

AALS Workshop for Beginning Legal Writing Teachers Teaching Research & Citation

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I. Teaching Research

A. Overview: Research can be taught effectively using a variety of methods and within a variety of program structures. Approaching research as a problem-solving exercise will help you determine which topics to cover in your class, when to cover each topic, and how much emphasis to place on each topic.

B. Why you need to teach research: Lawyers obviously need to know how to do legal research to practice law. In addition, the ABA Accreditation standards require law schools to provide instruction in research.

C. How program structure affects research instruction: The structure of the research and writing program at your school will be the most important factor affecting your research instruction. If you provide all of the instruction, you will need to cover a broad range of research topics, but you will have maximum flexibility regarding the timing and method(s) of instruction. If other teachers provide research instruction, you will not have to include as much research instruction in your course, but you will lose some flexibility in the timing and method(s) of instruction.

Common program structures:

Research and writing are taught in a single course by one professor.

Research and writing are taught in a single course, but are taught by different people. In this model, librarians or teaching assistants typically cover research, and a writing professor covers writing.

Writing and analysis are taught in one course taught by one professor, and research is taught in a separate course taught by a different professor.

D. What should be taught: Students need to learn about both print and electronic legal research. The relative emphasis on print and electronic research will depend on factors such as the library's resources, the school's access to technology, the culture of the school, typical summer and permanent job opportunities for students and graduates, and the preferences of individual faculty members. Typical coverage includes the following topics:

Secondary source research – encyclopedias; treatises; A.L.R. Annotations; legal periodicals; blogs and other Internet sources.

Case law research – West's National Reporter System; official reporters; digests.

Statutory research (including research into procedural rules) – federal and state codes.

Updating tools – Shepard's in LexisNexis; KeyCite in Westlaw.

Basic electronic research sources – Westlaw; LexisNexis

Electronic search techniques.
Research planning.

A more comprehensive curriculum would also include:

Legislative history research – U.S.C.C.A.N.; *Congressional Record*.
Administrative law research – C.F.R.; *Federal Register*; administrative agency decisions.
Looseleaf services.
Additional electronic research sources – government web sites; less-commonly used commercial vendors; free Internet providers.

E. How to teach research: In deciding how to teach research, you will want to consider the types of assignments that fit best with your curriculum, the types of materials you want to use, and the methods of assessment that are appropriate for your class.

Types of assignments:

Integrated with writing assignments.
Free-standing research exercises.

Materials:

Research textbook.
Workbook of library research exercises.
Your own handouts and materials (generic or tied to writing assignments).
Materials created by vendors.

Methods of evaluation:

Integrated with assessment of written work product.
Graded, pass/fail, and ungraded library exercises and research plans.
Quizzes and tests.

II. Teaching Citation

A. Citation manuals

Two commonly used citation manuals: *The ALWD Citation Manual* (3d ed. 2006); *The Bluebook* (18th ed. 2005).

Most professors use one or the other for instructing first-year students, but some professors teach both.

B. Keeping citation in perspective: Instruction in proper citation format is an essential element of a research and writing curriculum. In practice, however, citation conventions vary, and excessive emphasis on technical details can distract from more important course content.

C. Methods of instruction

Citation exercises or drills.

Small group and peer feedback activities.

Lectures, although students often find citation lectures boring and have trouble transferring the lecture content to actual citation practice.

III. A Limited Bibliography of Sources

A. Commonly used research texts and workbooks

Berring & Edinger, *Finding the Law* (West 12th ed. 2005).

Cohen & Olson, *Legal Research in a Nutshell* (West 8th ed. 2003).

Kunz, et al., *The Process of Legal Research* (Aspen 6th ed. 2004).

McKinney, *Legal Research: A Practical Guide and Self-Instructional Workbook* (West 4th ed. 2003 & Electronic Research Supp. 2006).

Mersky & Dunn, *Fundamentals of Legal Research* (West 8th ed. 2002).

Oates & Enquist, *Just Research* (Aspen 2005).

Sloan, *Basic Legal Research: Tools & Strategies* (Aspen 3d ed. 2006).

Sloan & Schwinn, *Basic Legal Research Workbook* (Aspen 3d ed. 2007).

Teply, *Legal Research and Citation* (West 5th ed. 1999).

Teply, *Student Library Exercises to Accompany Legal Research and Citation* (West 5th ed. 1999).

B. Citation resources

Clary & Lysaght, *CiteStation* (online exercises available at www.lawschool.westlaw.com; “Classroom Resources”).

McGaugh, et al., *Interactive Citation Workbook & Workstation* (LexisNexis, new editions annually; online exercises at www.lexisnexis.com/lawschool).

Teply, *Research & Citation: Legal Citation Exercises* (West 5th ed. 2001).

C. Other resources

Legal Writing Institute – Listserv, web site with an online problem bank and other resources, *The Second Draft* newsletter, and *The Journal of the Legal Writing Institute* (www.lwionline.org).

Perspectives: Teaching Legal Research & Writing – West publication available by free subscription or in PDF format online at www.west.thomson.com/newsletters/perspectives.