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## Town-Gown Collaborations for Enhancing Student Research Skills

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### Abstract:

*Universities have long been criticized for not ensuring their graduates possess the necessary skills to be successful in the workplace. Studies and employer surveys highlight law students' lack of practice-ready skills, including their legal research and writing skills. This paper examines the skills gap and presents a case study of a collaborative endeavour of law librarians in Calgary, Alberta, Canada to enhance the research skills of first and second year law students entering their first legal employment positions. Academic, firm, government and courthouse law librarians collaboratively developed and presented a legal research workshop, called Research in the Real World, which has now been held for three successive years. The case study will cover the steps employed in developing the workshop, detail suggestions of attendees that were incorporated to improve the effectiveness of the workshop, and examine the reasons the workshop has been successful.*

**Keywords:** legal research; collaborations; research; skill development; instruction.

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Governments, employers and professional associations worldwide have long questioned universities' ability and willingness to provide graduates with skills they need to be effective in their chosen career. Employers state that university graduates begin their careers full of relevant subject-specific theories and information<sup>1</sup> but most lack practical experience and "soft skills and/or essential skills required to navigate workplace culture and perform successfully."<sup>2</sup>

While the identified missing skills varies between the studies, they are almost always skills that cannot easily be taught and must be mastered by the students through application. They include both team work and working independently, written and verbal communication,

current awareness of political and scientific developments and leadership skills.<sup>3</sup> Research-related skills are notably absent. A 2015 survey conducted on behalf of the Association of American Colleges & Universities determined that graduates were missing several key research-related skills. Only 29% of employers were satisfied with recent graduates' ability to locate, organize and evaluate information, only 26% had critical or analytical thinking, 24% were able to analyze and solve complex problems and 23% were able to apply their skills in the real world.<sup>4</sup> This presents an opportunity for librarians to develop ways to help students enhance their skills in these areas, especially if academic and industry-based librarians collaborate in this endeavour.

In North America, there has also been considerable discussion regarding law school graduates' lack of practical legal skills. Law firms complain that new graduates are not "practice-ready" and often lack the most basic "lawyering" skills including problem solving, effective writing and legal research skills. It is not uncommon to find graduates who have received only rudimentary instruction in legal research and who are unable to effectively apply the skills they have been taught once they enter the workforce. This results in a great deal of frustration for new lawyers and aggravation for the firms and organizations that hire them. Despite a broad exploration of the issue, the problem has not been solved and the question remains – how do law schools better prepare students for the "real world"?

Why law school graduates lack legal research skills has been explored extensively within the both the legal industry and academia. In the United States, the skills gap was first formally acknowledged and addressed by the profession's governing body and the organization that accredits legal education, the American Bar Association (ABA). In 1992, the ABA released the *Report of the Task Force on Law Schools and the Profession*<sup>5</sup> (McCrate Report) which identified the skills gap and recommended ways of addressing it. In 2007, the Carnegie Foundation for the Advancement of Teaching revisited the state of affairs in legal education in *Educating Lawyers: Preparation for the Profession of Law*<sup>6</sup> (Carnegie Report). After interviewing law school professors and practicing lawyers from across the U.S., the authors concluded that there was still "significant slippage between the knowledge and ability emphasized by the schools and those prized by the profession at large."<sup>7</sup> In other words – not much had changed since 1992. Since 2009, several law-related professional associations have developed standards, guidelines and competencies to address the skills gap. A group of legal research professionals produced the *Boulder Statement on Legal Research Education*<sup>8</sup>, drawing upon the model proposed in the Carnegie Report, and the American Association of Law Libraries released the *Principles and Standards for Legal Research Competency*<sup>9</sup> in 2013. More recently, the ABA issued a Guidance Memo relating to developing learning outcomes for Standard 302, in which they require that law schools ensure graduates are competent in legal research<sup>10</sup>.

This movement has also occurred north of the border in Canada. In 2009, a task force from the Federation of Law Societies of Canada released their *Final Report on the Canadian Common Law Degree*.<sup>11</sup> They identified key skills, including problem-solving, legal communication and legal research, and competencies lawyers must possess to practice law. The Federation emphasized the importance of these skills competencies, stating "...lawyers should not only know the law, but should to have the capacity and skill to use what they know and be able to serve the public."<sup>12</sup> All of these recommendations and guidelines demonstrate a continued attempt by the profession to address the legal research skills gap head on.

