

2009

Closing the Legal Research Gap: Roles for Law Librarians in the Current Economy

Jennifer Wertkin

Follow this and additional works at: https://digitalcommons.law.uw.edu/law-lib_borgeson

Recommended Citation

Jennifer Wertkin, *Closing the Legal Research Gap: Roles for Law Librarians in the Current Economy* (2009), https://digitalcommons.law.uw.edu/law-lib_borgeson/116

This Article is brought to you for free and open access by the Law Librarianship Program at UW Law Digital Commons. It has been accepted for inclusion in Borgeson Paper Archive by an authorized administrator of UW Law Digital Commons. For more information, please contact jafrank@uw.edu.

CLOSING THE LEGAL RESEARCH GAP: ROLES FOR LAW LIBRARIANS IN THE CURRENT ECONOMY

Jennifer Wertkin*

INTRODUCTION

During the current economic crisis, law firms have cut back on or eliminated summer associate programs, deferred the start date for new associates, and have laid off many attorneys.¹ As such, students must be more prepared than ever to anticipate the research needs of their respective law firms the moment they begin their new jobs. Students who enter large firms have, for the most part, excelled at law school.² But having good grades, or having gone to an elite law school, is less important once the student makes the transition into the law firm setting. Excellent research skills, however, are vital. New attorneys must enter the law firm setting with less need for skills training so they can contribute early and maintain their jobs during the recession.

Law schools and law firms have historically undervalued legal research skills training.³ The remedy for this lies in major institutional change.⁴ Law students and new attorneys cannot wait for this change, however. They need to hone their research skills immediately. Librarians are in the best position to help summer and new associates learn vital skills in the short-term. The purpose of this paper is to highlight legal research deficiencies as perceived by private firm librarians and to show how librarians across the field can remedy these deficiencies. By forming partnerships with each other and creating innovative ways to teach outside of the current administrative frameworks, law librarians in both academic and private sector settings can have an immediate impact on the job readiness of new attorneys just entering the field. Additionally, by providing these services, librarians enhance the visibility of the libraries within their respective institutions. This ensures that their services remain relevant and necessary at a time where job security in all professions can be tenuous.

* MILS Candidate, University of Washington 2009. The author would like to thank all of the private law firm librarians that took so much of their time to speak with me. I am truly grateful to be entering your profession.

¹ See, e.g. Leigh Jones, *3Ls Do the Grim Math on Job Market*, 31 NAT'L LAW J. 1 (Apr. 20, 2009).

² See Anthony Ciolli, *The Legal Employment Market: Determinants of Elite Firm Placement and How Law Schools Stack Up*, 43 Jurimetrics J. 413 (2005).

³ See BEST PRACTICES, *infra* p. 4 n.27.

⁴ See CARNEGIE REPORT *infra* p. 4 n.27 ; BEST PRACTICES *infra* p. 5 n.31.

METHODOLOGY

Much of the information gathered in this paper arises from conversations I had with 26 private firm law librarians.⁵ All of the librarians work at mid-sized and large law firms that house a traditional summer associate program.⁶ Additionally, all of the law firms are in major metropolitan cities in the United States. In order to encourage honest discussion on difficult issues, I have not provided identifying information for either the librarians or their law firms. The facts uncovered by my research are invaluable for gaining a better understanding of the immediate needs in the field and participant anonymity was the only means of collecting this information. Unless otherwise noted, all statements contained within this paper rise out of these discussions.

RESEARCH DEFICIENCIES OF SUMMER ASSOCIATES AND NEW LAWYERS

A Review of the Literature

For decades, librarians have been writing about the inability of new associates to perform adequate legal research.⁷ Mostly, this is viewed as a deficiency within our legal education system.⁸ Critics state that not only is legal research usurped by the substantive courses,⁹ research is taught in the first year, which too remote in time from the actual beginning of practice,¹⁰ is often taught by non-tenured, adjunct instructors,¹¹ and graded outside of the student's GPA, thereby ensuring that students will

⁵ Research notes on file with the author.

⁶ Traditionally, summer associates are hired in the fall of their 2nd year of law school to come to large firms the following summer and work with the expectation of receiving an offer of full employment at the end of the summer.

⁷ See, e.g. Robin K. Mills, *Legal Research Instruction in Law Schools, The State of the Art or, Why Law School Graduates Do Not Know How to Find the Law*, 70 LAW LIBR. J. 343 (1977) ("Why do [new associates] so often need to be taught the fundamentals of legal research?"); Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: Should Students Learn It or Wing It?* 81 LAW LIBR. J. 431, 441 (1989) (new attorneys do not have the "skills they need to evaluate and use the expensive and evergrowing number of research tools available to the law firm market."); Donald J. Dunn, *Why Legal Research Skills Decline, Or When Two Rights Make a Wrong*, 85 LAW LIBR. J. 49, 49-50 (1993) ("Practitioners complain about new associates who do not possess even the most rudimentary legal research skills."); Roy M. Mersky, *Legal Research Versus Legal Writing Within the Law School Curriculum*. 99 LAW LIBR. J. 395, 399 (2007) ("Complaints and comments from practitioners testify to the inadequacy of the legal research skills of young lawyers.")

⁸ See Dunn, *supra* note 7 at 49.

⁹ Paul D. Callister, *Seeing the "Whole Elephant": A New Model For Law School Libraries, in THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP* 7, 9 (Thomson/Aspatore 2008).

¹⁰ See Berring & Vanden Heuvel, *supra* note 7.

¹¹ Joan S. Howland and Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Program*,. 40 J. LEGAL EDUC. 381 (1990).

not work hard to grasp the material.¹² Additionally, some believe that the culprits are the law schools' prioritizing legal writing over legal research¹³ and the explosion of Computer Assisted Legal Research (CALR) during the same time period as the decline of good print legal research instruction.¹⁴ Still others believe that the problem lies in the teaching methods: Basic research classes use made-up problems that require very little exploration of the client's needs and the practitioner's perspective when viewing a problem.¹⁵ It is clear that, whatever the cause, new associates are still unable to properly handle research tasks.¹⁶

In 1992, as a result of their awareness of the need to better prepare lawyers for practice, The American Bar Association issued its Report of the Task Force on Law Schools and the Profession (The MacCrate Report).¹⁷ The report grew out of an understanding that no empirical study had been conducted regarding the state of skills training in law schools¹⁸ and attempted to understand the perceived gap between law school and legal practice.¹⁹ The Report stated that, among other skills such as legal analysis, reasoning, communication, counseling, negotiation, litigation, Alternative Dispute Resolution, management, and ethics, one of the necessary skills for lawyers to acquire during law school, and along the continuum of their legal career, was that of legal research.²⁰

Law librarians have cited this study in the literature when discussing the need for legal research instruction taught by librarians.²¹ The MacCrate Report officially stated what law librarians had already known for years – that students were unprepared for research in practice.²² To ensure best practices of the research mandates in the MacCrate Report, The American Association of Law Libraries' (AALL)

¹² Laurie Magid, *Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course*, 43 WAYNE L. REV. 1657 (1997); *See also*, Helene S. Shapo & Christina L. Kunz, *Brutal Choices: Should the First-Year Legal Writing Course Be Graded in the Same Way as Other First-Year Courses?* 2 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 6 (1993).

¹³ Dunn, *supra* note 7 at 49.

¹⁴ *Id.* at 59-60. *See also*, Shawn G. Nevers, *Candy, Points, and Highlighters: Why Librarians, Not Vendors, Should Teach CALR to First Year Students*, 99 LAW. LIBR. J. 757 (2007).

¹⁵ Karen Gross, *Process Reengineering and Legal Education: An Essay on Daring to Think Differently*, 49 N.Y.L. SCH. L. REV. 435, 442-3 (2004-5).

¹⁶ Paul D. Callister, *Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Education*, 95 LAW LIBR. J. 7, 11 (2003).

¹⁷ TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP, AM. BAR ASS'N, STATEMENT OF FUNDAMENTAL LAWYERING SKILLS AND PROFESSIONAL VALUES (1992), *hereinafter* THE MACCRATE REPORT.

¹⁸ *Id.* at xii.

¹⁹ *Id.* at 4.

²⁰ *Id.* at 157-163.

²¹ *See, e.g.*, Ann Hemmens, *Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools*, 94 LAW LIBR. J. 209 (2002); Charles J. Ten Brink, *A Jurisprudential Approach to Teaching Legal Research*, 39 NEW ENG. L. REV. 307 (2004-5).

²² Brink, *supra* note 21 at 307.

Research Instruction Caucus issued a publication entitled Core Legal Research Competencies.²³ This was intended to expand on the skills suggested by the MacCrate Report by offering librarians detailed areas of legal research in which a law student should be competent.²⁴ Regardless of the findings in the MacCrate Report, and the follow-through publication by librarians, not much has changed regarding legal research at the law school level.²⁵ Some have criticized the academy's "less than enthusiastic" reaction to the MacCrate Report.²⁶

In 2007, two major works were published that were highly critical of current American legal education. The first, *Educating Lawyers: Preparation for the Profession of Law* (The Carnegie Report) was published by a team of scholars as part of a series of studies on various professions.²⁷ The Carnegie Report names six tasks required of schools to meet the "goal of knowledge, skills, and attitude."²⁸

- (1) Developing in students the fundamental knowledge and skill, especially an academic knowledge base and research;
- (2) Providing students with the capacity to engage in complex practice;
- (3) Enabling students to learn to make judgments under conditions of uncertainty;
- (4) Teaching students how to learn from experience;
- (5) Introducing students to the disciplines of creating and participating in a responsible and effective professional community; and
- (6) Forming students' ability and willingness to join an enterprise of public service.²⁹

The report claims that law schools today fall far short of those goals, sacrificing practical skills and reflections on ethical practice in favor of cognitive and intellectual work.³⁰ The Carnegie Report also claims that law schools have a "tacit expectation" that law firms will provide skills training

²³ Research Instruction Caucus, Am. Ass'n of Law Libraries, CORE LEGAL RESEARCH COMPETENCIES: A COMPENDIUM OF SKILLS AND VALUES AS DEFINED IN THE ABA'S MACCRATE REPORT (Ellen M. Callinan, ed., 1997), *available at* <http://www.aallnet.org/sis/ripsis/core.pdf>.

