

1997

## Bringing the "Real World" to Advance Legal Research

Timothy L. Coggins

*University of Richmond*, [tcoggins@richmond.edu](mailto:tcoggins@richmond.edu)

Follow this and additional works at: <http://scholarship.richmond.edu/law-faculty-publications>



Part of the [Legal Writing and Research Commons](#)

---

### Recommended Citation

Timothy L. Coggins, *Bringing the "Real World" to Advance Legal Research*, 6 *Perspectives: Teaching Legal Research and Writing* 19 (1997).

This Article is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Law Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact [scholarshiprepository@richmond.edu](mailto:scholarshiprepository@richmond.edu).

## BRINGING THE “REAL WORLD” TO ADVANCED LEGAL RESEARCH<sup>1</sup>

BY TIMOTHY L. COGGINS

*Timothy L. Coggins is Director of the Law Library and Associate Professor of Law at the University of Alabama School of Law in Tuscaloosa, Alabama.*

### Introduction

Nearly all U.S. law schools include an Advanced Legal Research course as an elective course for second- and third-year students.<sup>2</sup> The justification for the course is obvious, and proponents of advanced courses have succeeded easily in convincing law school curriculum committees to approve them. Most Advanced Legal Research courses also use “real-world figures” (guest speakers) to supplement and enhance the instruction provided by the professors of the courses.<sup>3</sup> The experiences and current positions of the “real-world” speakers are diverse, including librarians, attorneys, publisher/vendor representatives, and government officials. This article discusses the reasons for using real-world figures in Advanced Legal Research courses, who some of those real-world figures are, and the advantages and disadvantages of outside speakers in the classroom. It also includes, where appropriate, illustrations from the use of real-world figures in the Advanced Legal Research course at the University of Alabama School of Law.

### Why Use “Real-World Figures”?

There are numerous reasons why many law school librarians and teachers of Advanced Legal Research (hereinafter referred to as ALR) courses incorporate outside speakers into the classroom discussion. The most obvious is that it simply makes good pedagogical sense. Law librarians and professors

recognize the importance of different types of classroom instruction to teach students effectively. Just as an intellectual property professor might invite a patents attorney into class to discuss patents practice, an ALR professor might invite individuals who work in a law firm, a court, or another legal setting to address issues relating to legal research in their respective environments. In both situations the professor responsible for the intellectual content of the course believes that outside speakers can add substantially to the learning experience for the students. In the legal research setting the professor might also be responding to other factors such as “... a growing awareness among law librarians and practicing attorneys that the research skills of law students and recent law school graduates are painfully inadequate.”<sup>4</sup>

All ALR professors and law librarians have heard the many reports about the declining legal research skills of summer clerks and new associates. The ALR course is one attempt to resolve some of those problems. It helps develop research skills for a limited number of students in itself, and the use of outside speakers can emphasize further the importance of the development of those skills and more extensive legal research knowledge to students. Also, the incorporation of an outside speaker might stress to members of the practicing bar that law schools and legal research instructors are attempting to provide students with better legal research knowledge.

The ALR professor uses real-world figures for many reasons; a few are outlined and discussed below.

**USE OF EXPERTS.** Many ALR courses include components that cover legal research in specific subject areas such as federal taxation, labor and employment, securities, environmental law, and bankruptcy. ALR professors recognize that an expert in the doctrinal aspects of the subject can assist with the teaching of legal research skills and analysis. Although law librarians regularly and effectively use looseleaf services, treatises, administrative materials, and other resources in these specialized areas, they recognize that a lecture about one of these areas can be enhanced (and validated) by a specialized practitioner’s comments about research and resources in those areas. Courses vary in the use of experts; some courses are designed with the attorney and/or other expert handling an entire class alone. In other course designs the law librarian team teaches the

“ [O]utside speakers can add substantially to the learning experience for the students. ”

<sup>1</sup> The author thanks Dean Kenneth Randall of the University of Alabama School of Law for his support.

<sup>2</sup> See Blair Kauffman, *Advanced Legal Research Courses: A New Trend in American Legal Education*, *Legal Reference Services Q.*, Vol. 6, No. 3, at 123, and Penny Hazelton, *Advanced Legal Research Courses: An Update*, 1 *Perspectives* 52 (1993). In some law schools the Advanced Legal Research course is not an elective, but rather a required course for second- and third-year students.

<sup>3</sup> Katherine J. Tooley, Technical Services Law Librarian, Taliaferro Savage Library, University of Tulsa School of Law, maintains a collection of the syllabi for Advanced Legal Research courses and regularly solicits revised syllabi from ALR professors.

<sup>4</sup> Roy M. Mersky, *Rx for Legal Research and Writing: A New Langdell*, *Legal Reference Services Q.*, Vol. 11, No. 1/2, 1991, at 201, 204.



