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## WHO SHOULD TEACH CALR—VENDORS, LIBRARIANS, OR BOTH?

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Since the very advent of computer-assisted legal research (CALR) in the early 1970s, a debate has been waged over who should provide CALR instruction in the law school setting: product vendors or law librarians. We have come a long way from the late 1970s and early 1980s when schools provided instruction in a “primitive” environment, often limited to a single dedicated terminal with one password for the entire school.<sup>1</sup> By the late 1980s and early 1990s, product enhancement (e.g., database and interface expansion, multiple passwords) and student demand led to such expanded training programs<sup>2</sup> that today CALR training is an integral part of the first-year legal writing and research curriculum. Nevertheless, questions about how to teach CALR continue to generate controversy.<sup>3</sup> In particular, the debate over *who* should teach it is alive and well.

### Why Vendors Should Train

Those who support CALR training by vendors point to their expertise with the product as the primary benefit. The vendors “more fully understand the features, benefits and methods of

using the tools.”<sup>4</sup> Most librarians recognize the difficulty in keeping abreast of new LEXIS-NEXIS and Westlaw developments. Every year, new databases (both legal and nonlegal) and new features are added to the systems. Now subscribers even have their choice of interface: proprietary software or Web-based versions. The vendors recognize the need to keep librarians up-to-date and have added another level of support: library relations representatives whose primary responsibility is to respond to librarians’ concerns.<sup>5</sup> They provide information and counsel on the systems’ vast array of products.

Another reason that vendor representatives may be the ones best qualified to show students how to achieve cost-effective electronic research is their familiarity with the variable pricing structures available to law firms and legal practitioners. Finally, online training is a very labor-intensive endeavor, and vendors are prepared to provide the staffing needed for CALR training that at least some law schools simply do not have at their disposal. Usually training sessions take place in small groups for a concentrated period of time. For many schools, the issue of staff resources is a critical factor in deciding who should provide CALR training. Schools with large student populations, for example, may lack sufficient staff to provide effective training.

### Why Librarians Should Train

In law school, students develop their skills of critical analysis. Students need to apply these skills not only in analyzing law but also in assessing research resources. Given the vast array of legal information and, in particular, the depth of information available in electronic products, students need unbiased guidance in evaluating these resources. The primary argument against CALR training by vendors is the perception that a vendor presentation on these resources will be more sales-oriented than neutral instruction. By

<sup>1</sup> See John R. Johnson & Jo McDermott, *Days of Miracle and Wonder: A Retrospective and Future Look at Computer-Assisted Legal Research*, 19 W. St. U. L. Rev. 525, 528 (1992).

<sup>2</sup> See Donald J. Dunn, *Why Legal Research Skills Declined, or When Two Rights Make a Wrong*, 85 L. Libr. J. 49, 60 (1993).

<sup>3</sup> See, e.g., Frank Houdek, *Our Question—Your Answers*, 3 Perspectives: Teaching Legal Res. & Writing 80 (1995) (discussing the question of “whether vendor representatives [should] be used to teach computer-assisted legal research, or other aspects of legal research”); Dunn, *supra* note 2, at 66 n.72 (discussing use of student representatives by vendors to handle various aspects of CALR in law schools); Marilyn R. Walter, *Retaking Control Over Teaching Research*, 43 J. Legal Educ. 569, 581 (1993); Dan J. Freehling, *Problems and Solutions in Teaching Computer-Assisted Legal Research*, Integrated Legal Res., Winter & Spring 1989, at 9 (discussing such issues as permanent learning centers, when CALR training should occur, and how to get faculty to integrate CALR into substantive courses).

<sup>4</sup> Houdek, *supra* note 3, at 81 (quoting Joe Gornick, Knowledge Team Leader, CCH Incorporated).

<sup>5</sup> See Librarian Relations Group, LEXIS Publishing, *InfoPro for Legal Information Professionals* (visited Jan. 27, 2000) <<http://infopro.lexis.com/home.htm>>; Librarian Relations, West Group, *Law Librarians and West Group: Key Relationships* (visited Jan. 27, 2000) <<http://www.westgroup.com/librarians/infshare.htm>>.

definition, the vendors' goal is to tout their product. They will emphasize their system's strengths and downplay its weaknesses. It has been said that vendors use the training sessions "as a forum for marketing their product or criticizing their competitors."<sup>6</sup> This approach to instruction is likely to conflict with the academic mission of the law school.