²⁴ Steven M. Barkan, *Should Legal Research be Included on the Bar Exam? An Exploration of the Question*, in, LEGAL INFORMATION AND THE DEVELOPMENT OF AMERICAN LAW, 241, 247 (2007).

²⁵ Brink, *supra* note 21 at 308.

²⁶ Rodney J. Uphoff, et al., *Preparing the New Law Graduates to Practice Law: A View From the Trenches*, 65 U. CIN. L. REV. 381, 383 (1996-7).

²⁷ William M. Sullivan, et al., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007), *hereinafter* THE CARNEGIE REPORT.

²⁸ *Id.* at 22.

²⁹ *Id.*

³⁰ *Id.* at 186.

as part of early staff development.³¹ Schools, therefore, do not feel responsible enough for ensuring that their students have the necessary skills to enter the profession.

The other study published in 2007, *Best Practices for Legal Education* (Best Practices), was funded by the Clinical Legal Education Association and was spurred by a concern that untrained attorneys might bring harm to consumers of legal services.³² In spite of the mandates raised by the MacCrate Report, Best Practices notes the “unfortunate reality” that law schools are not committed to preparing their students for the practice settings that await them.³³ Both the Carnegie Report and Best Practices find that the legal profession lags far behind other professions in preparing students for readiness in practice.³⁴

As a result of these reports, legal educators are finally beginning to rethink the way that they teach law students.³⁵ Some institutions have already made significant changes to their curricula.³⁶ It is heartening to know that a paradigm shift is on the horizon. However, this is not an instant solution. Full-scale institutional change can often be lengthy as barriers may arise when new pedagogies are introduced.³⁷ Additionally, current graduates, and students not attending schools with revamped curricula will not benefit.

Law librarians and their services were not an integral part of any of the major studies undertaken in the last two decades. However, one of the main researchers on the Carnegie Report, Judith Wegner, noted special roles for librarians in fulfilling the Report’s mission of better integrating theory and practice.³⁸ Wegner calls upon academic law librarians to assist their institutions by working with students and faculty to find unique ways

³¹ *Id.* at 89-90. It is interesting to note that the Carnegie Report does not mention legal research skills, per se, but it speaks of readiness for practice. However, Best Practices overtly discusses research as important throughout legal education and as a stand-alone skill. *See Id.* at 93-104.

³² Roy Stuckey et al., BEST PRACTICES FOR LEGAL EDUCATION 1 (2007), *hereinafter* BEST PRACTICES.

³³ *Id.* at 18.

³⁴ CARNEGIE REPORT, *supra* note 27 at 81; BEST PRACTICES, *supra* note 22 at 144.

³⁵ In September of 2008, the University of Washington held a symposium titled, *Legal Education at the Crossroads: Ideas to Implementation* that focused on curricular reevaluation and innovation in light of the reports, *available at* https://files.law.washington.edu/open/Crossroads_Conference/default.html (last visited 13 May 2009); Several law schools have revamped their first-year curriculums to address the concerns in the Carnegie Report. *See*, Jonathan D. Glater, *Training Law Students for Real-Life Careers*, N.Y. TIMES, Oct. 31, 2007. Available at http://www.nytimes.com/2007/10/31/education/31lawschool.html?_r=3&ref=education&oref=slogin&oref=slogin

³⁶ *Id.* (stating that 10 schools including NYU, Stanford, University of Dayton, and Harvard have all designed innovative programs in response to the Carnegie Report).

³⁷ *See* Sarah O’Rourke Schrup, *The Clinical Divide: Overcoming Barriers to Collaboration Between Clinics and Legal Writing Programs*, 14 CLINICAL L. REV. 301 (2007-8) (discussing the problems encountered when introducing a new paradigms of curriculum and teaching).

³⁸ Judith Welch Wegner, *Educating Lawyers*, 13 AALL SPECTRUM 20 (Feb. 2009).

of encouraging change.³⁹ Specifically, Wegner suggests that academic, practitioner, and public law librarians collaborate, as they have in the past by developing “professionalism initiatives, continuing legal education programs, and strategies for improving access to justice.”⁴⁰ By bringing in fresh roles for librarians within the context of major shifts in legal education, libraries have an opportunity to actively participate in and contribute to the changes taking place on the educational front.

Studies involving Private Firm Librarians

Because of their expertise with resources, law firm librarians are usually the first to recognize the strengths and weaknesses of summer and new associates.⁴¹ As such, interviewing these librarians provides us with a unique perspective as to the skill-sets of law students and new lawyers.⁴² In 1990, Howland and Lewis published a study that went further than the scholarship decrying the poor legal research skills of clerks and new associates. They collected empirical data, through a survey, that pinpointed the specific research deficiencies in this population of lawyers and law students.⁴³ Specifically, they ranked most of their summer and new associates as a 3, on a scale of 1-5 in many basic research competencies.⁴⁴ Even though CALR was still in its early stages at that time, Howland and Lewis reported that summer and new associates were not efficient or cost-effective users of CALR.⁴⁵ Overall, the study showed that only 9% of law firm librarians found the training in law school to be better than adequate.⁴⁶

Howland and Lewis indicate that because law schools are not fulfilling their obligations to educate students in legal research, the bulk of the burden is falling on the law firm librarian.⁴⁷ The study expresses concern for students who enter small or solo firms without library support.⁴⁸ Finally, the authors call on law school administrators to reexamine their legal research programs to remedy these problems.⁴⁹

Howland and Lewis’s work has been cited numerous times in law library literature to illustrate the inadequacy of student preparedness for doing legal research in practice.⁵⁰ One study compiles all of the research

³⁹ *Id.* at 22-3.

⁴⁰ *Id.* at 23.

⁴¹ Howland & Lewis, *supra* note 11 at 382.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 385. Resources asked about included federal and state codes, administrative materials, statutes, legal encyclopedias, digests, looseleaf services, periodicals indexes, rules, forms, and current events journals.

⁴⁵ *Id.* at 387.

⁴⁶ *Id.* at 389.

⁴⁷ *Id.* at 391.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Callister, *supra* note 16 at 10-11;

using private firm librarians that sprang from Howland and Lewis's work.⁵¹ The author, Patrick Meyer, states that "[l]egal research in the law firm setting is a big deal."⁵² By looking at studies that focus on librarians Meyer is able to enumerate exactly what the law firm research requirements are for new associates.⁵³ These include integrating print and online research resources to teach federal and state codes, secondary sources, reporters, administrative codes, and digests, and cost-effective legal research strategies.⁵⁴

Although Howland and Lewis's work and subsequent research brought actual data to the contentions that law students are ill prepared for practice, it did not affect the way that law schools teach their first year legal research courses. However, many academic law librarians used the data and the ideas generated from the article to establish Advanced Legal Research courses (ALR) or other, similar programs within their institutions.⁵⁵ Some librarians even called for experimental techniques such as games to enhance the legal research experience for students.⁵⁶ Others highlighted the practice-oriented research training at their own institutions.⁵⁷

In 2007 when West produced a White Paper entitled *Research Skills for Lawyers and Law Students*.⁵⁸ The White Paper was the result of roundtables and informal discussions with law firm and academic librarians across the United States.⁵⁹ Although the discussions covered a number of topics regarding the legal profession, none of them "drew as much passion and commentary as the state of legal research and writing."⁶⁰

West conducted a follow-up survey to determine the research capabilities that the "Ideal Associate" should possess. The results were:

- Conduct efficient, multimedia legal research
- Conduct cost-effective legal research
- Understand practice-specific print resources
- Use a variety of resources, both print and online

⁵¹ Patrick Meyer, *Law Firm Legal Research Requirements for New Attorneys*, 101 LAW LIBR. J. (forthcoming 2009) available at <http://ssrn.com/abstract=1376086>. Meyer also discusses unpublished studies regarding law firm librarians.

⁵² *Id.* at 5.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Eileen B. Cohen, *Teaching Legal Research to a Diverse Student Body*, 85 LAW LIBR. J. 583 (1993)

⁵⁶ Perry M. Godberg and Marci Rothman Goldberg, *Putting Legal Research Into Context: A Nontraditional Approach to Teaching Legal Research*, 86 LAW LIBR. J. 823, 824 (1994).

⁵⁷ Matthew C. Cordon, *Beyond Mere Competency: Advanced Legal Research in a Practice-Oriented Curriculum*. 55 BAYLOR L. REV. 1 (2003).

⁵⁸ Thomson West White Paper, *Research Skills for Lawyers and Law Students*, available at http://west.thomson.com/support/librarian/Legal_Research_white_paper.pdf

⁵⁹ *Id.* at 2.

⁶⁰ *Id.*

- Know the value of secondary sources
- Understand print finding tools (e.g., indices and tables of contents)
- Understand when to dig deeper
- Know how to formulate a research plan
- Understand what law firms expect of new associates
- Know when to stop and ask for help
- Have solid legal research and writing skills.⁶¹

Librarians noted that the “*single* most important skill” for a new associate is the ability to identify and utilize the key resources for specific practice areas.⁶² West concluded that new associates’ research skill fell “far short of these objectives.”⁶³

West reported that librarians across the board committed to incorporating the findings from their survey.⁶⁴ Academic librarians agreed to reshape their legal research curricula and bibliographic instruction methods and practitioner librarians felt the need to provide more training to new associates.⁶⁵

Following the survey, West hosted a Town Hall Forum at the 2007 AALL annual conference in New Orleans moderated by Robert Berring. The panel consisted of two academic law librarians and two law firm librarians. One academic librarian discussed how he changed the objectives and curriculum of his ALR class in light of the dissatisfaction reported by private firm librarians during a survey he conducted earlier that year.⁶⁶ One law firm librarian explained her detailed and structured program her law firm provides to train summer and new associates.⁶⁷

Based on the positive feedback that West received from the 2007 White Paper and subsequent Town Hall Forum, West conducted a second survey involving law firm librarians, new attorneys, supervising attorneys, and development directors.⁶⁸ The survey set out to answer two questions: (1) What specific tasks do law school librarians need to teach law students, and (2) What do attorneys wish they had known upon graduation from law school.⁶⁹ This survey concluded that the largest gaps in skills that new associates should possess were:

- Effective and efficient use of printed legal research materials

⁶¹ *Id.*

⁶² *Id.* (emphasis added).

