

## USING “WALKING TOURS” TO TEACH RESEARCH

BY DEBORA PERSON

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*Teachable Moments for Students ... is designed to provide information that can be used for quick and accessible answers to the basic questions that are frequently asked of librarians and those involved in teaching legal research and writing. These questions present a “teachable moment,” a brief window of opportunity when—because he or she has a specific need to know right now—the student or lawyer asking the question may actually remember the answer you provide. The material presented in this column is not meant to be an in-depth review of the topic, but rather a summary of the main points that everyone should know. It is a companion to the Teachable Moments for Teachers column that gives teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. Readers are invited to submit their own “teachable moments for students” to the editor of the column: Barbara Bintliff, University of Colorado Law Library, Campus Box 402, Boulder, CO 80309, phone: (303) 492-1233, fax: (303) 492-2707.*

As part of our tenure process, all faculty members, when voting to retain or reject nontenured faculty, must list valid reasons for their vote. These comments are typed separately and appear in our review packets. One year I was amused to see the comment, “She does very well in the classroom, especially considering she teaches the most-hated class in law school.” I chose to believe that faculty member was remembering his or her own law school experiences as my student evaluations didn’t necessarily reflect the same opinions. But as other faculty comments also hinted at the difficulties presented by teaching legal research, I decided it was a good time to review my instruction techniques.

Librarians teach 12 50-minute sessions of legal research as part of the legal research and writing course for 1Ls. The first-year class is divided into sections, with each section having approximately 20 students. We continue to emphasize paper

resources in the first year, despite the allure of electronic resources. Our reasons are twofold: many of the attorneys in our state still use print resources and students who are familiar with the content and organization of print resources will transition easily to electronic resources. Class time includes some online searching but the vast majority of our classroom teaching and library labs use print resources.

For the first few years I taught, I used a standard legal research textbook and scripted lectures. Classes, for the most part, consisted of lectures introducing specific concepts and resources. Students were assigned readings and research questions within the text. Most students felt a disconnect between the class lectures and the research questions they were answering. Several constructively criticized the course, saying they were tactile learners and needed more hands-on learning. I began to consider ways to address these needs.

Over the past four years I have developed and used research “Walking Tours.” Students buy the package of tours at the beginning of the semester. This is the only required text for the course. I strongly recommend that students refer to hornbooks and other materials that we maintain on reserve at the library circulation desk as supplemental reading. The tours are modeled after self-guided tours in a museum. Each class has a research scenario that is used throughout its walking tour packet. This allows me to discuss the use of weekly resources in relation to a specific fact pattern.

The instructions direct students to the resources in the library, followed by a brief discussion of the material that has already been introduced in class, followed by specific elements of the set, and instructions on use. The instructions are laced with commands. In order to complete the exercise the students must use the materials in front of them. For example, the walking tour for digests for our state tells them to:

- Go to M-N-1 in the library (*M-N-1 is a shelving location*). These are the state digests. (*Here follows a description of digests in general and jurisdictions in specific.*)
- Notice the set has 16 volumes that are organized by subject, an index volume, and a Table of Cases and *Words and Phrases*® volume.

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- Using the index volume, look up “wiretapping.” (*The research scenario for Section 1 deals with the validity of wiretapping a second phone conversation without an authorization order based on information received in an initial tap with a proper authorization order.*) Under the subheading “Evidence in criminal prosecutions,” it refers to **Crim Law 394.3** (*here follows further discussion of topic and key numbers and instructions on retrieving case citations under Crim Law 394.3 by looking in the digest*).

The tour continues. Students run brief searches in other volumes to demonstrate the various uses of the digests. Throughout the tour package there are short-answer questions that allow me to see whether students are using the resource correctly.

This year I added two or three simple hypothetical research questions at the end of each set of walking tours. Instructions tell students to develop a research strategy for finding the answer based on the resources they used in the current week’s walking tour. For example:

Your client has been threatened with loss of his dog because of its “vicious propensities.” After some discussion of the dog’s behavior with the client, you recognize that it will be important to determine how courts are defining the term “vicious propensities.” Using the resources from the walking tour this week, where would you begin your research?

At this point I instruct them *not* to research the question, only develop a strategy to find the answer. I expect them to be specific about jurisdiction and the updating process. This is an effort to get them to (a) plan their research, and (b) review what they know about the content of the resources. I want to get them thinking about what questions they should be asking and what resources they should be using. During the next class we use these hypotheticals to review the prior lesson and to enhance our discussion of research strategies. We consider choices that face researchers such as when state digests are preferable to federal digests, for either jurisdictional or content reasons, and the general strengths and weaknesses of

digests. Once students understand the purpose of a resource in the research process, it is a simple matter to reintroduce the resource when discussing electronic research.

The following week students receive a new client scenario. Using the same resources, they are asked to research their issues and write a research journal in which they record the steps of their research, including the issues they are pursuing and the rules they found.

At this point students have had 20 to 30 minutes of introductory lecture in class; an in-library, self-directed introduction to the resources; hands-on experience using these resources to address a small set of hypothetical questions; in-class discussion on their chosen research plan; and a fresh scenario to research in these same resources. Recently I added flow charts for researching primary resources that incorporate suggested strategies beginning with secondary sources or with primary sources.

Feedback on these walking tours has been surprisingly favorable. It can be tedious reading while standing in front of library shelves, but the hands-on experience seems to enhance the learning process. I have had students tell me they were initially less than enthusiastic about doing the walking tours because they require in-library time. When I suggested that I might discontinue their use, they strongly encouraged me to continue using them. Students have told me that they take their tours with them to their summer jobs and many students have returned to ask me for updated copies.

My colleagues are probably right that legal research classes may be intensely disliked. Research assignments are generally labor-intensive and time-consuming. First-year law students are initially reluctant to spend the time needed to develop good research skills during an incredibly busy and stressful first semester. On the other hand, at the end of the first year, many students tell me that of all the work assigned during their first semester, the legal research exercises are especially valuable. These exercises connected them with the practice of law, and the ideals they had as they entered law school.

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