

MANAGING A RESEARCH ASSIGNMENT

BY MARY WHISNER

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Many of our efforts at teaching legal research focus on particular tools or topics—we give a presentation on how to research federal statutes in print, we offer a hands-on session on using online citators, or we visit a class and introduce specialized resources for that subject. When undertaking actual projects, however, some students struggle with using the disparate pieces they have learned. Where should they start? When should they use one source rather than another? When do they go online? How do they put it all together? In the last couple of years, we have experimented with ways to help students with this challenge in two contexts: the first-year moot court problem and the summer job.

Moot Court

The moot court problem is generally the biggest assignment the first-year students have faced. Through the year, they have been given a series of writing and research assignments. Early writing assignments do not require research; early research assignments usually direct them to certain sources or types of sources. Now they are asked to put all their skills together. Even if they were paying close attention when they had a unit on secondary sources, statutes, and digests in January, competent students could still find that their knowledge is tenuous when they have to jump into this assignment in March or April. Moreover, this is a bigger project than they have dealt with before: they will spend weeks on it, generating many pages of notes, photocopies, and printouts. If they are to avoid being overwhelmed, they need to organize their work.

Last year, we addressed this need by combining students from different sections of Basic Legal Skills (the required first-year legal writing and research course) into two large groups for presentations by a reference librarian (me). We timed these presentations to come a few days after

the students had received their moot court packets, but well before they were expected to turn anything in. I talked about note-taking skills.¹ Among other things, I used props—a huge stack of unsorted printouts from LEXIS-NEXIS® and Westlaw®, a few neat file folders, a notebook—to get their attention (and, in the case of the printouts, to provide some comic relief). I always urge students to develop some system for organizing their research, but I do not prescribe one: I recognize that some students will be most comfortable with a three-ring binder, others with a laptop computer, and some with shopping bags of printouts. I just would like the shopping-bag students to consider highlighting the printouts, jotting down key terms, and perhaps supplementing the shopping bag with an outline or summary notes.

The students and I spent the bulk of the presentation brainstorming about the problem. This provided a good review of the research process we had taught the students in the winter² as well as of specific tools. Modeling the research process, I had the students talk me through a preliminary analysis of the problem. What questions did they think they would need to answer? What terms would be important? What were the key facts in the problem? Would they be looking at federal or state law? Together we looked at the moot court packet to pick out clues. For instance, the decision being appealed cited the relevant statute; they should seize on that as a research lead. The record excerpts in the packet included important—and unimportant—facts; they needed to read everything carefully and begin to sort the facts into legal categories.

Part of preliminary analysis includes consulting secondary sources to get an overview of an area, as well as citations to primary authority. So I asked students where they would start to look. It is good to be reminded—as I was that day—that students are just not as familiar with the types of secondary sources as more experienced researchers are. They

¹ See Penny A. Hazelton, Peggy Roebuck Jarrett, Nancy McMurrer & Mary Whisner, *Develop the Habit: Note-Taking in Legal Research*, 4 Perspectives: Teaching Legal Res. & Writing 48 (1996).

² See Penny A. Hazelton, *Why Don't We Teach Secondary Materials First?*, 8 Perspectives: Teaching Legal Res. & Writing 8, 8 (outlining Marjorie Rombauer's research strategy from *Legal Problem Solving: Analysis, Research & Writing* (5th ed. 1991)).

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may have had exercises that exposed them to hornbooks, encyclopedias, ALR³, and so on, but two months later they need prompting. The class did come up with suggestions, and then we discussed which ones might be useful. Before the presentation, I had done enough research to know that there were some law review articles and ALR annotations on point. Without saying, “Here is the law review article that will explain all,” I encouraged them to consider that sort of source. We reviewed how to use LegalTrac to find articles and discussed possible searches (using the key terms they had already suggested for the problem). We talked about how the secondary sources they found might give them relevant authority, then talked about how they could research further, reviewing the roles of annotated statutes, digests, citators, and online searching.

The Basic Legal Skills faculty and I thought that these sessions were successful. The students participated in class and seemed to feel a little more confident starting their projects. We did not worry that the session gave too much away: the students still would face plenty of challenges in researching their moot court problems, even with the guidance they picked up in the classroom.

This year, we tried to repeat the success and offered a similar session. I found it harder to get the students to participate. It might be that fewer students had read the packet, which meant they were less eager to jump into a discussion about the case. This year’s presentation was optional (not required, as last year’s was), conflicted with a presentation about clinics, and came at the end of a week of optional presentations sponsored by the Moot Court Honor Board, so the students I saw might simply have been too overwhelmed to respond to my cheery questions. Even with the lower involvement by the students, I do think this was a helpful session to offer, and I hope to do it again.

