
Introducing legal knowledge and process-based pedagogy into the LIS curriculum in China: essential or auxiliary?

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Abstract:

Despite the rapid development of the Chinese legal system and legal education for the past 30 years, most Chinese courts, law firms, and law schools still do not have established law libraries. Law librarians remain an undersized group, many of whom do not have proper educational qualifications on both LIS and law. This deficiency has inevitably affected the potency of legal education and practice.

This research suggests that several barriers to competent legal information services in China relate to the existing LIS curriculum for postgraduate education, which fails to place law librarianship as one of its goals. By surveying the curricular data from top Chinese LIS schools, it has been found that only a few courses on legal knowledge, no formal education for a legal information specialty, few training programs for full-time law librarians, and no professional pool for recruiting young law librarians, are offered. Some studies on opening up the curriculum to cope with more possibilities have been conducted, but no substantial changes have yet been made to the curriculum.

Furthermore, this research advocates for a more versatile and open LIS curriculum to provide an institutional education for law librarianship. It proposes using an American educational model and introducing a process-based legal pedagogy into Chinese legal education, as well as diversifying the LIS teaching methodologies.

Keywords: LIS curriculum; MLIS education; Education for law librarianship; Teaching legal research; Process-based pedagogy

Introduction

Following the rapid economic growth and magnitude of social changes after the Chinese government adopted the Open Door Policy in the late 1970s, Chinese society has witnessed many legislative developments. Every aspect of the legal system has grown with unprecedented speed; in particular, Chinese legal education has expanded significantly-- the number of law schools and law programs has grown from only a dozen in the end of the 1970s to over six hundred in the first decade of the 21st century (Alford, 2017).

While rebuilding the legal system after the late 1970s, the Ministry of Education, as the major player, promulgated a series of guiding opinions to colleges and universities to urge the course on information literacy and retrieval (Han, Yu, & Mostad-Jensen, 2017). The legal professionals in and out of China also placed a strong emphasis on introducing American-styled legal research course to the law curriculum, in order to promote high quality and efficiency in legal research and nurturing law librarianship. CLEEC by the Ford Foundation, Starr Foundation's sponsorship (Price, 2005), and CAFLI initiatives are only a few of many efforts made.

However, despite numerous efforts to strengthen legal educational system over the years, the outcomes of the merit of legal information facilities, services, and competency have not excelled as expected: courts, law firms, and government agencies still have not established law libraries, and legal academic institutions often do not have sophisticated enough legal information services necessary to handle the addition of more complicated legal sources and the expansion of law collections as a result of prolific publishing. Also, the number of law librarians, predominantly employed in elite law schools, remains small and rather invisible to the community of the Library and Information Studies (LIS). The US styled Legal Research course has been offered in major law schools for decades (and is even required at some), but is still only offered at a small percentage of the 620 law programs in China. As its teaching force remains inadequate and untrained, the course is not well regarded. Finally, a self-governing law librarian organization at the national level is still not established, despite years of advocacy from the librarians in and out of China. Realistically, a well-established legal information system with high professional standards has a long way to go.

The librarians have attempted to determine the causes of the problems above, putting forth the extended lack of rule of law and scholarship prior to the 1970s (Liu, Yu, 2005) as a possible factor. They have also suggested the flaws in the legal educational system are principally determined by the national administrative agencies rather than by the professional organizations, such as the American Bar Association (ABA), or American Association of Law Libraries (AALL) in USA, and the undefined and blurred career planning in legal education (Han, Yu, & Mostad-Jensen, 2017), etc.

In a recent official notice regarding the "Guidance Program for Postgraduates in Law Master Degree" by the Degree Office of the Ministry of Education, students are required to take a certain number of legal research and writing courses and fulfill credits, reflecting the government's hope to foster the strength and quality of legal education. However, how to implement the requirement in the notice by building a larger and stronger teaching force is not yet clear.