“ [O]utside speakers  
can speak the law  
firm and/or court  
language better...”

session with the attorney; each person then contributes his or her own expertise to the class and is available to assist when the subject matter and the research overlap. In federal tax research, for example, the attorney can help students understand how private letter rulings, technical advice memoranda, revenue procedures, and other more specialized tax materials are used in tax cases, while the librarian/professor can explain to the students how best and most effectively to locate and retrieve these types of materials. An important corollary to this type of collaboration is a respect for each other and a recognition that both individuals have special expertise to bring to the classroom discussion.

**CONTEXT FOR LEGAL RESEARCH.** Attorneys and law firm and court librarians are excellent real-world figures to provide a legal research context for the law firm and court environments. For example, some ALR courses include more discussion about the use of secondary sources than is covered in most first-year introductory courses. Students in those ALR courses study more comprehensively different types of formbooks, such as *Am Jur Forms* and *West's Legal Forms*, and trial practice and strategy resources, such as *Am Jur Trials*, *Am Jur Proof of Facts*, and *Causes of Action*. The instruction about these resources might be more effective if an attorney or a law firm librarian verifies what the student has been hearing in his or her law school courses: the resources are good locations for finding examples of depositions and interrogatories, for drafting sample complaints and transactional agreements, for background information about an issue, and for locating checklists for the new attorney to ensure that he or she covers all the steps in the litigation. The attorney or law firm librarian might relate how partners and senior associates in a law firm view the use of these types of secondary resources and how the secondary resources actually might improve a new attorney's work by allowing him or her to finish an assignment effectively and in a timely manner. Furthermore, attorneys and law firm librarians can describe how the research fits into the big picture at the law firm, how the research must be done in a timely, but cost-effective, manner, how the research impacts other cases in the firm, and how the law firm must balance the various aspects of its work, including the assignments that are provided to associates. Use of real-world figures to place legal research in a proper context is a great instructional strategy for stressing to law students the importance of competent and efficient legal research skills and why the development of these skills is so crucial to the law firm.

**“REAL-WORLD” ENVIRONMENT.** Very much related to the previous reason, but a little different, is making students aware of how law firms and courts actually function, i.e., how day-to-day operations are handled and the work of the firm or court is accomplished. Outside speakers can bring this real-world element to the classroom in a way that law school professors often cannot. Persons within the law firm or court environment can illustrate dramatically the importance of the time and costs associated with the research component of practice. Students listen carefully when an attorney or law firm librarian discusses client charges and relates stories about the “bottom line.” Students learn that the development of excellent legal research skills is necessary in order to be cost-effective for the law firm and for the client. Some professors believe that outside speakers can speak the law firm and/or court language better than a professor who does not work in that environment and, therefore, the outside speaker can emphasize the importance of developing competent legal research skills.

**VALUE OF LIBRARIES AND LIBRARIANS.** An extremely important by-product of the incorporation of real-world figures into an ALR course is that students learn the value of legal research, libraries, and librarians. They hear the attorneys and librarians stress how legal research and writing are the key to an attorney's work and to a law firm's success. Students also hear from the real-world figures how heavily law firm and court personnel rely on a knowledgeable and service-oriented law librarian. This is important for future attorneys to recognize and to learn. Law students typically develop close working relationships with the librarians at their law schools, and it is important that they learn that those same close working relationships will continue once they begin working in a law firm or a court setting. A law firm or court librarian obviously will instruct the new associate or clerk about legal research, WESTLAW, LEXIS, and other library- and research-oriented issues, but they also are valuable sources of information about the law firm and the court. During a panel discussion with law firm librarians in a class at the University of Alabama School of Law, one of the librarians commented that new associates and clerks should make friends quickly with the librarian. “We can make you look good,” commented the librarian. “We can help you save time by making sure that you have reviewed all the necessary resources, and have used the online systems judiciously and wisely, and we even can help you with office politics.”



### Types of "Real-World Figures" to Use

There are several types of outside speakers used by most professors who are responsible for developing and teaching ALR courses. Those groups and the reasons for using them are outlined below.

**OTHER LIBRARIANS.** In nearly every course syllabus at least one librarian other than the primary professor speaks to the ALR course, but the type of librarian varies from course to course. In most instances the outside librarian is a law firm librarian from a firm located near the law school or a firm where the law school places summer clerks and first-year associates. In the typical class the law firm librarian discusses general issues relating to legal research in the law firm environment, but might also address very specific issues such as the use of WESTLAW and LEXIS in the firm setting, the incorporation of CD-ROMs into the research process, and hints about efficient and cost-effective legal research. Students invariably ask questions about office politics and the law firm environment. In some instances the law firm librarian provides students with legal issues that have been researched by the law firm in recent years and then goes through the process of finding the best sources to use for this type of research.

