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Research and the professional : navigating a spectrum of legal resources.

Erin K Gow
erin.gow@louisville.edu

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Research and the Professional

Navigating a spectrum of legal resources

Introduction

- Growing amount of legal information available
- Importance of legal research
- Training needs of legal professionals
- Librarians as trainers

Intend to discuss:

- Growing amount of information makes legal research difficult
- Common levels of information literacy & legal research skills in legal field
 - Need to assess skills, motivation & needs
- Role of librarians in legal research training
- Ultimately: how to offer the most beneficial training possible

I will support these statements by:

- Drawing on my experience at Middle Temple
- Referring to the work of other academics, librarians & legal experts

Will stop to ask for input, opinions & discussion a few times during session to take advantage of a roomful of other professionals with good ideas to share

Need for Legal Research?

- General need for legal research training
- 2013 the Solicitors Regulation Authority, Bar Standards Board, and ILEX Professional Standards produced a joint Legal Education and Training Review (LETR)
 - <http://letr.org.uk/>



Identified need for legal research skills training:

- 2013 Legal Education and Training Review (LETR): a joint review by the Solicitors Regulation Authority, Bar Standards Board, and ILEX Professional Standards (The Review 2013)

Ranking	Barristers	Solicitors	CILEx members	Weighted average of three largest professions	All respondents (average)
1	Communicating in Person	Identifying and Understanding Problems	Explaining Legal Matters	Explaining Legal Matters	Explaining Legal Matters
2	Identifying and Understanding Problems	Solving Problems	Honesty and Integrity	Communicating in Person	Communicating in Person
3	Explaining Legal Matters	Attention to Detail	Dealing with Difficult Issues or People	Identifying and Understanding Problems	Identifying and Understanding Problems
4	Solving Problems	Writing and Drafting	Attention to Detail	Solving Problems	Attention to Detail
5	Legal Research	Communicating in Person	Writing and Drafting	Attention to Detail	Honesty and Integrity
12	Developing and Maintaining Good Relationships with Clients	Responsibility	Keeping Clients Informed	Legal Research	Common Sense
13	Responsibility	Dealing with Difficult Issues or People	Legal Research	Common Sense	Legal Research
14	Resilience and Coping with Stress	Legal Research	Initiative	Keeping Clients Informed	Resilience and Coping with Stress

<http://letr.org.uk/the-report/chapter-2/what-is-valued-and-required-by-the-legal-services-sector/index.html>

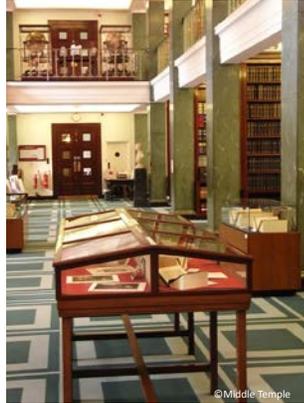
In section on “What is valued and required by the legal services sector?” legal professionals were asked to rank 25 key skills: Barristers put legal research 5th, members of the Chartered Institute of Legal Executives put it 13th, and Solicitors 14th.

Legal research is not adequately addressed in academic stage & needs to continue to be reviewed throughout legal careers

SRA and BSB issued new statements in response to the LETR. Need to revise training and education to address current gaps in the curriculum

Declining standards of legal research widely commented upon. For example: Glanville Williams: Learning the Law

Research at Middle Temple



Middle Temple Research Project:

- Identified by librarian
- My interest in topic: Education meets libraries
- Needs of Middle Temple specifically: Unique user base as Inn of Court. For example: International Barristers, judges, clerks, academics, pupils, students, researchers, solicitors, etc.
- Surveys & interviews
- Compared to commentary by others in the legal & library fields

Showed clear need for additional training

Specific Training Needs

- Identifying resources
- Research techniques
- Print v. Electronic



Particular needs:

- Identifying the most useful resources, not just most convenient
- Using print and electronic resources equally (most users chose one medium or the other, but few used both confidently).
- Usually resulted in either a chaotic approach to searching in electronic mediums or confusion when searching multivolume printed works