On the other hand, the traditional LIS education system had a substantial amendment in 2010 when the Academic Degree Committee of the State Council granted the authority to add a professional master degree, Master of Library and Information Studies (MLIS), to the existing structure. This central government led reform aimed to promote the professional graduate education to respond to demand since the late 1970s in the rapidly developing economy. MLIS was one of over 30 professional degrees from different disciplines, including law, to swap the quotas for the academic master degrees in order to shift

the theoretical and academic-orientated system to an employment-driven education. The division of two types of master degrees in LIS is reflected in the curriculum (MLIS structured with practical and less number of courses), and more importantly, the employment opportunities in the emerging society. According to an empirical study, one fourth to one third of MLIS graduates do not pursue careers in the field of library and information management due to various reasons, particularly a lack of specific skill sets and practical knowledge (Duan, et al., 2013-2016, Xiao, 2016). Thus, designing a LIS curriculum with the potential to serve both academic and professional postgraduates has become critical, especially when other disciplines, such as law, expect professional expertise that the LIS can supply.

From the point of view of the law librarian, we attempt to validate the claim that the divisive and outdated Chinese LIS curriculum contributed to the underdevelopment of law librarianship and legal information services in China. We discuss the friction between a LIS curriculum lacking educational elements for law librarianship and the demand for practical knowledge in the legal field. Furthermore, we aim to prove that the sluggish growth of the legal information services and law librarianship stems from the current rigid LIS curriculum framework that offers almost no specialized education on certain professions such as law. A process-based teaching method that focuses on lawyering skills should be included to diversify the LIS pedagogy. We advocate for a competent law librarianship and efficient legal information service by relying on the LIS program which, in a new form, could help ameliorate the problems in both the LIS and legal education disciplines.

Method: Data and Summary

For this paper, we have collected four sets of data: the first set in Table 1 shows how law-related courses are taught and whether a law librarianship education offered in top Chinese LIS programs. The data were collected from three sources: China University Subject Ranking (CUSR), which is a quadrennial evaluation by China Academic Degrees & Graduates Education Information; the official websites of the LIS schools chosen; and communications with LIS faculty members via email, telephone, and WeChat. The selected schools are sequenced by a combination of CUSR ranking and other factors,

Table 1: Top Chinese LIS Programs and Law-Related Courses

	Institutions	Affiliation and degree offered (MLIS and/or academic degree)	Law related courses or contents	Law librarianship
1.	Wuhan University	School of Info. Management Degree: both	Intellectual property	No
2.	Nanjing University	School of Info. Management Degree: both	Legislations on libraries Some course contents related to the intellectual property and privacy	No
3.	Renmin University of China	School of Info. Resource Management Degree: both	No law related elements in the courses taught	No
4.	Peking University	Department of Information Management Degree: academic degree	Legislations on libraries	No
5.	Central China Normal University	School of Info. Management Degree: both	Information and law Trade and intelligence Intellectual property Information policies and regulations	No
6.	Nankai University	School of Business Degree: both	Elective: Information policies and regulations Information ethics (containing privacy issue)	No
7.	Jilin University	School of Management Degree: both	Elective: Research on intellectual property	No
8.	East China Normal University	Faculty of Economics and Management Degree: both	Data protection	No
9.	Shanghai University	Department of Library, Information and Archives Degree: both	No law related elements in the courses taught	No

such as overall reputation and availability of the relevant information. As stated in the introduction, LIS programs offer two types of postgraduate degrees, MLIS and academic master degrees. Table 1 also specifies whether a course is an elective or required when the information is available.

