

Integrating Print and Online Research Training: A Guide for the Wary

By Suzanne Ehrenberg and Kari Aamot

Suzanne Ehrenberg is a Professor of Legal Writing and Kari Aamot is an Assistant Professor of Legal Writing at Chicago-Kent College of Law, Illinois Institute of Technology in Illinois.

My students are staring at me in disbelief. Several jaws are dropped and giggling is breaking out here and there in the room. I have just described to them in detail how I learned to update my legal research in law school with print *Shepard's® Citations*. “In fact,” I add, “Frank Shepard used to personally and regularly mail stickers to law libraries, which the librarians would stick in the books to update them as new cases came out.”¹ Heads are shaking slowly and incredulously. One student mouths the word “stickers” in wonderment.

I understand my students’ reaction, and indeed a part of me is incredulous that we would ever have relied on such a slow, cumbersome means of disseminating legal information. On the other hand, I can also remember the time when mailing stickers was efficient and sensible. When it comes to technology, I’m a member of the “bridge” generation.

In fact, most of us who are teaching now—with a few exceptions among the youngest teachers—are “bridge” researchers. We grew up on print, with indexes and tables of contents as our tools. Research meant a trip to the library; we knew what a card catalogue was and how to use it. Then, somewhere along the way, we learned the computer, and now we are proficient online researchers, relying heavily on computers for our

personal needs and teaching online research to our students. But can we, who are familiar with both print and online research systems, teach effectively to students who have never learned to research print materials? To what extent is the content and style of our research training a product of how we ourselves learned to research? And if we do teach in ways shaped by our “former selves”—book researchers—are we teaching our students what they need to learn, in ways likely to be successful for them? In short, how do bridge researchers teach research to students who have never known a print-only world?

At Chicago-Kent, we now teach print and online research in an integrated format. This means our training is organized around legal research sources, rather than around the methods by which those sources may be accessed. We aim to emphasize the content of legal research, and not the containers in which the content is placed. We do not withhold LexisNexis® or Westlaw®; students can access both systems from the first day of class. We teach secondary sources first, covering both print and online research skills. We then teach case law research, both online and print. Finally, we teach both print and online statutory research. When appropriate (which is increasingly often) we teach both commercial and noncommercial online research simultaneously. The students see that they can find the same cases or background information in multiple formats and places. They learn that in legal research there truly is “more than one way to skin a cat.” This is just one of the many benefits to the integrated approach to research training.

This article will proceed in two parts. First, we will respond to three of the common criticisms of integrated research training, and explain why integrated training is more effective and responsive to student needs than the old method

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¹ Theodore A. Potter, *A New Twist on an Old Plot: Legal Research Is a Strategy, Not a Format*, 92 *Law Libr. J.* 287, 288 (2000).

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of teaching print research first, followed by online research. Second, we will provide practical tips for implementing an integrated approach, and share some of the lessons and teaching techniques we have learned as we transitioned to integrated training.

I. Why Integrated Research Training Is a Better Approach

Criticism of integrated research training is plentiful. Perhaps the three most fundamental critiques of the approach are these:

1. If students do not learn print research before online, they will never learn print research;
2. Students who do not learn print research before online research never really understand the concepts of jurisdiction and hierarchy of authority; and
3. Print research is superior to online because it better enables students to gain a “big picture” understanding of the legal issues they are researching.

To the three most fundamental criticisms of integrating online and print research training, we have essentially two responses. The first is to “teach to it,” and the second is to “get over it.” Behind the criticisms are various understandable concerns about what will be lost if we abandon the bifurcated approach to research training. Where those concerns are not only understandable but warranted, we must be sure to adjust our teaching to avoid the problems raised by critics as we shift to integrated research training. Where, however, a concern is understandable but ultimately unjustified, we may just need to get over it.

A. But What If They Never Do Print Research?

The first criticism is that if students are not forced print research before online research they will never learn to research in books.² This criticism is

unwarranted for several reasons. First, the “eat your vegetables, they’re good for you” approach to print research training simply doesn’t work. Anyone who has taught bifurcated research has watched in frustration as students tune out print training, convinced that you are simply holding back the “good stuff,” the online research tools. Ironically, we found that by teaching print and online researching side by side, we were in a much better position to explain the pros and cons of each technique. Moreover, the students were in a better frame of mind to receive that comparative information because they did not suspect that a game of hide-the-ball was afoot.

