



Law Library Lights

One-on-One Training at the Point-of-Need

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Informal training is practical, efficient, cost effective, and, of course, informal. It's not just that it's difficult to corral one's patrons into the formal classroom setting with blackboards, or whiteboards, a well prepared lesson plan, brilliant handouts, and lively audio-visu-als. Informal training, particularly one-on-one training, is the method that comes most readily to hand in the most diverse variety of situations likely to be encountered in the day-to-day environment. It is also one of the methods with the most staying power.

One-on-one training encounters the patron at the point-of-need, when they're most likely to remember what they've been shown. It is also offered in the context of the specific legal research problem that's perplexing them. Ellen Callinan points out, "Library patrons may be willing to learn the intricacies of use when that knowledge will help them resolve problems, but are either unable or unwilling to learn techniques when they have no need for them."¹

Who is a suitable patron for informal training? The patron who seems to want to know more. As a young library assistant, I remember the reaction of my boss after she'd seen me hand a

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book to a vice president at the trade association where I worked. "Why did you just hand him that? You should have shown him how to use the card catalog, and how to use the classification system!" she urged. "Give a man a fish, you've fed him for a day; teach a man to fish and you've fed him for his whole lifetime," she quoted to me with a nod of her head.² But I knew the veep was more interested in retreating to his office suite to study his book than listening to a lecture by me. Wait for the customer who prefaces their reference question with, "I don't know how to find this. Can you show me?" Or who exclaims when you hand them their material, "Wow, thanks! How'd you do that?"

"One-on-one training encounters the patron at the point-of-need, when they're most likely to remember what they've been shown. It is also offered in the context of the specific legal research problem that's perplexing them."

How can you tell when it's not the right time? Paul Arrigo suggests recognizing non-verbal cues, "Observing the verbal and non-verbal clues sent by the patron is critical if librarians are to determine the patron's receptivity to instruction on that day"³ Perhaps it's the drooping eyelids and stifled yawn as you launch into a soliloquy about the length and breadth of West's digest system. Or maybe it's the pillow and covers they're pulling over their heads while standing in front of you at the reference desk.

One may need to virtualize the one-on-one instruction. The use of chat services is a simple way to provide synchronous communication to users. This isn't much use for small libraries, which don't have enough staff to attend to the chat application and do their other duties. Virtual reference through the use of Skype or Facetime is a way to personalize the interaction, but the librarian who hasn't had training on modulating between their face and their computer screen might find themselves becoming too distracted by the process to be much use to the patron. Carol Watson provides a checklist of Virtual Reference Best Practices which are useful for virtual or live one-on-one training:

- ▶ Develop a script for online services, especially the introduction.
- ▶ Ask open-ended questions.
- ▶ Send a resource for the patron to review early in the process.
- ▶ Ask the patron, "Am I on the right track?"
- ▶ Sign off by summarizing the session.⁴

One method of one-on-one teaching I've found useful for electronic resources is the "walk-through." The term describes walking someone through the steps to use an online vendor's website. Some vendors' user interfaces are difficult because the underlying databases and search engines are complicated. Others are challenging because some software interface designers are sadists. The walk-through may be done in person, but most likely you will need to access the website while discussing the issue on the phone. This way, you can see what the patron sees in real time. Frequent questions to the patron can ensure you are literally on the same page. If one or both of you become



lost, it's better to switch to some other means of helping rather than risk annoying the user.

Some offices permit the user to share their screen with the librarian, but that's not an option here, given the security in my work environment. In those types of situations, a screen shot is worth a thousand words of email text.

Sometimes the one-on-one encounter can segue to other training or instructional materials, such as online library guides and canned webinars. We provide brochures and bookmarks with our library's URL to close out a reference interview, so that the patron can find more information on their own. Canned webinars have the advantage of being available all the time, like the electronic resources themselves.

It is possible to create webinars for end users about your in-house webpage or catalog, or for home-grown online content. For commercial online services, most vendors have created content such as short videos or instruction sheets on the use of their products. Some canned vendor training even includes CLE credit for completion of a course, which can be a useful carrot.⁵ But I digress.

Determine what it is your patron wants to know, and be prepared for them to want to know more. More than one patron who begins by asking how to find a legislative history will subsequently want to know how to use one. The user who wants to know how to compile one on their own may be asking for more than can be conveyed quickly on the spot in the library. It is helpful to have additional materials on hand or else invite the patron to return to continue the conversation.

Some will reject the opportunity to turn their reference interview into a training session. Let yourself be deterred. To paraphrase the old saying,

"Determine what it is your patron wants to know, and be prepared for them to want to know more. More than one patron who begins by asking how to find a legislative history will subsequently want to know how to use one."

"You can lead a horse to water, but you can't make it learn water rights law overnight."⁶

One-on-one training is probably the most practical way to teach high-level people who are busy. It's also useful to get neophytes some basic skills, if and when they have the time. That time is most likely to be at the point of need, when desperation focuses their attention and sharpens their memory. ■

Notes

¹Ellen M. Callinan, *Research Protocols in Reference Service: Informal Instruction in Law Firm Libraries*, 82 *Law. Libr. J.* 39, 50 (1990). In her article, Callinan quickly reverts to traditional teaching methods to warm up the trainee.

²There are many amusing variants to this hackneyed proverb: <http://www.iluenglish.com/give-a-man-a-fish-funny-adaptations-of-the-proverb/> (last visited Oct. 25, 2018).

³Paul A. Arrigo, *Taking Time for Legal Research Instruction at the Reference Desk*, 19 *Legal Reference Services Quarterly* 75, 80 (2001).

⁴Carol A. Watson, *Reference Services in a Law Library*, in *Law Librarianship in the Digital Age* 241 (Elyssa Kroski ed., 2014).

⁵Emily Janoski-Haehlen, *Library Instruction in the Information Age*, in *Law Librarianship in the Digital Age* 318 (Elyssa Kroski ed., 2014).

⁶Or, as Stan Laurel once said, "You can lead a horse to water, but a pencil must be lead." YouTube at <https://www.youtube.com/watch?v=Inn-AVexPvQ> (last visited Oct. 5, 2018).



From the Editor

Patron Training and Instruction

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I'm writing this on what finally feels like the first day of autumn in D.C. It's cool and breezy outside, not too humid, and the stores are filled with my favorite seasonal and spooky decorations (and, perplexingly for October, Christmas decorations). For those of us who work in the academic sphere, this kind of weather is usually the harbinger of our teaching duties, especially for the incoming first year student class.