⁶³ *Id.* at 3.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.* at 5-7. For survey questions and some anecdotal results, See, Patrick Meyer, *Training the Next Generation of Lawyers: Teaching Essential Research Skills*, in, THE LAW SCHOOL LIBRARIAN’S ROLE AS EDUCATOR, 31-50, appendix A, appendix G (2008).

⁶⁷ Research Skills for Lawyers and Law Students, *supra* note 59 at 7.

⁶⁸ Thomson West White Paper, *Partnership and Solutions for Preparing Job-Ready Attorneys*, July 2008, available at <http://west.thomson.com/support/librarian/event/AALLwhitepaper.pdf>.

⁶⁹ *Id.* at 4.

- Effective and efficient use of online legal research materials
- Identifying the legal issue in a research problem
- General workplace skills, including time management, punctuality, meeting deadlines and professional attire
- Clear, concise use of research findings in writing memoranda
- Effective and efficient use of primary authority, including statutes and cases
- Preparation of briefs and motions using legal research effectively and complying with court requirements
- Tracking the legislative history of a statute.⁷⁰

West brought these results to a panel of private law librarians to find out their thoughts regarding solutions to these problems. As a whole, the librarians felt that there was a need for stronger partnerships between law librarians across the field.⁷¹ Specifically, librarians wanted to better understand the pressures experienced by their counterparts at other institutions.⁷² Additionally, panelists desired collaborations that would bring “real life” problems to students.⁷³

West concluded, from all of its research, that the “long-standing problem” of legal research gaps in new associates would not “disappear overnight.”⁷⁴ However, West also acknowledged that a new found “optimism” amongst librarians and legal educators could serve to bring about the necessary changes in field.⁷⁵

If the vast amount of research released by West, the Carnegie Report, and Best practices are any indication, the face of legal research instruction may undergo some drastic changes. While this optimism is exciting and may yield exciting results in future year, students are currently in crisis and librarians should ensure that summer and new associates are up to par in legal research skills.

Characteristics of Current Summer and New Associates

In 2008, there were 141,719 students enrolled in J.D. programs at law schools in the United States.⁷⁶ About 43,000 new attorneys will be entering the workforce in the spring of 2009.⁷⁷ There are currently 1,162,124 licensed attorneys in the United States.⁷⁸

⁷⁰ *Id.*

⁷¹ *Id.* at 8-11.

⁷² *Id.* at 8.

⁷³ *Id.* at 9.

⁷⁴ *Id.* at 15.

⁷⁵ *Id.*

⁷⁶ AMERICAN BAR ASSOCIATION, LEGAL EDUCATION STATISTICS, available at <http://www.abanet.org/legaled/statistics/stats.html>

⁷⁷ Martha Neil, *Adding to the Grim Math of Legal Job Market: 43,000 New Law Grads*, ABA J. LAW NEWS NOW, available at

Because most current students came of age during a time when computers were already integrated into schools and households, commentators have given these students such labels such as “digital natives”⁷⁹ and the “Google Generation.”⁸⁰ Because of their familiarity with information gathering on the World Wide Web and their comfort level in an on-line environment, most, if not all, law students prefer to conduct their research using electronic resources.⁸¹

Incoming law students tend to bring poor research habits with them.⁸² Additionally, law students “overestimate” their research skills and have more confidence in their skills than they are able to demonstrate.⁸³ This is, in part, due to the fact that Google and Internet searching have been sufficient for their research needs prior to coming to law school.⁸⁴

In recent years, many legal research pedagogues have been debating the merits of teaching print resources versus electronic resources.⁸⁵ Some insist that CALR cannot replicate the kind of context and classification found in analogous print resources, thereby limiting good legal analysis and communication.⁸⁶ Others argue that the bulk of teaching efforts should go towards CALR.⁸⁷ Rather than engaging in this

http://www.abajournal.com/news/43k_new_law_grads_add_to_grim_math_of_legal_job_market/

⁷⁸ MARKET RESEARCH DEPARTMENT, ABA, *Lawyer Demographics*, available at http://www.abanet.org/marketresearch/resource/Lawyer_Demographics_2008.pdf.

⁷⁹ See Judith L. Maute, *Lawyering in the 21st Century: A Capstone Course on the Law and Ethics of Lawyering*, 51 ST. LOUIS U. L.J. 1291, n. 60 (2007).

⁸⁰ Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation*, 39 AKRON L. REV. 151 (2006).

⁸¹ See Robert C. Berring, *The Heart of Legal Information: The Crumbling Infrastructure of Legal Research*, in LEGAL INFORMATION AND THE DEVELOPMENT OF AMERICAN LAW 273, 279 (New associates “assume that legal research is carried out by the use of very simple and very fast search engines.”). See, also Lee F. Peoples, *The Death of the Digest and the Pitfalls of Electronic Research: What is the Modern Legal Researcher To Do?*, 97 LAW LIBR. J. 661, 679 (Current legal researchers “prefer to search for everything using an electronic resource that is fast and easy to use.”).

⁸² Ian Gallacher, *Who Are Those Guys: The Results of a Survey Studying the Information Literacy of Incoming Law Students*. 44 CAL. W. L. REV. 151, 178 (2007) (Citing recent surveys that show poor research habits begin long before law school).

⁸³ *Id.* at 181. See, also, Peoples, *supra* note 71 at 678 (“Students had confidence in their abilities as researchers.”).

⁸⁴ See, e.g., Gallacher, *Forty-Two*, *supra* note 80 at 167 (indicating that law students “might not be as sophisticated in research technique as they might imagine...”).

⁸⁵ See, e.g., Robert C. Berring, *Collapse of the Structure of the Legal Research Universe: The Imperative of Digital Information*, 69 WASH. L. REV. 9 (1994); Callister, *supra* note 16 at 40 (speaking of “matching sources to the problem.”); Gallacher, *Forty-two*, *supra* note 80 at 160-166 (culture clash between traditionalists preferring print and the Google generation preferring electronic resources).

⁸⁶ Barbara Bintliff, *Context and Legal Research*, 249 LAW LIBR. J. 249, 266 (2007) (Keyword research results “dispense with the shared context of a profession, despite its necessity for effective communication.”).

⁸⁷ See James G. Milles, *Out of the Jungle: How to Get Beyond the Digital v. Print Debate – and Deal with the Fact that Digital Won*, 9 AALL SPECTRUM 10, 11 (Feb. 2005) (“Libraries in the future are going to be mostly digital.”).

debate, however, librarians and legal research instructors should be pragmatic about their approach to teaching.⁸⁸ At a time where legal research *must* be taught immediately and effectively there is not the luxury of engaging in academic arguments over these issues.

The law firm librarians that participated in this research all indicated that their summer and new associates exhibit severe deficiencies in both print and electronic research formats. Most librarians pointed to particular research tasks that their summer and new associates were unable to accomplish. The biggest specific deficiency reported was the use of practice-specific resources such as CCH and BNA libraries. Librarians are “consistently shocked” that new associates “have never even seen these resources even though their law school libraries subscribe.”

Other areas of research weakness included finding relevant primary sources, using secondary sources, finding legislative history and regulatory history, understanding and use of citation and verification tools, finding international resources, managing specialty projects like complex litigation, and being cognizant of current awareness tools.⁸⁹ The bigger deficiencies lay, overwhelmingly, in the broader, overarching areas of context, framing the problem, and replicating the research process.

(1) *Finding a Starting Point*

Librarians have found that most of the summer and new associates cannot figure out where to begin when they are handed their first assignments. Therefore, they cannot effectively frame the problem and find a good place to start their research.

One reason associates are unable to locate the issue in their research problems is that they do not understand the order of authority or the sources of law. Many librarians indicate that associates cannot, at first glance, ascertain whether their research problem lies within statutory law, common law, or regulatory law. “Some of them do not understand that we use law from all three branches of government. I often have to start with a civics lesson.”⁹⁰

One librarian indicated that “issue spotting” is easy on a law school exam but not in the context of real-life problems. “While associates can recite all of the rules of negligence, they cannot recognize a negligence

⁸⁸ Spencer L. Simons, *Navigating Through the Fog: Teaching Legal Research and Writing Students to Master Indeterminacy through Structure and Process*, 56 J. LEGAL EDUC. 356, 364 (2006).

⁸⁹ Specific examples are similar to the results discovered in West’s White Papers. See *supra* notes 58 & 68.

⁹⁰ This particular librarian felt that the summer and new associates have a knowledge gap that began long before law school – in primary schools, high schools, and the home, children are taught to just search for information without mapping out a clear path because of the ubiquity of information available to them throughout their lives. “They have never been taught the how or the why. Just that it’s out there somewhere.” Peoples indicates that law students today are “information illiterate” in spite of their exposure to computers and an on-line environment. Peoples, *supra* note 81 at 678.

problem outside of the classroom setting.” The factual indeterminacy in actual legal problems as opposed to the canned, closed-universe of problems given in legal research classes can be troubling for summer and new associates.⁹¹ Some, according to librarians, have a difficult time making the transition.

Part of the problem is that associates do not grasp the concept of using secondary sources to begin to frame an issue. “Last year, I had 18 “summers,”⁹² stated one librarian. “I asked how many of them knew what a secondary source even was. Not a single one raised their hand.” Other librarians agree, but state that some summer and new associates are, at the very least, “vaguely familiar” with secondary sources. The problem is not simply that new researchers cannot use secondary sources, it is that they “do not know these tools exist.” “Secondary sources *are the* starting point,” claimed one librarian.

Because all of the librarians I spoke to work at mid-size or large firms, most of them had print copies of secondary sources including a legal encyclopedia and treatises in the practice areas particular to each firm. Additionally, all of them had contracts with Westlaw and LexisNexis. New researchers who were familiar with secondary sources, whether electronically or in print, spotted the issues more easily and found the “basic cases or statutes to begin the process.”

