Legal Research Skills – Life-long Learning?

Guest Editorial

A surprisingly modest number of articles in UK journals have been written in the past on the vexed topic of teaching legal research, despite it being a favourite subject of debate. Those that do exist tend to be single items on a specific sector, such as the text of Angela Carritt's Sheffield conference session on undergraduate legal research training at Oxford University[1] which in turn drew on Sandra Meredith's study conducted in 2006. More recently Alison Pope wrote about their module "Skills for Knowledge in Learning and Law" at Staffordshire University.[2] In US law-schools, where traditionally little or no legal research training appeared on the curriculum until relatively recently, it has long been a bone of contention. Mary Foote observed in 1917 that unlike pharmacy, medicine or football, law is "practically the only science which gives to its novice no training in the use of the tools which must furnish him his living."[3]

How often at a BIALL Conference, or on the legal discussion group lis-law, have we heard the exasperated cry from law firm librarians "What do they teach them on the LPC?" and from the teaching sector, equally despondent, the response, "Plenty!" This is despite the publication in 2006 of the 2nd edition of Peter Clinch's well-recommended *Teaching Legal Research Skills*.[4] Further, there appears to be a suspicion on the part of those in the firms on the receiving end of trainees that law schools have not tried hard enough to teach them. From my own experience at The College of Law nothing could be further from the truth!

So what happens in between and are the efforts of the educators really in vain? Can we expect trainees to emerge from law school as fully-fledged legal researchers or is it a skill honed over a working life-time? My own view is that until would-be lawyers see for themselves the importance of research when dealing with real clients, their engagement with what is on offer will be lukewarm at best. Some law firms do set a legal research task to prospective trainees as part of the selection process, but this is by no means universal.

Now there are more basic fears about the online information gathering habits that used to be confined to "the younger generation" but are rapidly becoming the norm across all ages.[5] The twin challenges of rapidly expanding technology and the high cost of legal reference materials affects all sectors. Lawyers find themselves needing to embrace new ways of doing things but, at the same time, ensuring that the quality of the results is not impaired. This in turn raises a number of questions for the legal information profession. Where should educators and trainers be concentrating their efforts? Battling against "free stuff" on the web or teaching "safe Googling"? What role are the legal publishers playing? Could technology already be making it easier to be good at legal research? Is Boolean logic now the bacteria-equivalent of the information world – ever- present but known only to the cheese-making experts!

Patrick Meyer last year published the results of his survey of US law firms into what level of legal research skills is expected of new attorneys[6] and amongst the comments elicited from participants were "They rely too heavily on online sources when the research can be done more effectively and cheaper by opening a book" and "I try to help them understand that fast research does not necessarily equate to good research." However, three years ago Meredith had already found at Oxford that "students are increasingly reluctant to use print resources" and "are often willing to trade quality for convenience".[7]

There is much hype around the short attention-span of the generation who have grown up knowing nothing but the internet. On the other hand, they are supposed to be better at multi-tasking, having several tabs open at one time, juggling different applications and information sources.[8] New versions of legal databases are developed in part by observing users' behaviour in action, so should we also be going with the flow? It is certainly not safe to assume that students and later trainees will switch behaviours between different applications. Tom Boone of Loyola Law School, LA has observed that his students typically only look at the first 5–10 results of a Westlaw search on the basis of "the Google first page experience" – i.e. anything beyond the first page is likely to have little value or relevance.

A further comment from Meyer's research (specifically, I should say, in relation to the US) reads "It doesn't help that I have yet to meet an academic librarian who understood law firm economics or how contracts are billed." Awareness of the different constraints and requirements, as well as what is actually being taught at the various stages, should lead to increased understanding and it is my hope that this issue of LIM will further stimulate a productive dialogue between legal information professionals from all sectors.

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Editor's Note

Marianne Barber has done a first-class job in coming up with both subjects and suggested authors for this theme and I am very grateful to her. I would like to thank our authors for all their hard work. Many of them are fellow BIALL members. We have tried to cover the following areas: updates on what is happening in academic libraries including the universities and institutions covering the vocational learning stage both for solicitors and barristers; the role of the legal publishers; a guide to free online sources of legal research materials and current practice in law firms. View from Canada and Australia on both the academic and

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vocational stages of learning including a thoughtful article by John Eaton on the barriers that exist to effective legal research education, complete the theme.

Our Current Topics are somewhat curtailed in this issue due to lack of space, but Anne Redston has contributed an extremely interesting article on her efforts to get Her Majesty's Revenue and Customs to ensure that not only is their website up-to-date, but that it also carries correct information, which unfortunately is not always the case.

Shirley Lofthouse has written the second in our series of Subject Resource Guides, this time on financial services law. Our Checklist reflects the legal research training theme and is a thoroughly practical and useful guide by Anne Coles and Suzanna Rickeard from Lawrence Graham on setting up a library induction programme for trainees. Finally, in our Practical Matters short article, Chrissy Street of Clifford Chance tells us how to get the best use from a database trial.

As always, my grateful thanks are due to Katherine Read and Laura Griffiths from the Institute of Advanced Legal Studies for the Current Awareness column.

Christine Miskin

Footnotes

[1] Carritt, A (2007) Teaching research skills outside the curriculum: lessons learnt at Oxford University. *Legal Information Management* 7(4) 239–243.

[2] Pope, A (2009) Integrating legal research skills into the curriculum and into life. *Legal Information Management* 9 (4) 246–249.

[3] Foote, M S (1917) The need for college instruction in the use of law books. *Law Library Journal* 10 25, 28.

[4] Clinch, P (2006) Teaching Legal Research. 2nd edition 2006, UK Centre for Legal Education.

[5] http://www.iwr.co.uk/information-world-review/analysis/2238090/educators-uncover-research Educators study research habits of Generation Y.

[6] Meyer, P (2009) Law firm legal research requirements for new attorneys. *Law Library Journal* Vol. 101 (3) 297–330.

[7] Meredith, S (2007) First year law students, legal research skills and electronic resources. *Law Teacher* 41(2) 191–205.

[8] Glen, D Scholars turn their attention to attention. http://chronicle.com/section/Home/5 Search "divided attention".

Note

In our Spring issue (2010, Vol.10(1) at page 9, the email addresses for Peter Jordan and Helen Lippell from the Direct Gov team were incorrectly given and are as follows:

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They would welcome any feedback and comments on their article.