Technology and Legal Research: What Is Taught and What Is Used in the Practice of Law

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Technology and Legal Research:
What Is Taught and What Is Used in the Practice of Law

by

Rebecca Sewanee Trammell

A dissertation submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
in
Computing Technology in Education

Graduate School of Computer and Information Sciences
Nova Southeastern University

April 2015
We hereby certify that this dissertation, submitted by Rebecca Trammell conforms to acceptable standards and is fully adequate in scope and quality to fulfill the dissertation requirements for the degree of Doctor of Philosophy.

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Graduate School of Computer and Information Sciences
Nova Southeastern University

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in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

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Law schools are criticized for graduating students who lack the skills necessary to practice law. Legal research is a foundational ability necessary to support lawyering competency. The American Bar Association (ABA) establishes standards for legal education that include a requirement that each law student receive substantial instruction in legal skills, including legal research. Despite the recognized importance of legal research in legal education, there is no consensus of what to teach as part of a legal research course or even how to teach such a course.

Legal educators struggle to address these issues. The practicing bar and judiciary have expressed concerns about law school graduates ability to conduct legal research. Studies have been conducted detailing the poor research ability of law students and their lack of skills. Although deficiencies in law student research skills have been identified, there is no agreement as to how to remediate these deficiencies. This dissertation suggests the legal research resources that should be taught in law schools by identifying the research resources used by practicing attorneys and comparing them to those resources currently included in legal research instruction at the 202 ABA-accredited law schools.

Multiple data sources were used in this study. Practitioner resource information was based on data provided by practicing attorneys responding to the 2013 ABA Legal Technology Survey. Resources taught in ABA-accredited law schools were identified through three sources: a 2014 law school legal research survey sent to the 202 ABA-accredited law schools, a review of law school syllabi from ABA-accredited law school legal research and legal research and writing courses, and the Association of Legal
Writing Directors 2013 annual survey of legal research and writing faculty. The combined data from these three sources were compared to the resources used by practicing lawyers identified in the annual national 2013 ABA Legal Technology Survey. This comparison of what is taught with what is used in practice identifies a deficiency in law school instruction in the research resources used by practicing attorneys. These survey results detail distinct areas of inadequate instruction in legal research resources and provide legal educators with detailed information necessary to develop a curriculum that will result in graduating students with practice-ready competencies.
Acknowledgements

I wish to thank my daughter, Dr. Sara Laughlin, my son-in-law David and my granddaughter Becca for their love and encouragement as I worked through this dissertation process. Their understanding and support kept me going. My thanks to my friends, Susan Wild and Dr. Heather Allen for their affection and support. My co-workers deserve praise for their thoughtfulness and kindness when I needed it most. My deepest thanks and gratitude to my committee chair, Dr. Thomas MacFarland for seeing me through this process. Without his support I would not have succeeded. Finally, I wish to thank my Mother, Virginia Trammell. Unfortunately she didn’t live to see me succeed, but without her love and support I could not have accomplished what I have been able to do.
Table of Contents

Abstract  ii  
List of Tables  viii  

Chapters

1. **Introduction**  1  
   Background  1  
   Problem Statement  4  
   Dissertation Goal  7  
   Research Questions  8  
   Relevance and Significance  9  
   Barriers and Issues  11  
   Assumptions, Limitations, and Delimitations  13  
   Definition of Terms  17  
   List of Acronyms  18  
   Summary  19  

2. **Review of the Literature**  20  
   Legal Education  20  
   Law School Curriculum  24  
   Legal Research Curriculum  27  
   Surveys  32  
   Summary  41  

3. **Methodology**  42  
   Research Methods  43  
   Syllabi  43  
   Survey Instrument  44  
   Format for Survey Results  45  
   Summary  49  

4. **Results**  51  
   Research Question 1  52  
   Research Question 2  56  
   Research Question 3  57  
   Research Question 4  58  
   Research Question 5  60  
   Research Question 6  62  
   Research Question 7  63  
   Research Question 8  66
Summary of Results  68

