

Introducing Students to Online Research Guides

Research Matters ... is a regular feature of Perspectives. It explores the challenges of teaching the process and strategies of legal research as technology continues to shape research expectations and realities. Readers are invited to comment on the opinions expressed in this column and to contribute to future issues. Please submit material to Penny A. Hazelton, University of Washington School of Law, e-mail: pennyh@u.washington.edu.

By Jackie Woodside

Jackie Woodside is an Intern at the Marian Gould Gallagher Law Library, University of Washington School of Law, and a student in the Law M.L.I.S. program at the University of Washington Information School in Seattle.

I distinctly remember the panic I felt as a summer associate receiving my first assignment: to research the “vacation accrual” laws in 14 states where the firm’s client operated branch offices. The client wanted to know whether it could institute a “use it or lose it” policy, whereby employees would forfeit any unused vacation days after a certain period. Completely unfamiliar with employment law, I spent hours floundering in the Westlaw® code databases, unaware of a better starting point or research strategy. If I had known about the online research guides prepared by law librarians, I could have saved myself a lot of time and anxiety. An introduction to online research guides can easily be incorporated into legal research and writing courses, requiring as little as a half of a class session.

Many legal research and writing instructors spend time introducing students to secondary sources and discussing effective and efficient research strategies to use for unfamiliar areas of law. LexisNexis® and Westlaw representatives have probably also explained to students how helpful it can be to set up a tab for a new area of law or jurisdiction. What the students may not have in their research toolboxes,

however, is an understanding and appreciation for online research guides. My law school’s library did not write research guides, and I did not become aware of this valuable type of resource until many years after graduating. I suspect that even students whose law libraries provide research guides do not realize that there is a universe of guides beyond their own institution.

This educational gap creates an important teaching opportunity for legal research and writing instructors. A short session could introduce law students to online research guides—what they are, why to use them, how to evaluate them, and where to find them. This class session would be useful to students in both first-year and advanced legal research and writing courses. Ideally, it would be taught toward the end of a spring course, as students are nearing summer jobs or full-time employment after graduation.

What follows is a basic outline for a class session devoted to research guides. In its most condensed form, the material would take only 30 minutes to cover, but it could easily be expanded by spending additional time exploring sample research guides and incorporating exercises in class.

An Introduction to Online Research Guides

Like the secondary sources covered earlier in a legal research course, online research guides are a resource to consider when faced with a research question involving an unfamiliar area of law or jurisdiction.¹ These guides are usually written by

¹ For a discussion of additional strategies and sources to consult when researching an unfamiliar area of law, see Peggy Roebuck Jarrett & Mary Whisner, “Here There Be Dragons”: *How to Do Research in an Area You Know Nothing About*, 6 *Perspectives: Teaching Legal Res. & Writing* 74 (1998).

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law librarians at academic or government law libraries, and they are generally posted and freely accessible on those libraries' Web sites. Not every institution uses the term “research guide”; some institutions refer to this type of document as a pathfinder or a resource guide.

A research guide can serve many purposes:

- First, it can provide an overview of an unfamiliar area of law, jurisdiction, or resource (such as the *Code of Federal Regulations* or the West Digest System).
- Second, a guide can put a question into context by allowing the researcher to see the broader structure and organization of a topic. Some research guides will even go so far as to provide a research checklist or step-by-step instructions.
- Third, a research guide pulls together the essential primary and secondary resources for that particular subject, both free and subscription-based. Law librarians thoughtfully select and organize these resources, enabling the researcher to build off of their work.
- Fourth, a guide will point the researcher to the key resources in both print and online formats, often giving library call numbers for print resources and direct hyperlinks to online resources.

There are a number of sources of research guides from academic, government, and other institutions:

- Many law school libraries prepare and post online research guides.² These guides are often written for a particular course.
- State law libraries and archives generally provide a guide to conducting legislative history research in that particular state.³

² See, e.g., Marian Gould Gallagher Law Library, University of Washington School of Law, <lib.law.washington.edu/ref/guides.html> (last visited Jan. 26, 2009); see also Georgetown Law Library, Georgetown University Law Center, <www.ll.georgetown.edu/research/> (last visited Apr. 7, 2009).

³ See, e.g., Oregon State Archives, Oregon Legislative Records Guide, <arcweb.sos.state.or.us/legislative/legislative_guide/legislative_guide/legal.html#Legislative_Holdings> (last visited Apr. 7, 2009).

- The Law Library of Congress' Web site is a rich and frequently overlooked resource, providing research guides for countless states, countries, and subjects in its “Guide to Law Online.”⁴ The Guide provides links to free online resources and to other libraries' online catalogs.
- Other key sources for research guides include the Law Library Resource Xchange (LLRX) Web site⁵ and Zimmerman's Research Guide.⁶ Both offer a collection of guides submitted by law librarians from a variety of institutions, including corporate law firms.

How to Evaluate a Research Guide

Researchers need to evaluate the guides they find in order to select the one best suited to their particular research question. There is a short mnemonic device I use to help my students remember how to evaluate the research guides they locate: “How much is this guide T.E.A.C.H.ing me?” This type of evaluation may be something that comes as second nature to students, but this device still serves as a helpful reminder:

- **T**imeliness: date of last revision
- **E**ase of use: organization, navigation, hyperlinks
- **A**ccuracy and authoritativeness: institution, author
- **C**omprehensiveness: breadth, depth, purpose, intended audience, types of sources (print, online, free, subscription)
- **H**andiness: downloading, printing

I always remind my students that even though online research guides are generally written by law librarians at respected institutions, guides cannot be

⁴ Law Library of Congress, Guide to Law Online, <www.loc.gov/law/help/guide.php> (last visited Apr. 7, 2009).

