

TEACHING ADVANCED ELECTRONIC LEGAL RESEARCH FOR THE MODERN PRACTICE OF LAW

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Technology for Teaching ... is a regular feature of Perspectives, designed to introduce and describe the ways in which teachers of legal research and writing are using technology to enhance their teaching. Through Volume 9, this column was edited by Christopher Simoni, Associate Dean for Library & Information Services and Professor of Law, Northwestern University School of Law. Readers are invited to submit their own "technological solutions" to Mary A. Hotchkiss, Perspectives Editor, University of Washington School of Law, 1100 N.E. Campus Parkway, Seattle, WA 98105-6617, phone: (206) 616-9333; fax: (206) 616-3480, e-mail: hotchma@u.washington.edu.

Introduction

During the last five years, the legal profession has witnessed significant changes in the nature and process of legal research. While print publications continue to be important, changes in the publishing industry and the rise of the Internet have led to the increasing importance of finding information available only or primarily in *electronic* format.¹ Increasingly, students and others seem to believe that all legal research can be done online and that electronic information resources, no matter what their provenance, are as reliable as those produced by commercial publishers. As librarians, we need to dispel this

¹ See generally, M. Ethan Katsh, *Law in a Digital World* (1995).

myth and help students understand the truth about electronic information resources and enable them to harness their power in a cautious and intelligent manner.

In the spring 2000 semester, I taught the first Advanced Electronic Legal Research course at Northwestern. The course was intended for students who wanted to develop or enhance their electronic legal research skills or for those who knew that they would be working at law firms, courts, organizations, or corporations that had trimmed or eliminated their print collection. It was graded, carried one hour of credit, and covered only *electronic* research resources and techniques.

Goals of the New Course

I had several goals in mind for the course. I wanted to introduce students to a variety of online resources other than those covered in the first-year course. Also, I wanted to help them develop the critical skills necessary to evaluate these resources for aptness to task, accuracy, completeness, and currentness. To meet these goals, the students would evaluate commercial products from LEXIS® and Westlaw®, state and federal governmental Web sources, academic Web sites, and law-related portals.

Thirty-two students registered for the first class. Because the area of electronic information resources is growing so rapidly, and because I wanted to expose students to a wide range of information resources, I made extensive use of guest lecturers drawn from the Chicago legal community. While most of the lecturers were attorneys and law firm librarians, the course also drew upon the expertise of a business reference librarian at the University Library, who was the library liaison to the Northwestern University Kellogg Graduate School of Management.

The Components of Advanced Electronic Legal Research

Building upon the legal research techniques presented in the law school's first-year legal writing program, the course offered advanced training on LEXIS and Westlaw and provided a structured introduction to Internet-based legal information resources. The Internet topics covered included electronic mailing lists, World Wide Web

resources, and file transfer protocol (FTP). The course provided the electronic research tools that are needed in the modern practice of law, including the critical skill of how to evaluate information resources.

I taught the course in a smart classroom, and students could bring their laptop computers into the classroom and plug them directly into the Internet at their seat. Instead of requiring students to purchase a textbook, I assigned readings from a selection of materials, including LEXIS and Westlaw manuals, research guides, articles, and Internet publications. I used CourseInfo, which is online course software licensed by the University; Microsoft® PowerPoint slide presentations; and hands-on exercises.

I used CourseInfo to post announcements, assignments, course materials, lecture notes, PowerPoint slides, and other materials for students to view before, during, and after class. I could also begin a class discussion using this electronic product without having to be inside the classroom or having to use video or teleconferencing equipment. Students also could drop off assignments into a digital drop box on my CourseInfo site. Students were responsible for checking their e-mail and the CourseInfo site for assignments.

Topics Covered

During the several weeks of class, I introduced students to electronic legal research in general, including Internet terminology; a range of Web sites; and the process for evaluating search engines and law-related Web sites. We also critiqued well-known and nationally recognized law-related Web sites such as Cornell Law School's *Legal Information Institute*² and *WashLaw WEB*.³ State and local law-related Internet sites and other useful law and non-law-related sites also were analyzed during the class sessions.

For the balance of the course, we covered a range of information types, including business information, corporation information, and advanced LEXIS and Westlaw searching (including cost-effective search strategies). The course

concluded with classes taught by law firm librarians who emphasized effective computer-assisted legal research (CALR) usage and demonstrated research strategies for the modern attorney, including a critical look at the role of the new associate in the six-figure-salaried⁴ "dot-com" world. One presenter emphasized the problems associated with many free and unreliable Web resources, all of which combine to make cost-effective research nearly impossible.

Grading Based Primarily on Problem Sets

I chose not to give a final exam in the new electronic course as we had been doing in the other advanced legal research course that we teach. Instead I chose to give four graded research assignments. Each assignment would take about 10 hours to complete, and students were encouraged to collaborate and discuss their strategy and approach to the questions but they were to turn in their own work.

The first assignment tested the students' ability to retrieve information from the Internet, evaluate the reliability of that information, and apply that information to a fact pattern. Below is one example from the questions in the first problem set.

One of your law firm's clients was playing Frisbee outside the Six Flags Great America Theme Park in Gurnee, Ill., when his dog (a Welsh terrier named Snickers) suddenly bit someone.

(a) What are your client's legal duties under the Village of Gurnee Municipal Code (even if your client is not sued)?

(b) What free Internet source can be used to locate such hard-to-find information? (Hint: Go to the Seattle, Wash., Public Library Web site.)

(c) Can you find this information on LEXIS and Westlaw?

(d) Do most libraries carry print versions of municipal ordinances for cities other than their own?

