modify an 80 percent focus on traditional or manual research methodology to about a 60-to-40 ratio of traditional to online sources in the coming term. Currently six of 28 class hours are devoted to online research. Demonstrations of CD-ROM and the Internet are included in lieu of hands-on training in these technologies because of a lack of time and of adequate lab facilities for these technologies. The focus of the CD-ROM and Internet lectures at Thomas Cooley is a pragmatic one, and Studwell and her team emphasize the utility that these materials will have in law practice.

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6 Duggan reports that SIU has approved a new course, Advanced Electronic Legal Research, for the spring of 1997. The new course will focus on training students to use WESTLAW, LEXIS, CD-ROM, and the Internet.
Although he previously team-taught advanced legal research with other library staff members, John Austin is going it alone now at Northern Illinois. His class usually begins with a substantive overview lecture on the topic of the week. Small-group workshops of five or six students also meet weekly to get guided, hands-on practice with the research materials. Students are not required to keep research logs. Instead, they are assigned fact patterns that they must research using the resources covered during that week. Specific questions that demonstrate the unique feature of a particular research source are also included in the homework exercises. Most of the NIU class focuses on manual research because students have already received six weeks of LEXIS and WESTLAW training in NIU's basic legal research course. Advanced Legal Research devotes one class to using the Internet and another to CD-ROM technology.

Kathleen Vanden Heuvel and Bob Berring use a lecture format, primarily because of the logistics of dealing with Boalt's large class. Six open-ended research exercises are assigned to cover legislative history, case finding, administrative law, etc. Students are asked to compare online and book research in their assignments. Separate research logs are not required for the assignments, because an integral part of each exercise is a description of the research process. Vanden Heuvel reports that, since the course uses an integrated approach to the legal research process, a percentage breakdown between manual resources and online resources would be hard to assign. Vanden Heuvel did report that many students seem to appreciate the limitations of manual searching more than the problems of online, full-text searching, so she and Berring spend a fair amount of time deconstructing misconceptions about the online environment for the class. Like some of the other teachers of advanced legal research, Vanden Heuvel reports that decisions about how to present CD-ROM and the Internet are dictated not so much by pedagogical concern as by the state of computer lab facilities at her institution. Boalt, at this time, makes little use of CD-ROM. Lectures on the Internet have been introductory demonstrations because classrooms there are not yet connected to the Internet.

### Required Reading

Looking at which texts are assigned might help you make judgments about your own advanced legal research class. *The Bluebook* is, of course, usually a required text. Table 2 shows who uses what.

#### Table 2. Required Textbooks

<table>
<thead>
<tr>
<th>SCHOOLS</th>
<th>ASSIGNED TEXT</th>
<th>SUPPLEMENTAL READINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>No Assigned Text</td>
<td>Assigned readings from various legal research texts, LRSQ, and L.J. Materials on reserve.</td>
</tr>
<tr>
<td>N. Illinois</td>
<td>No Assigned Text</td>
<td>Instructor-prepared course materials made up of readings and own materials.</td>
</tr>
</tbody>
</table>
Course Coverage

Every course surveyed includes an introduction and/or review of CALR. All seven instructors also incorporate administrative law, legislative history, and some variation of a "real life research" class, which may include form books, court rules, and citation form into their syllabi. Five out of the seven include coverage of case law and case-finding mechanisms, statutes, secondary sources of all types, updating research, and developing a research strategy. From both the NIU and SIU syllabi, it is clear that the advanced courses follow required basic legal research classes. Neither school focuses on the more general topics and they move directly into specialized areas.

Although coverage may be similar at the various schools, no one does it quite the same. For example, Wise conducts a weekly CALR lab, so her coverage of online sources appears to be the deepest. At Boalt, Vanden Heuvel and Berrin cover case law for a number of class sessions, but they go beyond case finding to a discussion of depurbation practices. They also lecture on administrative law in context. At Mississippi, administrative law gets the lion's share of class time. All courses cover looseleaf services by showcasing different subjects; some use tax, labor, or environmental law, others use a combination of substantive areas.

