

CALR TRAINING IN A NETWORKED CLASSROOM

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Technology for Teaching ... is a regular feature of Perspectives, designed to introduce and describe the ways in which teachers of legal research and writing are using technology to enhance their teaching. Readers are invited to submit their own "technological solutions" to the editor of the column: Christopher Simoni, Associate Dean for Library & Information Services and Professor of Law, Northwestern University School of Law, 357 East Chicago Avenue, Chicago, IL 60611-3069, phone: (312) 503-0295, fax: (312) 503-9230, e-mail: csimoni@nwu.edu.

Looking Back

A little over 25 years ago, when LEXIS was in its infancy and Westlaw was still in its developmental stage, the main issue regarding incorporating training on these computer-assisted legal research (CALR) services into the legal research and writing curriculum was whether they would be taught at all. Both services required the use of large, clumsy dedicated terminals.² Printing was done on slow, dot matrix printers, which produced full pages of undifferentiated, single-spaced type on sheaves of continuous-feed paper. Furthermore, academic researchers were restricted

from going online during "peak" hours, which meant that academic usage was not allowed during afternoon hours, when law firm usage was typically the highest.

In these circumstances, it made perfect sense to limit or restrict first-year training on LEXIS and Westlaw. Additionally, the entire law school community shared a single terminal, which was not available during some hours of the day. And most legal educators had limited or no experience with computer technology.³ Our notion of a computer was a large mainframe fed by stacks of punch cards.⁴ We had never heard of PCs, let alone notebook computers or networked classrooms. Thus, at the beginning, there was little rush to introduce LEXIS and Westlaw training into the legal research curriculum, and in the very first years of their existence in the late 1970s and early 1980s, LEXIS and Westlaw were taught mainly to students on journals. Even as training gradually began to be introduced into the first-year legal research and writing curriculum, there was widespread agreement that any training offered be deferred until second semester.⁵

The Present

Fast-forwarding to the present, the world now is a very different place. Legal researchers can have their own personal access to LEXIS and Westlaw and are able to use these services from any computer with an Internet connection.⁶ Speedy laser printers can print cases in a dual-column format that looks almost identical to the appearance of cases in a print reporter. Furthermore, researchers are not limited to printing their search results. They can now download the results or send them by e-mail or fax to designated recipients. Beyond the capabilities of the hardware, available databases

¹ I would like to thank three people who critiqued this draft and provided valuable backup to my memory of when many of the events described in this article occurred: Steven R. Miller, Reference Librarian at Pritzker Legal Research Center of Northwestern University School of Law; Helene S. Shapo, Director of Legal Writing at Northwestern University School of Law; and Christopher Simoni, Associate Dean for Library and Information Services at Pritzker Legal Research Center of Northwestern University School of Law. Two other people deserve special thanks as well: Lisa Pearl, a member of the legal writing faculty at Northwestern University School of Law, for her work in turning the 1998 PowerPoint slides into the self-guided exercises used in the training described in this article; and Marni Goodman, a student in my class during the 1998-99 academic year, for the suggestion that inspired me to develop the training described in this article.

² See Robert C. Berring, *Full-Text Databases and Legal Research: Backing into the Future*, 1 High Tech. L.J. 27, 52 (1986); William G. Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 L. Libr. J. 543 (1985).

³ See Marilyn R. Walter, *Retaking Control Over Teaching Research*, 43 J. Legal Educ. 569, 569 (1993).

⁴ See Harrington, *supra* note 2, at 544.

⁵ See Fritz Snyder, *High Tech Law Students: When to Train Them on CALR*, 8 Perspectives: Teaching Legal Res. & Writing 21, 21 (1999).

⁶ See Robert C. Berring, *The Shifting Universe of Legal Information*, in *The National Conference on Legal Information Issues: Selected Essays* 26 (Timothy L. Coggins ed., 1996); Michael A. Geist, *Where Can You Go Today?: The Computerization of Legal Education from Workbooks to the Web*, 11 Harv. J.L. & Tech. 141, 149 (1997).

and search options have increased exponentially.⁷ Thus, as we enter the 21st century, LEXIS and Westlaw are no longer frills to be used if a researcher is fortunate enough to be trained and to have access to a terminal. Rather, they are integral parts of the legal research landscape.