In an academic environment, students need a more objective approach. Training by vendors often gives the impression that CALR can be used for any research problem and can locate any legal authority. An article discussing CALR manuals produced by vendors noted that these manuals deliberately make CALR appear simple to use. "CALR appears to be nothing more than a series of simple commands and functions by which users can locate exactly what it is they are looking for. . . . These guides never discuss online research in the context of realistic, complex legal issues, nor do they teach users how to combine the innumerable features of the databases to formulate effective searches."<sup>7</sup>

For most who oppose training by vendors, the key concern relates to the educator's responsibility for curriculum content. As one commentator has noted, "teachers have to help students deal with two conflicting messages: the possibilities of technology and its limitations."<sup>8</sup> These teachers can highlight the ways in which print and electronic research tools complement each other, can integrate the processes of analysis, research, and writing, and can focus a student's "technical mastery into overall problem-solving skills."<sup>9</sup>

Other benefits relate to the role librarians play in the educational process. Taking responsibility for CALR training reinforces the role of librarian as teacher and knowledgeable researcher. This is especially important to librarians with faculty status. Having librarians conduct CALR training provides the "opportunity to meet and interact with students in a professional, teaching type of situation and to reinforce the library's

ability to offer assistance with all types of research."<sup>10</sup>

### A Hybrid Approach

Which teaching methodology works best? Although there is probably no definitive answer, it seems clear that educators must consider the school's pedagogical goals, the structure of the legal research and writing curriculum, and the resources allocated for this part of the curriculum.

My personal choice is to use a hybrid method. I strongly believe that librarians should take responsibility for the first-year legal research curriculum, including CALR training, for the reasons stated above. It is especially critical in a school that has an integrated legal writing and research course. In such a program, faculty control of CALR content ensures that it will relate to the program's overall pedagogical concepts and assignments. However, I also feel that we can partner with vendors to provide advanced and specialized training for upper-division students. At that level, schools can take advantage of vendor expertise to provide specialized sessions targeted for students involved in the law school's journals or focused on specialized topical or practice areas, such as tax, securities, and labor law.

### The Vanderbilt Experience

At Vanderbilt University Law School, librarians provide CALR training for first-year students as part of the school's year-long integrated legal writing course. "Legal Writing," coordinated by a director of legal writing and team-taught by part-time legal writing instructors paired with law librarians, is presented in eight sections, with approximately 24 students in each. The research component develops the basic skills students need to complete the graded writing assignments. Research assignments are topically related to the writing assignments. The fall semester focuses on the core research materials: secondary sources, case and state statutory research, citators, and research methodology. The spring semester examines federal statutes, administrative law, and practice-oriented secondary sources. Currently, seven librarians,

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<sup>6</sup> Freehling, *supra* note 3, at 10.

<sup>7</sup> Linda M. Ryan, *Designing a Program to Teach CALR to Law Students*, 4 Perspectives: Teaching Legal Res. & Writing 53, 56 (1996).

<sup>8</sup> Walter, *supra* note 3, at 570.

<sup>9</sup> *Id.* at 572.

<sup>10</sup> Houdek, *supra* note 3, at 80 (quoting Gary Bravy, Georgetown University).

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including me, participate in the program.<sup>11</sup> Six are teamed with the legal writing instructors, and the computer services librarian has primary responsibility for the CALR lecture and online training sessions described below.

In designing the CALR portion of the curriculum, we acknowledge the high level of computer literacy students possess. We assume students are proficient using a Windows-based platform. We allocate three 50-minute class periods in the fall semester for CALR instruction, consisting of an overview lecture and two online sessions. For the spring semester, we allocate one online session. In designing the CALR curriculum, we make sure to follow the content covered in the prior research lectures and to link CALR assignments to upcoming writing assignments.

The lecture provides a general overview of CALR. Students are assigned an excellent article to read by Penny Hazelton that articulates the basic principles of CALR and clearly sets out the advantages and disadvantages of print and electronic research.<sup>12</sup> The lecture reinforces these principles and illustrates basic CALR concepts, such as Boolean searching.

The online sessions are scheduled for the following two weeks.<sup>13</sup> Half the class is assigned to learn LEXIS-NEXIS, the other half learns Westlaw. At the CALR lecture, we distribute passwords, vendor manuals, and an online tutorial. Students are required to complete this tutorial before the first session. The tutorial, designed by the computer services librarian, is a critical part of the instructional process. Because of the high degree of computer literacy of our students, we let them use the tutorial to learn the basic system features at their own pace. The tutorial introduces the sign-on process, database selection, Boolean connectors, display formats,

citator service, navigational features, and unique components of the system (e.g., the Westlaw topic and key number feature). Students work through a sample Boolean search, then analyze a hypothetical research issue and execute a search. They also review a second hypothetical and prepare a search query that is discussed during the first online session. By having the tutorial depict as many features as possible, we are able to focus on what we think are critical concepts during the online sessions.