Professional associations clearly feel that legal research is a key basic skill required to achieve competency as a lawyer. But exactly what research tasks are employers looking for graduates to demonstrate in the workplace as far as legal research is concerned? The list is actually rather consistent across the literature and interestingly, the skills and expectations have not changed substantially over the years<sup>13</sup>. These skills include:

- knowledge of their legal system;
- identifying and analyzing key legal issues;
- critically evaluating information;
- constructing and implanting an effective research plan;
- selecting and using secondary sources;
- understanding how to integrate print and online resources in a cost-effective manner;
- locating primary sources of law;
- using citators; and
- performing historical statutory research.

In the "real world", these skills are necessary but few new graduates perform them well.

Clearly, a disconnect exists. The question is why. The research reveals a number of contributing factors. Firstly, skills-based courses like legal research lack the "prestige" that doctrinal courses maintain in law schools. Skills-based courses such as legal research are often taught by faculty that have a "lower academic status,"<sup>14</sup> including law librarians. Additionally, most legal research courses are elective (rather than required) and carry less academic weight than doctrinal courses.<sup>15</sup> Furthermore, legal research courses are often graded on the pass/fail system thereby undercutting the importance of the course and the skills themselves. Despite calls from the ABA for better education outcomes in legal research "...evidence of the importance in the law school curriculum is mixed".<sup>16</sup> More than two decades after the McCrate Report, Barbara Glesner Fines reported that:

"...the clearest evidence of the place of legal research, or any skills instruction, is to be found in the courses a law school requires and offers and in the resources it allocates to the faculty members teaching those courses. On this basis, the situation reported...in which doctrine and analysis are at the core and other skills are in the shadows continues to be the norm."<sup>17</sup>

Ultimately, there is not a lot of incentive or push for students to pursue advanced legal research instruction in school, despite the fact that the skill is highly valued in the workplace.

Secondly, the traditional approach to legal research instruction in law schools has not effectively linked the legal research process to the practice of law. How legal research is taught in school and how it is carried out in practice is very different.<sup>18</sup> A critical aspect of the problem is that:

"...the research experience of law librarians often predisposes them to a limited view of research that emphasizes the comprehensive search for all relevant resources over the struggle to understand authorities that are found in the context of a restricted problem controlled by the client's interests."<sup>19</sup>

There have been countless recommendations from the legal community for the implementation of "experiential" and "context-based education" in response to the dilemma. The simulation of skills in context has proven successful in other professions and has become a key pedagogical model for "lawyering" courses.<sup>20</sup> In 2015, the ABA's revised its *Standards*

*of Rules of Procedure for Approval of Law Schools*<sup>21</sup> and required that legal simulation courses be added to law school curriculums (Standards 303 and 304). Students are expected to be able to engage in an experience that would be "reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member" (ABA Standard 304).

There are some barriers inherent in an "experiential," practice-focused approach to legal instruction. Perhaps the greatest obstacle relates directly to the lack of connection that an academic law librarian typically has with a current, client-centred practice.<sup>22</sup> The librarians are not likely currently practicing law and may never have done so. They may lack connections with a practicing lawyer, a law firm librarian or to a contemporary, practice-focused research environment.<sup>23</sup> This disconnect renders it difficult for law librarians instructing in law schools to fully provide a "holistic context for client contact"<sup>24</sup> effectively on their own. Academic law librarians have tried to "ascertain the research needs of law firms"<sup>25</sup> through a variety of means, such as administering surveys to the both law firm librarians and lawyers and inviting law firm librarians to guest lecture or instruct in their legal research classes.<sup>26</sup> Staff from one academic law library employed a particularly inspired approach. They organized a "Law-Library-Palooza Tour" of local law firms and county law libraries to get a better sense of "real world" law practice.<sup>27</sup> Each of these methods of connecting with the legal practice help bring the legal community together with the ultimate goal of addressing the skills gap.

Additionally, the time and effort required to prepare, construct and instruct practice-based simulation exercises is significant as "...the formats that lend themselves to clinical and lawyering activities, including legal writing, are highly labor-intensive."<sup>28</sup> The time and resource constraints that academic law librarians face are significant and the commitment required to restructure a legal research courses based on a new pedagogical model is noteworthy and may not allow law librarians to employ this approach.

If academic law librarians are unable to breach these barriers to redesigning their formal legal research courses to increase the practice-readiness of their students, perhaps they can participate in other practice-focused skill development opportunities. The following case study will illustrate how academic, firm and courthouse law librarians collaborated to ensure law students have the research skills and knowledge needed to effectively perform their roles in their first legal jobs.