One librarian uses her limited time with new summer and new associates to do a “treatise exercise.” After they are assigned research tasks, she teams them up and they each examine a different treatise related to their research problems. When they are finished, they report back to the group, describing the format of the treatise, the contents, and the ease of use. This librarian finds that even a simple exercise helps summer and new associates find a starting point. They tend to re-use these resources because they were exposed to them in a library setting with actual problems that the partners have asked them to address.

A recurring problem reported by librarians is the constant use of Google to find a starting point or to narrow the issue. “Sometimes when they Google a set of facts, they will find background information that will not be relevant or it might relate to a different body of law,” said one librarian. He found that using the “whole internet as a secondary source” often led to misguided legal research. “You can’t frame a legal issue search strategy from a Wikipedia article.”

Librarians report that summer and new associates often try to use expensive CALR to “replicate the Google experience.”⁹³ Because they do

⁹¹ See, Michael A. Millemann & Steven D. Schwinn, *Teaching Legal Research and Writing With Actual Legal Work: Extending Clinical Education Into the First Year*, 12 CLINICAL L. REV. 441, 445 (2005-6) (arguing that first year students should participate in clinics, in part, because of the exposure to the indeterminacy of real cases that will help them transition into better practitioners).

⁹² “Summer” is a term used often for “Summer Associate” by law firm employees.

⁹³ This librarian also reported that, when asked where he found a particular source, a summer associate answered, “I Googled it on Westlaw.” See also, Thomas Keefe,

not have a starting point, they have a tendency to enter search terms until they find “any” law. Notably, some associates do find success in this style of researching. But this tends to reinforce bad research habits, and “the same hit-or-miss style won’t work the next time or the time after that.”

(2) *Understanding Context*

Although finding a starting point is a struggle for summer and new associates, librarians agree that once the issue is found, most new researchers cannot place the issue in the greater context of legal analysis. The issue of context has been explored in the literature.⁹⁴ Due, in part, to the prevalence of CALR, and the proliferation of secondary sources and specialty practice materials, researchers no longer have the shared context that the case-base digest system once offered.⁹⁵

Librarians in private firms see context-based problems every day. Raised on fast search engines, most associates believe that “everything exists on Google” and put various keywords in without even the slightest understanding where these keywords fit in the body of law.

Associates do not even have a sense of what *not* to look for, or, as one legal research instructor puts it, in order to avoid “the vast areas, some treacherous, where they should not be.”⁹⁶ Although librarians agree that there is valuable free material on the web, they are disheartened that this population of associates has little or no ability to evaluate the websites for authoritativeness or distinguish between websites that have an underlying bias and others that may be produced by reliable sources like government agencies.⁹⁷

One librarian elaborated on the context problem by sharing a story of a new associate who called the library because she needed a print copy of that state’s motor vehicle code. When the associate arrived at the

Teaching Legal Research From the Inside Out, 97 LAW LIBR. J. 117, note 53 at 124 (noting the problems that arise because “LexisNexis and Westlaw...so closely resemble Google.”); Julie M. Jones, *Not Just Key Numbers and Keywords Anymore: How User Interface Design Affects Legal Research*, 101 LAW LIBR. J. 7, 8 (“Eschewing [traditional research tools] for the one thing they know and love, keyword searching, [students] have frequently relied upon the “good enough” sources freely available on the internet.”).

⁹⁴ See, e.g., Bintliff, *supra* note 86 at 265-6 (stating that Digests provided a shared context for communication which is no longer exists when the “emphasis of electronic research is on facts and keywords, not legal concepts.”).

⁹⁵ *Id.* The argument about the paradigm shift from precedence-based jurisprudence to the caselaw body that is limited by its facts due to the proliferation of keyword searching is beyond the scope of this article. For a good overview of the arguments in the literature, See Peoples, *supra* note 81.

⁹⁶ Simons, *supra* note 88 at 365-66.

⁹⁷ See, Sanford N. Greeberg, *Legal Research Training: Preparing Students for a Rapidly Changing Environment*, 13 LEGAL WRITING J. 241, 267 (“Moreover, one vital lesson we can try to teach our students is the importance of evaluating the authenticity and reliability of sources that they encounter online.”) One librarian expressed concern because, unbeknownst to her, associates were citing web-based, unencrypted state codes that were not on official government websites.

library, she was shocked to learn that the motor vehicle code was not a stand-alone product, but that it was contained with the state's statutes. Other librarians relayed similar anecdotes.

Librarians state that the root of the context problem lies in the fact that summer and new associates are unfamiliar with tables of contents and indices. Librarians did not discuss the print versus electronic debate in too much detail. However, most of them laid some blame for the context problem on the fact that new researchers had no experience with the print versions of primary law -- "Even the United States Code," exclaimed one librarian. She had an associate who entered the term "employment" into the U.S.C.A. database on Westlaw and came back with almost 7,500 results. "He had no idea that the United States Code was divided into titles, and those titles have tables of contents, and the Code as a whole has an index."

One librarian said that because "most legal research teachers have seen the books on the shelf," they can more readily "translate" that to an online world. New researchers who have not seen a book, do not understand that the "thing online" came from a book that is the "written set of a body of law."

Some librarians suggested that this could be remedied if librarians on the academic side spent just a couple of lessons on a basic print resource with an index and its' online counterpart to compare and contrast how this "body of law" is organized in print and electronically. "If law school instructors showed one resource -- like an annotated code -- both in print, by going into the library with students, and then online, and back and forth, maybe the students will get it."

One librarian told me that she sometimes forgets that newer researchers "are not visualizing a set of books in their head" while they are researching online. "They do not think of a code or a set of regulations as a "set" of books that have been organized meaningfully." Another librarian suggested that law schools need to give more extended research exercises with resources that are organized with tables of contents and indices. Although law firm librarians do not expect law schools to "force" too much print research on law students, they expect that the "groundwork" be laid so that the basic context is better understood.⁹⁸ Lee Peoples argues that academic librarians must educate law students on the pitfalls of electronic research to temper students' "rapid confidence in the results of their terms and connectors searches."⁹⁹

⁹⁸ Electronic vendors have made great strides attempting to replicate the "book" experience for users. This is because, with the exception of Keycite, all legal materials on CALR sites are electronic versions of their print counterparts. Some CALR sites now have a feature where you can turn to the next "page" in the actual resource. Others have added table of contents and index features to the databases on their sites. However, librarians argue that without ever having seen the print product in the first place, some new researchers cannot effectively use these tools.

⁹⁹ Peoples, *supra* note 81 at 676.

Without understanding context, newer researchers are unable to carefully select databases in electronic resources. They search broadly in Westlaw and LexisNexis by choosing the “largest database possible” because they are nervous they may miss important information otherwise. Many librarians relayed stories of summer and new associates who consistently searched in “allcases,” or similar large databases when their research problems only called for cases from one jurisdiction. One librarian noted that it is “frightening” when a summer or new associate does not grasp the fact that a “contract made in a state will be guided by that state’s laws.” Searching the larger databases is far more expensive and because of their tendency to yield a tremendous number of results, this process is also time-consuming especially given the fact that law firms bill the client by the hour.¹⁰⁰

Lack of context has a very practical consequence: Broad keyword searching leads to a large amount of recall with very little precision.¹⁰¹ This is an “inefficient method of conducting research.”¹⁰² Summer and new associates have no way of synthesizing or analyzing the information they find before bringing it back to their partner. Librarians know that new researchers sometimes bring attorneys pages of case citations without any sense of how they fit together or which case has the greatest authority. Frustrated, partners sometimes bring this information directly to the attention of their firm’s librarians. Other librarians only discover the problems when they receive the CALR bills.¹⁰³ In both cases, the librarians make every effort to work with the associate to instill better research habits.

(3) *Replicating the Process*

Because summer and new associates are unable to define the issues, and cannot see the context within which their research assignments lay, librarians report that they are unable to replicate their research processes when assigned new research problems. Associates are unable to generalize from the specific. One librarian said, “It’s like they have to relearn legal research each time they get a new assignment.” She further added, “If they

¹⁰⁰ Clients are also billed by the hour, so time doing research matters to the firm’s bottom line. One recent article indicates that some corporate clients are now asking for only seasoned attorneys to work on cases. See Martha Neil, *Some Law Firm Clients Ban 1st Years, Says Morgan Lewis Chair*, ABA J. LAW NEWS NOW (Apr. 13, 2009), available at http://www.abajournal.com/news/some_clients_ban_1st_years_says_morgan_lewis_chair/ (last visited 13 May 2009).

¹⁰¹ Gallacher, *Forty-Two*, *supra* note 80 at 184. Gallacher also notes that all attorneys using electronic resources need to balance precision and recall. “A very precise search will generate a low number of cases and that not all cases relevant to the research will have been recovered. This, in turn, might lead the attorney to construct searches that are intentionally broader...” *Id.*

¹⁰² *Id.*

¹⁰³ Private firm librarians are often the first to view CALR bills.

learned the place to consistently begin their research each time, they would not be in the dark each time a new problem comes along.”

Robert Berring claims that this problem may have to do with the generation gap between new lawyers and ones that have been in the practice longer.¹⁰⁴ Senior attorneys – even those that graduated a mere five years before the most recent class – do not “[swim] in the sea of the new information world.”¹⁰⁵ Senior lawyers no longer guide the new associates in the way that they used to before they “lacked a vocabulary or context in which to discuss these matters.”¹⁰⁶ Without this crucial mentoring role, new generations of lawyers are no longer learning from other attorneys and are left to attempt the research process on their own, often without guidance.¹⁰⁷

Summer and new associates also cannot document the research path that has led them to the results that they find. Because they generally do not take notes during their research, they are unable to show partners or librarians how they found the sources they are reporting.¹⁰⁸ One librarian stated, “if they cannot show me how they got from point A to point B in one problem how are they supposed to do it the next time around?” Another noted, “the law is built on precedent. By understanding one concept, you then apply your new set of facts to that existing concept and extrapolate from there. This isn’t happening anymore.”