The question serves two purposes. First, it

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² <www.law.cornell.edu>.

³ <www.washlaw.edu>.

⁴ For a review of today's salaries for new associates, see Kathleen Maxa Frank, *How Much Is Too Much? The Stunning Rise in Associate Salaries*, Washington Lawyer, Oct. 2000 <www.dcbbar.org/washlaw/october/salaries.html>.

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forces law students to think of municipal ordinances as a source of law. Many second-year and some third-year students tend to think of common-law issues, requirements, and remedies only because of the traditional first-year curriculum. Here the student is on notice that a provision of a village ordinance delineates a specific duty. The second goal is to force students to think of what resources would yield the text of local ordinances. Moreover, Gurnee’s Municipal Code is available through a link provided on the Seattle Public Library’s Web page, material not available on LEXIS or Westlaw.

The three remaining assignments required students to use subscription-based and free Internet sites to do business and interdisciplinary research. They were to perform comparative searches on LEXIS and Westlaw and to note obvious and subtle differences between LEXIS and Westlaw and then between LEXIS and Westlaw and free and subscription-based Web sources. Additionally, students were asked to integrate what had been covered in the course, tying together elements of Web research, LEXIS and Westlaw searching, and business-related sources as well as, most important, identifying and evaluating the resources’ potential values and shortcomings.

External Links Used to Help Teach the Course

An important component of my CourseInfo site was the external links module, where I included links that directed students to electronic information resources. I included reliable and less ubiquitous sources of information about the Internet, legal research, and URLs that would point my students to specific forms, laws, cases, extralegal information, and statistics that would help them with their research. I used the following folders in the course.

- Internet News Update
- Law and Business on the Internet – An Overview
- Search Engines and Subject Directories
- Legal and Other Information Portals
- University Research Sites
- Legislation/Legislative History/Government Information Sites
- State and Local Materials

- Nonprofit Organizations and Trade Associations
- Evaluating Internet Sites
- Electronic Business Resources
- Electronic Business Resources/Northwestern University Library (Guide I)
- Other Web Information for Business Research (Guide II)
- Online Legal and Business Forms
- Australian Legal Materials
- Canadian Legal Materials
- Foreign and International Law Sites
- Modern Practice of Law
- Commercial Services
- News and Information Services
- The Internet Industry
- Northwestern University
- Miscellaneous

Within each folder, I listed titles and their accompanying URLs. Below is an example of an abbreviated list that I had placed in the Law and Business on the Internet—An Overview folder.

Law and Business on the Internet—An Overview

Around the Web in 19 Clicks <www.business2.com/content/magazine/vision/1999/12/01/11304>

The Art of Using Links and Bookmarks <www.law.emory.edu/LAW/paralegal/links.html>

Blackmon, Josh, *Fact-Finding on the Internet*, Internet Lawyer <www.internetlawyer.com/til/research/articles/factfind.htm>

Business Connections (*New York Times*) (password needed) <www.nytimes.com/library/cyber/reference/busconn.html>

Chaos, Cyberspace and Tradition: Legal Information Transmogrified <www.law.berkeley.edu/journals/btlj/articles/12_1/Berring/html/reader.html>

Feldman, Susan, *Where Do We Put the Web Search Engines?* <www.infotoday.com/searcher/nov98/feldman.htm>

PC Magazine Online, Find It on the Web (December 1998) <www.zdnet.com/pcmag/features/websearch98/index.html>

Hot Sites <www.law.emory.edu/LAW/paralegal/hot.html>

How to Put Internet Search Tools to Work for You <www.law.emory.edu/LAW/paralegal/tools.html>

Index of Law Related Meta Indexes (Chicago-Kent College of Law) <www.kentlaw.edu/clc/lrs/lawlinks/meta.shtml>

law.com <www.law.com>

LawGirl.com <www.lawgirl.com>

Villanova Legal Express (law-related resources on the Internet) <vls.law.vill.edu/library/express>

Librarians' Index to the Internet <lii.org>

Pathfinder Clearinghouse (American Association of Law Libraries, Research Instruction and Patron Services (RIPS)) <www.aallnet.org/sis/ripssis/pathfinder.html>

Research Tools-Guides & Pathfinders (University of Minnesota Law Library) <www.law.umn.edu/library/tools/pathfinders/pathfinders.html>

Search Tools for Web Sites, Intranets and Portals <www.searchtools.com>

Student Feedback: Notes from the Field

I solicited feedback from my students throughout the semester about what materials should be covered and what materials might be dropped. There appeared to be a split in the class as to whether litigation resources should be taught. One-half of the class had little interest in litigation resources and thought that more emphasis should be placed on business resources. A few students apparently did not understand the need for attorneys to research and use government documents and statistical information and believed those materials could be eliminated. However, most in the class disagreed. Most had accepted my supposition that such information was vital to attorneys involved in litigation, criminal law, antitrust, or benefits law, or taking on any matter whereby a federal or state agency was involved.

Conclusion

Overall, the implementation and teaching of the Advanced Electronic Legal Research course last spring was a success. Most students had told me that this course had been the most important one they had taken in law school. The technology, course materials, and techniques had worked to better prepare the students to face a new world of electronic-based legal research. I am glad that I had the opportunity to teach this new course at Northwestern and am thrilled to do it again in the spring of 2001. I will add some new things to the course to make it better. I will add Loislaw and additional litigation and business resources to the mix. Because government resources are the most reliable Web resources, I have considered adding a textbook⁵ that would review finding government information on the Web.

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⁵ Peter Hernon, John A. Shuler, & Robert E. Dugan, *U.S. Government on the Web: Getting the Information You Need* (1999).