Implications for CALR Training

These changes have had important implications for legal research training in law schools. We have had to adapt our curricula to ensure that students have enough training to understand how to use LEXIS and Westlaw efficiently and effectively.⁸ On the other hand, we have also had to dispel the student illusion that computers can do everything books can do, only better,⁹ because we know that information on computers, like that in books, is not necessarily accurate, up-to-date, or complete. We also know that both law firms and clients frown on and may refuse to pay for indiscriminate and inappropriate use of computers to do research that can be done more comprehensively, accurately, and expeditiously in books.¹⁰

In contrast to the early days of LEXIS and Westlaw, when there was substantial agreement on what should be taught and when it should be taught, today there is considerable debate in the legal research and writing community about what and when to teach students about both these services.¹¹ Part of the problem is that even though today's youth have grown up with computers and know how to research using sources available on the Internet or on CD-ROM,¹² they do not know how to use LEXIS or Westlaw. Legal research and

writing (LRW) teachers thus have to balance the benefits and drawbacks of early LEXIS and Westlaw training. The argument for delaying it is that students cannot design effective Boolean searches until they gain some basic familiarity with the tools of legal research and with concepts in the legal lexicon. The argument for introducing it quickly is to dispel the myth that if we refuse to provide students immediately with their passwords to LEXIS and Westlaw, we must be hiding something.

Thus today, schools vary quite a bit in both when and how they offer LEXIS and Westlaw training to their students.¹³ While it is probably fair to say that in all law schools, the legal research and writing courses introduce students to LEXIS and Westlaw in the first year, some schools defer all training until second semester, and some introduce full training early in the first semester, alongside training in print research. Still other schools find that an appropriate compromise between these two options is to introduce limited-function passwords in the first semester and full Boolean (and natural language) training in the second semester.¹⁴

A new variable has also come up. During the 1990s, LEXIS and Westlaw have released new versions of their software at least annually and sometimes more often.¹⁵ Changes in the software have taken place so quickly that many in the legal research and writing community have not been able to keep pace. The combination of frequent software changes and staffing constraints has led a number of schools to allow the vendors to conduct the training on their respective services. Thus, law schools vary not just in how much LEXIS and Westlaw training they offer and when they offer it, but also in who does the training.¹⁶

“The argument for introducing it quickly is to dispel the myth that if we refuse to provide students immediately with their passwords to LEXIS and Westlaw, we must be hiding something.”

⁷ See Robert Berring, *Chaos, Cyberspace and Tradition: Legal Information Transmogrified*, 12 Berkeley Tech. L.J. 189, 197–99 (1997).

⁸ See Donald J. Dunn, *Why Legal Research Skills Declined, or When Two Rights Make a Wrong*, 85 L. Libr. J. 49, 58–61 (1993).

⁹ One student mentioned to one of our reference librarians that “someday they’ll put a torch to these books,” as if books had already outlived their usefulness.

¹⁰ See generally Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 J. Legal Educ. 381 (1990); Nancy McMurrer, *Butterflies Are Free—But Should CALR Printing Be?* 8 Perspectives: Teaching Legal Res. & Writing 89 (2000).

¹¹ See Snyder, *supra* note 5, at 21–23.

¹² See Geist, *supra* note 6, at 143.

¹³ See Penny A. Hazelton, *Integrating Manual and Computer Legal Research*, in *The Spirit of Law Librarianship: A Reader* 226 (Roy M. Mersky & Richard A. Leiter eds., 1991).

¹⁴ See Snyder, *supra* note 5, at 21–23.

¹⁵ In the single year between the summer of 1998 and the summer of 1999, West Group made Westlaw available on the Web via New westlaw.com™, which co-exists with its earlier Web product, westlaw.com, as well as version 7.21 of its proprietary software, WestMate®, which completely revamped the product that had been released the year before.

¹⁶ While there has been some recognition that training should be done by the legal research and writing professionals who teach the courses (see generally Walter, *supra* note 3) many schools have neither the staff nor the lab equipment to conduct the training without the help of outside vendors.