⁵ Law Library Resource Xchange, LLC, <www.llrx.com/legal-research.htm> (last visited Apr. 7, 2009). Sabrina Pacifici, a law librarian in Washington, D.C., is the creator, editor, and publisher of LLRX.

⁶ LexisNexis InfoPro, Zimmerman's Research Guide, <www.lexisnexis.com/infopro/zimmerman/> (last visited Apr. 7, 2009). Andrew Zimmerman is a law firm librarian in Baltimore, Md.

cited. I emphasize that research guides are simply meant to be a helpful starting point for research, not a substitute.

Finding Research Guides on a Particular Topic

Begin by asking what type of institution or Web site is likely to maintain a research guide on the particular topic. For instance, if the student had a question involving Oregon legislative history, he or she might think to check the Web sites of Lewis & Clark Law School and the Oregon State Archives. Beyond that preliminary hunch, there are a couple of routes to finding research guides by topic:

- First, there are guides to research guides, circular as that may sound. The best example of this is Indiana University Law Library's research guide to state legislative history guides, organized by state.⁷
- Second, there are search engines:
 - A simple search in Google for the subject and the phrase *research guide* will provide some results (e.g., search “administrative law” and “research guide”). Since some institutions use the term *pathfinder*, a second search for the subject and the term *pathfinder* may return additional results.
 - The Legal Research Engine from Cornell University Law Library is a specialized search engine devoted to locating online research guides.⁸ It performs a keyword search in the full text of the research guides from more than one dozen law schools and LLRX.
- Third, law library catalogs contain numerous entries for research guides in electronic and print format. Although this article primarily focuses on online research guides, many guides have

been published as books or journal articles. Relevant search terms include *pathfinder*, *bibliography*, and *research guide*.

- Fourth, legal periodical indexes can provide citations to research guides that have been published as journal articles. These articles are often available in both print and electronic formats.

I like to introduce a hypothetical research question at this point and practice constructing a search using the Legal Research Engine. For example, ask the students to imagine that they are summer associates and a partner asks them to research the following questions for a client who manufactures voting machines: What laws govern voting machines? Were there any problems with voting machines in the 2008 election that led to litigation? A search for the phrase “election law” leads to a number of research guides, most notably from Georgetown and the University of Chicago. This specialized search engine does not include the Law Library of Congress, but a separate visit to that Web site or a Google search will locate the Library of Congress' guide to election law. After finding multiple guides on the subject, I like to reinforce how the students can evaluate which guide to use by asking how much each guide is T.E.A.C.H.ing.

Conclusion

Legal research and writing instructors strive to teach the tools and strategies law students will need to conduct effective and efficient research in law school and beyond, whatever the specific legal topic may be. Devoting a class session to online research guides will increase students' awareness of these valuable tools and build their confidence in tackling research questions in new areas of law.

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⁷ Indiana University Law Library, State Legislative History Research Guides on the Web, <www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml> (last visited Apr. 7, 2009).

⁸ Cornell University Law Library, Legal Research Engine, <library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm> (last visited Apr. 7, 2009).

Online Legal Research Guides: Selected Collections

Marian Gould Gallagher Law Library, University of Washington School of Law:
<http://lib.law.washington.edu/ref/guides.html>

Georgetown Law Library, Georgetown University Law Center: <http://www.ll.georgetown.edu/research/>

Law Library of Congress, Guide to Law Online: <http://www.loc.gov/law/help/guide.php>

Law Library Resource Xchange (LLRX): <http://www.llrx.com/legal-research.htm>

LexisNexis InfoPro, Zimmerman's Research Guide: <http://www.lexisnexis.com/infopro/zimmerman/>

Indiana University Law Library, State Legislative History Research Guides on the Web:
<http://www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml>

Cornell University Law Library, Legal Research Engine:
<http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm>

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Another Perspective

"We must help students move beyond a simplistic view of the research and writing process to an understanding that there are many sources of indeterminacy in the analysis of legal issues and in the decision of legal disputes. The goal is not to find *the* answer, but to determine the range of possible theories that may apply, identify where the indeterminacies lie, formulate the best possible estimates of possible outcomes, and use this analysis to formulate strategies for anticipating responses and influencing the determinations of adjudicators. We must teach students in a way that allows them to recognize and avoid the traps laid by the deceptive ease of computerized searching. Specifically, they need to understand the structure of legal information and its relation to legal authority and doctrine, master the steps of the research and writing process, and understand that by this mastery they move from the vast indeterminacy of searching blindly in the fog of the computer research environment to being able to use structure and process to isolate and identify the inherent indeterminacies of the legal system so that they may be anticipated, reduced, and influenced.

Donald Rumsfeld was ridiculed for his statement, but he actually stated very succinctly what our students must be able to do: move from not knowing what they don't know to knowing what they don't know, the beginning of understanding.

This program of instruction reflects the reality of life in the law and, taught properly, benefits not only our students, but shows the students and the law school that the research and writing program is teaching real law."

—Spencer L. Simons, *Navigating Through the Fog: Teaching Legal Research and Writing Students to Master Indeterminacy Through Structure and Process*, 56 J. Legal Educ. 356, 373 (2006).