

# Teaching U.S. Legal Research to International Graduate Students: A Librarian's Perspective

By Shannon L. Malcolm

*Shannon L. Malcolm is a reference librarian at the University of Illinois College of Law in Champaign.*

Like most law school graduate programs, mine offers a course designed to introduce the basic precepts of the United States legal system to students from other countries pursuing graduate degrees. Teaching the legal research portions of such a course presents special challenges: there is even more pressure than usual to cover a lot of material in very limited time, students often struggle with the English language itself as much as with its legal terminology, and, although we are all frustrated sometimes by how little traditional 1Ls seem to remember from their basic civics classes, their knowledge is nevertheless extensive compared to folks unfamiliar with common law systems or federalism. On the other hand, teaching graduate students is uniquely rewarding: the motivation and talent of these students are exceptional, and they already possess legal expertise that can be applied to the new system they are learning. In addition, the opportunity to learn from these students—always one of the most delightful aspects of teaching—is even greater because of their knowledge of legal systems with which most of us have limited experience. What follows are my own observations about how to best teach international graduate students in light of these weaknesses and strengths.

## Remember What Assuming Does to You and Me

Although they are likely to all be together in a research class, we must remember that international graduate students will have an astounding diversity of experiences. They have worked for governments and firms; they are

scholars, lawyers, and judges; and their practice specialties vary widely. The group I recently taught included a Russian literary agent, a general practitioner from a small town in China, and a partner from the Japanese office of a U.S. law firm. Some spoke English impeccably; others struggled to communicate relatively basic questions to me.<sup>1</sup>

Because of the variety of experiences and backgrounds you will encounter, effective instruction will require a degree of personal, one-on-one interaction more like working with students in an advanced seminar than lecturing to a section of 1Ls. It is always a good idea to learn a bit about your students' backgrounds, goals, and needs at the outset via a brief questionnaire; it is especially useful to do this with international graduate students. They may surprise you with what they do and do not know. Recently, after I lectured about U.S. statutes, a student approached me about finding legislative history materials and I was surprised to find he was already familiar with resources<sup>2</sup> unfamiliar to many J.D. students.

Of course, it is just as bad to assume too much knowledge as too little. I often check myself and

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<sup>1</sup> The most glaring differences among students will be between those with civil versus those with common law backgrounds, and those very fluent in English versus those who are not; often, of course, the groups overlap to compound students' strengths or weaknesses (i.e., those with common law backgrounds more likely know English best, while those with civil law backgrounds are often less fluent in English). Distinct courses of instruction for the two groups may be desirable. See Julia E. Hanigsberg, *Swimming Lessons: An Orientation Course for Foreign Graduate Students*, 44 J. Legal Educ. 588 (1994).

<sup>2</sup> Library of Congress, A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates 1774–1875, <[memory.loc.gov/ammem/amlaw/lawhome.html](http://memory.loc.gov/ammem/amlaw/lawhome.html)> (last visited November 15, 2005); LexisNexis Congressional, <[web.lexis-nexis.com/congcomp](http://web.lexis-nexis.com/congcomp)>.

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remember to ask “Do you know this term?” when dealing with international students, especially when slang and informal usage or terms of art are involved. Because in these cases students may think they know what is meant by a term even when in fact they do not, it is a good idea to verify their understanding. Calling on them to tell you what things mean may seem a good way to do so interactively, but may embarrass the students, many of whom will not be used to speaking in class.<sup>3</sup> You might consider asking students to indicate how comfortable they are being called on in class in a preliminary questionnaire.

Even seemingly simple terms can cause confusion. One student came to me at the reference desk while working on an exercise I had assigned and said he couldn’t find the term “tobacco” in the index to the Illinois code. Of course, I knew it was there, because, like any instructor worth his or her salt I had already run through the exercises myself. When we went to use the code together it turned out he had thought the terms printed on the spines of the volumes were the index. I had failed him because even though I had gone on and on about how indexes were almost always at the end of a resource and that they were usually the best place to begin, I had not taken the time to explain what an index was, because I was so used to being able to depend upon students’ already being familiar with this common English term. As all students become increasingly dependent on online searching interfaces, it may (lamentably?) not be a bad idea to define terms like “index” and “contents” to native English speakers as well. Tools with controlled vocabularies like indexes, digests, and finding aids like *Words and Phrases*<sup>®</sup> are often better for locating relevant material than online resources. These tools also provide cross-references and synonyms that benefit researchers for whom English is not their native language.

