

What First-Year Law Students Should Learn in a Legal Research Class

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For a fuller discussion of these topics, see Nancy P. Johnson, *Best Practices: What First-Year Law Students Should Learn in a Legal Research Class*, 28 LEGAL REF. SERV. Q. 77(2009).
<http://ssrn.com/abstract=1341118>.

Challenges to Teaching a First Year Legal Research Class

- One of the greatest challenges legal research professors face is persuading students to connect with legal research materials in a manner that encourages them to learn. Legal research professors have to decide on the best way to put the material in context for their students.
- It is also difficult for some professors to connect with students who feel that books are a less effective way to find answers to their legal research questions. Students feel that electronic research is the most successful strategy. If the legal research professor demonstrates the pros and cons of both print and online materials, students will be better prepared for most research situations.
- During the years, various legal research professors have attempted to cover more topics than what is included in the core principles. This is usually a fatal error.
- Many law schools are undergoing curricular reform, which may or may not include changes in teaching legal research.

Case Law Research

- In their 1L research class, students should gain an understanding of a generic court system, the doctrines of precedent and authority, the parts of an opinion, how to read a case citation, and the names of the reporters.
- The emergence of online *official* legal resources is a positive development, provided that the publications are trustworthy. To be trustworthy, digital materials vulnerable to lapses in management and control, corruption, and tampering – must be equivalent to print *official* legal resources. To be equivalent, they must be *authentic*.
- It is interesting for students to learn about unpublished opinions, but they generally learn about them later in law school. Students are surprised to learn that the great majority of federal and some state judicial opinions are not reported at all.

Finding Cases

- Most instructors introduce students to West digests to locate cases. It is important for first year students to be familiar with digests and know how to use them, but it is a difficult task. Professors should stress the relationship between the headnotes and the digests since it is crucial for using the digests.
- In addition to digests and online searching, another effective way to locate cases is to begin with a state or federal statute and find the cases that interpret that particular statute.
- Finding Cases Online - There is a place for vendor instruction in the first-year research program, but it should be in collaboration with the librarians. If legal research professors have a good relationship with their vendor representatives, students will learn from both instructors and vendor representatives.

Citators

- It is very important that students take the time to interpret the information presented and read the later authorities to determine how those later authorities affect their analyses. Updating can be a valuable research tool at several points in the research process

Statutes

- During the first year of law school, most students will read and research cases, but not necessarily analyze and find statutes. In practice, students will definitely read and research statutes along with cases.
- Codes - When teaching new researchers about statutes, it is best to begin with a discussion of codes, particularly annotated codes.
- Session Laws - Session laws are useful for looking for the original version of an act. First-year students will most likely not need to read session laws.

Legislative History

- As much as some 1L professors feel that locating legislative intent is an important research skill, my years of experience in teaching legal research and have led me to conclude that 1L students do not need to know how to conduct a legislative history.

Administrative Publications

- Currently, in the first year of law school, most students will not use or read administrative materials; however, the lack of administrative law in the 1L curriculum may be changing after the Carnegie Report and the curriculum reform efforts underway at various law schools. Regardless, using administrative rules and regulations and the decisions of administrative boards is central to the practice of law.

Looseleaf Services

- Professors in legal research courses seldom have time to teach students how to use the services. However, 1L students should know their importance to them as practitioners.

Secondary Materials

- Researchers have previously analyzed many of the issues that students will face in law school and in practice.
- Often, beginning a new research project with a secondary source will be more effective for a novice researcher than beginning immediately to search for statutes or cases on point. In fact, the less information students know, the more valuable secondary resources are.