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Letter to Jack Bissett regarding the Southeastern Law Librarian, October 29, 1990

Timothy Coggins

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Memorandum to: Jack Bissett  
From: Timothy L. Coggins  
Date: 10-29-90

Sorry about the delay. It has been very busy here with the first year CALR training classes and my recent wedding.

These names probably will not be helpful to you for the next issue, but maybe for subsequent issues you can get some participation. I would suggest that you contact the following people to help you with the BRIEFS column.

Alabama: Penny Gibson (Univ. of Alabama)
Florida: Mary Cross (Stearns, Miller, et al ] Miami, Florida)  
Rosalie Sanderson (Univ. of Florida)
Georgia: Linda Jackson (Powell Goldstein of Atlanta, GA)
Kentucky: Sue Burch (Univ. of Kentucky)
Mississippi: Herb Cihak (Univ. of Miss.)
Tennessee: Reba Best (Univ. of TN)
West Virginia: Richard Boaz (Jackson & Kelly in Charleston, WVA)

Hope these folks can help you. Thanks.
PRESIDENT'S COLUMN

Is there anything that law firm and academic law librarians can do to remedy the problems with the teaching of legal research skills and law students' perceptions that the legal research classes in law school are unimportant and not useful to them? Can librarians persuade legal educators, law students, and law school administrators that legal research is a "real" law school course? Questions of this type have been addressed many times.

Many Southeastern Chapter members probably remember an excellent, interesting and well-attended Annual Meeting program several years ago with two SEAALL members discussing legal research skills and abilities of summer clerks and law students. Mary F. Cross and Warren Rosmarin concluded that the legal research skills of law students and attorneys certainly need improvements and that more cooperation, understanding, and awareness were required by both sides of the law library community.

Joan Howland, Deputy Director at the University of California at Berkeley Law School Library, and Nancy Lewis, Library Services Administrator at Cooley Godward Castro Huddleston and Tatum in San Francisco, continue this effort to identify the problems with legal research skills and how best to teach these skills to law students and new attorneys. Their article, "The Effectiveness of Law School Legal Research Training Programs," 40 Journal of Legal Education 381 (1990), focuses on a study of law firm librarians conducted by the authors. The study was designed with law school faculty, attorneys, and law librarians to determine the level of expertise in basic legal research tools and strategies, to study the degree of competency in using and integrating computerized legal research services, to measure the attitudes of summer clerks and first year associates on the importance of legal research training, and to ascertain the law firm librarians' perception of the quality of law school legal research training programs (p. 382).

The study confirms that summer clerks and recent graduates lack knowledge of available resources and cannot develop efficient research strategies (p. 383). Other findings suggest that summer clerks rely too heavily on computerized legal research methods (p. 388) and do not consider learning legal research skills very important (p. 390). Moreover, law schools do not convey the message that legal research skills are important to students (p. 390). Both law librarians and attorneys must encourage law school administrators to reexamine the first year legal research curricula in an effort to design a program of instruction that deals effectively with the problem (p.391).

Now that the problems have been identified again, what can be done to remedy the problems and to correct students'
perceptions that legal research skills are not important? Many law firm and academic librarians suggest that there is very little that can be done to correct the problems. Law students and most law faculty will continue to view legal research skills as relatively unimportant when compared to "real" law school courses. Will legal educators and law students ever treat legal research courses as a "substantive" course, rather than just an attachment to the curriculum that deserves less credit than other courses? Can librarians help law school administrators recognize the value of good legal research skills and knowledge? There are no specific answers to these questions, but there is an indication that some law schools are starting to listen to law librarians and address these issues.

Many law schools are reviewing curricula, including the legal research programs. (The University of North Carolina at Chapel Hill is one of those schools presently studying curriculum review and appointed a law library staff member to serve as a member of the faculty review committee.) Other schools are adding advanced legal research (and writing) courses and other programs, such as special seminars, to improve the research skills of their students. Law firm librarians are discussing research issues with library committees and senior partners. With some persuasive pressure from senior partners on the law schools, legal research courses might be viewed as more important.

There is a different view, however. Some academic law librarians argue that the law school and library is not the appropriate place for students to learn legal research skills and knowledge. It is the responsibility of the educational institution to teach the reasoning and analytical skills and the legal knowledge, not essentially process type skills that can and should be learned on the job. This view is further supported by the notion that students learn better and more when they can apply the skills. A more cynical argument is that graduates of certain law schools are going to get offers at major law firms regardless of whether they have legal research skills or not. There is some truth in this argument. It is doubtful that very many top students at the best law schools have been rejected as summer clerks or associates because they lacked legal research knowledge and skills. It is even more doubtful that legal research skills is considered during interviews and the hiring process. Some law firm librarians might make similar type arguments. It is unlikely that students will ever learn the legal research skills necessary for "actual practice" in the law school environment. They recommend the incorporation of an internship for new clerks and associates - a time when the clerk/associate can learn the skills that she/he needs to know to function as an attorney.

The bottom line is the Howland and Lewis conclusion.
Something needs to be done and both law firm and academic librarians must be a part of the solution. The two law librarian communities must work collectively to improve the legal research skills of law students, summer clerks, and new attorneys. Both groups can take active and assertive roles. Academic law librarians should work with faculty and law school administrators to improve legal research courses and to show the importance of these classes. Law firm librarians should notify academic law librarians of perceived problems with students from their institutions, should work with library partners, senior partners and recruiters to make them aware of the need for summer clerks and associates who have research skills.
The Chapter appreciates the hard work of Hazel Johnson who chaired the Scholarship Committee for a brief period this summer prior to her move to North Carolina. Wes Daniels of the University of Miami has agreed to take over the chair's position of the Scholarship Committee. The wedding was wonderful; neither Hazel nor I passed out or even became faint during the ceremony. We had a great time in New Mexico touring Santa Fe and Taos and the neighboring sites. Thanks to all of you who called and wrote to express your best wishes for us.

TLC