Table 3 lists some of the subjects covered that are unique, or are handled in a rather singular way, at each institution.

Impact of New Technologies

Because the question of what to do with new technologies is an issue of vital concern for most research instructors these days, perhaps one of the more compelling questions asked of my group of teachers was

How have you changed your course in order to make room for the introduction of new technologies or research formats?

At Boalt, detail about how material is arranged in books has been reduced to add breathing room to the syllabus. However, since Vanden Heuvel and Berrin see online training as just another way to solve a research problem, they approach the training of research skills conceptually. They believe that new technologies raise a choice of resource formats question. Their mission is to help students recognize when manual resources or online resources are more

Table 3. Subjects Covered

<table>
<thead>
<tr>
<th>SCHOOLS</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boalt</td>
<td>Lotus Notes demonstration; California cases and depurbation practice; California practice materials; International law; The nature of authority</td>
</tr>
<tr>
<td>Georgia State</td>
<td>International treaties; Georgia materials; Research in a small firm (guest lecturer); Tour of a large firm and lecture by firm librarian; Counsel Connect demonstration</td>
</tr>
<tr>
<td>Harvard</td>
<td>Litigation materials: records and briefs, jury verdicts and settlements, public records and filings; Directories and finding people and organizations; Nonlegal research on the Internet and on NEXIS and DIALOG</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Municipal research; Native American law; International law</td>
</tr>
<tr>
<td>Northern Illinois</td>
<td>Bankruptcy; Criminal law; Employment law; Family law; Immigration law; Insurance law; Professional responsibility; Securities law; Taxation; Torts and jury verdicts/damages awards; Illinois administrative law and legislative history</td>
</tr>
<tr>
<td>Southern Illinois</td>
<td>Illinois administrative law and legislative history; Jury instructions; Court rules; Ethics; CLE</td>
</tr>
<tr>
<td>Thomas Cooley</td>
<td>Civil litigation; Criminal litigation; Copyright and legal ethics</td>
</tr>
</tbody>
</table>
appropriate for solving a particular problem. The instructors emphasize research strategy design, decision making, and evaluation of alternatives.

At GSU, Johnson has shortened the amount of time she spends on international materials from one class to one-half class. In a similar vein, at Thomas Cooley, Studwell has eliminated several lectures on specialized legal research. Duggan reports that SIU has cut coverage of British and international research, as well as some coverage of specialized legal research such as health law, environmental law, and labor law. At NIU, Austin has not had to cut anything, because advanced legal research grew from a one-credit course to a two-credit course this year.

Jensen forgoes a formal class meeting for at least one week so that she can use the time in the computer lab. Ideally, she would opt for a fully networked classroom, and technology research instruction would be fully integrated on a weekly basis. Wise takes a fully integrated approach at Harvard and, to fit it all in, she “covers legal encylopedias in five minutes, glosses over the details of ALR and digests, spends less time on DIALOG and more on the Internet, and talks very fast.”

The Students

Questions about the students who take advanced legal research courses constituted the final group of questions posed to the seven teachers:

- Do you find that particular students are more comfortable with a certain type of research (e.g., are younger students more inclined to use online services)?
- Have you noticed gender differences in students’ adaptation to using technology in research formats?
- Have you ever taken various learning styles into consideration when presenting material?

None of the instructors reported identifiable age or gender patterns in regard to different formats. NIU’s Austin has used a variety of presentation formats, such as lectures, flowcharts, distribution of textual materials, and experiential learning (via hands-on practice), to accommodate learning style differences.

Since her class is small and seminar-like, Jensen tailors her presentations to the individuals who are in her class and varies her style accordingly. She notes that the variation is more than an artless response to the group than a product of self-reflection.