Table 2: ALA Accredited LIS Programs Offering Law Librarianship Degrees

	Institutions	LIS program affiliation	Master of Library/Information with Law library LIS or law librarianship
1	Arizona, University of	College of Social and Behavioural Sciences School of Information Degree: Master of Arts in Library and Information Science, MLIS	Law Librarianship Graduate Certificate (could be standalone or conjunction with MLIS): Law Library Practice and Administration; Advanced Legal Research; Teaching Legal Research; Internship Legal Information & Scholarly Communication Certificate
2	The Catholic University of America	School of Arts and Sciences, Dept. of Library and Information Science Degree: Master of Science in Library Science, MSLS	Law librarianship program: Legal Research; Advanced Legal Research; Law Librarianship Recommended specialty courses: Government Data and Information; Business Information; Management; Practicum
3	Indiana University—Bloomington	School of Informatics, Computing and Engineering and the Law Library Degree: Master of Library Science, Maurer School of Law, MLS/JD	MLS and JD Dual degree: 18 MLS foundation courses and additional law related courses: Government Information; Law Librarianship
4	South Florida, University of	College of Arts and Sciences School of Information Degree: Master of Arts in Library and Information Science, MLIS	Law Librarianship: All aspects of law librarianship, including administration, acquisition, organization, and use of information resources for persons in the law fields. Field trip may be required.
5	University of North Carolina—Chapel Hill No.3 (USNews report)	School of Information and Library Science Degree: Master of Science in Library Science, MSLS	MSLS/J.D. Dual degree: Information ethics; Government documents; Law libraries and legal information; Professional field experience (subject to law related focus, noted above); Master's paper to law related focus; Copyright; Intellectual property law; Cyberspace law
6	The North Carolina Central University School of Library and Information Sciences	School of Library and Information Sciences Degree: Master of Library Science, MLS	MLS/ JD Dual degree: Government publications; Law library and legal information; Practicum (in the field of law librarianship); Advanced legal research (required law course).
7	Buffalo, University at, SUNY	Graduate School of Education Library and Information Studies Degree: Master of Science in Information and Library Science, MSILS	MS/JD Dual degree: Year 1: Law School (31.5 credits: core program); Year 2: LIS (24 credits); Year 3: Law School (28.5 credits; includes 1 or 2 LIS or cross-listed courses); Year 4: Law School (30 credits; includes 1 or 2 LIS or cross-listed courses).
8	St. John's University	St. John's College of Liberal Arts & Sciences, Division of Library and Info. Science Degree: Master of Science in Library and Information Science, MSILS	Law Librarianship: Law Library Administration; Legal Research; Advanced Legal Research; Internship; Knowledge Management.
9	University of Texas—Austin No.2 (USNews report)	School of Information Degree: Master of Science in Info Studies, MSIS	Tarleton Fellowship: JD graduate working 20 hour/week in the law library for two years while pursuing MLS degree
10	University of Northern Texas	Dept. of Information Science, College of Information Degree: Master of Science, MS	Law librarianship: Law library management; Legal information access and services; Advanced legal information and legal informatics.
11	University of Washington No. 1 (USNews report)	iSchool and the Law School Library Degree: Master of Library and Information Science, MLIS	Master of library and information science law librarianship: In addition to the core courses, the Law librarianship courses including: Legal Research II; Selection and processing of law library materials; Law library administration; Current issues in law librarianship; Directed fieldwork in a law library.
12	University of Wisconsin	Information School Degree: Master of Arts in Library and Information Studies, MLIS	Legal Information and Law Librarianship with Academic Librarianship with an Information School/ Law Library Dual degree: Required coursework: Teaching & learning field placement or Independent reading & research Recommended iSchool courses for Law Librarianship Dual degree: Electronic resources management & licensing; Information ethics and policy; Introduction to cyberlaw; Strategic information services; Intellectual freedom; Government information; College and university libraries

Based on the Searchable DB of ALA accredited programs, there are currently 60 ALA accredited LIS programs, 53 from the United States, six from Canada, and one from Puerto Rico. When searching for the Law Librarianship/Legal Information Services speciality, the database yields 21 schools, but only 12 had detailed course information. These 12 schools are listed in Table 2.

The third set of data shows the top LIS programs that do not offer any particular law librarianship education but do offer law-related courses within the LIS curriculum. The sources of the data are from the 2019 US News & World Reports Ranking; the Searchable DB of ALA accredited program, accessed via the ALA official website; the schools' official websites and course catalogues; and, for some schools, email correspondence with the director level of personnel to confirm the accuracy of information.