Accordingly, the theme for our Fall issue is Patron Training and Instruction, and in developing this theme we sought to draw attention to not only librarians as formal instructors in the classroom, but also the many less-formal, sometimes quite subtle ways that librarians in various library settings and job descriptions lend their expertise to enhance a patron's skill or understanding. Whether it's an online academic course, a teachable moment at the reference desk, a webinar for the public, or a chance to introduce a student worker to a new perspective, we have gathered articles from librarians in firms, government, and academia discussing or reflecting on how those in our profession serve as teachers, trainers, or instructors to our patrons.

In addition to our articles, as we begin this new volume of *Lights* we have some new features and new columnists to introduce you to. Savanna Nolan, a Reference Librarian at Georgetown, will be



Submission Information

If you would like to write for *Law Library Lights*, contact Anne M. Guha at amg300@georgetown.edu. For information regarding submission deadlines and issue themes, visit the LLSDC website at www.llsdc.org.



From the Editor, Continued

authoring our book reviews. Jeffrey Gerhard, Digital Initiatives Librarian also at Georgetown, will be lending his perspective to our Tech Talk column. I am also grateful to be collaborating on this volume with our new Assistant Editor, Jorge Juarez. Finally, I was very fortunate that past *Lights* editors Andy Lang, Amy Taylor, and Jill Smith were willing to lend me their eyes or expertise from time to time as I put together my first issue.

As for the aforementioned new features, if you subscribe to the LLSDC listserv, you may have seen the call for this issue's Member Poll. As a new twist on the traditional Member Question, this year we have decided to introduce one quick (and hopefully fun) poll question per issue - just click to vote and you're done! Of course, written comments in the spirit of the usual Member Question also continue to be welcome. While we usually only print comments with attribution by name and institution, some of the anonymous comments we received through the Poll were too fun not to include, and so you will find a few of these below.

The poll question for this issue (suggested to me by a colleague who knows my personal affinities well) was "When do you usually start putting up Halloween decorations?" I may have been the only LLSDC member to select "I start decorating in August" (my Halloween-y inclinations are well known!), but I was pleased to see that over half of our respondents enjoyed decorating for this fun and spooky holiday. Even several of those who responded that they don't typically decorate for Halloween revealed in the comments that they nonetheless enjoy the season's festivities, warming my pumpkin-spice heart. Have a look at some of the comments we received:

"I'll have one or two of those mini-pumpkins though!"

— a respondent who selected "Not my thing. I don't decorate for Halloween."

"Then it takes me four months to get the residual 'cobwebs' removed from the bushes to which my husband has added them."

— a respondent who selected "Just in time! I decorate a week or two before Halloween."

"Usually, if I take my children to the pumpkin patch in the fall, I'll buy a pumpkin to set outside for trick-or-treaters."

— a respondent who selected "Not my thing. I don't decorate for Halloween."

"I am a vendor. When a librarian cancels my company subscriptions we turn off the lights and there will be NO CANDY."

— a respondent who selected "When the season gets spooky! I decorate when October begins."

Our Winter issue's theme will be "Management, Leadership, and Career Development." In addition to articles that discuss traditional topics on this theme, we also welcome you to consider it more broadly



From the Editor, Continued

or to interpret it in unique ways. Even those of us who may not aspire to a formal management position may still be very interested in seeking ways to develop ourselves professionally or in taking on more informal or narrow leadership roles. If you have an interest in any of these topics, we welcome you to share your thoughts and insights in our next issue! ■

President's Column

Easing Our Way Into Fall & A New Association Year

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I find myself writing this column on a rainy fall day (which have been far too frequent recently), where I am once again hoping that the weather clears up for our rooftop Opening Reception. I am happy to begin another year as an LLSDC member and your president. After a transitional 2017-2018, I am looking towards an invigorating and exciting new year for our Association.

Another (relatively) quiet summer in D.C. has passed, though we held some great LLSDC events during that time. Many members helped create and showcase, or else visited, our LLSDC poster at the AALL Annual Meeting in Baltimore, where we also began promoting the 2019 meeting that will take place on our home turf.

President's Column, Continued

In early August, our Vice President/President-Elect, Kristina Alayan, and I led a discussion on preparing students for practice, which we hope will be an ongoing conversation throughout the coming year and beyond. Please see our article in this issue of *Lights* for our thoughts and takeaways from the discussion.

I would like to thank all of you for your patience while we upgraded our membership system and website. To better meet the needs of our members and provide varied communication streams, we are now migrating our listserv to the same platform as the website.

This will allow for multiple LLSDC-related email lists (e.g., one for ILLs only, one for events, etc.) and ensure that people can select what info they'd like to receive. We sincerely hope this will be the last big technological change that we'll undergo anytime soon.

One of my goals during my presidential year is to reenergize our volunteer efforts and find new ways to engage our members. Throughout the summer and now into the fall, we are calling for volunteers to serve on our many fabulous SISs, Committees and anywhere else you might be interested.

If you are curious about serving, whether on a short term or long term basis, please consider filling out our volunteer form on our website [here](#). Feel free to email me (president@llsdc.org) if you are interested in learning more or have questions about the process, time commitment or other requirements.

As always, stay tuned for details on fall programming from our SISs and Committees, and the Holiday Reception, which will be here before we know it. If you have a program idea or request for one of our groups, feel free to reach out to the Chair or President listed on the relevant LLSDC website. The leadership and committee rosters have been updated to reflect the new association year.

In closing, every year, as a chapter of AALL, we are required to submit our Annual Report that chronicles the projects, initiatives, programming and other goings on within our organization. To read about 2017-2018 accomplishments click [here](#).

Happy fall everyone and I hope to see you soon! ■



Teaching Students How to Be Lawyers Using the Bluebook

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When I was in law school, I was a *Bluebook* wonk. I served as the senior research editor for my school's law review and paid attention to the minor details of citation formatting. Was the second comma in the introductory signal "*See, e.g.,*" erroneously italicized? I'd drag my mouse over each instance to check the styling of the second comma, lamenting my inability to distinguish between an italicized and regular comma by sight.

Some in the legal community would consider this kind of effort by a law student to be a waste. One of the most vocal critics of the *Bluebook*, Judge Richard Posner, describes the *Bluebook* as "a monstrous growth, remote from the functional need for legal citation forms."¹ "[T]he first thing to do," he argues, "is burn all copies of the *Bluebook*, in its latest edition 560 pages of rubbish . . ."²

While I generally can't support book burning, I am sympathetic to calls for simpler citation systems. Today, as a reference librarian at a law school, I regularly see students who are just like I was, fretting over citation formatting in articles for their law journals, papers for their seminars, and memos for their internships. For as long as journals, professors, and employers require the *Bluebook*, law students will approach the reference desk and ask us, "How do I correctly cite this in *Bluebook* format?"

As a service-oriented librarian, I want to help by giving students what they want: an answer. However, I know that an answer, my answer, is not necessarily the answer. Reasonable minds can interpret and apply *Bluebook* rules differently.³ And when the *Bluebook* question falls in a gray area, the answer might not exist. In fact, there may be several possible answers.