### **Research in the Real World Case Study**

The University of Calgary (UCalgary) is a public research university located in Calgary, Alberta. Home to 25,000 undergraduate students and over 6,000 graduate students, the University has strong connections with the city of Calgary and its citizens. In its 2011 Eyes High strategic plan, one of its three foundational commitments was to "fully integrate the university with the community".<sup>29</sup> The Faculty of Law at UCalgary (UCalgary Law) is modest in size, with approximately 300 JD students, 50 graduate students, and 30 permanent faculty members. Pursuant to the Excellence in Lawyering pillar of its 2010-2015 Strategic Plan, UCalgary Law increased the experiential learning opportunities for their students. New courses that focused on instilling practice-focused skills in the students were created. These included Business Skills for Lawyers, a Business Venture Clinic, and a Public Interest Law Clinic. Practical skills such as drafting legal documents and researching and writing legal memoranda were integrated into many existing courses although the majority of the experiential opportunities are in upper-year courses, primarily available to third year students.

In Calgary, it is common for legal employers to hire first and second year law students as “summer students.” These hires are even more problematic than hiring law school graduates as the summer students rarely have the skills needed to perform the tasks they will be assigned. This is largely due to the lack of opportunity for practical legal skills development. The only experiential course that the first year students may have taken is introductory legal research and writing; second year law students may have a modicum more experiential learning, such as drafting pleadings in civil procedure. The students do not have the skills needed to perform the tasks they will be assigned at their place of employment during the summer months.

The summer students also possess a wide variation in skills sets which compounds the problem. Employers hire students from law schools across Canada and even from other common law jurisdictions, each with their own curriculum and emphasis on skill development. Out-of-province students may not be familiar with Alberta-specific legal materials and resources. This lack of consistency can be problematic from the employer’s perspective.

Remedies to address the skills gap vary among employers. In large law firms the shortcomings are sometimes addressed though additional legal research instruction provided by law librarians and legal research lawyers. This is either done through formal instruction when the graduates arrive or on an "as-needed," one-on-one, basis. Unfortunately, many firms are eager to have the students "hit the ground running" and do not want to invest significant time or resources to train them. Nor, do they necessarily feel training is their responsibility. The result is often a quick overview of the Library and its resources before sending the students on their way.

In small firms, there may be no formal remedy to address the skills gap at all. Unlike large firms, many smaller firms do not even have a library or a librarian on staff to assist with legal research. Rather, the new lawyer may be required to maneuver through the resources on their own or with limited guidance from her peers. This approach, given complexities of the legal research process, does not lend itself well to efficient or even accurate legal research. It's clear to see that regardless of the approach to remedy, for employers, the skills gap is substantial and difficult to close.

The Head of UCalgary’s Bennett Jones Law Library (Head) believed that a skills-based workshop offered at the beginning of the summer might provide a solution to the practical legal research skills gap amongst summer hires in Calgary. The Head determined that to successfully accomplish this would require the collaboration of academic and private law librarians. The private law librarians would bring their real world knowledge to the workshop, being able to explain the types of projects and tasks the students are likely to be assigned, and resources they could use to complete these projects (some of which are not available in law schools). The proposed workshop was entitled Research in the Real World (RRW).

The Head reached out to the local law librarian community for guidance. Calgary’s legal community is robust, boasting multi-national, national and large regional law firms. Many other organizations, such as corporations, the city, governmental offices, and institutions of higher education, also maintain legal departments. Perhaps by extension, Calgary has a high number of law librarians who form a tight-knit community. A large number of the local academic, courthouse, government and private law librarians are members of the Calgary

Law Libraries Group (CLLG) association. CLLG hosts educational programs, business meetings and social events at which the librarians meet on a periodic basis. Members regularly communicate through the association’s listserv, wiki and website or through direct contact with a particular member. This close community has historically lent itself well to cooperation and collaboration.

The Head created an advisory group comprised of courthouse, government and law firm librarians to ensure a wide-range of views. The advisory group confirmed the need for and viability of a workshop like RRW. The members then helped identify the legal research skills that summer students generally lack, as well as topical areas of law that students need to gain an awareness of how in order to be able to competently conduct research over the summer. The Head also approached the CLLG membership, seeking their opinion on the value of the program and asking for expressions of interest for instructing at the workshop.