Due to the rapidly changing research environment, the same sort of mentorship that once occurred in the law firm is declining. Berring states,

Rather than the senior lawyer guiding the neophyte in the best way to pursue legal research, the senior lawyer now launches his junior into a research universe that he may not understand and of which he takes a jaundiced view.¹⁰⁹

It is no wonder that summer and new associates are not learning a research process that they may later replicate. Librarians report that most associates call the CALR research attorneys to help them create searches rather than using the library.¹¹⁰ Two librarians stated that associates “save” their research questions until the vendor representatives come to the firm.¹¹¹

¹⁰⁴ Berring, *The Heart of Legal Information*, *supra* note 81 at 277.

¹⁰⁵ *Id.* at 280.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See, Mary Whisner, *How Do You Know When Research Is Good?*, 98 LAW LIB. J. 721, 725 (2006) (“The ability to talk about one’s research process is clearly related to whether the research is good.”).

¹⁰⁹ Berring, *The Heart of Legal Research*, *supra* note 81 at 280.

¹¹⁰ Berring also claims that new lawyers “stuck on a research problems” may often call a vendor rather than bringing the problem to their senior attorney. *Id.*

¹¹¹ Depending on the size of the firm, vendor representatives from Westlaw and LexisNexis are present at the firm every day or several times a week.

When asked why associates rely on the vendors so heavily, one librarian claimed that new associates are more comfortable in that environment because they wonder if, by using the library, their research deficiencies will somehow “get back to the partners.”¹¹² Ultimately, this can create an environment of “suspicion and concern” among junior and senior attorneys.¹¹³

The major problem librarians find with new associates seeking assistance from vendors is that it fosters dependence on the vendors’ research attorneys. “Some of the newer associates here can barely do any research for themselves.” Others feel that associates will “never learn how to do legal research” if vendors consistently “do it for them.”

The biggest consequence of reliance on vendors is that associates are becoming increasingly unable to replicate the research process. As one librarian stated, “New associates have no research process.” She wondered if student reliance on vendors in law schools was a contributing factor. One critic of vendor-instructed CALR in law schools states that, “[a]s CALR systems become more and more like “fast food drive-thru systems...students are given the false impression that they know what to do.”¹¹⁴

The librarians’ main concern regarding summer and new associates’ inability to replicate their research processes, is that they can often “fake it” for a few years and then are “lost” when they are asked to do a research task by a partner and the task does not involve a resource covered by the firm’s CALR contract.¹¹⁵ “At that point,” one librarian said, “they finally come to the library.”

IMPACT OF THE ECONOMY ON SUMMER AND NEW ASSOCIATES

Regardless of the optimism towards change in our legal academy, students who are the current summer and new associates will not benefit. Large firms are suffering during this economic crisis. The Bureau of Labor and Statistics reports that the legal sector has suffered over 7,500 layoffs in the year 2009.¹¹⁶

2008’s class of summer associates has been “hit hardest” by the economy’s impact on the legal sector.¹¹⁷ In 2007, the median number of employment offers given to summer associates at large firms was 30.¹¹⁸ In

¹¹² This is not to say that the vendor researchers do not provide excellent service. They are closely involved with many of the librarians who participated in this study, and most librarians were highly appreciative of their services.

¹¹³ Berring, *The Heart of Legal Information* *supra* note 81 at 280.

¹¹⁴ Nevers, *supra* note 14 at 768-9.

¹¹⁵ Some firms subscribe to particular databases within their electronic resources and do not subscribe to others.

¹¹⁶ BUREAU OF LABOR AND STATISTICS, *The Employment Situation: March 2009*, NEWS, available at <http://www.bls.gov/news.release/pdf/empisit.pdf>.

¹¹⁷ Karen Sloan, *Summer Associate Offers Wilt*, NAT’L L. J., Mar. 2, 2009 at 10.

¹¹⁸ *Id.*

2008, the median declined drastically to 18.5.¹¹⁹ Additionally, for those summer associates who had to apply elsewhere, only 47% of them received offers after having callback interviews.¹²⁰

Almost all librarians indicated that their firms did not offer fall employment to some of their summer associates. “This is something I have never seen during my entire tenure here,” reported one librarian.¹²¹

Some librarians stated that several of their new associates’ start-dates had been “deferred.”¹²² Many large firms have told the 2008 graduates that they cannot start their employment at the firm for several months, due to the economy.¹²³ Huge numbers of associates who expected to start working in the fall of 2008, are *still* waiting for their jobs to begin.¹²⁴ Not only are these new attorneys fearful that their employment may never begin, they are worried because they will have to compete with the class of 2009 for the scant number of jobs available.¹²⁵

Other librarians reported that their firms had reduced the starting salary for new associates slated to start work in the fall of 2009. One librarian indicated that the new associates “don’t have a choice. Where else are they going to go?” In March, the news media reported that some large firms are reducing their starting salaries from \$160,000 to \$144,000.¹²⁶ Other firms are expected to follow suit.¹²⁷

According to the librarians in this study, most of the laid-off attorneys in their firms were first and second year associates. Several librarians mentioned that the newer attorneys had often just moved to larger cities to work at their firms. Their monthly costs had increased and many of them had made decisions based on their employment and salaries, such as relocating their family and committing to large mortgages. With a market “choked” with out-of-work, highly educated associates, these attorneys fear they will never find employment.¹²⁸

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Although it is beyond the scope of this paper, it is important for librarians to know that there is a crisis for new attorneys across the board – not just in the private sector. Government agencies like the Philadelphia District Attorney’s Office are rescinding offers to new graduates. *See Philly DA’s Office Rescinds Offers to Incoming Hires*, NAT’L L. J., Mar. 2, 2009 at 3.

¹²² *See*, Karen Sloan, *Delay of Game*, NAT’L L.J., Mar. 23, 2009 at 1.

¹²³ *Id.* at 10.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Ameet Sachdev, *Large Law Firms Cutting Pay for First-Year Attorneys*, CHI. TRIB., Mar. 10, 2009, available at <http://www.chicagotribune.com/business/chi-tue-law-notebook-pay-reducedmar10.0.4191258.story>; *See, also, McGuireWoods Set to Start Cutting Salaries*, NAT’L L.J. Mar. 9, 2009 at 3.

¹²⁷ Sachdev, *supra* note 126.

¹²⁸ Leigh Jones, *At Sea*, NAT’L L.J., Mar. 9, 2009 at 1; Not only is the private bar overrun with unemployed attorneys, but public interest firms have found that they do not have enough resources for members of the private bar who have come to volunteer at the insistence of firms who are deferring or reducing their hours. Although the volunteer attorneys do not cost the public interest firms any money for salary, the additional work

The most important information gleaned from law firm librarians, relevant to the librarian's role in preparing new attorneys for practice, is the fact that summer and new associates who "lag behind" in legal research skills, are often the first to be laid off. Additionally, some summer associates, regardless of their success at the more elite law schools, were not given offers, based, in part, on their inability to perform basic research tasks.¹²⁹

As the gatekeepers of bills from on-line vendors, some librarians believe that the summer and new associates who did not remain at their firms had the most difficulty conducting cost-effective legal research.¹³⁰ Four librarians reported that partners had used Westlaw and LexisNexis bills as one factor in making personnel decisions.¹³¹ Librarians were well aware that their firms considered other factors when making their decisions, but some cited the lack of cost-effective research as playing some role.¹³²

Two librarians definitively knew of newer associates who were laid off *because of* their poor research skills. As the amount of business from corporate clients diminishes, some associates are offered the chances to move into other practice areas in their firms. This shift, however, requires new research skills for attorneys who may only have been doing transactional work. Some of these attorneys are unable to make the transition effectively.¹³³

Clearly, lack of good research skills is something that the library community can no longer lament in the abstract. Students and new attorneys cannot wait for the institutional change that is germinating in the academy. Rather, practical and immediate measures should be taken to provide our current students with the skills they need in order to ensure they will secure and maintain their jobs.

for supervisors has been burdensome. See, Karen Sloan, *Idle Associates Floor Public Interest Groups*, NAT'L L.J. Mar. 23, 2009, at 6.

¹²⁹ Six librarians noted that, by the end of the summer of 2007, hiring partners had made decisions to start downsizing. Selecting students for employment was based upon their readiness to enter the profession, which includes legal research skills.

¹³⁰ All 26 librarians reported that their clients no longer pay for at least a portion of CALR.

¹³¹ One librarian indicated that this was "unfair" to the summer associates because the summer associate program in past years was meant to "woo" law students into accepting an offer by providing high-paying summer jobs and taking them to expensive dinners. Therefore, the 2007 class had no warning that "cost" might be a factor.

¹³² If a new associate is not a cost-effective researcher, he may lose the trust he has established with the partner with whom he is working. One attorney warns the new associate that if the firm needs to absorb the cost of a new associate's high legal research bill, "I will decide never to work with you again. The internal market for your work just shrank." Gallagher, *Forty-Two*, *supra* note 80 at 192, *citing* Mark Hermann, *This is What I'm Thinking: A Dialogue Between Partner and Associate*, 25 LITIG. 8, 8. (1998)

¹³³ Librarians noted that many associates in purely corporate, transactional settings were able to make it to their 3rd or 4th year without really knowing how to do proper research. Their "panic" upon being moved to another practice area had caused several of them to start using the library for the first time.

PROPOSED SOLUTIONS

Librarians on the academic end and on the practice end are consistently grappling with the best ways to provide legal research skills to their patrons.¹³⁴ One solution law school librarians have proposed is teaching advanced legal research (ALR) in the law school setting.¹³⁵ Another is requiring mandatory ALR for all students.¹³⁶ Some believe that legal research should be included on the bar exam.¹³⁷ Other legal educators advocate for partnerships between legal research programs and law school clinics.¹³⁸ All of these solutions are promising for the future of legal research education. However, they are not immediate enough to meet the pressing needs of current patrons.