If the situation that I'm describing – this lack of clear, definite answers – seems familiar to you as a librarian, I think it should. Using the *Bluebook* has many similarities to conducting legal research. For that reason, I don't give students my answers to their *Bluebook* questions. Instead, I look to these questions as informal teachable moments to offer students the following lessons on legal research.

Use finding aids to get started. If you don't know which *Bluebook* rules apply to the material you're trying to cite, use the table of contents and/or the index to identify the relevant rules. Remember that *Bluebook* rules work together. Just as you would never read a single statute in isolation, you need to look at related *Bluebook* rules for the full picture.

Treat on-point rules like binding authority. When a rule addresses the material you're trying to cite, you must follow it when formatting your



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citation, similar to how a court would have to follow a case that is binding precedent.

Look to rules for analogous materials as persuasive authority. When no rules address the material you’re trying to cite, you may follow rules for similar materials as guidance in the same way that a court may follow decisions from another jurisdiction. Say you’re citing to a posting in an online discussion forum. Is that similar to a listserv posting,⁴ blog posting,⁵ or something else?

Consider secondary sources as persuasive authority. When no rules address the material you’re trying to cite, you may also follow how others have formatted citations for the same material. If you’re formatting citations for a law review article, search the footnotes in articles that have been published by law reviews and journals that use the *Bluebook*.⁶ Regard the law reviews and journals that sponsor the *Bluebook* (i.e., *Columbia Law Review*, *Harvard Law Review*, *University of Pennsylvania Law Review*, and *Yale Law Journal*) as experts in the area, and give more weight to their examples. Also, rely more on recent articles that were published using the current edition of the *Bluebook*.

Get comfortable being uncomfortable. If you still have no guidance on formatting your citation, get comfortable with the idea of making your own decisions to format one. When doing so, keep a clear goal in mind: you want to give your reader enough information to be able to locate the cited material. The discomfort that you feel will lessen with time and experience.

Students looking for the answers to their *Bluebook* questions at the reference desk might not immediately appreciate these tips. However, it is my hope that by teaching students how to approach the *Bluebook* in law school, our students will be better prepared to be lawyers. ■

Notes

¹Richard A. Posner, *The Bluebook Blues*, 120 YALE L.J. 850, 851 (2011). For more on Judge Posner’s critique, see Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343 (1986).

²Richard A. Posner, *What Is Obviously Wrong with the Federal Judiciary, Yet Eminently Curable, Part I*, 19 GREEN BAG 2D 187, 193 (2016).

³Some rules can result in different outcomes depending on the interpreter’s sense of what is significant, relevant, or intelligible. See, e.g., THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 10.7, at 109 (Columbia Law Review Ass’n et al. eds., 20th ed. 2015) (“Whenever a decision is cited in full, give the entire *subsequent* history of the case, but omit denials of certiorari or denials of similar discretionary appeals, unless . . . the denial is particularly relevant. Omit also the history on remand or any denial of a rehearing, unless relevant to the point for which the case is cited. . . . Give *prior* history only if significant to the point for which the case is cited or if the disposition cited does not intelligibly describe the issues in the case, as in a Supreme Court ‘mem.’ Give separate decisions of other issues in the case with their prior and subsequent history only if relevant.”).

⁴See *id.* at R. 17.2.4, at 173-74.

⁵See *id.* at R. 18.1(a), at 178-79.

⁶So, for example, don’t follow examples from the *University of Chicago Law Review*, which uses the *Maroonbook*.



Bridging All the Gaps

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In legal research instruction, it's not unusual to come across various programs attempting to address knowledge gaps that inevitably develop (and become painfully clear) during transitional periods for law students and recent graduates. In the academic sector, we're often focused on developing practice-ready students who can hit the ground running. We're not only committed to setting our students up for success, but we also want to further the reputation of our respective institutions as reliably preparing students for the work they can be expected to produce in practice.

Numerous strategies, programs, and pilots have been developed in law libraries to help accomplish these goals. In academic libraries, law librarians are eager to get mandatory face-time with students which will arm them with the skills they will be expected to apply as soon as they leave the academic sphere. In addition, it isn't unusual to hear about "bridging the gap" or "prepare to practice" sessions specifically designed to meet this demand and scheduled predictably towards the end of the spring semester.¹ They are often optional sessions hosted by the library. Ideally, the sessions repackage what students have learned in first year legal research and writing courses, but may include an emphasis on more unique,

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specialized resources students might encounter in practice. When possible, libraries offer prizes, food, and vendor-sponsored goodies to encourage attendance – with varying success. In some schools, the librarians have organized panels, featuring recent graduates, alumni working in law firms and library/research directors, who offer real life guidance and advice. The research directors may review the types of legal or general research expected from new associates, along with outlining some of the specialty tools or offerings available. Some sample discussion points for these panels are:



- ▶ Are there research skills that new associates wish they'd acquired in law school?
- ▶ What role do information professionals play in your practice?
- ▶ Offer one piece of non-obvious advice to law students about research.
- ▶ What is a common mistake seen in new associates?
- ▶ Give one example of an associate who was really memorable and why.

The market is competitive.² Students may be more inspired by the concepts they encounter and wrestle with in doctrinal classes, but it will be their ability to find, analyze, and communicate binding authority that will help them distinguish themselves quickly and meaningfully over the course of a summer or as a new associate – or so we tell ourselves!³ The Georgetown Law Library has a history of organizing meetings with area law firm and government librarians in an effort to learn from our colleagues. How much of our perception about the demands and expectations our students will face in practice is accurate? Even for the librarians who transitioned into academia after working in the private or government sectors, information can become dated quickly. The most recent meeting Georgetown hosted took place this past summer. It was attended by all librarians teaching in the first-year legal research and writing program and three firm librarians.

The conversation was lively and productive. In general, the firm librarians shared anecdotes that confirmed our suspicions. As an added benefit, the three firm librarians in attendance came from diverse firms, including a one-office firm, a one-practice international firm, and a global

giant. This helped guarantee that a wide range of opinions and experiences were represented. The firm librarians agreed that students tend to lack a fundamental understanding of administrative and regulatory law, as well as legislative history. Students have also faced the wrath of a partner for failing to consult a secondary source before tackling case law research or for running up a huge Lexis or Westlaw bill without expecting it. The importance of sound judgment⁴ – both in analyzing legal materials and in navigating relationships with grace – cannot be overstated. Be kind to your law librarian – they can help you track down that difficult document or get you out of a potentially harmful billing debacle.