Summer Job

The other context in which students must manage complex assignments is their summer jobs. For the last five years, our library and career planning office have sponsored a half-day program early in the summer for students—both from our own school and from any other law school—who are working in town.³ Along with sessions on legislative history,

³ See Michael R. Gotham & Cheryl Rae Nyberg, *Joining Hands to Build Bridges*, 7 Perspectives: Teaching Legal Res. & Writing 60 (1999).

practice materials, Web sources for legal research, and so on, we have included sessions on note taking and managing a research assignment.⁴

I like to have students participate as much as possible, but it is harder to draw them out in a bridge-the-gap session than it is in a regular class. When I talk to students about their moot court problem, for example, they have been in class together all year. They are all working on the same problem, and I know what the problem is, what resources they have at their disposal, and when their assignments are due. They have seen me before, and I know some of them by name. An audience at a bridge-the-gap session is more diverse: many of the students have never met before, since they attend different law schools and work in different places; they may be working in very different settings (from judges’ chambers to public defender offices, big law firms to the state attorney general’s office) with different resources and different expectations. No doubt many of them share similar challenges in their jobs—not knowing what the assigning attorney wants, being uncertain about how to get started on an assignment, not knowing when to stop or when to ask for help—but they might be embarrassed to talk about these issues in front of other students. How can we get them to talk about the challenges they encounter at work without putting them on the spot?

Dramatic Presentation

This year, we tried a dramatic presentation. Our skit showed a summer associate (played by reference librarian Ann Hemmens) getting assignments from a partner (played by reference librarian Nancy McMurrer) and, occasionally, getting assistance in her research from a reference librarian (me). In about 20 minutes, we were able to illustrate some potential pitfalls and some effective techniques. Following the skit, students were—we believe—more willing to talk than they would have been otherwise. In any event, we had some examples to discuss. To give readers a flavor of the skit, excerpts are produced in a sidebar.

⁴ These topics are touched on in other sessions, as well. For example, Career Planning’s panels on making the most of a summer job invariably address the importance of good organization. The session on practice materials includes discussion of how the materials fit into a research strategy.

The skit illustrated many lessons:

- It is OK to ask questions of an assigning attorney.
- Understanding the task is more important than saving face in the short term.
- Going online right away might not be cost-effective—and it might not yield the right answer.
- You should take good notes when getting an assignment.
- It pays to update. The statute you found might have been amended.
- You should find out when you need to report back and in what format (e.g., orally or in a formal memorandum).
- A reference librarian can point you to valuable sources.

Good lessons, right? Yes, but I confess that, even though they are my lessons, the list is rather flat. If I were a student in a class, I would start doodling as soon as some librarian started listing these platitudes. “Yeah, yeah,” I’d mutter cynically, “Tell us something we don’t already know.” It may be true that we should floss, eat more fruits and vegetables, exercise regularly, drink lots of water, and make our beds every morning, but who wants to be lectured about those good habits? The skit enabled us to communicate the lessons more vividly and less pedantically than in a lecture.

After the skit and a discussion of it, we also covered tips on note taking⁵ and some practical advice about keeping a log of assignments and a good calendar.

The log of assignments applies basic time-management tips to the context of a law student’s likely summer job experience. A student should keep track of the assignments given, with brief notes about who assigned the project, when it is due, and so on. The log can serve several purposes: as well as helping the student to keep track of assignments and meet deadlines, it gives the student a ready-made chronicle of the summer. When it is time to update her résumé, the summer clerk can easily scan to see the types of projects she worked on. When he needs references, the extern can see which attorneys he worked for and remind

them of the projects he did. The log does not have to be fancy. Here is a simple model:

Date Assigned	Supervisor	Project	Due	When will I work on it	Done
7/2	Anne McDonald	Ferguson case—prepare memo on prescriptive easement Q.	7/10	research 7/6–7/7 write 7/8	7/9
7/6	David Marks	Fein medical case—find Pa. statute of lim; copy w/ annotations	7/7	Research 7/6	
7/7	Jane Hansen	memo re compensation for eminent domain taking of a leasehold	7/15	?	

The log alone is not enough. Students who are juggling several projects—as well as trying to go to the firm picnic, have lunch with their mentors, and so on—would be well advised to use a calendar. For example:

Mon. 7/6 a.m. meet w/ Pete H. p.m. go to King County Law Lib. to research	Tues. 7/7 a.m. more research at KCLL? lunch w/ Liz M. Give David Pa. S/L info	Wed. 7/8 draft Ferguson memo	Thurs. 7/9 p.m. observe deposition w/ Jack	Fri. 7/10 Ferguson memo must be done!
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Our handout also offers a checklist for project intake:

- When is this due?
- What is the requester’s name, phone number, e-mail address?
- If you have questions as you go along, can you contact the requester? Is there someone else in the office who is familiar with the project?
- What format should the final product be in? (A list of citations, photocopies of cases, informal notes, an oral report, a formal memo, a draft summary judgment motion?)
- How much time should you spend?

⁵ See Hazelton et al., *supra* note 1.

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- How should costs be charged (client, account number)?
- Try to flesh out the assignment as much as you can before you start researching. Asking questions is GOOD!

