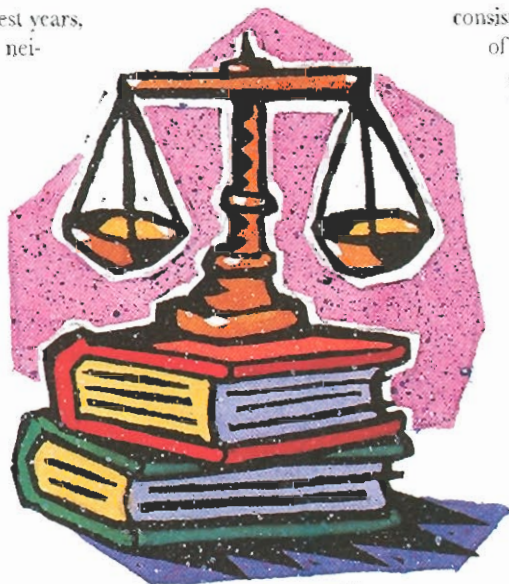


Of all the skills students learn in law school, research and writing are put directly to use even before graduation. At NDLS,

the first-year program includes two intensive, graded classes, one devoted specifically to research, the other to writing. After their first semester, students have several other opportunities to hone their research skills, but the advanced legal research class takes an aggressive approach to equipping Notre Dame lawyers with the research strategies that effective 21st-century law practice demands.

Of course, Notre Dame's law librarians have a long tradition of teaching the first-year basic research course, as well as informally teaching students who come for help with research topics, electronic searching and preparation for work as summer associates. Besides formal and informal teaching, the research librarians help professors and their research assistants with various aspects of research. Furthermore, the research librarians conduct their own research to develop better ways to prepare Notre Dame law students for legal practice.

No matter the setting, the librarians at Notre Dame have taken a leadership role in teaching legal research. Although in its earliest years, the Law School had neither a law librarian nor any specific training in legal research, as early as 1889 the *Columbia Law Times* referred to the "Moot Court library," and the *University Bulletin* mentioned weekly "Moots" for which students had to prepare cases from the court reports. In



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Advanced Legal Research:

ADVANCES ON 21ST CENTURY PRACTICE

1920, the *Notre Dame Law Reporter*, a faculty-edited predecessor to this magazine, lists both an 18-week "Introductory Lectures and Study of Cases," which included a section on where to find the law, and a two-week, second-year course, "Finding and Briefing Law"; however, the *Reporter* doesn't reveal who taught the classes. A year later, the *Reporter* describes "The Legal Research [sic] Training Course," required of junior and senior law students. Sponsored and prepared by the American Law

Book Company, the course consisted of eight sets of questions, 20 questions per set. The company allowed students a month for each series of questions. Students were to answer by referring to *CYC-CORPUS JURIS*. The company awarded a set of *CYC-CORPUS JURIS* to the student who correctly

