

TEACHING NONLEGAL RESEARCH TO LAW STUDENTS: A DISCIPLINE-NEUTRAL APPROACH

BY DOUGLAS W. LIND

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The need for research instruction in nonlegal or interdisciplinary areas becomes increasingly obvious as the study and practice of law diversifies. Advanced legal research classes are adding to their syllabuses topical discussions in areas such as company and business research, health, medicine, and social policy, in order to provide students with basic bibliographic foundations in these areas. Generally though, law schools do not offer classes devoted entirely to the process of nonlegal or interdisciplinary research. In 1999, the Georgetown Law Center began an experiment to address the needs of those students in seminar classes who needed research assistance when writing papers requiring the use of traditionally nonlegal resources. Rather than address this from a discipline-specific approach as was already being done in advanced legal research classes, this course was designed to instruct students in the methodology of interdisciplinary research generally. Spanning only six weeks, this one-credit course was based on classes in library research offered at many undergraduate schools, but modified to assist law students writing seminar papers. The course has evolved into a two-credit, semester-long, seminar-style class addressing not only scholarly research, but also potential nonlegal and interdisciplinary research needs in the practice of law.

Philosophy of the Class

A general methods—rather than a discipline-by-discipline—approach avoids a heavy reliance on bibliographic instruction. Although knowing what the standard sources are in each discipline is

beneficial, my experience is that this knowledge can be gained through one-on-one instruction with a librarian or attorney, or through self-instruction using the plethora of general research guides on the Web. Rather than devote a majority of class time to this, I instruct from a general methodological approach to give students a foundation of how information is arranged, what types of materials are available regardless of the topic, and how to determine the appropriate methodology for any given research topic. Although standard sources may be discussed in lecture, students, through their assignments, are left on their own to discover and explore the sources relevant to their situation, thus learning about the sources in context. With this foundation, they learn how to logically approach a variety of research situations and how to find sources they need.

Applying Classroom Instruction to Individual Topics

Although the course does not focus on particular disciplines, this is not to say that students are without exposure to them. In fact, the class is run much like a seminar. Enrollment is limited to 15 students and each selects a topic, related to law but not specifically legal, at the beginning of the semester to follow throughout the course. Their topics serve as a tether during the semester, providing context as it is applied, via assignments, to each general syllabus section. Each two-hour class consists of an interactive lecture and student discussion of their results applying the previous class topic to their individual topics and disciplines. To maximize exposure to unfamiliar materials, traditional legal sources are not to be consulted.

Intended Outcomes

The combination of lecture and application of principles to individual topics, followed by group discussion of findings, gives students hands-on, contextual experience of researching an issue in an unfamiliar area. Furthermore, the seminar style of classroom discussion exposes them both to the broad array of disciplines and types of topics that may be encountered and how they might be dealt

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with. For example, students discover that current topics require a different strategy than those that are more established and topics often touch upon several disciplines. The general lectures also give them the foundation for methodologies that can be applied to the varying research situations they will eventually face in the future. These include how to narrow a paper topic using online and print sources; the benefits of a controlled vocabulary in an increasingly full-text searchable world; how to discover the best sources for research in a given discipline; and how to evaluate the reliability of electronic sources.

Mechanics of the Class

Choosing a Topic

The choice of a topic is based on a real or imagined situation of writing a paper that is law-related but not specifically legal. The course does not use sources covered in first-year legal research classes and advanced legal research. Rather than start with the question “How do I find things on this topic?” I tell my students to take a step back and ask, “What *is* my topic? What discipline(s) does it touch upon? Is it broad or narrow? Does it have subcategories that I should be interested in? Is it well established or relatively current?” These topics are used as a springboard for the early lectures on how information is arranged, what sources are available for learning more about a topic, and if a chosen topic is viable for the intended purpose (in this instance, writing a seminar paper).

Why Not Just Google It?