Second, we may simply have to accept that some students will do little or no print research even after they are forced to complete a classroom project using print tools only.³ Our students, unlike us, were not raised on print research techniques.⁴ Furthermore, it is becoming increasingly rare for practicing lawyers to research in print materials—even lawyers practicing in small firms or doing public interest work. If our students never have researched in print and never will, on what basis can we insist that they do so for us? This criticism is not really about what skills our students must acquire; rather, it is about our anxiety as bridge lawyers that today’s students might never research the way we did—by poring over books in the library stacks and filling notebooks with research notes. It is time to put this anxiety to rest. As online databases become more complete and can be searched in multiple ways, including by index, by key number, and by tables of contents, book research offers little that cannot be replicated online.

Critics who bemoan the demise of rigorous print research training argue that students who do not learn print research skills well will be unable to learn effective online researching because they won’t be

² Potter, *supra* note 1, at 288.

³ See generally Potter, *supra* note 1.

⁴ Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 *Law Libr. J.* 117, 118 (2005); Ian Gallacher, *Forty-Two: The Hitchhiker’s Guide to Teaching Legal Research to the Google Generation*, 39 *Akron L. Rev.* 151, 160 (2006).

able to “visualize” the sources they are using.⁵ This criticism assumes that online skills flow from print skills and that teaching online research before students are proficient in print puts the cart before the horse and undercuts students’ capability in both systems.

This concern presupposes something that is no longer true, namely that students come to us from their undergraduate educations familiar with print researching. We know that students learn best when we meet them where they are; we should aim to teach from the familiar to the new.⁶ When most of us learned legal research, online training followed print training—the bifurcated approach still used in most schools. This was a pedagogically solid approach 20 and even 10 years ago when electronic research in college was rare and students came in with print research skills in other areas. In our era, the bifurcated approach moved students from the known to the unknown; it was an effective way to teach legal research.

Today’s students, by contrast, come to us with weak or nonexistent book research skills, but fairly sophisticated skills for researching online. Thus, it serves students best for us to begin teaching online legal research, building on what they already know.⁷ Because integrated print and online research training does a better job of meeting them “where they are,” it is the pedagogically superior choice for today’s students.

B. Jurisdiction and Hierarchy Concerns: You Are Going to Cite *What*?

The second criticism of integrated research training is that students who do not get rigorous training in print resources never understand the critical concepts of jurisdiction and hierarchy of authority because everything that appears online

looks the same. “[L]egal materials [online are a] vast sea of undifferentiated data,” writes one commentator. “All laws [are] equal. . . . ‘Justice’ has the same code status as ‘implant.’”⁸

This criticism is valid. Researching in books does impress upon students the concepts of jurisdiction and levels of authority in a very real way, if only because they have to physically consult a different volume for a different state or level of court. The novice online legal researcher is much more likely than the novice print legal researcher to rely on nonbinding or very weak authority for an argument, simply because there is no obvious visual distinction online between cases from different jurisdictions or levels of court.

This is not an insurmountable barrier, but it does present a challenge for legal research educators. We must rise to the challenge and teach jurisdiction and hierarchy of authority in such a way that students respect these key concepts as they learn online research. Beginning the first day of law school, students see dozens of cases in their casebooks, all looking more or less the same. We teach them quite quickly, however, to look more closely: Which court? Which jurisdiction? What is being appealed? Similarly, we must train students to look more closely at everything they pull up online, and to ask the questions that must be answered before the source is put to any use: Is this primary or secondary authority? Is it controlling or persuasive? *How* persuasive? Integrated research training should feature substantial in-class online research, where instructors can model the habit of asking hierarchy of authority and jurisdiction questions as soon as a source is pulled up. In the course of any open research assignment, students will inevitably turn up authorities of questionable value and argue that they’ve found “the answer” to the problem. Evaluating these authorities together in class further impresses upon students the

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⁵ Potter, *supra* note 1, at 288–89.

⁶ Keefe, *supra* note 4, at 117–118.

⁷ *Id.* at 119 (advocating teaching online research before print research in order to “maximize the amount of learning we transfer to our students. . . . by recognizing the world our students have come from and the world to which they are headed. . .”).

⁸ Carol M. Bast & Ransford C. Pyle, *Legal Research in the Computer Age: A Paradigm Shift?*, 93 *Law Libr. J.* 285, 299, 302 (2001); F. Allan Hanson, *From Key Numbers to Keywords: How Automation Has Transformed the Law*, 94 *Law Libr. J.* 563, 584 (2002).

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importance of jurisdictional boundaries and the weight of various kinds of sources.