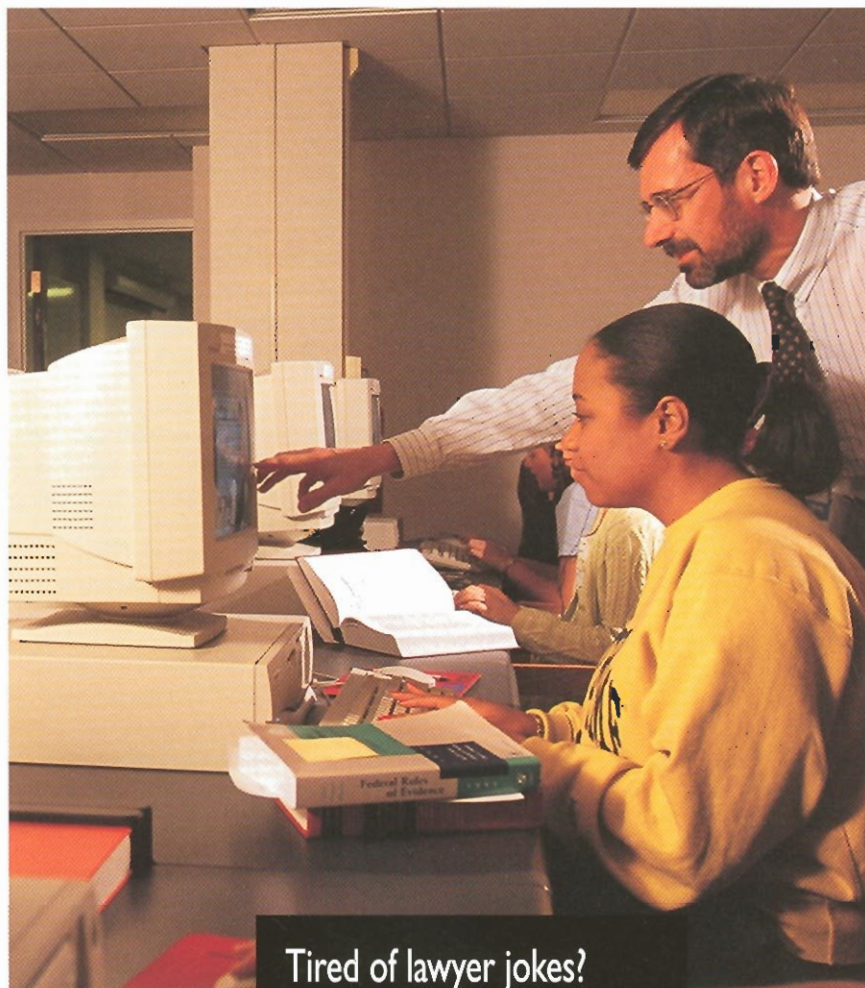
answered the most of the 160 questions. The same *Reporter* issue announces the arrival in 1921 of a librarian, Frank Whitman; other University documents, however, refer to him as *John* Whitman '30 J.D., and the law teacher's directory of the day indicated that he joined the Law School in 1925. According to the *Bulletin*, by 1927 Whitman was teaching the bibliography course.

Whitman was succeeded in 1942 by Lora Lashbrook, also a lawyer, who served as librarian, research teacher, registrar and secretary to both the dean and the entire law faculty! In 1945, Marie Lawrence came from the University library to serve as law librarian, though Lashbrook stayed on a bit longer teaching Bibliography and even an "advanced" class known as Legal Research.

Over the years, the responsibilities for teaching legal research have fallen variously to the librarians, faculty members, teams of both and even the dean! As part of Dean Joseph O'Meara's fully-required three-year curriculum instituted in 1953, the dean himself taught an Introduction to Law class. Professor Emeritus Tom Shaffer '61 J.D. remembers the dean turning over the research portion of the class to Professor Bernard Ward, who, for about a month that semester, taught the rudiments of research. As recently as the late 1960s even Professor G. Robert Blakey '60 J.D. taught legal research using the problem method.

When Tom Shaffer became dean in 1971 he turned the legal research class over

BY LUCY SALSBURY PAYNE '83 J.D.,
 RESEARCH LIBRARIAN



Tired of lawyer jokes?

Consider the law librarian's schizophrenic fight against stereotyping — ambulance-chasing sharks or book-hoarding shushers? ND law librarians have overcome both. The *Princeton Review* surveys students when it evaluates law schools for its *Student Access Guide to the Best Law Schools*. "Library Staff" consistently tops NDLS's "hits" list!

School Library, former Notre Dame librarians Michael Slinger (now director of the Cleveland-Marshall Law School Library) and James Gates (now head librarian of the Baseball Hall of Fame Library in

Cooperstown, New York) team-taught the class.

When Dwight King joined the law school as a research librarian in 1986, he assumed leadership of the team-taught first-year research class. Under his guidance, it has taken on its current form. Teaching with him are Associate Dean Roger Jacobs, Associate Director of the Law Library Janis Johnston, and Research

Librarians Patti Ogden, Warren Rees and Lucy Payne '88 J.D. Once a week for 10 weeks during the first semester, first-year students attend a mix of large lecture sessions and small sections of 30 or fewer students. The class is much more *process* oriented than the bibliography class of the early 1980s and before, although Bluebooking still plays a part.

