

In-Class Online Legal Research Exercises: A Valuable Educational Tool

By Tom Kimbrough

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Background

In spring 2007, I was elated to learn that I would have the privilege of teaching an upper-level law school class on international and foreign legal research for the first time during the summer. But my elation quickly gave way to trepidation when I learned that, due to scheduling constraints, each class session would need to last for two hours. For weeks I struggled with a troubling concern—how could I keep my students interested and engaged for two hours at a time on subject matter as technical and (from a perspective other than that of a law librarian) potentially dry as legal research?

For the first hour of each class, I planned to give a lecture on various research methods and sources for the day's subject matter (e.g., treaty research, research in civil law jurisdictions, research involving inter-governmental organizations, etc.). The question was how best to utilize the second hour. Among the possibilities that I considered and eventually rejected were Socratic-method interrogations on the assigned readings, open-ended class discussions on legal research theories and techniques, and providing "free time" for students to explore Web sites and electronic databases useful for legal research individually. The idea that I settled upon was to have the students actually apply the methods and (electronic) sources that I talked about in the first half of the class to solve, in the second half of the class, specific legal research problems that I had either designed myself or adapted from exercises created by others published on the American Association of Law Libraries Foreign,

Comparative, and International Law—Special Interest Section.¹

I believe that the use of in-class online research exercises was a smashing success. On the last day of class, I asked each of my 16 students to provide anonymous feedback on this aspect of the course. Here is a sample of the responses that I received:

"The in-class exercises were particularly helpful in applying these tools to practical applications."

"Exercises were very practical and helped to put our reading and classroom lectures to immediate, meaningful use. They also helped to familiarize us with the myriad websites mentioned in class."

"The class exercises were good because it [sic] makes you practice all the things from that class. I like the split in the class between lecture and exercise because it breaks up monotony."

"I really liked the format of learning information in power point [sic] and then applying and practicing the knowledge in the second half."

"Exercises were helpful and very practical! It was good to have some hands on experience right after hearing the lecture."

"The exercises were the best part of the course. The application skills it required were essential to synthesizing the information."

In this paper, I discuss various aspects of my recent experience using in-class online exercises that I hope

¹ <www.aallnet.org/sis/fcilsis/syllabi.html> (last visited September 14, 2007). Marci Hoffman (University of California at Berkeley), Heidi Kuehl (Northwestern University), Lee Peoples (Oklahoma City University), and Mary Rumsey (University of Minnesota) each generously permitted me to utilize and adapt their materials for my course, which proved invaluable.

will be helpful to others who may be contemplating whether to incorporate such a teaching method into their own classes.

Points to Consider in Deciding Whether In-Class Online Exercises Are Likely to Be Useful for a Particular Type of Legal Research Course

Although they worked well in my class this summer, in-class online exercises are not necessarily appropriate for every legal research class. Three key factors that will impact on whether they should be used in a particular class include:

- (1) the relative importance of electronic resources compared to print resources for the subject matter of the particular class;
- (2) the availability and reliability of a wireless network or other means to enable students to access the Internet and the law library's subscription databases from the classroom; and
- (3) the amount of time available for each class session.

One of the distinguishing characteristics of foreign and international legal research is the relatively high importance of online (both free Internet and paid subscription) resources. Examples of the free Internet kind include the Web site of the American Society of International Law (ASIL/EISIL),² World Legal Information Institute,³ and legal research guides available at various Web sites that often contain links to other key resources such as Globalex (Hauser Global Law School Program, New York University School of Law),⁴ LLRX,⁵ and the Law Library of Congress.⁶ Electronic databases

to which many academic law libraries subscribe (e.g., Foreign Law Guide,⁷ the HeinOnline Treaties and Agreements Library,⁸ Kluwer Arbitration,⁹ etc.) also play a crucial role in this area of research. As a result, this area is one that is especially well suited to devoting substantial class time to utilizing online resources. For certain other areas of law where print sources remain paramount, requiring students to do exercises using their laptop computers may not be an optimal use of class time.