The most surprising development is how volatile the market has become in terms of the platforms that dominate the legal market (Lexis and Westlaw). While all firm librarians in the meeting currently have both, they all agreed cancelling one in favor of the other was likely within their organizations and prevalent across most firms. More specialized firms will stay with one over the other based largely on content alone (e.g., intellectual property), but other firms are more likely to lean towards the less expensive platform and supplement with alternative sources for content as needed.

Thanks to the initiative of one of the law firm attendees (Emily Florio, LLSDC President), after our Georgetown meeting we decided to test the format out with a larger audience: the LLSDC membership. We settled on a day/time and invited interested members “to discuss how to more intentionally prepare students for practice.” The discussion was advertised as an informal opportunity to bring librarians together across sectors to describe what has worked for them, gaps they’ve identified, and trends we should be anticipating as we teach the next generation of legal researchers.



Librarians across sectors came together to share successes and frustrations. One librarian from Caplin & Drysdale shared a comprehensive binder of materials provided to all new associates to help them navigate firm resources successfully, and a librarian from Howard Law shared the success they've had with on-demand how-to videos using Jing. Latham & Watkins is now providing their library team with a list of the projects that will be assigned to summer associates along with deadlines to help them better anticipate questions. Academic librarians were delighted to hear how interested firm librarians were in coming to guest lecture at law schools. We discussed the possibility of putting together a list for the LLSDC membership of librarians in the area who are happy to share their expertise in this way. Various firm librarians shared tips and tricks that they offer to new associates to assist with their learning some basics of law firm life. In addition, a few of the tips or guidelines offered to fellow librarians included:

- ▶ The summer is a good time for students to make time and explore the various databases and other tools available to them, to allow for familiarity when the need arises, rather than having to learn when under pressure.
- ▶ Create a list of "no cost to the client databases" as alternatives to Lexis and Westlaw.

"The discussion was advertised as an informal opportunity to bring librarians together across sectors to describe what has worked for them, gaps they've identified, and trends we should be anticipating as we teach the next generation of legal researchers."

- ▶ Explain the basics of how Lexis and Westlaw costs add up and end up on the client bill, but without using scare tactics.
- ▶ Ask new associates to provide feedback to librarians about what they found helpful as a summer or fall associate, to help better prepare future classes.
- ▶ Offer a meet and greet with library staff at the start of the program.
- ▶ Reiterate that the library and research teams are your friends and here to assist.

Attendees agreed they enjoyed the conversation and format and look forward to additional sessions being offered. Keep an eye out for announcements about future sessions designed to keep the conversation going! We'd love to hear from you if you have your own advice to offer on this topic as we formulate future discussions. ■

Notes

¹Identifying the elusive window when students aren't so overwhelmed by finals preparation that they can think about preparing for the summer by attending optional training remains a challenge.

²<http://www.legalexecutiveinstitute.com/2018-legal-market-report/>

³This perception in the academic sector is often echoed by vendor white papers (see e.g., https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf), law review articles (see e.g., [http://law.onu.edu/sites/default/files/Wawrose%20\(FINAL%20PDF%205-17\).pdf](http://law.onu.edu/sites/default/files/Wawrose%20(FINAL%20PDF%205-17).pdf)), law library journals (see e.g., <https://ssrn.com/abstract=2753172>) and ABA surveys (see e.g., <https://perma.cc/UK9K-TQQ5>).

⁴Soft skills, which are dominating discussions and literature across professions, were featured prominently in our conversation as well. Students who may otherwise be productive associates are at risk of not being hired if they fail to navigate the office wisely. Support staff may be underestimated by students as a source of information during the hiring process that may put their prospects in jeopardy.



Member Spotlight

Have you recently changed positions? Received a promotion? Participated in any professional events, conferences, or symposiums? Retired? Published? Been elected to serve in a professional organization? Anything else? Let LLSDC know by submitting your news and announcements to our editorial team. Photos are always welcome!

Rick McKinney

Rick McKinney, Assistant Law Librarian at the Federal Reserve Board in Washington, D.C. will retire on January 1, 2019, after nearly 35 years of service at the Board and membership in LLSDC. He plans to remain active in the Society and the subcommittee that maintains LLSDC's Legislative Source Book. The Legislative Research Special Interest Section, as part of their business meeting, hosted a luncheon in his honor. Among other activities, in retirement Rick is planning on helping out with his new granddaughter, Theresa, who was named after her grandmother, Rick's recently departed wife.