### Hands-On Instruction Is Crucial

This assertion is nothing revolutionary; hands-on instruction is important for teaching traditional

students legal research too, but it is especially effective with international students. Evidence indicates that international students are often better at reading and writing English than at listening to and speaking it,<sup>4</sup> so handouts and other means of conveying information in written form are especially helpful. Because many will lack the fluency in English we take for granted with traditional students, they may be even more receptive to kinesthetic learning than traditional methods employing oral and written lessons. Language barriers may make it difficult to understand what you are talking about, but if you give students photocopies of the resource being discussed, and walk them through how it works while they can follow along, they can learn what they need to even if they don’t catch on to the proper terminology. After all, it’s more important for students to know how to use a digest than to be able to define the terms “key number” and “headnote.” Frankly, I do not care if my students ever learn such terms at all, as long as they know how to use their referents. For similar reasons, it is probably not a good idea to be too particular about international students’ use of citation format; the focus should remain whether they know how to find things and communicate where they found them, not whether they have mastered the more arcane font commands of Microsoft Word. Visual representations like graphical views of case histories on Westlaw<sup>®</sup> are also great, and visual presenters (such as those made by ELMO) or slides are useful for demonstrating research procedures. These can be augmented by making available exemplars of the resource in question for students to peruse before, after, or during class.

### Technology Is Your Friend

Technology can also provide hands-on experiences outside of class. Consider calling your students’ attention to CALI exercises, and the tutorials available from LexisNexis<sup>®</sup>, Westlaw, and other

<sup>3</sup> Hanigsberg, *supra* note 1, at 598–99.

<sup>4</sup> See Guofang Wan, *The Learning Experience of Chinese Students in American Universities: A Cross-Cultural Perspective* 9 (1996), <[www.eric.ed.gov/ERICDocs/data/ericdocs2/content\\_storage\\_01/0000000b/80/10/ca/ec.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2/content_storage_01/0000000b/80/10/ca/ec.pdf)>.

online resources (the Hein-On-Line Feature Tour and AccessUN's Help feature are both good examples). I especially like the LexisNexis tutorials because they include interactive quizzes and provide feedback. Such tools enable students to learn about materials of their own choosing at their own pace, which is great, since graduate students will have widely ranging research interests and varying fluency with English and the U.S. legal system. They also allow you, as the instructor, to focus on the fundamentals in your limited class time and not overwhelm students with scads of specialized resources, while keeping those resources available and usable if and as students are ready to consult them.

“But with an already hyper-compressed schedule,” the cagey reader may ask, “where is the time to point out tangential matters like this?” Remember that calling folks’ attention to these things requires negligible amounts of class time. It is enough to be sure your students know to look for these kinds of instructional tools when they are exploring a new topic or resource. The motivation and experience of graduate students will seek out further details as needed, especially if you have established a good rapport with them. As for the resources themselves, I myself simply give students a handout with location information and brief descriptions of those things I think they ought to be aware of but which there is not time to discuss in class. If you have the time and the inclination, you could even personalize such handouts based upon individual students’ research interests; they will adore you for it if you do.

Do not succumb to the temptation to ignore online resources and focus only on traditional tools due to limited time. International graduate students are as savvy as the next person. Indeed, they are more so; because they are already experienced practitioners in their fields, they are likely to have an attitude more like what we have come to expect from lawyers and professors than law students: they want the data they need as quickly and easily as possible, and they are not very interested in (nor will they necessarily benefit from) the details that might have some legitimate pedagogical value for 1Ls

untrained in legal analysis. These folks already know how to think like lawyers (though not necessarily like U.S. lawyers). The upside is they may actually be more receptive to certain details, like how to maximize the financial efficiency of their legal research. They are going to try to find everything via computer-assisted legal research (CALR) if possible. We cannot do much about that fact. We can, however, teach them how to efficiently use CALR, and what its limitations are.

Technology can also be helpful in the form of in-house online resources customized for your international graduate students. Creating a resource clearinghouse, a frequently asked questions section, or an online forum specifically addressing their needs may be particularly effective for international students given their specialized agendas and diverse backgrounds. Forums are a great way for students to share their knowledge with their peers, and they help eliminate the need to answer the same questions many times at the reference desk. Even if you lack technical expertise, you can take advantage of services like LexisNexis Web Courses and Westlaw TWEN® pages to implement such tools relatively painlessly.