After developing the initial program in spring 2014, the Head officially sought presenters from CLLG and the Research Lawyers section of the Canadian Bar Association (South Alberta). Many of the presenters co-taught sessions, with librarians and lawyers collaborating on several of the sessions. In total, the 2014 workshop was involved nine lawyers and nine librarians (3 academic, 1 courthouse and 5 law firm) as presenters. When the workshop was reduced to half-day, the presenter list was limited law librarians (2 academic, 1 courthouse and 4 law firm).

RRW has now been offered for three years, from 2014-2016. Attendees have provided valuable feedback that has helped shape the program. In 2015, the program was reduced to a half-day as responses suggested that the students found a full day too long for such intensive learning. Interactive, hands-on exercises were also added to every session to provide students with the opportunity to use unfamiliar resources or to use known resources in new ways.

In 2016, new general questions were added to the evaluation form to determine the attendees’ satisfaction with the overall program. As shown below, a vast majority of students indicated that the program enhanced their research skills and increased their knowledge about resources.

| Evaluation Questions                                  | Agreed | Neutral | Disagreed |
|---|--------|---------|-----------|
| I was satisfied with the content of the program       | 94%    | 6%      | 0         |
| I learned about new databases and web-based resources | 86%    | 6%      | 9%        |
| This program enhanced my legal research skills        | 86%    | 14%     | 0         |
| I feel better prepared to handle research projects    | 78%    | 23%     | 0         |
| This program was worth attending                      | 71%    | 26%     | 3%        |

Legal employers have not been surveyed to determine their opinion on the value of RRW; however, it is possible to extrapolate their satisfaction with the program from the fact two-thirds of the employers who send their summer students to the event in 2015 and 2016 are repeat participants. As the employer pays a registration fee (\$30-50) for every student they send to the workshop, it seems reasonable to conclude that they value what the students are being taught. Similarly, the employers of the law librarian presenters (five law firms and the Alberta Law Libraries) continue to support their involvement in the program.

There are several reasons why RRW has proven to be successful. Firstly, the workshop is a perfect melding of the librarians' strengths. The law firm and governmental librarians work with the summer students at their places of employment and know the research projects and tasks they are assigned. Similarly, they know the resources the summer students can use in the performance of these projects. The librarians are able to frame their presentation in terms of a real life scenario that allows the students to consider how the research steps and resources could be utilized in similar situations. The academic librarians are experienced instructors of both one-off sessions and instructor-of-record for formal law courses, and can assist the non-academic librarians develop their lectures and hands-on activities.

Secondly, it has been clear from the start that every librarian respects the others' expertise and knowledge. The librarians attend their colleagues' sessions to learn from them – to hear their tips, see the resources they recommend and observe their presentation style. The librarians all had a pre-existing relationship through their membership in CLLG which provided a foundation of respect and trust to build upon in this endeavour. They work cooperatively and collaboratively in this undertaking partly because of their trust in and respect for the other participants.

Thirdly, and perhaps most critically, RRW is a success because the attendees' suggestions were incorporated to improve the program. Too often, student comments are discounted because professors and librarians feel they know what is best for them. Integrating the students' suggestion to shorten the program required eliminating sessions that the Head and advisory group thought were important; however, we understood the students' comment on the intensity and length of the program and made the necessary cuts. Similarly, adding the hands-on activity increased the students' engagement in the sessions and, hopefully, their retention of the information and skills covered.

The process for creating an RRW-like program is quite straightforward: determine if there is a skills gap, identify the specific skills and knowledge that are lacking, recruit librarians and industry professionals to develop the educational program and to present, market the event to employers, offer the workshop, revise the workshop based on librarians' and attendees' comments, and offer the workshop again the following year. Admittedly, this type of program is easier for librarians in those faculties where a majority their students are employed in positions that require similar research skills, such as nursing, social work, education and law. Professional faculties such as these often have stronger relationships with their graduates and employers, making it easier to obtain their participation. Academic librarians specializing in fields with significant more diversity in the positions their students take upon graduation may find it easier to focus on narrower subjects, such a marketing students rather than all business students or students working at chemical companies rather than all science students.

There are few barriers to developing a similar program. The greatest barrier is the investment of time necessary, especially in the first year, to develop the presentations and the hands-on activity. A second barrier may be one's inability to identify potential collaborators. Not every academic librarian know their industry-based colleagues with whom they must identify the research skills gap and create a program to bridge it. The associated financial cost is probably a small obstacle as a half-day program is quite inexpensive and the attendees could be charged a small fee to recoup the actual costs.

