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CREATING NEW LEARNING EXPERIENCES THROUGH COLLABORATIONS BETWEEN LAW LIBRARIANS AND LEGAL WRITING FACULTY

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There are very few articles discussing true collaboration between legal writing professionals and law librarians. In particular, the kind of collaboration that creates an environment structured to present multiple opportunities for engaged research is seldom mentioned. Although we have read articles written by legal writing professionals teaching research and by librarians teaching legal writing, we are not taking sides in the debate over who should teach research.¹ Instead, this article focuses on what we believe is often overlooked in the ongoing and informal dialogue: the potential integration of the two disciplines in course design and the resulting benefits to students of a richer, more complete understanding of legal research.

Given our experience in the classroom and at the reference desk, we saw a need for more intensive instruction in legal research. For that reason, we have established a collaboration that is less formal than co-teaching, and yet more formal than that anticipated by the established curriculum, a once-per-semester drop-by. We work together toward several goals: reviewing and strengthening the students' basic legal research skills; inviting students to expand their research skills into new and different areas; asking students

to research in different media (print sources, databases, Internet sources); and making transparent the process of research. This collaborative piece occurred to us several years ago and since then we have established a synergy that plays to both of our strengths and which we believe results in a more well-rounded approach to legal research and writing than we could have done individually.

A Historical Approach

We have been actively collaborating for several years on research assignments for a required first-year legal research and writing course as well as an advanced brief writing course. Our working together began as a chance assignment. At Rutgers-Camden, each law librarian is paired with one of the legal research and writing faculty. Usually, this connection goes no further than the librarian first making a brief appearance in the legal research and writing class early in the semester to welcome the students, and then again acting as a moot court judge later in the second semester. On occasion, the legal writing faculty member might contact the librarian with a quick question, e.g., “Do we have the Iowa *Shepard's*®?” but that is the extent of the partnership in most cases. The librarian presumably has copies of major research and writing assignments but is not otherwise involved.

This approach does not emphasize enough the librarian's expertise. Moreover, the first-year students are often too overwhelmed to really take much note of this phenomenal resource at their disposal. Academic integrity issues may also concern the students; they may feel that they are somehow “cheating” if they ask a librarian for anything other than simply “Where are the regional digests?” Thus the students do not become accustomed to viewing librarians as another weapon in their research arsenal. If these future lawyers do not learn early in their careers what a librarian can offer in the research process, they may not consider librarians as resources in the future.

Our Solution: Methodological Collaboration

The type of collaboration we advocate does not necessitate moving directly from infrared to ultraviolet on the spectrum of research instruction duties. We are not talking about foisting all

¹ A review of back issues of *Perspectives: Teaching Legal Research and Writing* proves this point. Many of the articles discuss how best to teach students to do legal research. Some articles are written by law librarians and some are written by legal research and writing instructors. Few are written jointly and none discusses approaching the issue collaboratively.

research education upon librarians at those law schools where the librarians do not normally teach research to the entering class. Instead, at Rutgers-Camden, where legal writing professionals are also primarily responsible for teaching legal research, we have jointly designed a creative and powerful series of learning experiences for students in which we clearly demonstrate how a lawyer actually does good research. With a major goal of enhancing student comprehension of the synergy between thorough research and effective writing, we jointly design assignments with the intention that the students will face gaps in their research know-how, both with respect to legal and nonlegal research.

In order to reach this goal, we have shifted the paradigm (legal writing and research instructors in the classroom, librarians in the library) and highlighted the librarian's role by providing planned opportunities for the students to learn. For several years we have sat down before each semester and figured out when and where the students will see and work with the librarian. Certain aspects are a given. Although she may not be listed as a co-professor, the librarian is nevertheless always included on the course Web page access list. She gets and sends e-mail messages to the discussion board. She is always invited to one of the early classes and her experience and expertise are discussed for a few minutes. She is mentioned often in class—"Susan King and I were looking at this." When a student asks the professor a research question that is beyond the basics she expects law students to already know, her standard answer is "I might ask Susan King how to do this."

Beyond these simple norms, we have further developed the collaboration to a more advanced level, incorporating both in-class and long-term projects. We have cocreated at least two final legal writing projects, one for first-year students and one for upper-level students. We submitted one of the projects, which involves home schooling issues in New York, to the Legal Writing Institute's Biennial Idea Bank. When choosing other major writing assignments, the legal writing professor specifically chooses those requiring students to conduct specialized forms of research, both legal and nonlegal in nature. The students understand that part of the grade depends on their ability to demonstrate strong research innovations. Moreover, the students are also cognizant that the

librarian worked on these writing assignments. In fact, before the legal writing professor distributes assignments, we each conduct background research, to guarantee that two lawyers have looked at it. Playing to our focus areas, the legal writing professor concentrates on the background work from a writing perspective, making the assignment a pedagogically sound writing project. The librarian focuses on things like hard-to-find resources, or sometimes easy-to-find but nonlegal resources.