At the University of Alabama School of Law, both types of situations are used. During one semester a panel of law firm and court librarians addressed previously distributed questions about the types of assignments given to summer associates and new attorneys and about the use of WESTLAW and LEXIS in the law firm. The students were able to see clearly how the two settings function differently and what types of questions clerks and attorneys in each setting are researching. During another semester a law firm librarian from a very different type of practice addressed 10 questions handled by new associates and the library at her firm. She discussed the process that she and other librarians had used to help the associates resolve the questions. She explained that the 10 questions represented the types of assignments typically given to summer clerks and to new associates. In both situations students saw real-world questions that they might handle in practice and heard expert advice about cost-effective, thorough, and efficient approaches to finding information in a timely fashion. One ALR professor indicates that she takes her students for a tour of a large law firm library and a lecture by the firm librarian.<sup>5</sup>

<sup>5</sup> Filippa Marullo Anzalone, *Advanced Legal Research: A Master Class*, 5 Perspectives 5, 9 (1996)

Other librarians used in ALR courses work in court libraries, corporate libraries, and university libraries, especially government documents departments and business libraries. Librarians at the home institution of the professor are used extensively in most ALR courses. The computer services librarian or the librarian who is responsible primarily for WESTLAW, LEXIS, and other electronic resources is the librarian used most frequently, but librarians with international and foreign specialties are used extensively as well. In many courses the library's reference librarians may also assist the primary teacher with the review of resources discussed in the first-year courses and with other specific areas of research. As the Internet becomes an even more viable resource for new attorneys, it is likely that the librarian at the home institution of the primary teacher or a law firm librarian at a firm that uses the Internet extensively will become an even more integral part of the ALR course.

**ATTORNEYS.** Another large group of invited real-world figures is practicing attorneys. This group addresses the students for many of the reasons noted above. Often, the use of attorneys centers around an expertise in a given subject area. For example, several ALR professors use tax attorneys to assist with the teaching of the federal taxation component of their course. The attorney assists by providing research questions that his or her firm has handled and then leads a discussion on how to effectively research those topics. Some professors use an attorney who recently graduated from the institution, again in an attempt to connect with the students and to stress how important the development of good legal research skills are for a practicing attorney.

The University of Alabama's ALR course incorporates practicing attorneys into the course in different ways. During one class session a local attorney who primarily researches and writes briefs for her law firm and who clerked with an Alabama appellate court addresses issues about the legal research and writing process. She explains to the students what judges look for in briefs and how strongly they react to bad writing, bad research, and (yes) inaccurate *Bluebook* citations. This attorney discusses WESTLAW and LEXIS and CD-ROMs with the students and explains to them the continuing reluctance of some smaller law firms to use computer-assisted legal research systems. She also addresses other issues such as when to stop your research, what you do when the sources that you have found all appear to support the opposing attorney's position, and what you do when you cannot find mandatory authority from your jurisdiction. This

“Students invariably ask questions about office politics and the law firm environment.”



particular attorney explains all these issues with levity and excitement. (She also brings candy to a noontime class.)

Another attorney guest in Alabama's course is the managing attorney of a legal research and memo-writing service. This particular attorney distributed 10 questions to the class two weeks before his appearance. Groups of students were asked to research assigned questions and to be prepared in class to discuss research strategy as well as the answers they found. The questions were examples of real-world problems that had been submitted to the research service by practicing attorneys. Students were able to see how the research service approached the question and to compare their strategies with the strategies used by the research service. The managing attorney of the research service also provided students with a list of his favorite Internet sites for legal information and a list of helpful hints for effective legal research.

#### OTHER CATEGORIES OF REAL-WORLD SPEAKERS.

Other categories of real-world figures are used frequently in ALR courses, but not as often as other librarians and attorneys. Most ALR courses provide advanced WESTLAW and LEXIS training. In some instances the vendor representatives provide the training for the students, but in many courses the professor/teacher of the course elects to teach the session or to make use of librarians at the home institution. At least one ALR course includes other publisher officials in the classroom to address issues such as who owns the law, the publication of legal materials and how the publication relates to the legal research process, and other issues associated with the dissemination of legal materials. Other Advanced Legal Research courses include court and law firm personnel, other than a librarian, to address students. Court administrators, clerks of court, MIS personnel, law firm administrators, paralegals, and even a few judges are used less frequently.

The final category of real-world figures who are incorporated into some ALR courses are government officials and agency representatives. These individuals do not appear to be used widely in ALR courses. Some examples are an attorney general's office representative who talks about the operation of the AG's office; a representative of the U.S. Government Printing Office who talks about the printing and dissemination of government information and the transition of some agencies to an increased reliance on electronic dissemination; a representative of an archival department in a state who talks about the location,

storage, and retrieval of legislative and court documents; and a department of state (or agency) representative who talks about state regulations and administrative codes.