C. Fostering Thoughtful and Precise Electronic Research

A final concern, which is shared even by those who recognize the benefits of an integrated research curriculum, is that if students jump immediately into online researching, they will be seduced by the apparent ease of locating authority online and will engage in superficial or careless electronic research. This concern arises from the premise that print research, by nature, is slower and more reflective than online research.⁹ The assumption is that by learning print research first, students will learn effective research habits and understand the value of being thorough, careful, and meticulous.

There is indeed a temptation for students to research less thoroughly online than they do in print. They may bypass secondary source databases, use Boolean searching as the default technique for all research tasks, mindlessly compose their Boolean search requests, and rely on their initial research results if they find at least one relevant authority, without delving any further. It has been observed that so-called “Google researchers” tend to see research as “an event as opposed to a process.”¹⁰

Some critics have labeled this danger an “index” problem, and point to the lack of online indexes as part of the difficulty.¹¹ When students research in books, they are forced to browse through various indexes. This browsing necessarily develops their understanding of the “bigger picture,” the surrounding context for their legal issue. As students get less print research training, goes the argument, they do less index consultation and thus never develop the contextualized grasp of the law

that index-based research gradually instills in the researcher.

Critics also point out that online research emphasizes case law research at the expense of research in secondary resources.¹² Because secondary resources are the tools lawyers use to learn about a new or unfamiliar area of the law, shifting focus away from them raises the danger that students will not be as facile with those resources when they confront a problem in an area of the law with which they are unfamiliar.

These concerns about online research used to be valid, but they are largely outdated. Currently, there are many resources online designed to permit researchers to get a “big picture” grasp of an area of law before proceeding to more detailed research in primary sources. It is possible to do index-guided searching in case law databases on both LexisNexis and Westlaw, and many students will gladly make extensive use of these options, especially if you impress upon them how “hit-and-miss” Boolean searching can be when they are unfamiliar with the area of law they are researching. Furthermore, most secondary resources are currently available online, and these resources are available with online indexes.¹³ In fact, as the cost of print resources escalates, many of our students may find themselves with greater access to secondary resources online than in print.

It is true that print researchers have more incentive to *start* with secondary sources. It is often easier to find relevant primary authority through secondary sources than through digest searching if researching entirely in print. With online research, by contrast, students can often quickly find helpful primary authority through Boolean searching if they can identify the relevant database. Many students are

⁹ Gallacher, *supra* note 4, at 183.

¹⁰ Keefe, *supra* note 4, at 122; Barbara Bintliff, *Electronic Resources or Print Resources: Some Observations on Where to Search*, 14 *Perspectives: Teaching Legal Res. & Writing* 23, 24 (2005).

¹¹ See, e.g., Bast & Pyle, *supra* note 8; Hanson, *supra* note 8.

¹² Gallacher, *supra* note 4, at 162.

¹³ Even the *Code of Federal Regulations*, which is notoriously difficult to research and which has never been indexed in print form, is newly available on LexisNexis with an index.

tempted to stop researching at this point. Thus, our teaching must adjust. We must emphasize the importance of doing background research in online secondary sources where one is unfamiliar with an area of law. Furthermore, we must give appropriate attention to the full range of electronic search tools (i.e., natural language searches, tables of contents and indexes, and Westlaw key number searches). Students must understand that Boolean searching is not always the best method for locating material online, that such searches can be faulty if not phrased properly, and that they should generally be backed up with an alternate search technique.

Online legal research need not be sloppy legal research. With careful instruction, we can teach students to replicate online the habits of thoughtful, methodical research that characterize our use of print sources.

II. Implementing an Integrated Research Curriculum: Some Practical and Pedagogical Considerations

If you have been persuaded that the integrated research curriculum is a desirable method for teaching research to our techno-savvy students, you may still have concerns about implementing such a curriculum. Will you have to change research texts? How can you accommodate additional research instruction within the tight confines of the first-semester syllabus without significantly altering the number and timing of the assignments? How can you avoid information overload and ensure that your students retain all the material you have taught them? Each of these concerns can be addressed without sacrificing the benefits of an integrated research curriculum.

A. Choosing a Research Text

The good news is that virtually any of the major legal research textbooks can be used effectively in teaching integrated legal research. Indeed, several of them so closely intertwine their discussion of electronic and print research that they can be more difficult to use in teaching the traditional bifurcated curriculum than an integrated one. With apologies to the Foundation Press and West

publishing companies, we will focus on the three most popular textbooks (all published by Aspen): *The Process of Legal Research*¹⁴ (hereinafter, Kunz text), *Just Research*¹⁵ (hereinafter, Oates text), and *Basic Legal Research*¹⁶ (hereinafter, Sloan text).