Nevertheless, the limitations inherent in an abbreviated course mean that students receive only cursory exposure to CD-ROM and the Internet, vendor training on Westlaw and LEXIS that covers only the basics. Consequently, the students also need to participate in any number of the informal offerings the research librarians provide to bring students up to speed for summer work. The Advanced Legal Research course provides one way to meet students' needs for advanced education in sophisticated research techniques.

In the mid-1980s, other law schools added classes in Advanced Legal Research, though most of those schools did not also offer the in-depth first-year research course that NDLS has long required. Michael Slinger, then associate director for public services at NDLS, responded to student interest in having an advanced course at Notre Dame by assigning research assistant David McClamrock '91 J.D. to investigate areas to which NDLS students needed exposure. Although McClamrock graduated before Notre Dame's first advanced course was offered, the research librarians developed a strategy for offering advanced research classes at about the same time that the Law School's curriculum committee issued a report that included a call for an advanced research class.

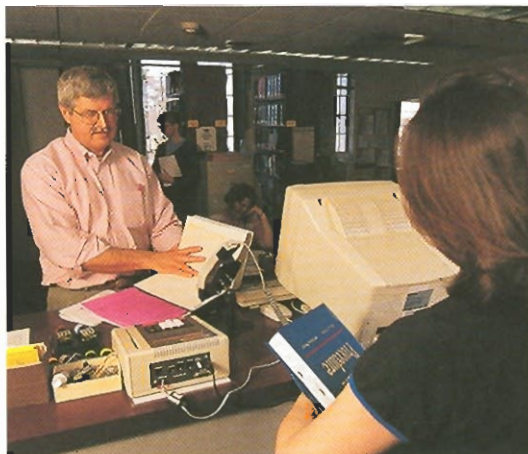
In order to maintain a high level of reference service while offering an advanced class, the research librarians devised a flexible plan by which an interested librarian or combination of librarians might teach an advanced class based on their particular areas of interest. The class might be offered for one credit or more, and might meet part or all of a semester, as required by the pedagogy best suited to the topic.

Despite this built-in flexibility, for the most part, the class has been more traditional in scheduling than not. Patti Ogden first offered an advanced class in the spring

to Law Librarian (now emeritus) Kathleen Farmann and her Associate Librarian, Stanley Farmann. Mrs. Farmann, also a lawyer, became director of the Law Library in 1966. The Farmanns taught the class until the early 1970s, when it was variously taught by Kathleen Cekanski-Farrand '73 J.D., a research associate-teaching fellow, by other members of the faculty, by Stan Farmann and, in the early 1980s, by staff librarian Mary Persyn '82 J.D. By that time, the first-year research class consisted of graded assignments that required students to find legal materials and perfect Bluebook citations of the answers. When Ms. Persyn left to become director of the Valparaiso Law

of 1993. She used lectures, computer-training sessions and weekly assignments to focus on legislative material, administrative law and court rules.

The following year, Lucy Payne offered a seminar in specialized legal research with the central focus being cost effectiveness in research techniques. Over the years, that seminar has developed into the current two-credit class limited to 20 students. This semester it is meeting in the new Instructional Lab. The seminar takes a conceptual approach instead of teaching source-specific steps. This enables students to make good research choices when they are confronted with legal problems, sources



or formats they have never seen before. They "bill" research time and track their computer costs. They are encouraged to become acquainted with on-line pricing schemes and sources available at their prospective places of employment.

Through their course work, students evaluate research costs from several perspectives. One assignment, for example, requires students to imagine themselves as associates on a library committee charged with recommending a loose-leaf service for their area of practice. Another project requires students to work as part of a CD-ROM vendor team, evaluating an assigned CD-ROM product and then making a sales presentation to the rest of the class, who sit as members of a firm library committee.