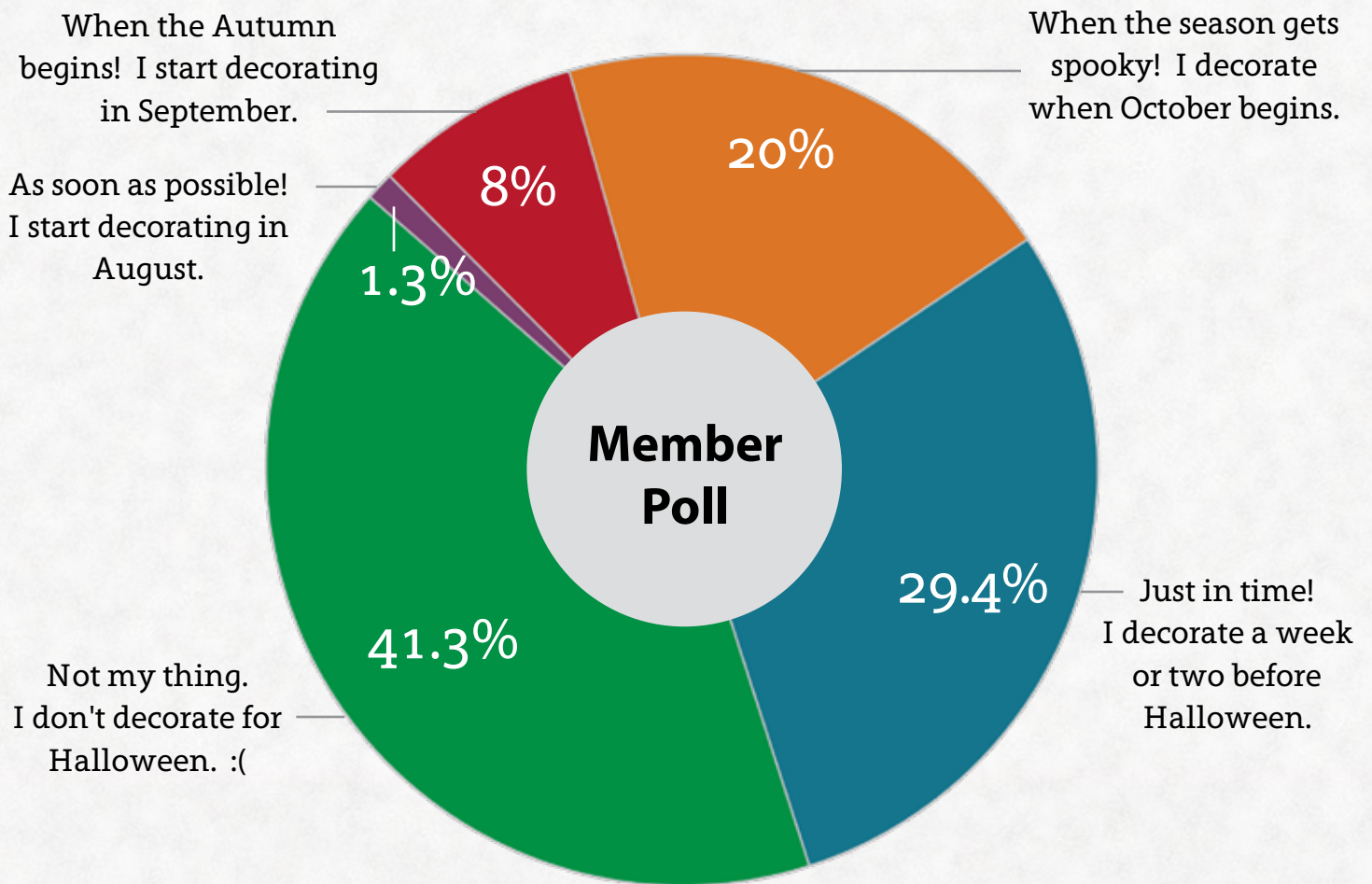
Kristina Alayan

After three rewarding years of working at the Georgetown Law Library, Kristina Alayan has transitioned to a new position as the Law Library Director & Assistant Professor of Law at Howard Law.



Member Spotlight, Continued

When do you usually start putting up Halloween decorations?



Autumn decorations are not quite the same as Halloween decorations. I decorate for my favorite season, autumn!

—Ashley D. Johnson, Arnold & Porter

This year I bought my witch hat the first weekend I saw it in Target!

—Savanna Nolan,
Georgetown Law Library



Best Practices for Teaching Advanced Legal Research Asynchronously Online

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For the past six summers, reference librarians at American University Washington College of Law (AUWCL) have taught an advanced legal research course online in an asynchronous format. Our class was the first online offering in the J.D. program at AUWCL. As the course has evolved, we have developed a set of best practices for teaching an asynchronous online research course that may be useful to others planning similar courses.

Background

In 2012, AUWCL created the Office of Online Education to develop the law school's online program. Ultimately, the office adopted Desire2Learn (D2L) as the learning management system (LMS) for all online courses. Similar platforms that serve higher education include Blackboard and Sakai and open source options Moodle and Canvas. All of the platforms offer numerous bells and whistles, some of which are

useful in an advanced legal research course and many of which are not. Some functions we found particularly useful include timed quizzes with automatic grading; rubrics; discussion forums with multiple setup options; release conditions; import, export, and copy components; calendar; and a dropbox for submitting assignments.

Because of the law school's prior online education policy, we were required to offer the course in a hybrid format for the first few summers, e.g., at least nine hours of instruction time had to be in-person. At the beginning of the semester, we held an all-day Saturday boot camp, where we introduced the students to the LMS, went over the syllabus, refreshed their Lexis/Westlaw/Bloomberg skills, and reintroduced them to legal research. Recently, the law school amended the online education policy and removed the hybrid format requirement, so this past summer we were able to offer the course entirely online.



Best Practices

Consistent Organization/Clear Expectations

While it seems obvious that a course should be well-organized and expectations clearly defined, it's especially important in an online environment. Because so many of our students were working full-time or out of the area/country during the summer, we never met most of them face-to-face. Any clarifications regarding the syllabus or assignments were done over email or other electronic means, which can be less effective than making a quick announcement at the start of an in-person class. Err on the side of providing more detail in your syllabus and instructions than you would in a traditional course.

Weekly Modules

Following the theme of clear and consistent organization, we found weekly modules to be particularly useful.

The summer session at AUWCL is nine weeks, which we divide into nine weekly themes:

1. Re-introduction to Legal Research
2. Case Law Research
3. Statutory Research
4. Legislative History Research
5. Administrative Law Research
6. Secondary Sources
7. Low-Cost & Free Resources
8. International & Foreign Law Research
9. Prepare to Practice

Each module consisted of the same type of materials, organized in the same way (more on the organization in the next paragraph).

ABA Standard 310

Standard 310 mandates the amount of instruction time and out-of-class work a course must offer. It applies equally to in-person and distance education courses. For a two-credit course like ours held over nine weeks, that equals 2.6 hours per week on "in-class" work and 6.67 hours per week on "out-of-class" work. To meet the standard for an asynchronous online course, where all activities are technically "out-of-class," we categorized the activities as follows:

- ▶ In-Class Time: recorded lectures, database tutorials, and discussion questions
- ▶ Out-of-Class Time: reading, short research assignments, quizzes

"While it seems obvious that a course should be well-organized and expectations clearly defined, it's especially important in an online environment ... Err on the side of providing more detail in your syllabus and instructions than you would in a traditional course."

Formative Assessment

LMSs are designed for formative assessments. Take advantage of their tools! In addition to weekly



quizzes, we gave weekly research assignments that built off the same fact pattern and focused on the weekly theme (e.g., case law research, statutory research, etc.).

Use Rubrics

Formative assessment is great for students but can be a lot of work for instructors. Rubrics help standardize grading and save time in the long run. They can be time-consuming to create but streamline the grading process. We also used the automatic feedback function for quizzes (multiple choice, matching, T/F options) so that students saw their grades and explanations as soon as they completed the weekly quiz.

"Break up the lecture into 15- or 20-minute increments based on subtopics. That way, busy students can listen to a portion during their commute or whenever they have a short break between activities. They won't have to figure out where they left off in a long lecture. "

Discussion Posts

It's probably the hope of all instructors that students will be so engaged with the material that they willingly engage in thoughtful discussions about it. Alas, that's often not the case. If you're

going to use discussion posts in your online class, you must monitor and contribute to the forums regularly to encourage student participation. Make substantive participation mandatory.

Instructor/Student Interaction

Decide how you will interact with your students and provide that information in the syllabus. Will you require any face-to-face meetings? Are phone calls acceptable? Would you prefer all interactions to be done over email?

Short Videos

Break up the lecture into 15- or 20-minute increments based on subtopics. That way, busy students can listen to a portion during their commute or whenever they have a short break between activities. They won't have to figure out where they left off in a long lecture.

Beware the Subscription Database Tutorial

Many of the legal research providers have created online tutorials (Lexis Learn, Westlaw tutorials, etc.). They do not, however, always keep them updated. And sometimes they're just not that good.