Private practice librarians provide some legal research training to summer and new associates when they first arrive at the firm.¹³⁹ Many of these librarians are aware that new lawyers are overwhelmed with their orientation to the firm at large, and will not retain any skills that are taught when they first arrive.¹⁴⁰ Additionally, most law firms start their

¹³⁴ See, e.g., Michael L. Lynch, *An Impossible Task but Everybody Has To Do It – Teaching Legal Research in Law Schools*, 89 LAW LIBR. J. 415, 435 (1997)

(“reinforcement [of bibliographic instruction] after the first year using the “treasure hunt” method is conceivable...” Lynch claims that a small, discrete “treasure hunt” activities may keep students engaged and able to use their research knowledge in ways that the traditional classroom brief/memo format cannot. *Id.*);

¹³⁵ See, Hemmens, *supra* note at 21 (suggests that librarians teach ALR classes and does a statistical analysis of law schools providing such courses). See also, Peter C. Schnack, *Mandatory Advanced Legal Research: A Viable Program for Law Schools?*, 92 LAW LIBR. J. 295, 295-6 (Discussing the mandatory ALR program at Marquette where “[a]ll but one of the courses are taught by librarians...”).

¹³⁶ See, Schnack, *supra* note 135 at 295 (describing Marquette University’s mandatory ALR program).

¹³⁷ See, I. Trotter Hardy, *Why Legal Research Training Is So Bad: A Response to Howland and Lewis*, 41 J. LEGAL EDUC. 221, 224 (1991) (“Nearly everyone gives lip service to the need for research skills, so there cannot be any objection in principle to testing research as a condition for admission to the bar.”). See also, Barkan, *supra* note 24 at 251 (“Legal research should be included on the bar exam.”).

¹³⁸ See, e.g., Millemann & Schwinn, *supra* note 91; Larry Cunningham, “*The Use of “Boot Camps” and Orientation Periods in Externships and Clinics: Lessons Learned From a Clinical Prosecution Clinic*,” 74 MISS. L.J. 983 (2005).

¹³⁹ See, e.g., Barbara Cornwell Holt, *Almost. Teaching Legal Research in a Multi-Office Law Firm*, 12 AALL SPECTRUM 12 (June, 2008) (Detailing a step-by-step approach to orienting new associates to the library with the goal of building lasting relationships between attorneys and the library); Sharon M. Abrahams, *Librarians Training Lawyers*, 90 LAW LIBR. J. 71, 71 (1998) (The purpose of this article is “intended to provide a framework for the librarian give the responsibility of planning and conducting education for lawyers in a firm.”).

¹⁴⁰ “As part of the intense first few days in our office, we estimate that the retention rate for the information we provide to be about 10 percent.” *Id.* at 13. Several of the librarians I spoke with agreed with this statistic. One librarian stated, “The last thing on a new associate’s mind is research when they are meeting with partners and getting oriented to the office as a whole.”

new associates on projects immediately. They do not provide time for extensive skills training.¹⁴¹ Some librarians have been advocating for more time to educate summer and new associates. But any changes in the law firm structure would be incremental and not benefit the associates who are entering the profession during the economic crisis.

The best solution for this immediate problem lies not in institutional change, but in librarian creativity and collaboration.¹⁴² In 2006, the AALL, aware of the research gaps facing new attorneys, formed a committee to explore these problems.¹⁴³ In their committee report, the AALL proposed collaborative solutions for librarians.¹⁴⁴ Specifically, the report suggests solutions such as a legal research component of AALL.Net which would include lessons, a legal research blog, and writing a regular column in AALL Spectrum.¹⁴⁵ All of these solutions provide opportunities for librarians to share ideas and communicate in a common space.

West's 2008 White Paper discusses some effective collaborative efforts between academic and private firm librarians.¹⁴⁶ The efforts include forming committees with librarians across the profession to discuss ideas for teaching.¹⁴⁷ Furthermore, by meeting to exchange ideas, librarians can educate each other about the pressure each side faces.¹⁴⁸

One librarian who participated in such a committee reported to me that the most important outcome from her group was communication that dissipated the "anger and disdain" librarians felt towards each other. This librarian reported that before the meetings, law firm librarians did not understand that in most law schools, basic legal research training occurs for one semester in the first year and is bundled with legal writing. When the librarians finally met and exchanged information, they learned -- some for the first time -- that there were serious challenges on both sides. In law schools, the research classes compete with substantive classes. In firms, the librarians have little time to spend with the associates because they are expected to begin work immediately to start earning money for their firms right out of the gate. Collaboration, then, cannot occur without a solid foundation of trust fostered by communication.

¹⁴¹ This is generally true in the private sector. However, two librarians in this study have established significant legal research training programs, supported by the firm, for summer and new associates.

¹⁴² Jay Shuck, *Starting Them on the Right Foot*, 11 LAW LIBR. IN THE NEW MILLENNIUM, 6, 6 (May-June 2008) available at <http://west.thomson.com/signup/newsletters/LLNMMayJune.pdf> ("I really think [academic and law firm librarians] need to work together.").

¹⁴³ AALL COMMITTEES, FOSTERING LEGAL RESEARCH AS A SUBJECT SPECIALTY, available at http://aall.org/committee/fostering_research.asp (last visited 13 May 2009).

¹⁴⁴ SPECIAL COMMITTEE ON FOSTERING LEGAL RESEARCH AS A SUBJECT SPECIALTY, AM. ASS'N OF LAW LIBR., FINAL REP. (Oct. 2006), available at <http://www.allnet.org/committee/reports/FosterLegalResearchCmteReport-Oct.pdf>.

¹⁴⁵ *Id.* Although I searched AALL.net I was unable to find evidence of such actions at the time of this final draft.

¹⁴⁶ *Partnership and Solutions for Job-Ready Attorneys*, *supra* note 68.

¹⁴⁷ *Id.* at 8 (Statement of Schelle Simcox).

¹⁴⁸ *Id.* at 8.

The private firm librarians that participated in my research believe, for the most part, that more collaboration could be a solution to the poor legal research skills of summer and new associates. “It is time for us to rise above the divisions in our profession. Without working together, we will never solve this problem that has existed for decades.”

The rest of this paper will discuss potential collaborative solutions that can assist current students and new attorneys with their legal research skills. Within these collaborative efforts, librarians should establish a framework that addresses the specific deficiencies identified above: (1) Finding the starting point; (2) understanding context; and (3) replicating research tasks. By viewing legal research education as a continuum, law librarians can work together to reinforce legal research skills. As a result, librarians will better enhance the visibility of the library and law librarians with their patrons and within their respective institutions.

The Legal Research Continuum

The process of learning legal research begins with law school and continues the attorney’s professional life.¹⁴⁹ The development of each attorney’s legal research process should be viewed as a continuum.¹⁵⁰ Legal research in the academic setting is meant to “prepare students to continue developing professionally after law school.”¹⁵¹ If knowledge is viewed as a continuing process, librarians can work with each other starting in law school and into the beginning of the new associate’s career to provide consistent instruction and services. By collaborating, librarians can ensure that their patrons will make a seamless transition from law student to practicing attorney.

In the Classroom

In most law schools, academic librarians teach at least a part of the first year legal research class.¹⁵² Critics of this method argue that librarians, as information experts, expose law students to too many resources at once.¹⁵³ Librarians may be “too hopeful regarding what can be

¹⁴⁹ MACCRATE REPORT, *supra* note 17 at 333 (Recommendation E 1 suggests that “[l]aw schools should work with the organized bar to assure that the development of lawyering skills and values continues beyond law school and throughout lawyers’ professional lives...”).

¹⁵⁰ *Id.*

¹⁵¹ Timothy P. Terrell, *What Does and Does Not Happen in Law School to Prepare Students to Practice Law: A View from Both Sides of the Academic/Practice Dichotomy*, 83 LAW LIBR. J. 493, 494 (1991).

¹⁵² In some law schools, law librarians teach the entire first-year course. *See, e.g.*, Nancy P. Johnson, *Best Practices: What First-Year Law Students Should Learn in a Legal Research Class*, GA. ST. U. COLL. OF LAW, LEG. STUD. RES. PAPER NO. 2009-04 (2009), available at, <http://ssrn.com/abstract=1441118>.

¹⁵³ Lynch, *supra* note 134 at 421.

achieved at law schools.”¹⁵⁴ Additionally, librarians may teach from a purely “academic or library science perspective,” providing excellent theory but not enough practical experience¹⁵⁵ Most of the private firm librarians who participated in this study concur; the first year curriculum should include more practical applications.

Academic law librarians could remedy this problem by bringing private firm librarians to speak in their legal research classes. One librarian suggested that practitioner librarians could “discuss the practical applications [of legal research] by bringing real-life problems from the firm into the classroom.” Another suggested that a firm librarian could teach a practice-based treatise class. This would expose the law student to some of the practice-related material, “to show students that this is what you will be working with at the firm.” If a lesson on treatises came from a firm librarian, law students may begin to associate the resources “actually doing the work.”

Inviting guest librarians to teach has an additional benefit. It reinforces, for the student, the role of the librarian at each institution. Some students already view librarians as helpful resources.¹⁵⁶ But the large majority of students do not consult with law librarians beyond their legal research courses.¹⁵⁷ Similarly, many summer and new associates do not use their law firms’ libraries¹⁵⁸ The process of librarian collaboration in the classroom setting may prompt law students to seek out the assistance of academic librarians because they will have a sense of the law firm’s expectations. Similarly, students may see law firm librarians as a future ally because they are introduced to this librarian out of the daunting law firm context.

As a result, law students will see that the lessons they are learning in class are vital for practice. At the same time they may build stronger relationships with their librarians. Librarian collaboration in the classroom setting demonstrates that librarianship is one cohesive profession. Law librarians perform the same role in each setting -- to assist law students during the process of their educational and professional development.

In the Law School

One of the main problems with teaching legal research during the first year, is that very little is absorbed or carried over to the practice setting.¹⁵⁹ Skills will “fade quickly” as students progress through law

¹⁵⁴ *Id.*

¹⁵⁵ Gallacher, *Forty-Two*, *supra* note 80 at 174.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ New associates are hesitant to consult with librarians for fear that their questions will be viewed as weaknesses and that this information will be passed on to the senior attorneys.

¹⁵⁹ *See* Lynch, *supra* note 134 at 441.

school¹⁶⁰ Follow-up exercises by librarians can ensure that basic legal research skills are reinforced.¹⁶¹ Such exercises can also lay a foundation upon which new skills can be built. They also further the goal of viewing legal research education on a continuum, rather than as a discrete subject confined to the first year.