I use the first couple of classes to discuss the arrangement of libraries and information generally, including how call numbers and subject headings can be used to gather monographic information and how similar controlled vocabularies can be used for researching journal literature. I also discuss how library catalogs can be used to not only gather citation information but also to get a sense of how much is available on a given topic, seeing the larger discipline in which it resides and what other disciplines may be related to it. To their disdain, I forbid the use of electronic resources in

these early stages of topic selection (with the exception of library catalogs). I assure them that in the real world Google has many professional and scholarly applications, but by forcing them to work with the print materials and analyze the viability of their topics individually, and later in group discussion, a foundation is created that will be the basis for practice in an electronic environment. I also point out that although online services are arguably making the tasks of learning legal bibliography and methodology more intuitive and seamless, reliance on this form of research without proper foundation and knowledge of organization increases the greater danger that valuable information will be overlooked.

Not All Electronic Material Is Created Equal

In class and at the reference desk, I am always impressed by how students readily give equal credence to information available on the Web regardless of who is presenting or publishing it. To battle this, I move them slowly into searching those materials that are akin to print materials and often are merely the electronic versions of the print product. Most of what I focus on are databases to which the library subscribes. I demonstrate how the full-text searching that they are so enamored with is indeed useful when gathering information about very recent or specific topics, but often leaves the researcher who needs more general information wallowing in results. If the biggest pedagogical challenge in the early classes is keeping students engaged during discussions of the organization of print materials, here promises are realized as students apply their topics to aggregate databases where use of keyboard searching and controlled vocabularies (when available) prove to be more effective and efficient than their beloved full-text searches. It is hoped at this point that they are learning the valuable skill of anticipating results.

The Free Web and Evaluating What You Find

After looking at authoritative electronic information, we move to searching the free Web, where discussions focus on how it is organized and what the researcher can expect to find. Again, the

practice of determining what the researcher intends to find aids in the research. And although the free Web offers an increasing amount of primary and secondary information, the students discover that it is not always authoritative and needs more evaluation than print resources found in libraries. Students also learn how the free Web is a valuable tool for learning discipline-specific sources and methodology from credible research guides published by most university libraries.

Other Topics Covered

We also discuss specific types of materials that require special methodologies or knowledge of sources. These materials may include statistics, transcripts, biographical information, personal information, and public records. The Law Center's archivist also gives a lecture on the intricacies of performing archival research at the governmental, academic, or corporate level to find those unique and often overlooked materials.

Putting It All Together: Self-Analysis by the Students and Evaluating Their Performance and Understanding

At the end of the semester, I need to have some basis on which to grade the students, but because this is a skills class and not a content-based class, it is somewhat difficult. Although I have a sense of individuals' performance, I need a more objective measure. The vehicle for this is a final paper that puts it all together. Within a set page limit, students must demonstrate these two things: (1) that they have applied proper methodology to their specific topics and analyzed their results; and (2) that they grasp the underlying principles of each syllabus section, and regardless of the topic or the discipline, once they leave this class they will be able to quickly formulate a research strategy be it for scholarly writing or interdisciplinary researching in a practice setting. My grading is 25 percent class attendance and participation, 25 percent methodology and analytical ability demonstrated through six assignments, and 50 percent final paper putting it all together.

Evaluation and Evolution

In the beginning, the class was thought to be too basic because it was essentially a library research skills class. What I quickly discovered, though, was a definite need and appreciation for this type of instruction in an environment where legal bibliography and methodology are stressed, often to the exclusion of other disciplines, and in a reality where what is available electronically often does not make topical distinctions. In the future, the course syllabus will be driven by growth in electronic resources and the evolving organization of the Web. These changes will also shape future students' expectations and the skills they bring with them. Finally, although the class has evolved pedagogically to address the rapid increase in the availability of information in electronic format and resultant change in student expectations, from a philosophical level it remains as it began: intensive instruction in the methodology of interdisciplinary research.

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“Students need to learn to correct or compensate for their weaknesses as well as to capitalize on their strengths. Thus, it is important that students be uncomfortable some of the time, just as it is important for them to be comfortable some of the time. Students need to learn to deal with more challenging methods of instruction and assessment, as well as with ones that challenge them less. Teachers who vary methods of instruction and assessment for all students automatically provide an environment in which, at a given time, some students will be more and others less comfortable.”

—Robert J. Sternberg & Elena L. Grigorenko, *The Theory of Successful Intelligence as a Basis for Instruction and Assessment in Higher Education*, in *Applying the Science of Learning to University Teaching and Beyond* 45, 48–49 (Diane F. Halpern & Milton D. Hakel, eds. 2002).