Table 3: Examples of Top US LIS Programs Offering Law-Related Courses

	Institutions	LIS program affiliation	Law related course or contents
1	University of Illinois—Urbana-Champaign	School of Info. Sciences Degree: Master of Science, MS	Law (legal resources); Law librarianship, Legal issues in library and info settings; Internship in the law library
2	Syracuse University	iSchool Degree: Master of Science in Library and Information Science, MSLIS	Required: Information policy Elective: Copyright for information professionals
3	University of Michigan—Ann Arbor	School of Information Degree: Master of Science in Information, MSI	Intellectual property and information law
4	Rutgers, The State University of New Jersey—New Brunswick	School of Communication and Information Degree: Master of Information, MS	Government Information Resources; Information policy; Intellectual freedom in libraries. Special Topics: Law librarianship
5	University of Maryland—College Park	iSchool Degree: Master of Library and Information Science, MLIS	Specializations: Legal informatics
6	University of Pittsburgh	School of Computing and Information Culture and Data Stewardship Degree: Master of Library and Information Science, MLIS	Legal Issues in information handling Elective: Copyright & fair use in the digital age

In addition, we conducted a small-scale online survey in the most active law librarianship WeChat group, *Falv Tuqing*, which consists of law librarians and publishers from China with a few members from the United States and Canada. The purposes of the 11-question survey that we sent the group were: first, to supplement the first set of data to further reveal the relationship between the LIS curriculum and the existent legal research course offered in the law schools; second, to review the complementary curriculum and the professional interaction between the LIS schools and law schools; third, to examine the sources of educational support for the legal research teaching force; fourth, to assess the opinions and preferences on course design for law librarianship.

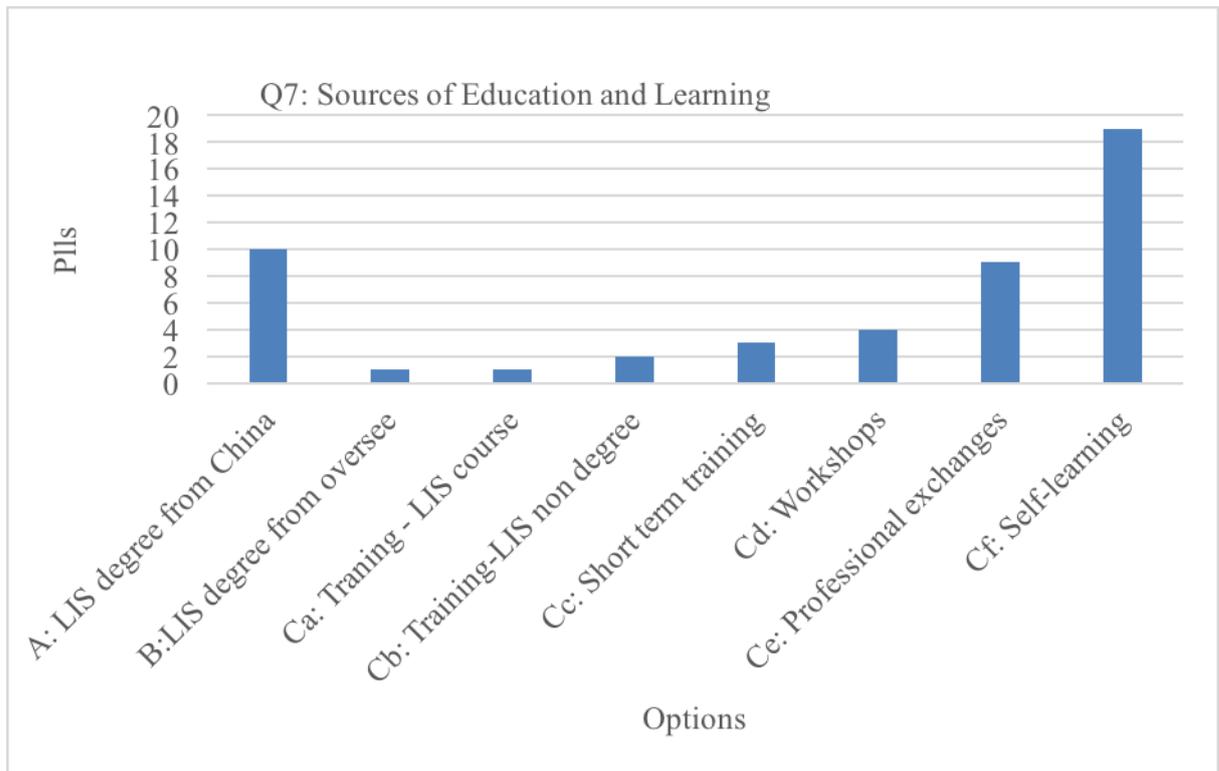
We surveyed 29 respondents, who represent 14 major research universities in China.¹ Among our 29 respondents, 24 are law librarians and five are university law subject librarians. Of the 29, 21 teach the legal research course in their law schools to undergraduates, graduates, and PhD students, as shown in Figure 1. The course is mostly taught as an elective. Our respondents who teach the legal research course come from three different educational backgrounds: the first group, which has only five members, holds both law and LIS degrees; the second group with seven members holds LIS degrees only (bachelor's and master's); the third group, consisting of nine members, holds law degrees, such as LLM, J.M. or PhD. These results can be found in Figure 2.