Training Needs

- Explosion of content
- Rapid changes
- Digital divide

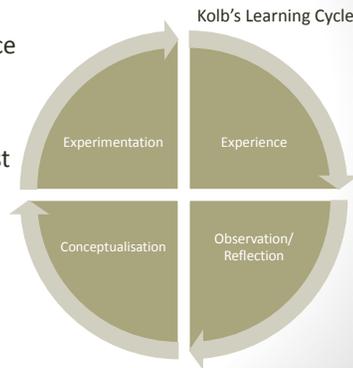


Importance of ability to search both print & electronically:

- Rapidly changing nature of legal publishing
 - Change in mode of availability. For example: Government documents now 'born digital'
 - Change in interface/access/coverage. For example: Eur-Lex change highlighted need for training
- Individuals are often more confident in one medium than the other
- Often reflects the 'digital divide'. For example: MT pupil's training who have been in academic world recently

Educationally Sound Methods

- Concrete examples
- Real-world relevance
- Experience level
- Scaffolding
- Compare & Contrast
- Experience



Educationally sound methods reinforce information regardless of age of attendees or content:

- Provide concrete examples
- Highlight the relevance of the materials
- Pitch discussion at right level
- Scaffolding: build up from simple concepts and tasks to advanced ones, and connect new ideas to previously mastered techniques
- Compare & contrast/ Parallels & differences. For example: MT parallels & differences, concrete uses of JustCite/Digest/Current Law Case Citator
- Cyclical learning process built up through a variety of experiences

Target Training

- Efficient
- Flexible
- Revise content
- Relevance
- Integrate the basics
- Feedback
- Commonly asked questions



Convincing individuals of the need to set aside time in which to undertake further training can be difficult, despite the fact that MT research showed positive opinion of any training that was previously completed

Target training by:

- Offering training that is relevant & time efficient
 - Individual/small group training: Flexible, adaptable, personalized
 - Adapt a standard session to be as targeted to group as possible. For example: MT separate student & pupil sessions for experience level
- Particular topics & constantly updated
- Incorporate feedback
- Focus on Information Literacy
 - Basics of legal research and information literacy are sometimes easy to overlook. For example: MT we started by focusing on resources & content, but revised training & got more positive feedback
 - Lots of questions about basic searching (including on enquiry desk). Keyword example: dangerous dogs – domestic animals, better than just animals but less specific than dogs (filters out wildlife & animal welfare)
- Highly educated individuals especially prone to overestimating their own research abilities
 - 'Hide' information literacy in new topics. For example: MT added general internet research & cut Lexis demonstration (duplicated Westlaw demonstration) after request & used opportunity to cover basic privacy (DuckDuckGo) search engine discussion

Discuss

- Are there topics you were surprised to find your training attendees need help with?
- Can you identify any key subjects to cover, based on common questions you receive?



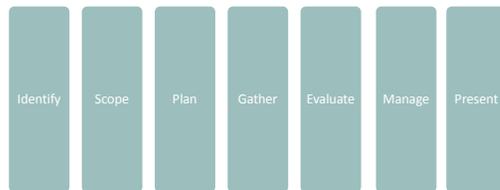
Question 1: Are there any topics that you were surprised to find that your training attendees need help with?

Can you identify some key subjects to cover, based on common questions you receive?

For example: Keywords, access to specific database, newly electronic sources, type of law (commentary v. case v. primary v. secondary)

Information Literacy

- Research skills
- BIALL Legal Information Literacy Statement
 - www.biall.org.uk/pages/biall-legal-information-literacy-statement.html



The SCONUL 7 Pillars of Information Literacy

Several other librarians have also commented on need for information literacy skills

- They provide the skills needed to cope with the rapidly changing research environment
- Overlap with the skills essential to the learning process & help embed learning

Practical application in BIALL's 2012 Legal Information Literacy Statement

- Highlights 5 research skills that can underpin training
- Highlights the most relevant skills that appear in the SCONUL 7 Pillars of Information Literacy through a Digital Literacy lens
- Provides framework to underpin the training

Form of training: Training or teaching?