### Students' Reactions to "Real-World Figures"

At the University of Alabama School of Law students have reacted positively to the use of court, law firm, and other librarians and attorneys in the ALR course. Many indicate that they appreciate the opportunity to hear from individuals who actually work in the law firm and court environment, and that they enjoy hearing the advice that the real-world figures can provide. Many also indicate that they appreciate the diversity that outside speakers bring to the classroom and the commitment by the developers of the courses to offer different instructional methods in the course. However, most students at the University of Alabama did not react as favorably to the use of vendor representatives for advanced LEXIS and WESTLAW training; therefore, those sessions are now taught by librarians.

One student commented after attending a panel of librarians from law firms and the court that she learned a valuable lesson about two different legal settings just by hearing the way that questions were answered by librarians. According to this student the two law firm librarians talked extensively about how the library makes the work of new attorneys proceed efficiently. The court librarian, on the other hand, talked more about rules and adherence to policies and deadlines. This student concluded the following: attorneys need to learn quickly and painlessly that courts establish the rules and that attorneys need to abide by them.

### Potential Disadvantages in Using "Real-World Figures"

There are some potential drawbacks to the use of real-world figures in ALR courses, but most can be avoided easily with effective planning and follow-up. Some instructors worry about coverage and believe that valuable classroom time simply cannot be used for outside speakers. They believe that there are many resources that need to be covered and that it is a disadvantage to students to dedicate any class time to real-world figures. This drawback can be solved easily. The professor should work closely with the real-world figures and make certain that the professor and the outside speaker agree on what should be



covered by the outside speakers. Real-world figures can be asked to present their sessions to guarantee discussion of topics that are not covered by the professor.

Others worry that the use of real-world figures might indicate that the instructor does not have the knowledge that is necessary to teach a portion of the course. Most instructors know that this is not a legitimate concern. As mentioned earlier, ALR professors are committed to providing the best opportunity for students to learn the skills that they need in order to become effective legal researchers. If that means having an outside speaker present a topic because he or she has that expertise, that can only benefit the students.

A related concern that worries some instructors is the fear that there will be an interruption in the bonding of the students with the regular professor if outside speakers are used. Some instructors comment that they prefer teaching all the sessions in an ALR course themselves because it is important that the students develop a relationship with the instructor and that relationship is disturbed by outside speakers. The solution here is simple: include enough outside speakers to create some different learning opportunities for the students, but do not include too many.

There are other concerns as well. Some instructors and professors believe that vendors teaching the advanced computer-assisted legal instruction become salespersons for their respective companies. Some acknowledge hearing a vendor compare his or her system with the other system and attempt to convince the students that one system is superior to the other. Others comment that this is resolved easily. If the professor elects to use vendors to teach advanced training, then the professor must discuss what should be covered during the advanced sessions. Some professors elect to attend each of the sessions to interject comments and to guarantee that the sessions, indeed, are devoted to learning cost-effective and efficient online searches.

Other professors report that there is a chance that the real-world figure will not be an effective teacher and that an hour or more of valuable class time will be lost. If a person who is a great attorney turns out to be a poor teacher or constantly strays from the assigned topic, then the professor should not invite that person to return. A set of questions distributed to students before the class can solve this problem. The real-world figure can be asked to address specific issues and questions. The role of the professor then becomes keeping the class and the outside speaker directed to the questions and issues.

Finally, there is a question in those classes where a final examination is given regarding the testing of the information covered by the real-world figures. The first time the University of Alabama had an exam question taken from the information presented by one of the attorney visitors, students were very upset. They did not believe that the instructors had stressed to them that the information might be the subject of an examination question. Now, it is made clear from the first day of class that everything covered during the course—readings, classroom lectures and discussions, and topics covered by speakers—is subject to examination. Now students pay close attention to real-world figures when they address the class and take extensive notes from those sessions.

## Conclusion

The use of real-world figures to supplement and enhance the classroom lectures and discussions in an ALR course has many advantages. When properly integrated into the class and when used to meet legitimate educational and instructional objectives, the real-world figures add substantially to the course content. Their use stimulates the students since all law students love hearing about the “real world” and benefit from different teaching styles and approaches. Outside speakers offer additional expertise in certain areas that can be used to meet course objectives.

Does the use of real-world figures work in an ALR course? There are no surveys that indicate that they do or do not. There are no statistical reports that prove students learn more (or less). But there are many experienced law teachers who strongly believe that their courses are better and offer students a richer educational experience when they include these “real-world figures” in their classes. ♦

© 1997 Timothy L. Coggins