Northwestern's Experiments in the Nineties

At the beginning of the past decade the legal writing course at Northwestern University School of Law deferred all LEXIS and Westlaw training until the second semester of the first year. At that time, the librarians taught LEXIS and Westlaw on a number of extra terminals on loan from the vendors.¹⁷ By the mid 1990s, however, as a result of some staffing changes in the library and the movement of LEXIS and Westlaw from dedicated terminals to PCs, which enabled more individualized instruction than we had typically done on the loaned terminals, we had relinquished most of the LEXIS and Westlaw training to the vendors. Once LEXIS and Westlaw could be accessed from home without a special trip to the law library, we noticed that students were increasingly viewing print research as the “vegetables” they had to endure in order to get to the “dessert”—the computers. After they received their LEXIS and Westlaw training at the beginning of their second semester, large numbers of them abandoned print research and relied exclusively on the computer, no matter how inefficient or unproductive it was for a given objective.¹⁸

To counter this situation, we decided to integrate some LEXIS and Westlaw training into our first-semester instruction in print research, hoping that students would decide that we were not saving the “best” for last. In addition, we thought that we could cover more material overall. By starting in the fall with several basic functions, instruction in the second semester could cover more new ground and perhaps teach students how to develop efficient research strategies for using both print and online media. At the same time, we also thought that by “taking control”¹⁹ of some of the CALR training ourselves,

we could provide students with a more objective assessment of the respective services than could the vendors, who had a particular product to promote.

Thus, for the last half of the decade, the legal research and writing faculty has been responsible for introducing students to LEXIS and Westlaw in the first semester. As part of that training, students have been instructed on the functions that can be performed on limited passwords: retrieving documents; using citator services; and browsing methods to use in conjunction with both of these.

We began by teaching these sessions in large classrooms, which could hold most of our first-year class at the same time. At first, we used a “smart” classroom near a phone line and dialed directly into each service through a modem. We projected our live online research session on the screen in the classroom and explained the software as we ran our searches. Last year, having lost the smart classroom due to construction, we did the training in a large auditorium through an elaborate PowerPoint presentation.²⁰ The reason we used these large classrooms and taught the students *en masse* is that our library did not have a networked computer lab until 1995, and although we now have three, the largest lab seats only 15 people.²¹

Staffing constraints also contributed to our decision to train as many students as possible in a large classroom. Since we were attempting to coordinate the computer training with instruction in print sources, we wanted to schedule the computer sessions alongside the introduction to print research. The period that we cover legal research, however, is the busiest period of the fall semester. During this narrow window, the legal writing faculty are conducting conferences on rewrites of the first memo assignment; the students are beginning their research to find materials for writing their first research memo; and the librarians are occupied with trying to staff the library adequately in order to handle the

¹⁷ The use of loaned terminals, called “temporary learning centers,” was a common practice when LEXIS and Westlaw were in their early stages of development and could be accessed only from dedicated terminals. See David A. Thomas, *Training American Law Students in Computer-Assisted Legal Research*, 19 *Law Librarian* 59, 61 (1988). See also Berring, *supra* note 2, at 51 n.76.

¹⁸ This phenomenon was not unique to Northwestern. A number of others have observed the same trends at other schools. See, e.g., Dunn, *supra* note 8, at 59; Howland & Lewis, *supra* note 10, at 384–88; Walter, *supra* note 3, at 569–72, 580–81.

¹⁹ Walter, *supra* note 3, at 580–81.

²⁰ After the presentation, we uploaded the file onto our school intranet.

²¹ From the late 1980s our library did have two six-station labs, one for LEXIS and one for Westlaw. Our law librarians used these labs for LEXIS and Westlaw training when they were the primary trainers in the late 1980s and early 1990s.

research questions of approximately 200 first-year students.²²

Our use of the large classrooms as a substitute for individual at-terminal training, though well intentioned and focused on relatively simple tasks, was not particularly successful. Students sitting in a classroom away from a computer terminal could not absorb such a large amount of detailed information. Furthermore, when the classroom was darkened so that the projection on the screen could be seen more easily, many students dozed through the presentation. We also experienced various technical difficulties when servers or routers at one end or the other went down at precisely the wrong time. When we learned that the vendors, who were still doing the second-semester training, were repeating everything that we had covered during the first semester, we decided to rethink our entire approach.