Findings

The data collected enables us to study the current curriculum of LIS schools to identify the problems and a common root for them.

¹ They are Beijing Normal University, China University of Political Science and Law, East China Normal University Law School, East China University of Political Science and Law, Fudan University, Nanjing University Law School, Nankai University Law School, Peking University Law School, Renmin University of China Law School, Shanghai University of Engineering Science, Southwest University of Political Science & Law, Sun Yat-Sen University Law School, Tsinghua University Law School, Wuhan University Law School, Xiamen University Law School, Zhejiang University Law School, and Zhongnan University of Economics and Law.

Figure 3



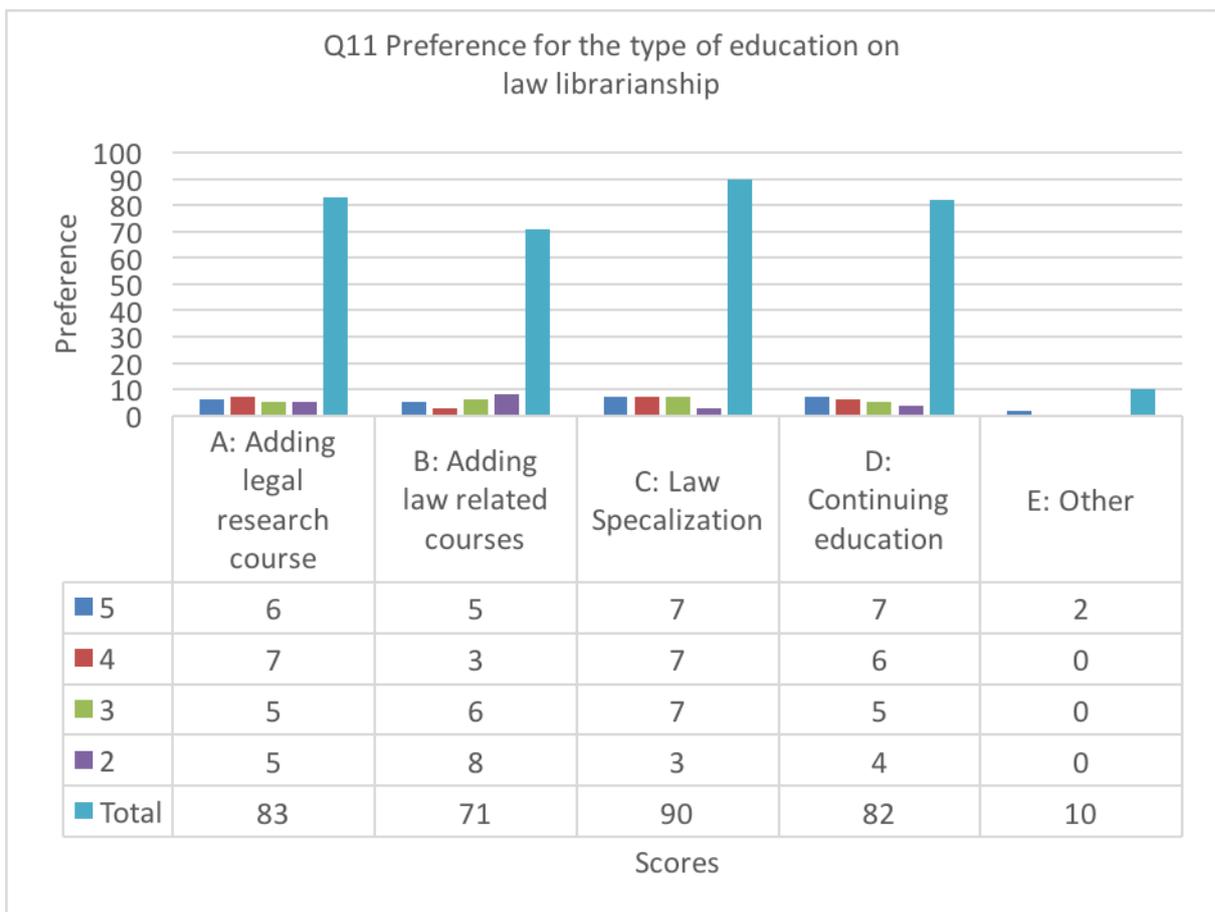
The first set of data shows that none of the top Chinese LIS program offer a law librarianship education program. However, most top LIS programs offer some level of law related course and content, including intellectual property, data protection, privacy, legislations on libraries and information. These course offerings may be seen as a reaction to the US LIS trend on course development and have also laid a good foundation to further develop specialized law librarianship programs. However, the data set is limited due to the unavailability of course catalogues and descriptions on the LIS's official websites.

