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“HOOKING” THEM ON BOOKS: INTRODUCING PRINT-BASED LEGAL RESEARCH IN A STIMULATING, MEMORABLE WAY

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Sound teaching theory dictates that students will learn more about a subject or skill if they first appreciate its relevance to their own lives. Empirical data and anecdotal evidence both suggest that students are not as familiar with libraries and basic print research techniques as their instructors and librarians would like.¹ Thus, a teacher of fall semester first-year law students has the double challenge of introducing the myriad of law-specific sources and remediating students' more fundamental research skills.

Although one approach is to “start with some foundational research skills rather than jumping into digests, statutes and treatises,”² I take the latter approach. To address both the introductory and remedial goals identified above, I start the research component of my fall semester with a 75-minute “hook”³ designed to catch students' interest: a real-world research project using a variety of real sources, in the controlled

¹ Kathryn Hensiak et al., “Information Literacy and Law Students,” American Association of Law Librarians/Aspen Publishers Grant Program Final Product Report, <www.bu.edu/lawlibrary/working/stephanie/surveyresults.htm> (August 9, 2004).

² *Id.*

³ The concept of a “hook” is summarized in Harvey J. Brightman's Master Teacher Program materials (May 17–18, 2004), “Creating Interest and Showing Subject Relevance,” on file with Emory University's University Advisory Council on Teaching.

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environment of the classroom during a single class session. Students use digests, statutes, and treatises as well as other sources during this session, even though they have read only an introductory chapter on legal research and their earlier closed-universe memo assignment provided little background on legal research. Students enjoy the challenge of experimenting with new sources, and the class provides a solid and interesting foundation both for the law-specific sources taught in more detail later in the course and for the basic tenets of good research inside or outside a law library.

Given the students' lack of familiarity with legal research sources, the physical setup of the classroom is the first important aspect of this exercise; it provides visual context for the project they are about to attempt. I load up a library cart with eight types of sources⁴: (1) *American Jurisprudence* (Am Jur[®] 2d); (2) *Corpus Juris Secundum*[®] (CJS[®]); (3) a state-specific legal encyclopedia; (4) *American Law Reports* (ALR[®]); (5) relevant treatises; (6) online access to LegalTrac and relevant periodicals; (7) selected volumes from the relevant state digest series, including the *Descriptive-Word Index* and *Words and Phrases*; and (8) the index and relevant volume of the state code.

The sources are distributed around the classroom and labeled in a large, bold font. When students enter the classroom, they immediately comprehend the major shift from the closed-universe memorandum into the world of research.

I begin the class by giving a 10-minute overview of the research process, elaborating on the introductory reading and emphasizing the need for strategy in an almost infinite universe of legal authorities. I then tell students they are going to dive in immediately and explore these sources, so they should get out their pens or computers and prepare to take notes as though they are in a supervising lawyer's office.

⁴ The specific volumes and authorities within these volumes are listed in a table at the conclusion of this article.

I then explain⁵ the client's problem. The client, a second-year law student in Miami, Florida, works part time as a "downtown ambassador" for the city. As an ambassador, she wears a uniform and makes herself conspicuously available in a given area of the city to help tourists and discourage mischief. She has a five-block area to cover, and she uses a Segway Human Transporter supplied by her employer to do so.

A Segway is a scooter-like device that enables "self-balancing human transportation."⁶ At this point in the monologue, I use the classroom's Internet access, projector, and screen to play a promotional video showing the Segway in action.⁷ The video is set to upbeat music and contains various shots of people using Segways to traverse city streets, train stations, office lobbies and hallways, parks, and college campuses. This video could be shown after the hypothetical instead of before, but I present it first so as to pique students' curiosity and to reinforce the importance of careful listening even when one is not sure why a client is conveying certain information.

After the five-minute video, the client's story continues. A month earlier, the client had finished her shift and visited the House of Margaritas with some co-workers. She had two or three drinks and then departed, on the Segway, to return it to the ambassadors' headquarters. On the way there, she ran the Segway into a pole, fell off, and sprained her wrist. Police officers helped her recover, called an ambulance, and gave her a Breathalyzer test. They then charged her with driving under the influence (DUI) under Florida state law. Now the client needs the class's help to evaluate her defenses, including specifically the defense that the DUI statute should not cover Segways because a

⁵ If time permits, and this is a significant "if," this monologue could be replaced with a live client interview or videotape. See Ben Bratman, "Reality Legal Writing": *Using a Client Interview for Establishing the Facts in a Memo Assignment*, 12 *Perspectives: Teaching Legal Res. & Writing* 87 (2004). Using a live interview would, however, allow the class to be expanded to fill two 50-minute sessions instead of a single 75-minute session. The first session would include the introduction, client hypothetical, and search-term brainstorming; the second session would include the hands-on research in the classroom.

⁶ <www.segway.com/segway/> (August 9, 2004).