Librarians in both academic and law firm settings can design programs to provide follow-up outside of the traditional classroom. For example, librarians at the University of Washington School of Law held short research classes during the lunch hour every week called “Library Lifesavers.”¹⁶² The sessions ran for ½ hour and the subject matter was based, in part, on the subject matter of the first-year legal research and writing class.¹⁶³ Lessons taught in legal research were reinforced in Library Lifesavers. Although the program only lasted one year, it was deemed successful because it enhanced the librarian’s visibility outside of the physical library by allowing for collaboration between librarians and faculty members.¹⁶⁴

Some private firm librarians conduct similar programs. Although they also experience low attendance, one librarian said that she “strongly suggests” that associates with high CALR bills take advantage of the sessions.¹⁶⁵ Associates who attend these sessions “usually learn a little bit of context.” This often leads to future use of the library’s resources by the small population of attorneys who attend. One librarian conducts refreshers in certain practice areas twice a year and sees a “marked improvement” in research habits.¹⁶⁶

Follow-up sessions require time for preparation.¹⁶⁷ This might prove to be a challenge for some libraries.¹⁶⁸ But the end result is a group of students and new associates have both enhanced skills and a better understanding of the librarians’ value. This format also provides an opportunity for academic law librarians to collaborate with librarians in the private sector. Firm librarians can be invited to the law school’s follow-up programs to teach some of the lessons, thereby relieving the some of the academic librarians’ weekly teaching demands. Research skills are

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² Ann Hemmens, *Library Lifesaves: Bite-Sized Research Instruction*, 17 PERSPECTIVES: TEACHING LEG. RES. & WRITING 41 (Fall 2008).

¹⁶³ *Id.*

¹⁶⁴ *Id.* at 42.

¹⁶⁵ Most law firm librarians see the bills before the attorneys and intervene before the partner sees the usage charges.

¹⁶⁶ Law firm librarians state that they are increasingly honing their teaching skills as they work with summer and new associates. Although formalized teaching has not historically been a part of their skill requirements, librarians have begun valuing good pedagogy within firms. See Sharon M. Abrahams, *Librarians Training Lawyers*, 90 LAW LIBR. J. 71 (1998).

¹⁶⁷ *Id.* at 41. Hemmens notes that all staff librarians participated in the 56 different lessons taught in during one academic year.

¹⁶⁸ Meyer, *Training the New Generation of Lawyers* *supra* note 66 at 18 (noting that it will “take extra work” to craft good practical courses).

reinforced and law students can see how the research skills they acquire in school are relevant to real-world practice.¹⁶⁹

If it is not feasible to teach regular research follow-up classes, academic law librarians can do this periodically to reinforce the lessons taught in first-year classes. Visits by law firm librarians can be advertised in the law school and may generate excitement in students who are looking forward to practice.

Librarians could use events such as National Library Week to bring members of the profession together in the law school setting.¹⁷⁰ Law school library week celebrations typically include research-related games, puzzles, prizes, and entertainment.¹⁷¹ Law schools could include private firm librarians in the festivities by offering students a chance to meet the types of librarians that will be assisting them in practice. By meeting private firm librarians in a relaxed and informal setting, students may be more willing to seek out the librarian's services once they arrive at the firm.

Law firm libraries also participate in National Library Week.¹⁷² One librarian reports that her firm has had successful celebrations since 1986.¹⁷³ She notes that the importance of an annual event as it will foster solidarity, provide outreach, promote the library, and unify the library staff.¹⁷⁴ If law students and new attorneys see National Library Week as a valuable event at the law school level, they may continue to participate once they are working at the law firm.

In the Library

Reference librarians are most visible to students and attorneys in the reference offices at their respective institutions. In law schools, librarians staff the reference desk and are available to students on a walk-in basis. This is the traditional model of academic reference services.¹⁷⁵ Before the proliferation of online research, all research materials were physically confined to the library setting. Early CALR was confined to the library housed on dedicated computers with CD-Rom and other searchable

¹⁶⁹ See discussion of librarians in the classroom, *infra* pp. 23-4.

¹⁷⁰ See ALA, NATIONAL LIBRARY WEEK, available at <http://www.ala.org/ala/aboutala/offices/pio/natlibraryweek/nlw.cfm> (last visited 13 May 2009) ("National Library Week is an annual celebration of the contributions of our nation's libraries and librarians. All types of libraries - school, public, academic and special - participate.").

¹⁷¹ See, e.g., National Library Week Celebration and Events at the UW Law Library, WISBLAWG, available at http://www.law.wisc.edu/blogs/wisblawg/2009/04/national_library_week_celebrat.html. (last visited 13 May 2009).

¹⁷² See Karen B. Brunner, *A Week of Their Own*, 13 AALL SPECTRUM 8 (Apr. 2009).

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 34.

¹⁷⁵ See, e.g., Susan M. Ryan, *Reference Transactions Analysis: The Cost-Effectiveness of Staffing a Traditional Academic Reference Desk*, 34 J. ACAD. LIBR., 389 (2008).

databases. The librarian served a much more active role because students could only find their resources in the physical library space.¹⁷⁶

Law firm librarians are particularly concerned about their continued relevance during a time when their libraries are physically shrinking.¹⁷⁷ One librarian writes that librarians need to “demonstrate a need for their services” or they are “in danger of being the next strike-through on a CFO’s balance sheet.”¹⁷⁸ Unfortunately, in this time of mass layoffs in the legal field, this prediction, to some extent has come true.¹⁷⁹ However, librarians can better ensure their job security by demonstrating their expertise in assisting associates who are unable to complete even basic research tasks.¹⁸⁰

Reference librarians have also struggled with how to stay relevant as legal research resources migrate out of the physical library structure.¹⁸¹ Even though legal research can occur outside the library, many librarians still operate under the same model as they did when research necessitated visiting the library. How can law librarians assist students and new associates if they never enter the library? The answer lies outside of the “bricks and mortar” – in the virtual world that is most comfortable for the current generation of new legal researchers.

In some respects, law firm librarians, due to the actual shrinking of their physical space, are leaders in creating “virtual” reference services. This can include having a portal or link from each attorney’s computer that leads directly to the library. One librarian stated “We install a link on the desktop of each attorney’s computer so it is always there, reminding them that they can ask for help at any time.” Other librarians report that they answer a lot of reference questions by email. “Our attorneys are more comfortable with email than with picking up the phone or coming to the library,” said one librarian.

Summer and new associates usually interact with the library over email. A few of the librarians I spoke to have an instant message feature, or “chat,” available for their attorneys. Many private firm libraries do not have this feature because they lack enough librarians to properly staff the

¹⁷⁶ See Mary Whisner, *The Pajama Way of Research*, 99 LAW LIBR. J. 847 (2007).

¹⁷⁷ Karen Sloan, *Rethinking the Office*, In *Leam Times Firms Measure Savings By the Square Foot*, 31 NAT’L LAW J., 1 (April 6, 2009).

¹⁷⁸ Kay Moller Todd, *Law Firm Librarians in the 21st Century*, 10 AALL SPECTRUM 12, 12 (July 2006).

¹⁷⁹ Debra Cassens Weiss, *After Layoffs, Some Firms Have 1 Staffer for Every 4 Lawyers*, A.B.A. J. LAW NEWS NOW (March 2, 2009) available at http://abajournal.com/news/after_layoffs_some_law_firms_have_1_staffer_for_every_4_lawyers/ (last visited 13 May 2009) (“...many law firms made significant layoffs in their law libraries.”).

¹⁸⁰ Todd, *supra* note 178 at 13, 16.

¹⁸¹ See, e.g., Susan M. Frey & Anthony Kaiser, *Still Evolving or Facing Extinction? Reference-As-Place*, 27 Indiana Librarian, 42, 43 (2008) (Noting the “challenge by administrators that librarians demonstrate the relevancy of the library proper...”); See also Scott P. Stolley, *The Corruption of Legal Research*, 4 FOR THE DEFENSE 39, 40 (Apr. 2004) (“Keyboarding is so prevalent that our library is nearly always empty. When I am researching in the library, I feel as lonely as the Maytag repairman.”).

chat sessions.¹⁸² Client confidentiality precludes sharing chat sessions with any other firms.

Academic law librarians are also aware that their patrons are increasingly relying on electronic ways to communicate with the reference staff.¹⁸³ Because of this, many academic libraries have installed a chat feature on their home pages. This way, students can receive answers to their research questions in real time, in a format that is comfortable and familiar to them.¹⁸⁴ Using a chat feature does not preclude the opportunity for teachable moments when interacting with a patron.¹⁸⁵ Research has shown that students who contact a reference librarian using a chat feature have as much as a desire to learn as those who approach a reference desk.¹⁸⁶ Additionally, users have been satisfied with the information they receive via chat.¹⁸⁷

Because academic libraries most often have more librarians on staff than law firms, they can provide reference assistance on a rotating basis. Libraries sometimes join consortia with other libraries to spread out the extra demands that might result from working in this format.¹⁸⁸

An exciting feature of this type of service is that it stores all answers in a database for easy retrieval later on.¹⁸⁹ The database, or bank, can be shared among institutions.¹⁹⁰ It is a good example of academic librarians collaborating to ensure law students get the best assistance possible. Libraries without chat run the risk of serving fewer students as students may be more comfortable in an online format.¹⁹¹

Although academic and private firm libraries cannot do chat for one another, they can certainly collaborate to provide other forms of online services. For example, law libraries from different sectors could establish a databank or Wiki of research questions that could be shared across

¹⁸² One author notes that several law firm libraries are considering this feature because, according to her discussion with a law firm librarian, “many younger attorneys are actually more comfortable with chat functionality.” Megan Garton, *CUOI: See You Online*, 11 AALL SPECTRUM 8, 9 (Mar. 2007).

¹⁸³ Jana Ronan & Carol Turner, *Chat Reference*, ASSOCIATION OF RESEARCH LIBRARIES 1 (2002) (noting that the decline in reference desk traffic may be related to a proliferation of online resources).