The first session concentrates on developing search strategy skills. We review the hypothetical problem and work through the search query process as a group. This process, which usually takes half the class time, includes issue and fact analysis, search term selection, Boolean connectors, and segment or field search structure. Students then execute their search query. Reviewing the results offers an opportunity to highlight display options and other system features. We distribute a homework assignment to reinforce what they have learned about effective search formulation. Since CALR training occurs shortly before students receive their open research memorandum assignment, we often include a question or two that relates to the memo assignment. We may ask students to locate specific information critical for the memo assignment or to use a database they will need in their research. All this is done in coordination with the writing instructors.

The second hands-on session focuses on citator services. Students learn the citator services offered by both systems: The Shepard's service on LEXIS-NEXIS and the KeyCite service on Westlaw. The students assigned to learn LEXIS-NEXIS also receive a limited Westlaw password and vice versa. During this session, we distribute another homework assignment that provides more search formulation practice and reinforcement.

We complete the research portion of the legal writing course by the eighth or ninth week of class. Thereafter, students receive their open-research office memorandum assignment. At that point they have been exposed to a wide range of research sources, both print and electronic, and can determine their own research methodology. We impose two research restrictions: students may only use the system on which they were

<sup>11</sup> The law faculty has long recognized the librarians' research expertise and has supported a teaching role for the dual-degree librarians. Faculty confer a lecturer-in-law appointment for those librarians teaching in the legal writing program.

<sup>12</sup> Penny A. Hazelton, *Integrating Manual and Computer Legal Research*, in *The Spirit of Law Librarianship: A Reader* 225 (Roy M. Mersky & Richard A. Leiter eds., 1991).

<sup>13</sup> Currently, three of the seven law librarians participate in the training sessions. Training sessions are held in the computer classroom, which has 12 workstations. Given the eight legal writing sessions with approximately 24 students in each section, we schedule 16 sessions each week.

trained, and they are limited to four or six hours (including print commands) of CALR time. With these restrictions we hope to prevent excessive dependence on CALR for the memo assignment.

In the spring semester, students switch CALR systems. We schedule only one online session early in the semester. In this semester, legal writing focuses on advocacy writing, and two advocacy pieces are assigned: a trial brief and an appellate brief. We coordinate the online training session schedule with distribution of the trial brief assignment. As in the fall semester, the online session content emulates the topical coverage in the research lectures. Prior to the online session, students receive vendor manuals and another online tutorial. The spring tutorial assumes familiarity with CALR systems, omitting the discussion on issue and fact analysis and Boolean connector descriptions. It emphasizes sign-on procedures, unique system features, citator services, and navigational functions. Students work through a sample search and prepare and analyze a hypothetical problem for the online session.

We take a comparative approach with the online session, examining the differences and similarities between the systems, and continuing to focus on search formulation strategies since past experience indicates that the most glaring weakness students have in electronic research is poor search query formulation. For the trial brief assignment, we impose the same restrictions as in the fall semester, thereby forcing students to use the “other” system.

As noted earlier, I don’t support an “either/or” approach to CALR instruction in law schools. Developing instructional partnerships with the vendors can enhance and benefit the law school’s research offerings. The partnership can work on several levels. We depend on vendor representatives to help keep us abreast of new system features and developments. Since we devote significant staff time to the first-year research curriculum, we welcome the assistance of vendors in providing CALR instruction to upper-division students. This includes vendor-provided training for career services, student publications, and moot court teams. Last year, vendors offered specialized topical sessions (i.e., tax and labor law) with some success and will do so again this year.

## Conclusion

At Vanderbilt, we have devised a successful means to effectively teach students CALR without unduly burdening staff resources. In the first-year program, we provide critical guidance for students to help them understand the vast array of legal information sources, regardless of format. We take our educational role seriously and feel it is important for us not to delegate that responsibility, especially in the first-year curriculum. For upper-level students, we partner with vendor representatives to focus on the students’ specific electronic research needs. In our region, the vendor representatives also train in law firms and this experience adds a “real life” component to their topical or specialized training sessions. Just as there is no “right” way to research, there is no “right” way to teach CALR. Each school must balance its programmatic needs and institutional resources. The Vanderbilt program offers a model for those who seek to balance these concerns.

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