Before embarking on teaching a course with an in-class online exercise component, the instructor needs to make sure that the students are prepared to bring their laptop computers to class each day and that the wireless network or other means of electronic research access (via ethernet cable, virtual private network (VPN), etc.) are in place and reasonably reliable. This can be trickier than it might seem at first glance; for example, in my class this summer one of the students was unable to access our law library's VPN because her own laptop computer was equipped with the newest Microsoft Vista operating system, while our VPN was not yet compatible with the Vista operating system. We worked around this by arranging for that student to use another computer equipped with a compatible operating system. Moreover, a sudden network failure or other unanticipated technical glitch can be extremely disruptive, so it is the teacher's responsibility to coordinate with each of the students and with the law school's information technology (IT) professionals in advance to reduce the likelihood of such a disruption.

² <www.asil.org/resources/index.html> (last visited Sept. 14, 2007).

³ <www.worldlii.org> (last visited Sept. 14, 2007).

⁴ <www.nyulawglobal.org/globalex/index.html> (last visited Sept. 14, 2007).

⁵ <www.llrx.com/legal-research.htm> (last visited Sept. 14, 2007).

⁶ <www.loc.gov/law/public/law.html> (last visited Sept. 14, 2007).

⁷ This is the electronic version of the venerable print guide, Thomas H. Reynolds & Arturo A. Flores, *Foreign Law Guide: Current Sources of Codes and Basic Legislation in Jurisdictions of the World* (2007). For a description of the electronic version, see <www.foreignlawguide.com/visitors.htm> (last visited Sept. 14, 2007).

⁸ A description of the Hein Online Treaties and Agreements Library is available at <heinonline.org/home/about/Overview.html> (last visited Sept. 14, 2007).

⁹ A description of Kluwer Law International's Kluwer Arbitration database is available at <www.kluwerarbitration.com/arbitration/about.aspx> (last visited Sept. 14, 2007).

The amount of time available in each class session is also critical. Based on my experience this summer, I believe that a minimum of 40 minutes per session is required for students to reach the “critical mass” of concentration that is necessary to engage in online legal research exercises effectively. Any less than that is problematic, because students need time to become generally familiar with navigating a Web site or database before actually doing research with that resource.¹⁰ I also encourage students to try a variety of possibly helpful sources to develop informed personal preferences and to, at all times, be patient, creative, and persistent when doing research. Putting excessive time pressure on students as they explore new and unfamiliar resources will not be beneficial in this regard or lead to a comfortable, supportive classroom environment.

The Merits of In-Class Online Exercises Versus “Homework”

Before my course began, I was somewhat concerned with the question whether my decision to allocate classroom time for the online exercises, rather than assign them as work to be done outside of class, was appropriate. In retrospect, I am glad that I decided to have the students do them in class. I believe that there were four major benefits in doing this:

- (1) encouraging discussion and cooperation among students in class regarding the relative advantages of alternative approaches to research problems;
- (2) supervising the students and assisting when the research process goes off track;
- (3) providing immediate reinforcement of the content of the lecture that preceded the exercises; and

¹⁰ See, e.g., Amy E. Sloan, *Creating Effective Legal Research Exercises*, 7 *Perspectives: Teaching Legal Res. & Writing* 8, 8–9 (1998). As she put it very well in her referenced article, “Most of your assignments should be designed to illustrate to the students how to use the particular research tool. Assignments should not be designed to test students’ knowledge until they have had an opportunity to work with a research source and become familiar with it.”

- (4) freeing up time to assign the students more readings and other graded assignments (e.g., print research in the library) as homework.

I believe that the biggest benefit to having the students do online exercises during my class, rather than outside of it, was the flow of communication and sharing of ideas on how to go about seeking answers to particular research problems that resulted. Rarely is it the case in foreign and international legal research that there is only one correct way to approach a research problem. Every day I was impressed, and occasionally amazed, by the diverse ways that various individual students would think about a problem, and I found that students could sometimes learn as much from each other as they could from me.

Another benefit to assigning the exercises in class was my being available to step in and help when students would “hit a roadblock” and become frustrated. I would sometimes find that something as simple as reminding students to look for a site map link to aid in navigating a big or confusing Web site, to try a specialized subscription database rather than just the Internet or Westlaw® or LexisNexis®, or to try an online directory of Web sites rather than just a Google search, etc., would open up whole new avenues of exploration for them that they would probably never have found if they had worked alone at their computer outside of class.