In comparison, two tables on selected LIS programs in the US show the current landscape for legal education in the USA, which offers a wider range of programs, including a law librarianship, a law and LIS dual degree, and law-related courses. The data was extracted from online course catalogues and summarized. Among 12 LIS programs offering formal law librarianship education, roughly eight out of 12 have either a LIS/Law dual degree or a graduate certificate: these include the top three Best Law Librarianship programs, ranked by US News & World Reports. See Table 2.

In the United States, 53 ALA accredited LIS programs are responsible for training information specialists for about 200 ABA approved law school libraries (law libraries with a sufficient collection size and certain qualifications are required to be granted with ABA approval), thousands of public law libraries in the court system and related governmental agencies, and private law firms and corporations. More than one third of 53 of these LIS programs provide specific knowledge and skill sets on legal research in a well structured educational mode. On the contrary, in China, there are about 70 LIS programs with no specialized law librarianship programs. This number of LIS programs are supposed to be responsible for delivering their graduates to over 620 colleges and universities with law programs, court system, private law firms, and other settings that would need law librarians as well. Thus, Chinese LIS programs are indeed, statistically, underprepared for serving the legal information profession.

From the educational background of the current law librarians who teach the Legal Research course in China, Figure 2 shows that less than a quarter of of librarians hold both LIS and law degrees, which is about 10% less than those in the US. Furthermore, only one third of librarians hold MLIS or equivalent degrees, while in the US, having a MLIS or an equivalent degree is a core requirement. Thus the current teaching force in Chinese law schools lacks the proper education and training: correspondingly, the highest score for source of education and learning is “self-learning and studies”. Therefore, implementing the new official requirement of adding the Legal Research course to the curriculum for the Master of Law is a hard task.