The evaluations of this session were strong, but not unanimously so. One student remarked that the session was “VERY common sense—nothing new.” Another said, “This would be good for the summer after first year.” These students might have been upper-class students (or better organized than typical first-year students). But most of the students who attend the bridge-the-gap program are in their first summer, and most of the respondents indicated that the program would be useful for them. In their comments, several picked up on our prime lesson: the importance of asking questions. Since the skit was an experiment, we asked the students to note in their evaluations whether we should keep it. They liked it!⁶

Conclusion

Managing research assignments is challenging—even for those of us who have been doing it for many years. We can help students by offering them practical tips. They will be able to apply them better if we offer the tips when they need them—e.g., as they start their moot court projects or when they are in their summer jobs. Instead of giving the tips as a flat list of do’s and don’ts, we should offer the students opportunities to engage—for example, by brainstorming about the research process or by identifying with a student researcher in a skit.

⁶ See Aljean Harmetz, “*Amadeus*,” in *Sweep of Oscars Wins Best-Film and Seven Other Awards*, N.Y. Times, March 26, 1985, at C13 (quoting Sally Field’s famous Oscar acceptance speech: “I’ve wanted more than anything to have your respect. And I can’t deny the fact that you like me right now. You like me!”). Unquestionably, Ms. Field’s dramatic accomplishments far outstrip what we did in our skit, but it *is* nice to be liked.

Excerpts from *Managing a Research Assignment Skit*

ACT ONE, Scene One

Ann is sitting in a chair, leafing through a newspaper. Her phone rings.

Nancy: Ann, this is Nancy Partner. Could you come to my office? I have a quick research project for you.

Ann: I'll be right there.

(to audience): This is my first chance to impress this partner.

Ann walks to Nancy's "office." She does not carry a notepad.

Nancy: I need a copy of the PRP statute for a meeting in half an hour. Bring it to me.

Ann: OK! Right away!

Ann walks back to her desk, musing: Well, finding a statute: that seems easy enough. I'll just boot up Westlaw (or LEXIS-NEXIS). Hmm, I wonder what PRP is. Guess I'll find out. Sits down and mimes turning on computer. Ms. Partner acted like this was a really big-deal statute. I was too embarrassed to ask what it was, but since it's important, I bet it's a federal one. Let's see ... I'll type in PRP ... 10 documents. That's great. What are they about? Oh, "potentially responsible party." It's some environmental cleanup provision. I'll print these out and I'm done.

Walks back to Nancy's "office" with a stack of papers.

Ann: Here you go—the PRP statutes.

Nancy: What is this? USCS? What's this environmental stuff? That's not what I wanted at all. And why did you print it out, anyway? Don't you know how much LEXIS-NEXIS and Westlaw cost us? Why can't we hire competent clerks?

Ann walks out, hanging her head, miserable. Geez, I guess I blew that one. I wish I could turn back the clock and start over.

Mary holds up a sign: A SECOND CHANCE!

ACT ONE, Scene Two

Nancy: Ann, this is Nancy Partner. Could you come to my office? I have a quick research project for you.

Ann: I'll be right there.

(to audience): I guess I do get another chance! This time, I'll do better.

Nancy: I need a copy of the PRP statute for a meeting in half an hour. Bring it to me.

Ann: Could you tell me what PRP stands for?

Nancy: That's "personal restraint petition." It's a form of postconviction relief in this state, sort of like habeas corpus.

Ann: Would you like a printout or a photocopy of the statute?

Nancy: Just bring me the volume of the *Revised Code of Washington Annotated*.

Ann: OK—I'll go get it!

(to audience) I was nervous about asking questions, but Ms. Partner didn't really mind. And now I have a lot better idea about where to look! Funny that it's "personal restraint petition," not "potentially responsible party."

Since she wants the RCWA, I might as well start with the index. ... "PERSONAL RESTRAINT—Crimes and offenses, petitions, postconviction relief, limitation of actions, WA ST 10.73.090 et seq." *(leafs through the book)* Yep, this is it. The book has its pocket part; that's good. I'll check the legislative service just to be sure there weren't any changes this year. Wow, there's a new postconviction relief statute ... OK, I'm set.

Goes to Partner's "office," knocks.

Here's the volume you wanted. I marked the pages. I also checked the legislative service. There's a new statute on postconviction relief.

Nancy: Thanks! This is just what I needed!

Ann: This only took me a few minutes. Would you like me to bill it? What's the client number?

Nancy: Oh, this meeting is for some pro bono work I'm doing. Go ahead and record your time as ____, but we won't be billing it.

ACT TWO, like Act One, has Nancy Partner giving an assignment to Ann. This time the project is more complex, including both procedural and substantive issues. Ann takes notes using an overhead projector, so the students can see the information she jots down as Nancy gives the assignment and Ann asks clarifying questions. Ann's notes are brief, but capture key information—from client's name and billing number to facts and legal issues. Ann makes sure she understands what Nancy wants done first and when she should report to her. When Ann goes to the "library" to begin her research, she asks for help from a reference librarian, who tells her about some practice materials for her project. Ann reports back on a preliminary question and, with Nancy, plans what she will do next on the project.

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