Beware Multiple Platforms

One summer, we attempted to use a matter management system in addition to the LMS. We wanted to mimic a law firm environment, but using multiple platforms was redundant and confusing. Some experiments are better left to in-person classes, where students aren't already contending with an LMS.

Do you have questions or comments for us regarding online courses? We'd love to hear from you. ■



Codebreaking: Teaching Technology to Teach Critical Thinking

Jeff Gerhard

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“That looks like code,” a law student commented suspiciously as I ran some commands to automatically update a spreadsheet. We were in my library’s Digital Initiatives department, where I manage projects to digitize and provide access to library resources. I don’t work on the front lines performing reference interviews or classroom instruction, so most of my teaching opportunities involve student workers or library colleagues.

“It is code,” I replied. We chatted briefly about whether computer coding is intimidating (the student’s take) or enjoyable (mine).

Coding is never far from the news, but lately I’m especially interested in how we talk about it, how the various meanings of the word “code” shade into one another like blue and green on the spectrum of visual light. Code as “computer program” overlaps with code as “statement of law,” and also with codes of behavior, codes that are designed to obscure or reveal meaning, codes of mannerisms and vocabulary that one can “switch.” To code is to create rules; codification is an imposition of order on chaos.

It all sounds like something a law student might find interesting. But instead, I had to go with my rote phrase: “You don’t have to understand exactly how it works, but you have to understand what it is doing.”

Tech Talk, Continued

I don't teach anyone to code, but I spend a lot of time explaining technology. I provide training on software and digital platforms, but many of my favorite educational moments revolve around older tech. I get surprisingly enthusiastic about barcodes.

I try to evoke the revolutionary impact of microform in the pre-digital era. My eyes light up when I get to break down call numbers to young adults who managed to get through college without learning how to find anything in library stacks (no judgment!). I get to teach the best use of staple removers, movable shelves, camera lenses, foot pedals, gears, and levers.

My biggest work project involves book digitization, and it is useful for my student workers to recognize the book itself as a potent technology. I teach them to consider books as physical objects, thinking about their manufacture, their dimensions, and the way that paper is cut. I talk about stretching a book's binding without breaking its spine.

All technologies – whether software, laws, or the specialized information resources that are the librarian's domain – have such commonalities that I try to impart a general approach along with specific instructions.

I want students to recognize that technologies are human-built creations that are ultimately understandable, and inherently imperfect.

The flaws in our technologies are sometimes technical ones: print books are heavy, lack full-text search capability, and are hard to update. But just as often, the failures are social: computer code is byzantine, embedded in a coding culture that is often snobby and sexist. My goal is to tease out which problems are which, and to suggest new ways of thinking about cultural bugs and their implications.

I grew up in a world where print publications, camera lenses, and barcodes felt like a natural part of the environment, and I rarely thought about who designed them or whose interests they served. Today's students must feel the same way about search engines, smartphones, and online social networks. By recognizing all of these things as human-designed, we are empowered to adapt or subvert technologies even when they were developed for other purposes. We create order out of chaos, on our own terms.

We learn to stretch books without breaking them. ■



Training in a Law Firm vs. Government Library: Differing Patrons' Needs

Shannon Lynch

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In my transition from law firm librarian to government law librarian, I anticipated that I would be doing additional training, but could not really have prepared for how different some of the training I'd provide would be -- especially as much of it is not related to the law. I also have learned a lot about what it is like to train someone who has a lot of time to learn how to do research and then do it themselves, and not just to meet a specific client need.

These are, of course, just my experiences and ideas. Training can vary widely from one firm to another and from one government library to another -- especially where a library is open to the public, as is the US Department of Interior (DOI) Library.

Users' Time Available For Training

The biggest difference I see while training people at the DOI Library versus the law firm library is that people have plenty of time for training at the DOI Library, and they are very invested in learning what is being taught in order to do the research themselves. They don't need to engage in a cost benefit analysis or consider whether it is worth it to learn a skill -- they either need to learn it to complete their work or they don't. Of course, it would often be faster for me to search a database and pull what the patron needs, but at

the DOI Library patrons want to learn how to find it themselves and I have time to teach them. People often stay in their jobs for many, many years in the federal government and do many of the same research tasks repeatedly, so it makes more sense for them to invest time in learning to do it.

Recently a DOI employee asked me when it was appropriate to ask a librarian for help, and when I answered, "Always," he replied, "But isn't that just putting my work onto someone else?" This exchange is not the kind I encountered at the law firm library where I worked previously. Everyone had a very specific role and did the tasks that made the best use of their time; partners might pass a research task to an associate, to a paralegal to the library team, or maybe even a specialized subset of librarians who were experts on different firm practice groups. The fundamental difference between how a law firm works as a business, compared to a federal depository library that serves its executive branch agency and the public, shapes how everything is done, especially in the context of training.

Every day, people who need some form of training visit or call the DOI Library. A solo practitioner may come in and need to learn how to access records on microfiche, so we show them how to find the microfiche they need and how to



use the microform reader. (This was definitely not something I ever did at the firm! It took me back to my public library work in the mid '90s.) People working on theses or books use our materials, many of which date back to the 1800s. It is very rare that someone asks me to do research for them – our patrons are primarily here to learn and access some fairly unique materials in a variety of formats.

Training at the DOI Library is generally done at a relaxed pace and far more often in person than at the firm library. Many training sessions are also available via Webex and more people do attend electronically – from all over the world -- than in person. Usually, if DOI employees need help learning to navigate a resource or require some form of training, they come to the library (except those who do not work in Washington, D.C., of course). An intern might come in and need training on how to research legislative history, and this training may last for hours and continue off and on for days. An attorney from the Solicitor's Office might come in to learn how to best navigate several databases to find the oil and gas resources they need. It is rare that anyone is in a hurry or even mentions time. There is always time for more questions.

At the firm where I worked, the approach was very different. Attorneys often asked the librarians for research assistance because they did not have time to learn how to use a database. Even if they did, it was more cost effective for a librarian to spend her time running the searches, as librarians billed at a much lower rate than attorneys or paralegals. Providing training to attorneys was often just not a cost effective way to meet clients' information needs.

In cases where people did want training, they often needed to learn how to access or use an electronic resource quickly (sometimes immediately) to meet a very specific information need. They were rushed, maybe even frantic,

juggling many different projects and demands and deadlines. They did not want to know all the details -- only the ones most essential to completing the task at hand. Rarely did they come to the library for help -- most requests came via phone or email.

Sometimes, I'd run up to a person's desk and show them how to find what they needed, trying to keep it as short, but also as helpful, as possible - a fine line, depending which office the person was in, or if they were working from home (often the case -- which required different steps). Other times, we could talk something through over the phone. And because time was such a valuable commodity, the firm also provided technology (and training to use it) that allowed us to easily turn a chat session into an instant web-based training, with screen sharing so we could show library users exactly what steps to walk through. This made providing information incredibly easy.