At Harvard, Wise admits that some students take the course to improve their online expertise. For these students, three weeks seems to be the length of the typical learning curve before they catch up with their classmates. The variety inherent in Wise’s mix of assignments, quizzes, short evaluative writing assignment, and long paper provides students with a range of ways to demonstrate competence.

At Georgia State, Johnson uses an amalgamation of teaching techniques and aids such as handouts, demonstrations, flip charts, group learning, and in-class exercises to reach all her students—not just the auditory learners, but those with a visual or kinesthetic focus as well.

SIU’s Duggan doesn’t see any gender differences other than the fact that some of the men cannot type very well in CALR training. A few years ago, he would have said that students over 40 didn’t seem as adept with computers, but this is no longer true. At SIU, the advanced legal research faculty uses several techniques, including closed-circuit video and monitors to make the materials easier for the class to see, video clips from popular movies to introduce or reinforce points, quizzes to reinforce a lecture topic, and a game show format for “dry” areas of legal research. The classes meet in small groups for the lab portion, highlighting the accessibility of the instructors and encouraging students to approach faculty members with questions.

Studwell notices that younger students at Thomas Cooley seem to have an advantage in being more experienced using technology, but older students realize that online searching is important to maintain a competitive edge. Since all students tend to overuse the online tools, Studwell and her team emphasize a cost/benefits analysis of resource choice. Although much of the advanced legal research teaching at Thomas Cooley satisfies the auditory learners, the use of overheads and other visual components as well as the hands-on library exercises are designed for the visual and kinesthetic learners.

At Boalt, large class size hampers accommodation for diverse learning styles during class time, but since the course is team-taught, there is a built-in teaching style diversity. Vanden Heuvel

and the law library reference staff work closely with individual students who have specific research questions or are experiencing difficulties. Vanden Heuvel notes that some of the older students, especially women, are less comfortable than younger students who have used computers throughout their undergraduate careers. However, she and Berring emphasize that successful online legal research is more a consequence of effective use of language, understanding a substantive area, and appreciating the inadequacies inherent in full-text searching than of computer wizardry.

**Conclusion**

The master class is over. The instructors have unstintingly shared their time and their expertise. We’ll put our violins away, but hopefully the music will influence our own work and teaching for a long time to come. ◆

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**LEGAL RESEARCH IN PRACTICE:**

**HOW A LABOR LAWYER DOES LEGAL RESEARCH**

BY ELLEN M. CALLINAN

Ellen M. Callinan is Director of Information Services at Crowell & Moring in Washington, D.C. She is a member of the Editorial Board of Perspectives.

[Editor's Note: Legal research teachers often use carefully constructed fact patterns that have readily identifiable research solutions. The "successful" outcome of these research scenarios is predicated on providing positive reinforcement to students for learning techniques that are essential for them to master. However, they may fail to convey the realities of research in actual legal practice. This article is one in a periodic series offered by Perspectives that is aimed at placing research in the context of real-world concerns. The author interviewed an attorney who specializes in labor law for a large corporation to obtain this practice perspective to share with our readers. The results of the interview are presented in a question and answer format. — Frank Houdek]

Perspectives: Describe the kind of legal services you provide to your corporation so our readers can understand the type of research you need to perform.

Labor Attorney: As a corporate attorney, I provide both counseling and litigation services to my internal clients. Through counseling, I try to prevent legal problems from arising by consulting with company managers on such issues as hiring, firing, evaluating, and disciplining employees. Education is critical to prevention so I conduct training sessions on the legal requirements we must meet under the Equal Opportunity Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, and state statutes. When controversies develop under our union contract, I work with management and union representatives to interpret the language and resolve ambiguities.

These prophylactic measures don’t always work, however, so I must also represent my company in federal and state court and agency proceedings. In these situations, I must prepare for the possibility of a trial by researching and writing motions, briefs, interrogatories, and other documents. In addition, our collective bargaining contract provides for arbitration in certain situations. This activity requires