Thinking Outside the Box: Collaboration Beyond Traditional Legal Research

We purposefully construct problems to require nonlegal research as well as the more traditional legal research. The legal writing professional believes in teaching students how to think about and possibly incorporate facts that are not part of the controversy itself, but are of a "real world" or Brandeis-brief practical nature. The librarian helps present the lesson in a context where the students need the information to proceed with their assignment and at a point in the semester when the students are most open to learning the research strategy needed to locate the needed information. The librarian prepares several in-class presentations that cover research strategies pertaining to the areas the students are currently researching and writing about in their assignments.

For example, a situation involving a question of probable cause to stop and question a bank customer may require students to research the general crime and bank robbery statistics for the neighborhood. In that situation, in fact, students discovered three bank robberies that same week within 10 miles of the incident at hand. The students also researched uniform crime reports in order to discuss the overall crime rates in that town. In another situation, students researched information about a particular animal, in connection with a problem concerning the definition of "household pets." Students also researched the geographic range of a particular animal to address the issue of whether the trapped animal was an endangered species. Although these issues are legal in nature, students cannot stop with just researching the laws and cases regarding depositions, but also must alert the reader about

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the nature of the world in order to demonstrate the need for expediency. Again, the librarian plays a key role in this lesson. The librarian’s research presentation might include information about how to find political and topographical maps on the Web. She may also include information about how to research information and statistics maintained by federal agencies, by states and municipalities, and by advocacy groups. These presentations always lead to “aha” moments for the students as they suddenly understand how it is that a researcher might approach a problem, find a source, or locate a solution to a problem. The in-class discussion lets students brainstorm strategies, understand gaps in their previous research, and consider paths to explore in future assignments.

We also collaborate on “backward learning exercises,” although we try to do these gently. Some simple synthesis exercises early on demonstrated a pattern of fruits that have very low pH levels. The librarian’s presentation revisited that exercise by showing students how to find online the list of food pH levels maintained by the U.S. Food and Drug Administration.² At another point in the presentation, students are shown how they could have researched historical weather data in order to make a very persuasive argument in a brief-writing assignment regarding the duty and breach of duty by a bank manager to keep a walkway clear of wet leaves. The brief was set in a nearby town noted for its many large trees in the downtown shopping district. The fictitious plaintiff fell at a real bank on a particular day in a past November. The weather records for the week before that day demonstrate wet and windy conditions all week, causing a condition of slippery leaves.³ Further, the town’s Web site talks about the “Shade Tree Commission,” which meets monthly, indicating that townspeople are well aware of the hazards associated with autumn leaves.⁴

² <<http://vm.cfsan.fda.gov/~comm/lacf-phs.html>>.

³ <<http://www4.ncdc.noaa.gov/cgi-win/wwcgi.dll?wwEvent-Storms>>. The National Climatic Data Center’s Storm Events database allows searches by state, county, and time period for all manner of storm events (e.g., flood, dust storm, hail). The National Climatic Data Center is part of the National Oceanic and Atmospheric Administration.

⁴ <http://www.haddonfieldnj.org/borough_publicworks.shtml#shadetreecommission>. Last visited Nov. 25, 2002.

The facts of the problem are clear that the bank manager has lived in the town for decades. During the course of the librarian’s presentation, the students realize that the case is actually a “slam dunk” for the plaintiff in light of this research. We take great pains, however, to reassure the students that the professor did not expect the students to include this information at the time they wrote the first brief, but instead to see how much more persuasive their future briefs can be with the inclusion of specialized research. We are laying the foundation for better lawyering in the future.

We Think It Works

Our deliberate collaboration creates another intended benefit. By making our collaboration open and transparent we invite students to be part of the collaborative process as well. We specifically tell the students that we discuss writing and research strategies with each other. We demonstrate through the class discussions, the Web board, and the teaching assistant sessions that the librarian is an active consultant to the course. Thus, we strive to take the mystery out of the research process, and we invite students to engage us in their own research questions and successes. The students learn that collaboration is not a sign of weakness or dishonesty, but a model of sound strategy. As a result, the students are better, more creative researchers and their writing reflects their increased comfort with the process of research and persuasive writing. Each semester’s final assignment nets research gems from the students that help turn their briefs into delightful documents. Each semester, as a result of the collaboration, we find that students are far more likely to ask us for assistance in doing sophisticated research than students who have not benefitted from the type of collaboration described here. In turn, this allows us to engage the students at greater depths, which leads them to further explore and ultimately write better documents.

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