Of course, not every training need was urgent. Librarians did one-on-one training with new partners and lateral hires to introduce them to how the library could help them, focusing on databases most used by others in their practice groups. The same was true for fall and summer associate training, which was extremely thorough and specific and planned for months in advance, often with other departments to make sure all bases were covered and without repetition. Some library training sessions included attorney participation and were offered for MCLE credit. It was an efficient, informative machine.

Generally speaking, attorneys and staff billed their time in 6 minute increments and no one had a whole lot of time to spare -- librarians had to be very prepared and efficient in how we used training time. The stakes were a bit higher economically, too. When clients could be billed hundreds or thousands of dollars for research, we needed to make sure that everyone knew which database had which information; how to run



the best, most cost-effective searches; and how technology could best be used to meet clients' needs. This is in contrast to the DOI Library's flat rate contracts for all databases, where users' logins are IP-authenticated and no one pays per search. You don't need precision searching if you can just re-run a search as many times as you need to in order to find the information you seek.

At the law firm, the library developed a practice of setting up a laptop and projector in the office cafe once a month, and providing a demonstration of a different database during each session. We brought handouts so that even if people only had a minute or two to talk, the seed was planted and they could later refer to the handout or contact the library. These training sessions were fast-paced and people generally had to be approached by librarians. Once they were engaged, they often had questions about other databases or library-related issues that they always meant to ask but never did. Attorneys with literally two minutes to spare for training are in stark contrast to many DOI users' availability.

Diversity and Number of Library Users

Because the DOI Library is open to the public, I provide training to a very wide range of people. As the law librarian, I am principally responsible for the law collection and legal research, but I also staff the Reference Desk for three hours each day and I help anyone who calls, emails, or walks through the door with any question or research need they have.

At both the law firm library and DOI Library, one-on-one training is the most frequent type I engage in. Patrons always need instruction on a variety of things, including using technology, navigating database use, crafting strategies for subject matter research, and many other things. In my experience, the variety of such training is the other main difference between working in a law firm library and government library.

Because so many different agencies fall under DOI's umbrella -- including the Bureau of Reclamation, National Park Service, Bureau of Indian Affairs, Fish & Wildlife Service, US Geological Survey, Bureau of Ocean Energy Management, and Office of Surface Mining, Reclamation and Enforcement, to name a few -- the variety of training needs just for DOI employees can be quite diverse. Many agencies have their own internal databases that we learn to use, in addition to Library databases and many government websites/sources of information that are available for free on the web. With 70,000 employees -- the variety of training we do can be vast, and the format changes a lot since employees are spread out across the country. Often, I walk Solicitor's Office staff in other states and time zones through complex searches by phone, searching simultaneously to ensure each mouse click lands us on the same page of results. It can be slow and frustrating at times.

One thing that can also be a little confusing is that the DOI Solicitor's Office has its own contract for Lexis or Westlaw, and sometimes the content they have access to varies from what the DOI librarians have. This can make training a bit challenging in a way that was not the case at the firm library.

Since the DOI Library is open to the public, patrons include everyone who knows the DOI Library exists and is a valuable resource. The core constituency is DOI employees, both those who work in the D.C. area and visitors from other DOI offices across the country. In addition to DOI employees, our patrons come from around the world. They really run the gamut, though there are some main categories of library users: tourists, professors and other academics, attorneys, paralegals, students, other federal employees, researchers from historical or legislative history research firms, state government employees, and nonprofit organization staff.



Given this diverse patron base, one-on-one training varies immensely. For example, I taught one library patron, part of the building's cleaning staff, how to write his first email, including use of the space bar. I also taught DOI staff to run complex searches in ProQuest Congressional, WestlawNext, and LexisAdvance. I've shown Japanese researchers how to use Congress.gov and Solicitor's Office attorneys how to locate state statutes from the 1800s using HeinOnline. Training people to use sites like Congress.gov, govinfo.gov, Hathitrust.org, Science.gov, and other publicly available resources means that I have some pretty long phone conversations with people across the country. I have also sent email instructions on how to find information, including screenshots. In some of these cases I know a little bit about who I am talking to and how to tailor the training accordingly, but often I do not and have to figure it out as I go. People have vastly different educational backgrounds and familiarity with technology and electronic resources.

One thing that makes this a bit easier is that the DOI Library only provided access to 11 databases for the past several years -- so training on their use remained relatively simple. We recently added flat rate access to Courtlink, and then seven additional databases, so training needs are ramping up as people become aware of these new options. Of course we are offering training sessions on each of these new databases, but that often just generates additional follow-up questions.

The DOI Library offers regular training sessions that anyone can attend. I lead at least three such training sessions each year, and people from many backgrounds, workplaces, federal agencies, and countries attend. Since such a wide range of people attend these training sessions, with varying experience with what I am teaching and varying levels of education and familiarity with technology, it is sometimes hard to know how to tailor them

so that people both understand what I'm teaching and do not get crushingly bored. I never had to deal with any such considerations when presenting group training sessions at the firm library -- none were ever open to the public or anyone outside of the firm.

Of course, the library patrons I worked with at the firm were a smaller and much more homogeneous group. There were many practice areas in this large international firm and over 100 databases, but there were far more commonalities than differences with respect to training needs. I could generally assume a certain educational background and ability, familiarity with technology, and at least some degree of awareness of firm resources and tools. Because I often worked with the same library users frequently, I could get to know them and their research needs and approaches, and tailor my trainings accordingly. I often knew who I could help remotely and who needed an in-person interaction to understand what I was trying to teach them. I knew which partners were a little more tech-averse and which fully embraced the latest electronic research tool. All of this made it faster and easier to train groups of people in the firm context.

Of course, the longer I work at the DOI Library -- I'm coming up on three years -- I get to know people better; it's just that there are so many more! About 1,500 people work in the Main Interior Building and even though only a fraction of them come to the library, it can be hard to keep track. The firm was big, but not that big!