### **Empower Students to Learn Outside of Class**

Technology is only one avenue for learning outside the classroom. Because of their extraordinary enthusiasm and motivation, international graduate students may be more likely to take advantage of opportunities to speak to you outside of class. It is important to encourage and support their needs because of the challenges they face in navigating unfamiliar resources while armed with an abbreviated training in U.S. legal research. Try to be available for questions after class. The mores of other cultures are not always the same as ours, and students may be more comfortable asking you a question one-on-one than interrupting you or speaking out in a crowded classroom,<sup>5</sup> so being around after class gives them a chance to pose

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<sup>5</sup> Leon E. Trakman, *The Need for Legal Training in International, Comparative and Foreign Law: Foreign Lawyers at American Law Schools*, 27 J. Legal Educ. 509, 539 (1975).

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questions about the material you covered while it is fresh in their minds.

Employ the phrase “please see me outside class” freely to avoid getting bogged down in detailed sidebars during class time. Students’ individual interests may lead to questions about the differences between congressional prints and reports, the *Code of Federal Regulations’* goofy color schemes, and “the ultimate answer to life, the universe, and everything.”<sup>6</sup> Of course, all students ask these kinds of questions (i.e., those best addressed outside of class), but it is understandably probable that international law students will ask them more frequently, because of their unfamiliarity with the material and more esoteric interests. And answering them in class will be especially ill-advised because of your abbreviated time with them. Individual consultations or follow-up messages via e-mail are better ways to handle this phenomenon.

You can also take advantage of these students’ initiative and skill by referring them to secondary materials. I found a few times that recommending one or two good books to my inquisitive graduate students gave them more than enough information to teach themselves about a topic. What’s more, they often later thanked me for the helpful recommendation. Lamentably, these kinds of recommendations often leave traditional students vexed and feeling they are being denied good service, but, having come from the working world, graduate students already know everything cannot be found via Google and that librarians do not have the time to spoon-feed them everything.

I’ve never had to tell a graduate student to check the online catalogue more than once.

To facilitate their independence, ensure that the students have a chance to participate in a tour of the library with you. Even if they already did so as part of their orientation, it will refresh their memories about key points and allow you to highlight the locations of specific resources

discussed in class. Also let the students know when your reference shifts are. Even though it is important to make sure they are comfortable approaching the reference desk regardless of who is working, and to ensure that your colleagues are informed of what has and has not been covered in your sessions with them, international students, even more so than others, may nevertheless feel more inclined to bring their questions to a familiar face. Many of the graduate students I have taught have confided that they make a point of coming to the desk when I am working because they feel more comfortable with me and are certain I understand what they do and do not know about researching in a U.S. law library.<sup>7</sup>

### Coordinate with the Primary Instructor

Good relationships between writing instructors and librarians are crucial to any program’s success, whether or not librarians formally teach the research components of a class. Because formal legal research instruction for graduate students is frequently limited to a few sessions of a course covering fundamentals of U.S. law, it is important to coordinate your efforts closely with the course’s primary instructor. Good communication will enable you to arrange your time in class to maximize efficiency. Are you expected to discuss the U.S. court systems? Do the students understand federalism? How much do they know about citation practices? Are they learning *ALWD Citation Manual* or *Bluebook* citation formats? If the latter, practitioners’ or scholars’ format? Will there be any exercises assigned covering the material you cover? If so, which of you will create the assignment? Grade it? Who should students contact with questions about it? Being clear about these kinds of things beforehand establishes clear expectations so that things go smoothly not only for both the primary instructor and yourself but, more importantly, for the students!<sup>8</sup>

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<sup>7</sup> See Paula D. Ladd & Ralph Ruby Jr., *Learning Style and Adjustment Issues of International Students*, 74 J. Educ. Bus. 363 (1999).

<sup>8</sup> I would like to thank Professor Emily Grant of the University of Illinois College of Law for her wonderful work coordinating my sessions with our international graduate students.

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<sup>6</sup> Douglas Adams, *The Hitchhiker’s Guide to the Galaxy* 170 (1980).

### Parting Words

Teaching international graduate students about U.S. legal research involves additional challenges, but those challenges come with additional rewards. As long as we are careful to address the unique needs these students have, recognizing not just those areas in which they may need extra help but also taking advantage of their strengths, we ourselves can learn from their expertise and embrace the opportunities to form meaningful relationships with brilliant scholars from around the world.

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### Another Perspective

“Preparing for a hearing, I once asked IRS tax experts to tell me how many pages the tax code really has. Weeks later, they came back somewhat sheepishly and advised me against citing any particular number of pages. They said the experts could not agree how many pages the code actually had and that any number I cited could be attacked by other experts as incorrect. (I’m not making this up.)”

—Charles O. Rossotti, *Many Unhappy Returns: One Man’s Quest to Turn Around the Most Unpopular Organization in America* 272 (2005).