Success At Last

By the time we began to rethink our approach, we were able to draw on lessons learned from an advanced legal research course that was added to the curriculum in spring 1998.²³ Since that course had a relatively small enrollment, all the CALR training, including LEXIS and Westlaw, could be done at individual terminals in the computer lab. The learning curve in that course was extremely short and the feedback about the CALR training was very positive. We concluded that students had to be at their own terminals in order for training to be effective. But here we faced several dilemmas. The first was our inability to staff the training when the legal writing faculty and the law librarians were at the busiest point in the semester. Yet we had already

successfully taken control of this part of our LEXIS and Westlaw training and did not want to turn it back to the vendors.

In addition to this logistical problem, we also faced a substantive problem. All the second- and third-year students in the advanced legal research course began that course with a roughly comparable foundation: first-year LEXIS and Westlaw training and some work experience. In contrast, students in the first-year course had widely different backgrounds. Some had been paralegals and had extensive experience on one or both of the proprietary services. The vast majority of students had no experience with LEXIS or Westlaw but had varying levels of skill with a computer. We were concerned that if we used the computer lab to instruct the students step-by-step in various commands, the lecture would not be able to reach all ability levels equally. If we went through the material quickly, we risked losing the slower students who needed time to absorb the lecture, but if we went more slowly for the students who needed more time, we risked boring the students who could move more quickly.

Fortunately, some new technology became available to us as we pondered this dilemma. Over the summer of 1998, one of our medium-sized classrooms, seating about 60 students, was wired onto the network at each desk. In addition, the school was strongly encouraging, though not requiring, every entering student to own a laptop computer.²⁴ We realized that if the students brought their laptop computers to the networked classroom, we could, in effect, create a computer lab with 60 individual workstations. This plan would solve the staffing difficulties we would have had if we had tried to conduct 14 to 15 separate training sessions in the library computer lab. However, we also realized that trying to train 60 students at once would exacerbate any problems caused by the students' differing levels of computer expertise.

Our solution to this dilemma was to divide the previous year's PowerPoint presentation into two parts. The first half of the presentation had compared the strengths and weaknesses of books

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²² The first assignment is a closed-universe assignment. The students write one draft, which is graded. Then they completely rewrite the memo. Immediately after they hand in the rewrite, we begin instruction in print research. Once we have introduced students to the materials in the library, they begin work on a guided research exercise, which leads them to the primary materials they will need to write their next memo assignment. We wanted to conduct the CALR training immediately after the students turned in their answers to the research exercise, which was just over a week before their memos based on that research were due.

²³ This course has been team-taught by the law librarians, with an occasional guest speaker.

²⁴ When we surveyed the first-year class, we learned that roughly 85 percent of the students owned a laptop fitted with an Ethernet card that could connect them to the network.

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as research tools with the strengths and weaknesses of computers as research tools. We retained these slides in their PowerPoint format and used them at the beginning of the training as a 15-minute overview of the benefits and pitfalls of online research.²⁵ The second half of the presentation had explained how to retrieve documents using the citation, how to browse documents, and how to use citators. We turned this part of the presentation into a hard-copy, self-guided exercise for students to work through at their own pace. In addition to distributing hard copies of the exercise in the training class, we uploaded it onto the Web so that students who either missed the training or lost their copy of the exercise could have ready access to it for review and practice. The exercise covered Get a Document, Find, Shepard's® and KeyCite®.²⁶ It had step-by-step instructions on how to perform each function, along with copies of screen captures showing what the screen would look like as each function was performed. The exercise permitted computer-savvy students to work quickly without getting bored while allowing students with less computer experience to work at their own pace without getting lost or discouraged.²⁷ To provide individualized attention to any student needing assistance, in addition to the person giving the PowerPoint presentation, we staffed the classroom with at least one member of

²⁵ The basic content of this part of the class was taken from a lecture that I used to give to the entire first-year class in the spring semester. For a description of this lecture, see David L. Lee, *Best of Both Worlds: Computerized and Manual Research*, 9 CBA Rec. 50 (1995).