¹⁸⁴ Brenda Bailey-Hainer, *Virtual Reference: Alive & Well*, 130 LIBR. J. 46, 47 (2005) (Use chat “to attract and retain the young people we involve as library users...”).

¹⁸⁵ Christina M. Desal & Stephanie J. Graves, *Cyberspace or Face-to-Face: The Teachable Moment and Changing Reference Mediums*, 47 REFERENCE & USER SVCS. Q. 242 (2008).

¹⁸⁶ *Id.* at 254 (“Librarians in virtual reference were almost as likely to provide instruction as those at the information desk.”).

¹⁸⁷ *Id.*

¹⁸⁸ See Deborah L. Meert & Lisa M. Given, *Measuring Quality in Chat Reference Consortia: A Comparative Analysis of Responses to Users’ Queries*, 70 C. & RES. LIBR. 71, 72 (2009) (“Libraries are increasingly exploring collaborative ventures, to save time and money and to use existing resources best.”).

¹⁸⁹ See Tim Dalrymple, “Just-in-Case” Answers: *The Twenty-First-Century Vertical File*, 27 INFO. TECH. & LIBR. 25 (Dec. 2008).

¹⁹⁰ *Id.*

¹⁹¹ See Carol Tenopir, *Chat’s Positive Side*, 129 LIBR. J. 42, 42 (2004) (“Students intimidated by the reference desk may appreciate asking a question anonymously.”).

institutions.¹⁹² Law libraries in particular regions could each enter and retrieve data. This would provide for quick retrieval of answers as well as information regarding what resources are available at each library. Librarians would therefore be indirectly networking with one another as they create a valuable resource.

Librarians can also share online resources that are designed for their patrons. For example, academic law libraries often have research guides or pathfinders on their library homepages. It would benefit students and attorneys to share this information in a direct way. Law firm librarians could post links to law school research guides, particularly in specified practice areas, directly on attorney computers. Additionally, private firm librarians could take existing law school research guides and modify them to comport with the resources available at the firm. Additionally, law schools can share access to Computer-Assisted Legal Instruction (CALI) lessons so associates can view power points developed by legal research instructors.¹⁹³ If new associates were directed to start with research guides or CALI instruction in their practice areas, they may learn better research habits, particularly at the beginning of a new problem.

Librarians can also be more open to employing “Web 2.0” features to their homepages.¹⁹⁴ Blogs, Wikis, chat features, networking capabilities, bookmarking tools, and other forms of information sharing are all ways to better serve patrons and expanding the outreach attempts of libraries.¹⁹⁵ In a recent study by AALL’s Computing Services Special Interest Section, 100 law librarians tried Web 2.0 tools and 98% of them indicated that they would incorporate at least one into their respective libraries.¹⁹⁶ Web 2.0 is a familiar landscape to current associates and its presence on library websites may improve library visibility.

Bridging the Gap

So called Bridge-the-Gap (BTG) programs are mini-legal research courses designed for summer and new associates before they enter the

¹⁹² All identifying information would be redacted to protect client and patron confidentiality; See, Beth Moray, *Creating a Database for Research Requests*, 92 Law Libr. J. 605, 605-6 (2000) (when discussing research databanks in private firms, the author notes that the “consensus appeared to be that the value offered by a database justifies the additional time and effort required to create and maintain one.”).

¹⁹³ See CALI, THE CENTER FOR COMPUTER ASSISTED LEGAL INSTRUCTION, *available at* <http://cali.org/> (last visited 13 May 2009).

¹⁹⁴ See Diane Murley, *What is All the Fuss about Library 2.0?* 100 Law Libr. J. 197 (2008).

¹⁹⁵ Deborah Ginsberg, Meg Kribble, & Bonnie Shucha, *I Want My Web 2.0*, 13 AALL SPECTRUM 28 (Apr. 2009).

¹⁹⁶ *Id.* at 29.

workforce.¹⁹⁷ BTG courses are often taught by attorneys.¹⁹⁸ Some BTG courses are taught by law librarians.¹⁹⁹ This is not the usual model, however.²⁰⁰ The Law Library Association of Greater New York (LLAGNY) had to cancel their BTG program due to low registration.²⁰¹ LLAGNY's program was to be taught by law librarians in private, academic, and government institutions.²⁰² This collaboration shows the law student and new associate that librarians in their schools as well as in their future employment settings are working together to ensure they have the proper skills. However, law students are not enrolling. Perhaps they do not understand how crucial good legal research skills are, particularly in the current marketplace. Librarians should encourage participation in these programs.

Like LLAGNY's program, other local library chapters may want to consider involving librarians across the profession in BTG programs for summer and new associates. If this population sees librarians working together to teach legal research in law schools, they may view the librarian model of BTG as importantly as they view the programs taught by attorneys. If better library outreach is conducted at the law school level, perhaps more students and new associates would elect to take BTG courses facilitated by librarians.

Other ways that librarians can assist their patrons during their summers is to provide them with training on the many low-cost CALR databases that may be available to them through their law schools or local bar associations. Examples include Loislaw²⁰³, Casemaker²⁰⁴, and

¹⁹⁷ Missouri's BTG for new attorneys describes the program as "a course in practical legal skills and is designed to assist with the transition from law school to law practice." MS BAR ASSOCIATION, 2009 BRIDGE THE GAP, available at <http://www.acteva.com/booking.cfm?bevaID=181203>. For an example of a BTG designed for summer associates, see BRIDGE THE LEGAL RESEARCH GAP 2008, GALLAGHER LAW LIBRARY, UNIVERSITY OF WASHINGTON, available at <http://lib.law.washington.edu/btg/2008/register.htm> (last visited 13 May 2009). Some states require BTG before admission to the bar. See, e.g., BRIDGE THE GAP-INTRODUCTION TO PRACTICE, RHODE ISLAND BAR ASSOCIATION, available at <http://www.ribar.com/cle/bridgethegap.asp> (last visited 13 May 2009). SKILLS AND METHODS COURSE REQUIREMENT, NEW JERSEY BOARD OF BAR EXAMINERS, available at <http://www.njbarexams.org/barbook/aiib.htm> (last visited 13 May 2009).

¹⁹⁸ See, e.g., MS Bar Association, *supra* note 197.

¹⁹⁹ See, e.g., Bridge the Legal Research Gap, *supra* note 197.

²⁰⁰ See NEW YORK STATE BAR ASSOCIATION, BRIDGING THE GAP, available at <http://www.acteva.com/booking.cfm?bevaID=181203> (last visited 13 May 2009) (Attorney taught BTG course sold out).

²⁰¹ LLAGNY, BRIDGE THE GAP, available at http://www.aallnet.org/chapter/llagny/BTG_2009.pdf (I was informed by a participating New York librarian that the program had been cancelled).

²⁰² *Id.*

²⁰³ Loislaw, *Legal Research, Forms, and other Legal Information*, <http://www.loislaw.com/> (last visited 13 May 2009).

²⁰⁴ Casemaker, *Consortium Members*, <http://www.casemaker.us/consortiummembers> (last visited 13 May 2009) (Casemaker is offered free through many bar associations and students and new attorneys can gain access through bar members at their firms).

Versuslaw.²⁰⁵ Most of these tools are available to law students, however, they are not widely taught and are excellent alternatives for students who do not have access to Westlaw or LexisNexis during the summer.

In the Law Firm

If academic librarians are successful in engaging law students by showing cooperation with librarians in the private sector, summer and new associates may take better advantage of legal research assistance by librarians at their law firms. The new associate's high opinion of the librarian's value at law school may carry over into the associate's professional life.

Librarian cooperation should not end once law student becomes a new associate. Rather, librarians can highlight the continuum of services they provide by collaborating further to reach the population of new associates. For example, law firm libraries can establish partnerships with local academic law libraries. Alumni have often been encouraged to return to their law schools to use the library.²⁰⁶ Some libraries have specific alumni programs that include access to resources and reference services.²⁰⁷ However, as library collections shrink in both law firms and law schools, librarians may want to think about sharing resources beyond alumni and extend this service to members of various law firms in the area. Law firm librarians can encourage their associates to contact law school librarian partners in the area to access resources that may not be available at the firm. New associates will then see librarians in different settings working together to provide the assistance they need to maintain their jobs.

CONCLUSION

The lack of legal research skills of law students and new attorneys has been a complaint of private firm law librarians and members of the bar for decades. Law firm librarians have historically been frustrated at the poor level of legal research instruction offered at the law school level. Once attorneys enter the firm as summer or new associates, law firm librarians are further frustrated by the lack of time available for training.

Additionally, students in states that participate may receive access from their law school's reference librarians.

²⁰⁵ VersusLaw, *VersusLaw Research Database*, <http://www.versuslaw.com/> (last visited 13 May 2009).

²⁰⁶ See, e.g., Jean M. Sykes, *Looking After Your Alumni*, 1 LIBR. & INFO. UPDATE 50 (May 2002); Catherine Wells, *Alumni Access to Research Databases*, 67 C. & RESEARCH LIBR. NEWS 413 (2006).

²⁰⁷ See, e.g. FOR ALUMNI, CORNELL UNIVERSITY LAW LIBRARY, available at <http://library.lawschool.cornell.edu/Alumni/> (last visited 13 May 2009).

Although private firm librarians see many subject-specific deficiencies in the research skills of their patrons, their complaints fall into three general categories: Defining the issue, finding context, and replicating the process. The generation of new attorneys now entering the field has been accustomed to keyword searching on the internet for most of their research needs prior to entering law school. It is difficult for them to make the shift to learning a research process and understanding the context within which their legal issues lie.

To assist attorneys with their research skills during the current economic crisis, law librarians across the field should form cooperative alliances to bring vital services to attorneys just entering the field. Librarian collaboration shows law students and new attorneys that librarians are available to assist them throughout the continuum of their professional development.

By working together, librarians will also enhance the visibility of their respective libraries when cutbacks on resources are inevitable. Finally, collaborations ensure that librarians highlight the value they personally bring to both students and attorneys. In a bleak economic climate, librarians can show themselves to be important and indispensable resources throughout the profession.