Academic librarians have little control over the curricula approved by their faculties and the skills students have when they graduate. They are perfectly situated, however, to develop extra-curricular opportunities to aid university students in gaining “real world” research skills that employers want them to possess. Not only do they have the necessary research expertise, but they are experienced collaborators – working with faculty members, industry professionals, and other library personnel on a regular basis. Together, academic and industry-based librarians can identify the gap in the students’ research skills and devise methods of helping them bridge that gap.

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<sup>1</sup> P.C. Candy & R.G. Crebert, “Ivory Tower to Concrete Jungle” (1991) 62:5 J of Higher Educ 570 at 572.

<sup>2</sup> Canada West Foundation, Centre for Human Capital Policy, *Talent is not enough: Closing the skills gap* (2014) at 8, online <<http://cwf.ca/research/publications/talent-is-not-enough-closing-the-skills-gap/>>.

<sup>3</sup> *Supra* note 1 at 572; Hart Research Associates, *Falling Short? College Learning and Career Success: Selected Finding from Online Surveys of Employers and College Students Conducted on Behalf of the Association of American College & Universities* (2015) at 12, online: <<https://www.aacu.org/leap/public-opinion-research/2015-survey-results>> (*Falling Short*).

<sup>4</sup> *Falling Short*, *supra* note 3, at 12.

<sup>5</sup> American Bar Association, Section of Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (Chicago: American Bar Association, 1992).

<sup>6</sup> William M. Sullivan, et al. *Educating Lawyers: Preparation for the Profession of Law* (San Francisco: Jossey-Bass, 2007).

<sup>7</sup> *Ibid.* at 163.

<sup>8</sup> The Boulder Statement on Legal Research Education (June 2009), online: <<http://lawlibrary.colorado.edu/boulder-conferences-legal-information-scholarship-and-teach>>

<sup>9</sup> American Association of Law Libraries, *Principles and Standards for Legal Research Competency* (11 July 2013), online: <<http://www.aallnet.org/mm/Advocacy/recommendedguidelines/policy-legalrescompetency.html>>

<sup>10</sup> American Bar Association, Section of Legal Education and Admissions to the Bar, *Managing Director’s Guidance Memo*, online: <[http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2015\\_learning\\_outcomes\\_guidance.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf)>

<sup>11</sup> Federation of Law Societies of Canada, Task Force on the Canadian Common Law Degree, *Final Report* (October 2009), online: [http://flsc.ca/\\_documents/Common-Law\\_Degree-Report\\_C.pdf](http://flsc.ca/_documents/Common-Law_Degree-Report_C.pdf).

<sup>12</sup> *Ibid.* at 31.

<sup>13</sup> Patrick Meyer, “Law Firm Legal Research Requirements for New Attorneys” (2009) 101 L Lib J 297 at 303.

<sup>14</sup> *Supra* note 6 at 188.

<sup>15</sup> *Supra* note 6 at 173.

<sup>16</sup> Barbara Glesner Fines, “Out of the Shadows: What Legal Research Instruction Reveals about Incorporating Skills throughout the Curriculum” (2013) 2013:1 J Disp Resol 159 at 160.

<sup>17</sup> *Supra* note 16 at 172.

<sup>18</sup> David L. Armond & Shawn G. Nevers, “The Practitioners’ Council: Connecting Legal Research Instruction and Current Legal Research Practice” (2011) 103 L Lib J 575.

<sup>19</sup> Michael J. Lynch, “An Impossible Task for Everybody Has to do it – Teaching Legal Research in Law Schools” (1997) 89 L Lib J 415 at 421.

<sup>20</sup> *Supra* note 6 at 39.

<sup>21</sup> American Bar Association, Section of Legal Education and Admissions to the Bar, “ABA Standards” (22 December 2014), online: <[http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2014\\_2015\\_aba\\_standards\\_and\\_rules\\_of\\_procedure\\_for\\_approval\\_of\\_law\\_schools\\_bookmarked.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.authcheckdam.pdf)>.

<sup>22</sup> *Supra* note 18 at 578.

<sup>23</sup> *Supra* note 18.

<sup>24</sup> *Supra* note 8.

<sup>25</sup> *Supra* note 13 at 311.

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<sup>26</sup> Supra note 19 at 579.

<sup>27</sup> Michael Whiteman, "Law Library-Palooza" (2008) 12:6 AALL Spectrum 8.

<sup>28</sup> Supra note 2 at 175.

<sup>29</sup> University of Calgary, *Eyes High: 2011 Vision and Strategy* (2011), online <<http://www.ucalgary.ca/eyeshigh/files/eyeshigh/eyes-high.pdf>>.