The Kunz text provides the greatest emphasis on print research of the three. However, its discussion of print and electronic research media is integrated, with the authors focusing on the “dominant mode” of research for each source. For example, in the chapters on encyclopedias and treatises the focus is on print research,¹⁷ while electronic research is the focus in the chapter on legal periodicals.¹⁸ Both print and electronic research are discussed in the chapters on restatements and case law.¹⁹ The introductory chapter on research strategy includes an assessment of the relative strengths and weaknesses of print and electronic research.²⁰

The Oates text is truly process-oriented, in the sense that its chapters are organized around researching particular types of legal *issues* rather than around specific research *sources*. Thus, for example, the book has no separate chapter on secondary sources. Rather, these sources are discussed in the context of specific legal research problems.²¹ The book heavily emphasizes electronic research. Although the first few chapters provide parallel plans for researching issues in print and electronically,²² thereafter electronic research is the default mode.²³ Considerable

¹⁴ Christina L. Kunz et al., *The Process of Legal Research* (6th ed. 2004).

¹⁵ Laurel Currie Oates & Anne Enquist, *Just Research* (2005).

¹⁶ Amy E. Sloan, *Basic Legal Research* (3d ed. 2006).

¹⁷ See Kunz at 63–77.

¹⁸ See *id.* at 84–89.

¹⁹ See *id.* at 103–113 and 138–168.

²⁰ See *id.* at 19–21.

²¹ See, e.g., Oates at 51–53 and 107–108.

²² See *id.* at 37–136.

²³ See *id.* at 137–372.

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“In an integrated research curriculum, both print and electronic research must be covered during the initial research instruction period.”

discussion is devoted to Internet research, but you will find no mention of pocket parts, the *Index to Legal Periodicals*, or the *Current Law Index*.

The Sloan text provides the most balanced treatment of print and electronic sources. Each chapter contains subparts addressing the particular research source in its print format and in its electronic format, with corresponding descriptions of how to research in each.²⁴ In addition, the book has a separate chapter on electronic research techniques, which contains a useful discussion on deciding between print and electronic sources.²⁵ Any of these textbooks could be used effectively in an integrated research curriculum, and indeed the Kunz and Oates texts are better suited for an integrated curriculum than for a bifurcated one.

B. Accommodating Additional Research Instruction Within the First-Semester Syllabus

In the traditional first-semester legal writing course, students begin with a closed universe office memorandum. After the closed memo is submitted, they receive print legal research instruction. The period of instruction for print research is typically two to three weeks (hereafter, these weeks prior to the open memo deadline during which students learn fundamental research skills will be referred to as the initial research instruction period). After the initial research instruction period, students typically have several additional weeks to research and write an open memo. Within the traditional research curriculum, students receive electronic research instruction either later in the first semester, after the first open memo has been submitted, or during the second semester.

In an integrated research curriculum, both print and electronic research must be covered during the initial research instruction period. This leaves the instructor with several alternatives, no one of

which is ideal: 1) retain the same research training schedule, and simply teach more material—both print and electronic research—during the initial research instruction period; 2) allocate more time to research training prior to the open memo, but give students less time to actually research and write the memo; 3) allocate more time to research training prior to the open memo and extend the due date for the open memo, which will require you to either shorten the time for completing later assignments or eliminate an assignment from the syllabus.

At Chicago-Kent, we opted for the first alternative because we did not want to eliminate any assignments or give the students less time to complete their assignments. However, to avoid squeezing too much material into the initial research instruction period, we tried to break up the training so that we did not have to cover every research topic during the brief window between the submission of the closed and open memos.

As the sample syllabus at the end of this article indicates, we postponed teaching statutory research in both print and electronic media until after the open memo was completed.²⁶ After the students submitted this memo, they received their statutory research instruction and were then required to research and write up brief conclusions on a statutory law issue.

By removing statutory research instruction from the initial research instruction period, we substantially reduced the amount of material we had to cover during the first phase of research training. We further streamlined the instructional content during that period by teaching basic LexisNexis and Westlaw skills (i.e., signing on, retrieving documents, and printing documents) during orientation or during the first few weeks of class. Students learned this material on their own using self-paced exercises, so we did not have to devote class time to it. We were

²⁴ See, e.g., Sloan at 31–48 (researching secondary sources in print) and 48–53 (researching secondary sources electronically).