⁷ The video can be viewed or downloaded in various formats at <www.segway.com/connect/multimedia.html> (August 9, 2004).

Segway is not a “vehicle.”⁸ Once students understand this research cue, we work on group brainstorming to come up with search terms. I hand out a worksheet⁹ that asks the following questions and directions:

- What issue are you researching?
- What are your best search terms (sub-categories to jump-start their brainstorming include “people, places, and things”; “claims and defenses”; and “relief sought”)?
- Choose a search term and broaden it with synonyms.
- Choose a term and stretch it from the most abstract to the most concrete.

The search-term discussion usually takes about 15 minutes. Working with the class as a whole on this segment takes less time than breaking into groups, and the worksheet provides a helpful structure for soliciting relevant comments. I write the various student-generated terms on the chalkboard so students can refer to them when conducting their research. This time is well spent because it reminds students about good research techniques in general. Students generate a strong list of search terms and realize that diving in with the first term that came to mind would have been a poor idea. They also come up with new and creative ways to help the client beyond just researching the defense that was part of the research question. These ideas present good opportunities to talk to students about focusing on the actual question asked but also communicating with supervisors about other possible questions to research.

Once the list of search terms is complete, I ask students to form groups of four or five and go to one of the research stations around the classroom.

⁸ This problem is fictional but was inspired by Sophie Sparrow’s session at the 2002 Legal Writing Institute Biennial Conference, “Using Active Learning Techniques in the Legal Writing Classroom.” That session focused on another aspect of DUI law and suggested the possibilities of this area as a way of reaching first-year law students.

⁹ The structure of the search-term worksheet is based entirely on Amy Sloan, *Basic Legal Research: Tools and Strategies* 19–23 (2d ed. 2003).

They are to examine the source and figure out how to use it, most likely by starting with whatever index accompanies the source. After 20 minutes, they should be ready to report back on (1) the source their group used, (2) their findings so far, and (3) what the group would do next in the research process if they were going to take more time to conclude the project.

During this segment of the class, their work takes off. The classroom becomes loud as students exchange search terms and begin working together to go through the indexes. I walk around and talk to any slow-starting groups. (The group with the *Descriptive-Word Index* and digest usually needs the most prompting. Those using the legal encyclopedias also tend to need some help.) The biggest challenge for the instructor is to bring their work to an end and to bring the class back to order as a group without being abrupt.

The final component of the class requires students to report to one another what they found. This portion of the class reveals to students the rich network of cross-references in legal research. Students using the treatises or state encyclopedia have used their presentation time to ask questions of the students with the state code. Students with the periodicals have asked about the relevance of other states’ laws. I reserve the right to select the group’s spokesperson during this segment of class, and typically I call on the least outspoken student in the group. Even the shyest students and international students not confident of their English skills have done excellent work explaining their source and what their group would like to do next in the research process. Again, the most challenging part of the class is ensuring that one person speaks at a time and that every group gets a turn before the class ends.

I have conducted this class twice now, with one group of 32 students and another group of 36. Both during and after the class session, students have commented on enjoying the class. One student said that her parents became tired of hearing about the Segway when she went home for a weekend visit in October. Several students

“The classroom becomes loud as students exchange search terms and begin working together to go through the indexes.”

“[This introduction] allows them to collaborate and engage in mutual discovery at a moment of potential confusion.”

forwarded articles about Segways last year after an accident that led to a product recall.¹⁰

This introduction to research serves goals other than capturing students' interest, which is important but not sufficient by itself as a pedagogical outcome. It gives students a hands-on introduction to the basic sources of legal research. It allows them to collaborate and engage in mutual discovery at a moment of potential confusion. It requires them to explain what they learned immediately after learning it.

This approach does have a few drawbacks, however. The most notable risk is that students may mistakenly believe research can be done quickly in only a single source. Groups using the Florida statutes and the treatise with a table of the Florida statutes are particularly susceptible to such beliefs. Therefore, the instructor must emphasize both before and after the exercise that it represents only the very first steps of a more thorough approach to the project. In the final portion of the class when students report to one another what they found, the instructor should listen carefully to students' descriptions of what they would do next in the research process. Any groups that say they have found “the answer” should be questioned for holes in their research.

Another drawback is that a group may not feel its research time was productive. Those students may be tempted to abandon the source they were trying to use. In this exercise, for example, the periodical research on LegalTrac tends to produce the least useful results. To help students reach the stage of assessing sources (rather than just searching for them), I provide two articles, one on drunk bicycling in Los Angeles and another on Florida's drunk driving laws. Simply “handing over” sources in this fashion may magnify students' belief in a single right answer. In future classes I will combat this belief by writing my search technique on each source to show students that a variety of searches are necessary to find the proper subject matter (the California article) or the

proper jurisdiction (the Florida article) and that researchers may not necessarily be able to locate an article meeting both criteria.