Figure 4



Ironically, while a law librarian shortage prevails, a series of systemic surveys (Duan, Yufeng, et al., 2013-2016) shows that about one quarter to one third of MLIS graduates switched their professional path by landing a non-librarian or non-information-specialist career. According to the interviews we conducted by phone or email, a major cause behind the lack of law librarianship education from LIS curriculum seems to be an insufficient teaching force. We think that this will turn into a continuing cycle if we don't break it by acting as soon as possible. Furthermore, by viewing the data for questions on the relationship between LIS and law, nine respondents indicate their universities have LIS program and the Legal Research course offered in the law school, but six out of nine state that there is no relationship between the two programs, which suggests another reason for the indifferent attitude towards growth for both departments.

Comparison and Suggestions

By evaluating the historical evolution of the American model of law librarianship education, we observed a very similar path our American colleagues went through, and that we are currently facing. The demand for law library services and law librarianship occurred as early as 1900s. By the 1930s, there were still no library courses designed specially to train law librarians (Beardsley, 1936) except for a series of lectures on law librarianship by prominent law librarian, Frederick D. Colson (Cohen, Morris, 1962). In the late 1950s to 1960s, law librarians were seeking the best balance between law and librarianship after several universities began offering law librarianship courses as summer courses as well as a full-year course. A new form of specialized and dedicated law librarianship program was established, and fortunately, it echoed a mutual desire of both the library school community and law academic institutions to launch a law librarianship program within the framework of the *library school*, a logical place seen by both law and LIS professionals in USA (Cohen, 1962, 1972; Oakley, 1990; Hazelton, 1993).

Today, in the digital era, the demand for law librarian competency grows stronger. The present barren landscape of Chinese law librarianship and legal information services depicts a striking similarity to that of the United States in 1930s, except for the lack of dialog between the LIS and law educational institutions. Thus, there is seldom the necessary discussion between the professionals and administrators to explore the collaboration to develop the law librarianship in the Chinese LIS platform.

Given our comparative study on US development of the curriculum on law librarianship and practical experiences, we suggest a diversified strategic plan for different law librarianship education built into the LIS program in China.

Firstly, while maintaining the law-related courses currently offered, adding a basic Legal Research course as an elective in LIS curriculum for students who may wish to pursue law librarianship is the most feasible approach at the present. The course would emphasize learning about legal systems and institutions, legal bibliography, and sources of law. Importantly, such a course also would include a process-based legal research method, distinct from other methods, which would be introduced throughout the course. Process-based legal research requires analytical skills and problem-solving strategies. The legal research is complicated and does not always progress in a linear fashion, because legal issues can be multi-layered and involve multiple subjects of law. In addition, solving legal problems requires the professional expertise to utilize vast amount of materials, primary and secondary sources, statutes, case reports, and legal treatises at different stages (Kunz, Schmedemann, Downs, and Bateson, 2000). Embedding the Legal Research course into the LIS framework would be a natural and effective way to introduce new teaching pedagogy.

Secondly, LIS schools with sufficient resources could consider launching a structured formal law librarianship education, even a joint dual degree for both MLS/LLM. Respondents to the 11th question of our survey on law librarianship curriculum, which allows choosing multiple options, gave “Option C: Law librarianship specialization” the highest score, as can be seen in Figure 4.

Finally, also from the 11th question, both “Option A: Adding Legal Research course” and “Option D: Continuing education” scored approximately the same. Continuing training programs—such as workshops, lecture series, and professional development are effective and viable, specifically for teaching personnel and professional staff members currently working in law school libraries or law reading rooms. The success of previous continuing educational programs that have taken place in China is largely due to the participants’ ample working experience and zealous desire to learn. Therefore, developing such law librarian continuing programs on the LIS platform would be another effective approach to advance both LIS and law academic institutions.

Conclusion

In summary, our research concludes that several obstacles to competent legal information system and services in China are related to the existing LIS curriculum which fails to consider law librarianship education as one of its goals. For the dynamic growth of LIS programs, an adaptable curriculum that enables an institutional base for law librarianship is essential to meet the demand from the global arena. To facilitate dialogue and advocate for an open and flexible LIS curriculum that includes law librarianship education in different formats has become a crucial responsibility for LIS professionals.

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