²⁵ See *id.* at 340–343.

²⁶ This required that the open memo involve a purely common law issue (or one in which a statute played only a minor role and was clearly identified in the case law).

then able to focus exclusively on secondary sources and case law research, as well as more sophisticated search techniques, during the instruction period between the closed and open memos.

C. Avoiding Information Overload and Fostering Retention of Material

Related to the practical concern about accommodating more research instruction within a brief instructional window is the pedagogical concern that students will be overwhelmed by the amount of information they receive during integrated research instruction. Teaching too much material during a short period of time results in information overload, which may cause students to simply “check out” during the training process and not absorb anything, or to forget relatively soon anything they may have learned. However, if research training is spread across the first semester, as suggested above, rather than concentrated into a single two- or three-week period, students are more likely to absorb and retain their research instruction.

It is also useful to break down both the research sources and the research techniques into small but logical increments. For example, you can focus exclusively on natural language searching while you are teaching about secondary source databases and postpone Boolean searching, as well as key numbers and digests, until you teach about case law databases. Electronic indexes and tables of contents are search tools that logically can be taught in the context of statutory research.

In a traditional bifurcated research training program, students are apt to forget rather quickly what they have learned about legal research if they are not required to put it to use repeatedly. In an integrated training program, information retention is an even greater challenge. It is imperative, therefore, to reinforce class instruction with out-of-class exercises in both print and electronic research.

Then, review, review, and review some more. Because you will no longer be teaching electronic

research in the latter part of fall semester or the early part of spring semester, you can use this time for review. We suggest that you begin at least one class per week with a research hypothetical that students work on individually or in groups. Use the hypothetical to reinforce basic bibliographic information as well as to generate discussion about research strategies. Moreover, as suggested above, do electronic searches together as a class and always ask questions about the nature and weight of each authority.

We also recommend that students be required to submit a research log on all initial drafts of open memos. The research logs will encourage students to reflect upon their own research process and possibly inspire them to use a broader range of sources and techniques than they might otherwise use. Equally important, the logs will give you crucial information about how your students are putting their research instruction into practice. You will be able to determine what material they have grasped and you can focus on the weaker areas of research during your review sessions.

Conclusion

It is always tempting to continue to teach the same skills the same way year after year. But as legal research instructors, we must keep moving forward. The research habits and techniques of working attorneys are rapidly changing. To prepare our students for practice, we must keep pace with those changes. It no longer works well to insist that students learn print research first—nor does it work to insist on strictly separating print and online research instruction—when so often the best research approach is either to work entirely online or to use a combination of online and print techniques.²⁷ Integrated research instruction is efficient, effective, and attainable without undue difficulty in most any first-year legal writing program.

²⁷ Bintliff, *supra* note 10, at 23 (“Experienced researchers develop an almost intuitive sense of which format to use in a given situation, and consult both print and electronic resources in the course of a research project.”).

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Sample First-Semester Syllabus for Teaching Integrated Research Curriculum

(Fourteen-Week Semester/Two Classes per Week)

Five Main Assignments: Closed Memo and Rewrite; Open Memo and Rewrite; Statutory Research Assignment (Brief Conclusions and List of Authorities)

Week 1

Signing on to LexisNexis and Westlaw; retrieving documents; printing documents. Vendors can provide short training session or students can do self-paced exercises, so class time is not wasted.

Week 2

No research training.

Week 3

No research training.

Week 4

Closed memo due on Monday.

Introduction to legal research. Overview of research sources (primary, secondary, finding tools); research media (LexisNexis, Westlaw, and Internet); and searching techniques (indexes, topic outlines, digests, and natural language and Boolean searching). Developing a research strategy; formulating issues/search terms.

Week 5

Secondary sources in print format.

Secondary sources in electronic format; natural language searching.

Week 6

Case law in print format (reporters and West digests); case law in electronic format; Boolean searching; Westlaw key number searching and online digests.

Week 7

Shepard's and KeyCite®.

Review of research methodology and strategy.

Week 8

No formal research training, but research on open memo discussed in class and each class begins with a new research problem hypothetical.

Week 9

Research and citation game show (e.g., *Jeopardy* or *Millionaire*).

Week 10

Open memo due on Monday.

Researching statutes in print format.

Week 11

Researching statutes in electronic format; using online index, table of contents, popular name table.

Week 12

Open memo returned and research strategy discussed.

Focus on common problems revealed in research diaries.

Week 13

No formal research training, but research on statutory research assignment discussed.

Week 14

Statutory research assignment.

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