In addition to integrating computer-assisted legal research while emphasizing cost effectiveness, the class focuses on areas not covered in the first-year course such as legislative histories, administrative law, loose-leaf services and international law. Students become familiar with authorities in at least one state. Moreover, they develop research expertise in one substantive area by preparing a research guide, which they present orally at the end of the semester. Prior to the presentation students submit their draft via e-mail to other members of the class for comments. Thus, students are exposed to their classmates' developing expertise in areas other than their own.

The class uses an electronic course pack. Eventually all class materials will be available electronically via convenient electronic links. Using electronic sources instead of the traditional, hard-copy reserve materials provides easy access for simultaneous users and allows the students to annotate the material for incorporation into their own projects. Furthermore, because students apply class research topics to their

own special substantive area, importing electronic material directly enables them to use both class notes and research materials more efficiently. Students also benefit from regularly using electronic sources to prepare documents and electronically transferring their documents just as they will in practice. In addition, students get comfortable using the Internet for accessing legal information over the World Wide Web.

The students' major project, the research guide, results in a tangible tool that students can take into their own practices. The guides identify the weight of various types of authority and research sources with suggestions for on-line and Internet searching, research tips for the unwary, and a section on potential ethical problems within that specific substantive area of the law. Students receive copies of their classmates' research guides, and the library retains bound copies of the guides that researchers can find through the library's electronic card catalog, LINK. These documents provide any interested researchers with a good starting point. In fact, the Legal Aid Clinic, for example, has benefited from guides written by legal-aid interns practicing in such areas as debt collection and immigration law.

Students have found the advanced legal research class a good way to make the transition from law school to legal practice. Whether going into a judicial clerkship, small or large firm, or into another law-related field, students have experienced firsthand the benefits of their advanced legal research training.

As Francis J. Clohessy '20 J.D. wrote in a letter to the alumni section of the *Notre Dame Law Reporter* of the early 1920s, "The time to study is during the years in [law school]. Time cannot be had in the business world." Seventy-five-plus years later, there's even less time in the business world, so the advanced legal research class offers students that extra boost in preparing to make the most of their new jobs.



Until the Farmann era beginning in 1966, the law library was pretty much a one-person show if you count only members of the library faculty. Of course, students attest to the great help they receive from the more than a dozen current staff members. In fact, many graduates fondly remember working as students alongside staff in the law library. For example, Vice President for Student Affairs and Professor of Law Patricia O'Hara '74 J.D. filed loose-leafs. Although the public-services librarians often have the most contact with students, graduates are sure to have other favorites from among the list of librarians formerly at the law school for at least five years¹:

*John Whitman, A.B., A.M., J.D.	1921-42
*Lora Lashbrook, LL.B.	1942-48
*Marie Lawrence, A.B., A.B.L.S., M.S.	1945-66
*Kathleen Farmann, A.B., LL.B., J.D. M.L.L.	1966-85
Stanley Farmann, A.B., M.S.L.S.	1966-85
Granville Cleveland, B.S.	1969-91
Rita Kopczynski, B.A., M.L.S.	1977-85
Michael Slinger, B.A., M.L.S., J.D.	1984-90

¹Seven others worked shorter stints between 1975 and 1989

*Director

Ode to Law 512 (Legal Research)

BY DWIGHT KING, LIBRARIAN AND HEAD OF RESEARCH SERVICES

Nancy and Meg¹ have asked that I delve
into details of Legal Research — Law 512.
The class is team-taught by a bold group of five,
hoping variety keeps the course more alive.

There's Roger and Janis and Lucy — that's three.
The other two teachers are Patti and me.
Next semester our team is due to increase.
We hired a new guy, his name's Warren Rees.

The course is presented right away in the fall.
Five lectures are large-size, six discussions are small.
Each lecture's done twice to a room of 'bout eighty.
Small groups do review of the subjects most weighty.
We're done by Thanksgiving, 'fore snow hits our
cheeks.
With a class for the final, the course takes twelve
weeks.