Additionally, I believe that going straight from my presentation to having students actually use the resources that I talked about during my presentation forced even the more passive listeners (daydreamers?) in my class to internalize the information that I sought to impart in a way that having several hours or more between class time and “homework” would not. The feedback that I received thanking me for using the exercises to break the “monotony” in class, as well as my own experience in both law school and library school (especially back in the pre-Starbucks and Red Bull days), reinforces my strong belief in the vital importance of turning passive listeners into active participants *during the class itself*.

Finally, rather than looking at in-class online exercises as a waste of valuable class time spent on

something that students could do just as well outside of class (with which view I do not agree, for the reasons discussed above), I prefer to see the in-class exercises as freeing up more time for my students to complete reading assignments and research exercises involving print sources outside of class. I believe that there are sharply diminishing returns, in terms of students' absorption of content, when a lecture goes on for more than about an hour. Moreover, in my personal opinion, legal research is not a subject that is well suited for lengthy theoretical class discussions among the teacher and students unless the class happens to be composed of prospective law librarians.

Designing or Adapting Online Exercise Questions

Based on my experience, I believe that there are two critical points to keep in mind whether one designs one's own online exercises for students or one adapts exercises prepared by others:

- (1) include a mixture of different types of questions of varying degrees of difficulty; and
- (2) revisit and update any questions that you are reusing: as appropriate, check for broken links (if you ask your students to use a particular resource on a question), or determine whether the question still requires the students to use the resources that you intended in order for them to find the answer (if you do not ask your students to use a particular resource on a question).

In-class exercises should challenge students to think for themselves and be creative, while not frustrating them and diminishing their confidence as they learn how to use certain resources for the first time. For this reason, it is important to provide in a set of exercises some relatively straightforward questions that can be answered without great difficulty (but which nevertheless do require a systematic approach using law-oriented resources beyond just a simple search of the Internet using Google or another search engine), as well as others that require creative thinking. A key point to remember is that the purpose of in-class exercises is to teach students how to first select and then employ a wide

variety of research tools effectively so that the students will be confident and competent when faced with actual research problems in the course of law practice.

Another key point is that, because many sources of legal information change so rapidly, the teacher must frequently revisit exercise questions to ensure that they still serve the pedagogical function for which they were originally intended. For example, the answer to a question that once could be found only in a specialized database that a teacher wanted students to explore may now pop up in a simple Google search, thus defeating the point of having the question in the exercise set. Or perhaps a particular question requires the use of a resource that is no longer sufficiently up-to-date or is as easily accessible as it once was, or maybe the premise upon which the question is based is no longer valid. Just as a legal researcher must always remember to update earlier research results, a legal research teacher must likewise always remember to update exercise questions that have been used previously.

Grading/Evaluation of the Students' Responses to Exercise Questions

Once I decided to incorporate in-class online exercises into my course, I struggled with whether, and, if so, how, to grade my students' performances in the exercises. My goal was to provide the students with incentive to take the exercises seriously while not creating a stressful, competitive class atmosphere while the students did them. I believe that I successfully struck this balance by the two means below:

- (1) count the exercises as one, relatively minor, component of the final grade (e.g., 10 percent), while giving full credit to the students for making a good faith effort at completing most or all of the questions in each exercise; and
- (2) collect the completed exercises at the end of each class and provide written feedback to each of the students individually on his or her methods and results in doing the exercises.

By making the exercises count toward the students' final grades, I provided an indirect incentive for them to attend each class. I would only allow a student to make up a missed exercise by doing it outside of class if the student provided a reasonable excuse for having been absent on the relevant day. But, at the same time, by giving full credit to the students for attempting the exercises, I encouraged a cooperative, lively atmosphere in class where the students with a relatively better aptitude for legal research were glad to assist their classmates who encountered more difficulty.

Providing written feedback enabled me to monitor the students' progress in mastering the necessary legal research skills. If students consistently seemed to have trouble with a particular question in an exercise, it would indicate to me that perhaps I had not explained something sufficiently in my lecture the previous hour, and I could revisit this point in the next class. Providing feedback also encouraged my students to take the exercises seriously as they knew that I would be reading and commenting upon their responses.