The opposite problem may also occur: Students may be overwhelmed by the breadth of what they find. The general encyclopedias tend to fall into this category. The instructor can counteract these problems by walking around the classroom and monitoring each group during the small-group discussions. When students report their findings to the group as a whole, the instructor may need to supplement their descriptions with an explanation of techniques for obtaining more relevant sources or for narrowing a search.

Other drawbacks are more logistical in nature. Some libraries may not allow the entire index to a set of encyclopedias to be removed and taken into a classroom even for 75 minutes. Using appropriate signs to direct researchers to a second set of indexes is the ideal solution to this problem, if a second set is available. Fitting all of the indexes and sources onto a single library cart can be challenging. Using classroom technology can sometimes be a problem as well; last year, for example, the sound system in my classroom malfunctioned, and students could not hear the upbeat music that accompanied the Segway promotional video.

All in all, however, I have found this class to be a very positive addition to my fall semester. The articles that students brought to my attention in late fall 2003 also revealed another useful angle on this hypothetical. During later classes held inside the law library, I asked students to suppose that the client wanted to bring a civil suit against the manufacturer resulting from her injury. I advised them that the client's consumption of several drinks before the accident would seem to rule out a successful negligence case because of comparative or contributory negligence, so strict liability would probably be the best product-based claim. Based on these facts, I asked them research the Florida standard for strict liability in a products liability case.

¹⁰ *E.g., Segway Recalls 6,000 Scooters*, Chicago Tribune, Sept. 29, 2003, at 10.

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This second research exercise could be done in all of the same types of authorities used in the initial class, and it continued to reinforce the message I was trying to convey in my “hook”: Print-based research is a valuable place to start and is not a monolithic activity; instead, law books provide many ways of starting a research project.

Researchers should be familiar with all the major sources and should select where to start based on the nature of the legal question and how much the researcher already knows. The broadest message I want to leave them with is that research in the law library is necessary, useful, and enjoyable.

“The broadest message I want to leave them with is that research in the law library is necessary, useful, and enjoyable.”

Table of sources used in Segway introduction to research under Florida law:

Source	Indexes and volumes
A.L.R.	Two copies of <i>Quick Index</i> and volumes with relevant entries: Thomas R. Malia, “Snowmobile Operation as DWI or DUI,” 56 A.L.R.4th 1092 (1987). David P. Chapus, “Horseback Riding or Operation of Horse-Drawn Vehicle as Within Drunk Driving Statute,” 71 A.L.R.4th 1129 (1989). “Operation of Bicycle as Within Drunk Driving Statute,” 73 A.L.R.4th 1139 (1989). “What Is a ‘Motor Vehicle’ Within Statutes Making It an Offense to Drive While Intoxicated,” 66 A.L.R.2d 1146 (1959) and A.L.R.2d Later Case Service for volumes 64–66 at pages 497–500. Gregory J. Swain, “Operation of Mopeds and Motorized Recreational Two-, Three-, and Four-Wheeled Vehicles as Within Scope of Driving While Intoxicated Statutes,” 32 A.L.R.5th 659 (1995). These annotations are also collected along with many others in the book <i>Critical Issues: Drunk Driving Prosecutions [Annotations from the ALR System]</i> (1990).
Am. Jur. 2d	Index and volumes 7A and 8 (topic “Automobiles and Highway Traffic”).
C.J.S.	Index and volumes 60, 60A, 61, and 61A (topic “Motor Vehicles”).
Florida Statutes	Index and volume 12B (topic “Motor Vehicles”), containing Florida Stat. Ann. § 316.193.
West’s® <i>Florida Digest</i>	<i>Descriptive-Word Index</i> volumes 34 (A–CI), 36 (DR–G), 36A (H–LH), and 36D (SI–Z); <i>Words and Phrases</i> volume 44 (J–end), and digest volume 3A (Automobiles key numbers 1 and 332).
<i>Florida Jurisprudence</i>	Index and volume 4A (topic “Automobiles and Other Vehicles”).
Treatises	Chart showing the legal subdivisions within the Library of Congress KF classification; Internet access to law library’s catalog; Lawrence Taylor, <i>Drunk Driving Defense</i> (5th ed. 2000); Wilson C. Howe, <i>Adkins Florida Criminal Law and Procedure Annotated</i> (11th ed. 2002).
LegalTrac	A computer terminal, Internet access, and LegalTrac password are needed. I also provide printouts of LegalTrac’s help screens, which provide instructions on using its various searching functions. It is difficult to provide all of the periodicals students might reasonably find, but the two that seem most appropriate are Valerie Lezin, <i>Drunk Bicycling Held No Violation of Vehicle Code</i> , Los Angeles Daily Journal, July 23, 1980, at 1, and Mark Dodson, <i>Florida’s New “Drunk Driving” Laws: An Overview of Constitutional and Statutory Problems</i> , 7 Nova L.J. 179 (1983).