Payne covers cases, I do codes and bills.
Ogden does digests in a way that gives thrills
to the first-years who enjoy her clear demonstrations
done with programs like PowerPoint or Presentations.
Jacobs and Johnston talk secondary sources.
These subjects are lectures and therefore that forces
learning of Bluebook and Shepardizing lessons
be covered in small group discussion sessions.

We skip admin law and history of legislation.
But we do so with confidence, no hesitation.
Cause the students don't encounter these much in first
year.
But we offer spring sessions for students who fear
that they'll need this type knowledge for work in the
summer,
when not knowing C.F.R. could be a real bummer.

One's course grade is based on an objective test.
Exercises are ungraded despite student unrest.
We want weekly assignments to be just for learning,
no preoccupation with what grade you are earning.

There's no text we re-
quire our students to
read.
The lectures and hand-
outs are all that they'll
need.
But for those who want
extra, for those who
are daring,
we recommend FINDING
THE LAW by Bob
Berring.

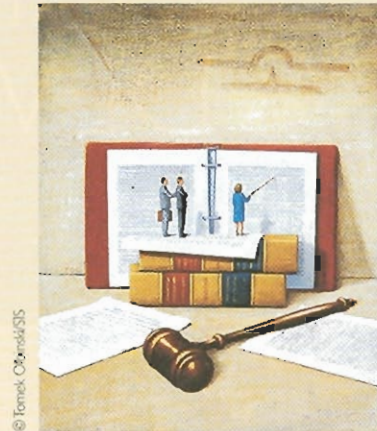
Assignments are marked "satisfactory" or no.
But if "not satisfactory" you humbly must go
head lowered, hat in hand, to your instructor to see
what you might do to remedy
the "unsatisfactory" — that unsavory word,
that threatens to lower your grade by one-third.

And the credit one gets with our course is just one,
though the work we require causes many to shun
"Seinfeld," a movie, the big football game,
or the concert by someone of musical fame.

Students complain that more credit is due.
Too much for one credit, they want to see two.
But the Property profs we know would detest
abandoning credits for talk about West
and its little key numbers, depriving them minutes
to talk of fee simple, life estate, and joint tenants.

Weekly assignments are done with the books.
We maintain this position despite the mean looks
from on-line aficionados who want to find all
through home page on Netscape, LEXIS or Westlaw.

We do urge some training
once class has begun,
by student reps training you
one-on-one.
One-Ls have the option to
practice on-line,
but we tell them to promise
we won't hear them whine,
if when final time comes they
can't do it with paper.
(We have ways to uncover a
CALR caper.)



Required on-line training comes in semester two,
when librarians and account reps take students
through
their paces with connectors, FIND and LEXCITE.
So that by summer-job time — you'll do on-line just
right.

And the law-firm librarian won't want to exclaim,
"They don't learn a thing there at old Notre Dame!"

Evaluations of 512 show most students love it,
though a complaining few tell us to take it and shove it!
One student's response showed that he is a fan,
when he wrote on his paper, "I love you man!"

We think that our efforts are not made in vain,
and that students' rewards will outweigh their pain.
Is the Notre Dame way better than the rest?
Perhaps. Maybe not. But we're trying our best.

DWIGHT KING PRESENTED THIS POEM — AN ODE TO LEGAL RESEARCH, OR LAW 512 — AT THE 1997 ANNUAL CONVENTION OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES IN BALTIMORE IN JULY 1997, AS PART OF A PROGRAM ENTITLED "FROM NUTSHELLS TO NETSCAPE: COVERING THE BASICS THROUGH RESEARCH INSTRUCTION PROGRAMS," IN WHICH FIVE PANELISTS DESCRIBED THE LEGAL RESEARCH INSTRUCTION PROGRAMS AT THEIR INSTITUTIONS.

¹THE "NANCY AND MEG" IN THE FIRST LINE REFERS TO NANCY ARMSTRONG, PROGRAM MODERATOR, AND MEG COLLINS, PROGRAM COORDINATOR.