Learn new tasks/techniques or think about information differently?

Discuss

- What level of training is offered in your institutions?
- What level of training do you think is needed?



Question 2: If there is a scale of types & forms of sessions from practical techniques through to concepts of information literacy and theories of research: where does your training fall?

What approach do you think your institution should take?

- Have you looked at BIALL Info Literacy Statement?
- Do you address information literacy?
- Do you show/work through example search on database – focus on series of steps?
- Print or electronic focus?
- What counts as training? For example: printed guides, library tours, individual training session working through examples, etc.

Librarians or Teachers

- Educational theory
- Training & teaching

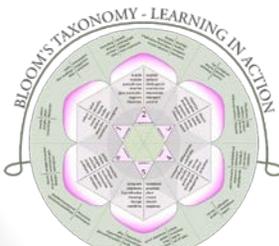


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http://en.wikipedia.org/wiki/File:Blooms_rose.svg



Learning theories outlined in
Jo Webb and Chris Powis,
*Teaching Information Skills:
Theory and Practice* (London:
Facet, 2004).

Educational theory & pedagogy:

- Rarely mentioned in library publications, but means not having to reinvent wheel
- Ensures training is comprehensible, memorable, useful

Librarians not trained as teachers

- Specific & specialised skill set: identifying learner's needs, designing educationally sound learning experiences, and actively presenting material in an engaging way

Increasing expectation of librarians to also be trainers, *but* extent of responsibility up for debate

- CILIP Update article on skills future information professionals will need, cited the importance of communication & being able to teach & present
- Information studies coursework often incorporates the study of

presentation style, although not pedagogy. For example: University of Brighton coursework included presentation & learning styles, which frustrated some of my classmates (despite no pedagogy!)

Other practicalities of providing training:

- Needs of library users
- Abilities & inclinations of staff
- Time commitment. For example: MT benefit of teaming up with another department to make training more feasible
- Resources & space. For example: MT no individual computers or group access to library

Discuss

- What are some constraints that are (or may be) placed on your training environment?
- How can you adapt your training to capitalise on those constraints?



Question 3: What are some constraints that are (or may be) placed on your training environment?

How can you adapt your training to capitalise on those constraints?

- Do you have a space to provide training?
- Do you feel qualified &/confident offering training?
- Is there a staff member with time to develop & provide training?

For example: no individual computers = group session with increased group interaction

Conclusion



Conclusion:

- Clear need for ability to do legal research & clear benefits of ongoing training
- Form of training may be very different (whether incorporating educational theory &/ information literacy)
- For any type of training importance of relevance, revision, adaptation, flexibility, focus on needs of library users

Further Reading

- "Information is cheap, but meaning is expensive": building analytical skill into legal research instruction, in *Law Library Journal* 105(1) 2013-14, by Yasmin Sokkar Harker
- Bridging the digital divide and guiding the millennial generation's research and analysis, in *Barry Law Review* 18 2012-13, by Kari Mercer Dalton
- Transforming Information Literacy Instruction Using Learner-Centered Teaching, by Joan R. Kaplowitz
- Teaching Information Skills: Theory and Practice, by Jo Webb and Chris Powis
- Say goodbye to the books: information literacy as the new legal research paradigm, in *University of Dayton Law Review* 38 2012-13, by Ellie Margolis and Kristen E. Murray
- Time to blossom: an inquiry into Bloom's taxonomy as a hierarchy and means for teaching legal research skills, in *Law Library Journal* 102 2010, by Paul D. Callister
- Turning theory into practice: fee earner training using the BIALL legal research 5 stage model, in *Legal Information Management* 13(2), by Jackie Fishleigh
- Are they learning? Are we? Learning outcomes and the academic library, in *Chicago Journals* 81(1) 2011, by Megan Oakleaf
- Future skills, future professionals, in *CILIP Update* Feb. 2014, by Rob Mackinlay

Selected sources representing range of topics