

AALS Workshop for Beginning Legal Writing Teachers Teaching Research & Citation

There are many different ways to teach research and citation. Is it best to teach research in class or in a separate lab? Teach using law librarians or teaching assistants? Teach the Bluebook or ALWD Citation Manual in class or in computer assisted lessons? Hear more about the variety of approaches and the pros and cons of methods of research and citation instruction.

**Bradley. G. Clary, University of Minnesota School of Law
Craig T. Smith, Vanderbilt University Law School**

I. Teaching Legal Research

A. Overview

- There are many different methods for teaching legal research.
- Think about the classic why, who, what, where, when, and how questions.

B. Why Should the Subject be Taught

- Competent lawyers need to know how to find the law.

C. Who Should Teach the Subject

1. In one model, the legal writing professors teach research.
 - An advantage – the legal writing professor knows exactly how the research integrates with other instruction.
 - A disadvantage – the legal writing professor already has a huge amount of material to cover in the areas of legal reasoning and writing.
2. In another model, the law library faculty members teach research.
 - An advantage – the law library faculty members are intimately familiar with the library's resources.
 - Disadvantages – absent significant coordination, the library faculty members may not be fully familiar with the way in which specific research instruction integrates with other instruction in the legal writing course. In addition, the library faculty members may have limited time to devote to research training because of other duties.

3. In another model, teaching assistants teach research.
 - An advantage – the availability of a number of teaching assistants may permit small group research instruction at comparatively modest cost.
 - A disadvantage – teaching assistants are likely to be upper-level law students who change each year, thus presenting a continuity-in-training issue.
4. In another model, vendors of printed and computerized legal research resources teach research.
 - An advantage – vendors can be eager to teach research and to provide resources for doing so.
 - A disadvantage – vendors will naturally tend to teach students how to do research within the vendor’s own respective products.
5. As a result of the advantages and disadvantages of the above models, many programs will be inclined to adopt a hybrid approach involving aspects of all of the above options for specific components of research instruction.

D. What Should be Taught

1. Most legal writing programs will want to teach a combination of print and computerized research resources. These typically include:
 - For background research – encyclopedias, treatises, ALR Annotations;
 - For obtaining leads – law review articles, case digests;
 - For common law research in particular – West’s national reporter system, official case reports of specific jurisdictions;
 - For statutory research in particular – the U.S. Code, the U.S. Code Annotated, the statutes of specific jurisdictions;
 - For computerized research – Westlaw®, Lexis/Nexis®, Internet;
 - For updating research – print citators and computerized cite-updating systems.

E. When Material Should be Taught

- Students in a first-year writing course should learn the fundamentals of research.
- Because first-year law students have much to absorb in the first weeks, a professor may not want to launch research instruction immediately.
- But many programs will be teaching basic research by the middle of the first semester.
- There is an ongoing debate as to how early to distribute computerized vendor passwords to incoming first-year students. Vendors will urge early distribution. Some writing professors feel strongly that students should learn print resources first and that early distribution of

computer passwords hinders that pedagogical choice. Other writing professors permit early distribution of computerized resource passwords, but then limit the use of those passwords to conform to pedagogical goals.

F. Where Material Should be Taught

- One model is to teach research as part of regular classroom instruction. This facilitates integration of research and writing, but occupies valuable class time.
- Another model is to teach research in separate library and computer labs. This may facilitate small section instruction, but may not facilitate integration of research and writing.

G. How Research Should be Taught

- Some professors adopt a research text in addition to a legal writing text. Other professors only distribute tailored materials directly relevant to specific legal writing projects on which students are working.
- Some professors use a “treasure hunt” approach for research assignments. Others only build research into specific writing assignments. Others adopt a hybrid approach.
- Some professors give stand-alone research quizzes or tests. Others only evaluate the quality of research in the context of specific legal writing assignments. Others adopt a hybrid approach.

II. Teaching Citation Practices

A. There are two major citation systems.

- One is *The Bluebook: A Uniform System of Citation* (18th ed. 2005), published by the Columbia, Harvard, and University of Pennsylvania Law Reviews, and the Yale Law Journal.
- The other is the *ALWD Citation Manual: A Professional System of Citation* (2d ed., Aspen 2003), by the Association of Legal Writing Directors and Professor (now Dean) Darby Dickerson.

B. Regardless of which system a professor chooses to teach, and some teach both, there are a variety of ways to train students in citation practices. These include lectures, small-group labs, work books, stand-alone print exercises, and computerized exercises such as CALI and Cite Station (Thomson 2004).

C. Citation is a learn-by-doing enterprise. The only way to learn the systems is to practice with them.

D. Citation is a means to an end – and the end is clear communication. Teach it, but do not let it assume undue importance in critiquing student work.