²⁶ We taught LEXIS through the Web, because LEXIS is no longer distributing its software. We taught the 7.2 version of the WestMate software. There were several reasons that we taught the software instead of either of the two Web versions of Westlaw. First, the software is very fast and easy to use. Second, New westlaw.com had been very slow up to the point we made the training decision, and we did not want to bog down the training sessions with slow Internet response time. Finally, we thought that students would not have much difficulty using Westlaw on the Web (via either westlaw.com or New westlaw.com) if they started with the software, but that they might have some difficulty using the software if they had started on the Web. We will probably continue this practice until there is a more substantial shift toward exclusive use of the Web among law firms.

²⁷ To help us ensure that the exercise was clear to the students who were not comfortable with computers, we tested it on our own faculty, all of whom had very different levels of expertise on each of the two systems.

the legal writing faculty or one reference librarian, as well as a representative from each vendor.²⁸

Since the classroom held 60 students, we were able to complete the training with three sessions in the classroom, plus two additional sessions in the library's computer lab for the small number of students who did not own a network-ready laptop. The entire training took about one-fourth of the time that we would have needed to train all the first-year students in the lab. Furthermore, we were able to provide all the training within the single optimal week of the fall semester, which was the week after the students had been introduced to book research. This was far enough ahead of the due date of their research memorandum that they could use their limited LEXIS and Westlaw passwords to do research for the memorandum as well as the small new issue that would later be added to the rewrite of that memo. Thus, the students had two assignments for which the majority of their research still had to be done in books, but they could still practice and hone their newly acquired but still limited research skills on LEXIS and Westlaw.

After a decade of experimenting with ways to integrate print and computer research, we had finally found a method that worked. Students were able to learn at their own pace, generally on the same computers that they would be using to research from home. We had no technical difficulties, even with close to 60 students simultaneously connected to the network. We had none of the bandwidth bottlenecks that had plagued previous training attempts. No hub or router went down, and no laptop computer crashed. For the first time, the student feedback was positive, rather than lukewarm or negative. In fact, one particularly computer-literate student said that although she generally found most computer training to be extremely frustrating, because there was too much dead time while much of the class waited for everyone else to follow the trainer's instructions, this session was the first computer instruction in which she had felt fully engaged throughout the training session.

²⁸ One indication of either the quality of the exercise or the computer skills of today's students is that the faculty members present were not asked for very much assistance.

The Future

Although we were able to train a large number of students very effectively within a very short time frame, these training sessions required extensive preparation. We first had to identify the topics that we wanted to cover for each of the two services and the order in which we wanted to cover them. We then had to devise a variety of illustrative searches that could be used as examples of the techniques that we were introducing. Next, we had to write out step-by-step instructions for each task and obtain the screen captures that would serve as the visual teaching aids. Finally, the instructions had to be typed and the screen captures had to be photocopied and reduced for the printed version of the exercise. Even more time was required to crop, add graphics to, and edit the screen captures so that they could be uploaded to the Web.²⁹ Between late October and early January of this academic year we did not have enough time to script out and compile the exercises that we would need in order to give the students self-guided exercises on Boolean search techniques. Thus, as in the past, next semester we will again rely on vendors for the second-semester training.

We hope, however, that this year will be the last time we have to rely on the vendors for training. Our plan is to prepare training scripts and self-guided exercises about Boolean search techniques so that each student will have an hour and a half of training on LEXIS and another hour and a half on Westlaw. The vendors, of course, will be invited to attend, just as they were in this fall's training, but the training will be designed and conducted by Northwestern's legal research and writing faculty. We hope that our success in taking back control of what is logically our domain offers a useful model to other schools.

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²⁹ Although cutting and pasting allowed us to reduce the size of the screen pictures to a fairly small size to avoid an overly long document, the resolution on the pictures was poor. A much better version was obtained by printing the document that was eventually uploaded to the Web. Since the Web version is in color, with good resolution, it is tempting to skip the paper version altogether and allow the students to work through the exercises exclusively from the Web site.