I know that providing excellent training is paramount in both settings, and the patrons I assist may have different underlying motivation for the information they seek and training they need -- but if I listen well, and ask the right questions, I can help people learn to efficiently access accurate information and rely on the library for their training needs. ■

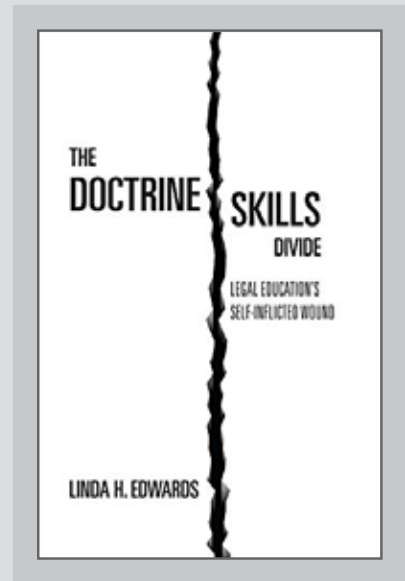


Book Review

**Linda H. Edwards,
*The Doctrine-Skills Divide:
Legal Education's Self-Inflicted
Wound* (Durham, North
Carolina, Carolina Academic
Press, 2017)**

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To correlate with this issue's theme, Patron Training and Instruction, I decided to review Linda H. Edwards' *The Doctrine-Skills Divide: Legal Education's Self-Inflicted Wound*. See, I've noticed a trend recently in my evaluations and feedback from students. Outside of the usual array of feedback, there has been one common refrain: let us do more. Less lecture, more hands-on practice. I want this class to be practical—just like in the real world.

Edwards also noticed this trend, and notes that “[c]alls for more and better skills training have centered on the pragmatic need for graduates with at least an entry-level set of skills” (p.5). She then argues that such a delineation only serves to “disregard an objective reality” where, in actual practice, so-called doctrinal classes rely heavily on the skill of critical thinking and so-called skills classes (including legal research) require underlying theories of their own (pp. 6, 15-16).

After a basic introduction outlining her argument, Edwards takes a stab at creating working definitions of “substantive” “doctrinal” classes on the one hand and practical “skill-based” or “experiential” classes on the other. Ultimately she shows that these definitions are inherently flawed, as so-called doctrinal classes like Property Law require the skill of analytical thinking, and so-called practical classes like Legal Writing (or Legal Research) require some understanding of doctrine and theory. The core of Parts I and II of the book boil down to the following argument:



Book Review

When Law School X's curriculum committee selects its categories, therefore, it chooses according to what matters to the committee members and their reference groups—those with whom they identify. Quite innocently, they experience categorized items as falling into naturally occurring groups, not realizing that it is their own cultural view that has created these groups (p. 31).

To explain that current cultural view, Edwards then delves into the history of the Langdellian Case Method, the Carnegie Report, and the Legal Realist movement in more detail than I've seen elsewhere else. This is largely accomplished through an extended excerpt of Robert Rubinson's 2015 article *The Holmes School of Law: A Proposal to Reform Legal Education Through Realism*.

This brings me to one of the issues I had with this book. Several of the major cornerstones of sections—like the above article and Michael Hunter Schwartz's section on learning theory and instructional design—are essentially truncated versions of other prominent works

in the field. This is especially true in the middle portion of the book, which predominately focuses on explaining the core tenets of learning theory and how that approach is ideally a blend of doctrine and skill in order to facilitate deep learning and understanding. This excerpt makes the text feel almost like a grad school reader, though this may be good for newer law professors who haven't studied educational theory.

In short, this could be a good place to start if you are dipping a toe into legal pedagogical theory. The tone of the book is definitely aimed at law school academics; however, Edwards provides such a comprehensive background of legal education that non-academics won't feel completely lost. For most, I would suggest using this book as an extensive bibliography. To cycle back to my legal research students, perhaps think of this book as a moderate amount of lecture before you go off into the broader world of legal education reform research. These are the basics, but as the footnotes referring to the excerpted pieces make clear, there is much, much more out there. ■



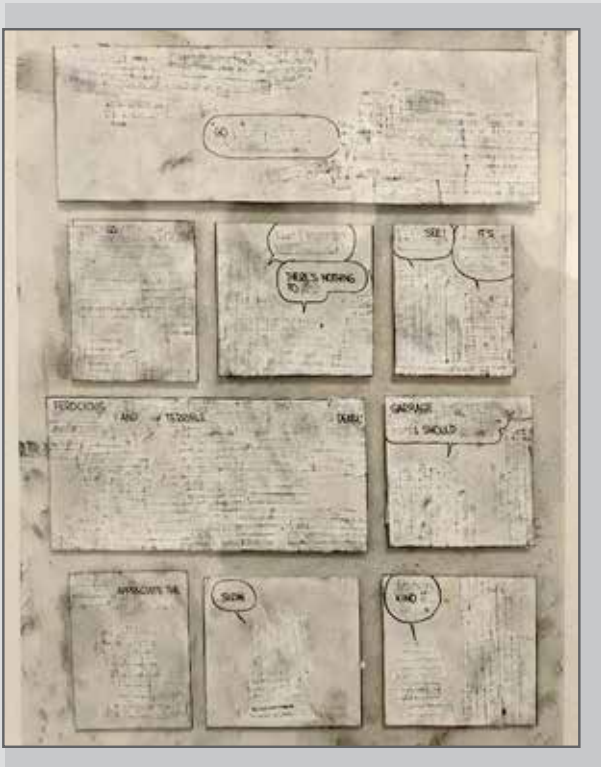
Eyes On Exhibits

Tony Lewis: Anthology 2014-2016, Hirshhorn Museum and Sculpture Garden.

Exhibition on view through November 9

Lowell Rudorfer

Law Librarian, Cadence Group, U.S. Department of Justice Libraries, Lowell.Rudorfer@usdoj.gov



Tony Lewis calls these thirty-four canvases "collage-poems." He took *Calvin and Hobbes* comic strips, cut them up, reassembled them, and alternately blacked out and whited out most of Bill Watterson's work. What we see now are melancholy squibs, written like e e cummings bits seen through static and arranged in series of six or eight blocks like a Sunday *Calvin and Hobbes* strip.

"Good night / everything is muffled / these days my / childhood is forever / I hate / when it's not I should / hear you / but I don't / know you," goes one. That would be fine, maybe slightly alarming, in a magazine. On panels through which you can imagine seeing that kid and his stuffed tiger, it's like picking up a transmission through an acre of static--startling at first, but you wash it down rather cleanly.

I enjoyed walking around these thirty-four canvases. I would read one or two and then wonder how much had really happened. I was more affected when I reminded myself of the conceit, as *The Cat in the Hat* gains an uncanny aspect when I remember it was built from a short word bank.

Chained to the bench in the middle of the canvasses are two copies of a chapbook by Lewis, with the same title as the exhibition and the same poems, too. Here everything is off: the paper is zine-colored, the type is too big and somehow too ornate. It was only with the static that I cared to make out the message. ■

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Law Library Lights is published quarterly by the Law Librarians' Society of Washington, D.C., Inc. 20009, ISSN 0546-2483. Beginning with Vol. 50, #1 (Fall 2006), Law Library Lights is now published in PDF format on the LLSDC website: www.llsdc.org. Notification of availability of each new issue will be sent to the LLSDC listserv.

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