A Few Lessons Learned from My Personal Experience Using In-Class Online Exercises

There were a few aspects or results of using in-class online exercises that somewhat surprised me. The lessons that I learned from these aspects or results were to:

- (1) limit the number of questions in an exercise to an amount that a reasonably diligent, proficient student can successfully complete within the designated time period;
- (2) recognize and plan for the fact that the students' legal research abilities are likely to vary widely; and
- (3) have a backup plan ready for each class in case, for whatever reason, Internet access is suddenly not available for an exercise set.

Before teaching my class, I thought that it would be a good idea to provide more than enough questions in each exercise so that I could be sure that no students would finish early and feel bored in the

remaining time.¹¹ I thought that by explaining to the students that I did not expect them to finish all of the questions and that they should not feel pressured to complete them (and would receive full credit simply for doing as many of the questions as practicable), there would be no problem with this approach. But what I found is that a number of my students seemed frustrated or discouraged when they could not complete the questions. Several would rush through some questions in a compulsive attempt to finish all of them, even when I specifically told them not to be concerned with that. As a result, the next time that I teach this course I will limit the number of questions in each exercise to avoid such unintended consequences of having “too many” questions.

I found that the legal research abilities and motivation of my students varied to an almost astonishing degree. For example, one of the questions in an exercise was to find the text of the traffic laws of the state of Chihuahua, Mexico. One enterprising student had little trouble finding them from an official source in Spanish, others made no progress despite trying hard, while still others got bogged down reading news stories such as “Chihuahua saves baby from rattlesnake” or “Chihuahua wins ugliest dog contest.” An effective legal research teacher must have patience; allow for the differences in the ability, motivation, and personality of the students; and let the students enjoy the time spent doing online research (as long as it does not get so out of hand that the students forget what they are supposed to be using their laptop computers for during the exercise period).

Finally, be careful to avoid overreliance on technology that could malfunction unexpectedly at any time. Wireless networks, Internet service providers, and individual computers can all “crash.”

¹¹ Because, as Amy E. Sloan described it, “It is difficult to generalize about how much time an assignment will take because some students naturally work faster than others, and some will catch on more quickly than others.” Sloan, *supra* note 10, at 10.

If possible, bring an extra laptop computer to class in case a student's computer falls off of a desk (as actually happened once in my class this summer), etc., and always have the IT department's phone number handy. But, to be even safer, it is a good idea to have a backup plan (such as saving a class discussion on a general subject like "the advantages of legal research using print versus digital media" or "how to use a law library") for that "rainy day" that may occur when you least expect it.

Conclusion

As a result of my teaching experience this summer, I believe that for certain types of legal research classes, particularly an upper-level class on foreign and international legal research, in-class online exercises can be a valuable educational tool. This

somewhat novel approach has become feasible only relatively recently due to such factors as the widespread use of notebook/laptop computers and wireless networks, as well as the prevalence of online research sources. But as electronic databases and the Internet continue to grow in importance as legal research tools, I believe that a greater number of legal research instructors will recognize the advantages of in-class online exercises and begin incorporating them into their courses.

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Another Perspective

"It is axiomatic that today's students have basic computer skills. While students need to learn the mechanics of using a source, we should spend more time focusing on its usefulness, coverage, and limitations. In addition, if we learned anything these past few years, it is that technology changes rapidly and that our students are technological chameleons. They adapt to the needs of the computer world. Today's popular tools can become tomorrow's 'remember when.' One never knows what is on the horizon and students, as they always do, will learn to adapt to different technologies. Thus, we need not spend too much valuable class time teaching our students how to use a particular technology—they can and will figure it out. Instead, we should help them understand what to do if they do not know anything about an area of law they are researching, what to do if they know their particular problem involves a federal statute, what to do if their problem is not governed by statute or regulation, and so on.

In short, we must turn our expert 'finders' into 'thinkers.' Ultimately, we must teach them what to do with the masses of information they find. Teaching legal research necessarily involves teaching synthesis and legal analysis and goes far beyond knowing how to use a digest or the Internet. The tools will continue to change but the need for thoughtful analysis is a constant. Understanding this frees the professor of legal writing and research from the constraints of the research tools themselves. Once researchers recognize that all tools are useful yet limited, they can then turn to the task at hand: to critically assess and analyze search results (no matter how they are found)."

—Carrie W. Teitcher, *Rebooting the Approach to Teaching Research: Embracing the Computer Age*, 99 *Law Libr. J.* 555, 565 (2007).