5. Conclusions, Implications, Recommendations, and Summary  70
   Conclusions  71
   Implications  76
   Recommendations  81
   Summary  82

Appendix
Law Library Directors Survey  84

References  107
List of Tables

Tables

1. Bar Examination First-Time Taker Passage by Source of Legal Education 15
2. Practicing Attorney Use of Resources by Topic: Frequencies/Percentages 53
3. Practicing Attorney Use of Free Online Access Tools: Frequencies/Percentages 54
4. Practicing Attorney Use of Fee-Based Online Access Tools: Frequencies/Percentages 55
5. ALWD Survey Fee-Based Online Access Tools: Frequencies/Percentages 57
6. ALWD Chi-Square Relationship Fee and Free-Based Online Access Tools/Practicing Attorney Use 58
7. Syllabi Research Resources and Free and Fee-Based Online Access Tools: Frequencies/Percentages 59
8. Syllabi Chi-Square Relationship Research and Free and Fee-Based Online Access Tools/Practicing Attorney Use 61
9. Law School Research Survey: Frequencies/Percentages 63
10. Law School Legal Research Survey Chi-Square Relationship Research Resources and Free and Fee-based Online access Tools/Practicing Attorney Use 65
Chapter 1

Introduction

Background

Legal education is being criticized for what is described as the failure of law schools to prepare its students to practice law (Bronner, 2013; Harper, 2012; Mangan, 2012; Segal, 2011). Critics have identified specific deficiencies in legal education including instruction in legal research, a skill necessary to practice law (Armond & Nevers, 2011; Hackerson, 2010; Valentine, 2009, 2010). Legal educators attempting to address these criticisms must answer two questions: (a) What is being taught in law school? and (b) Does this instruction provide the skills needed to practice law? (Case, 2013; Hazleton, 2012; Nettles & Hellrung, 2012). This dissertation addresses these questions as they relate to legal research. It delineates legal research instruction provided in law schools compared with the skills identified by practicing lawyers as needed to practice law.

The American Bar Association (ABA) promulgates standards for legal education. Arranged in seven chapters, these ABA Standards include law school organization and administration, the program of legal education, faculty, admissions and student services, library and information resources, and facilities (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). These ABA Standards identify legal research as one of the areas of instruction required in the law school curriculum (ABA Section of Legal
Education and Admissions to the Bar, 2014, 2015). The ABA Standard does not detail what should be included in legal research instruction (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). Attempts have been made to determine the specific legal research skills that should be taught as part of legal education (Conference on Legal Information: Scholarship and Teaching, 2009; Justiss, 2011; Meyer, 2012, 2014; Valentine, 2009, 2010; Venie, 2008). Legal research instruction issues have been identified, including the need to link research exercises to the real-world practice of law and the problem of how or even whether to integrate print and online research tools (Armond & Nevers, 2011; Bintliff, 2009; Sondhi, 2009). There is no consensus as to what should be taught as part of a legal research course or how such a course should be presented (Chiorazzi & Condit, 2011; Feliu & Frazer, 2012a; Kim-Prieto, 2011; Osborne, 2012).

Prior to the late 1970s, legal research was conducted using print resources (Cohen, 2010; Sondhi, 2009). The development of the Internet led to the development of two major online legal databases, LexisNexis and Westlaw, followed by expansion of other online resources such as HeinOnline and BNA Bloomberg Law adding to uncertainty and confusion about what legal resources to teach (Bintliff, 2009; Justiss, 2011; Laguardia, 2011). Some legal educators and law librarians have been reluctant to subordinate print instruction to the growing number of online resources. Critics maintain that print resources must continue to be taught, because print creates the foundation and structure for online legal information (Cohen, 2010; Hackerson, 2010; Holbrook, 2011). Today’s students come to law school with online experience beginning in grade school and sometimes earlier (Kaplan & Darvil, 2011). Because of their reliance on online and
digital sources, students have been reluctant to learn about print resources and do not see print as a valuable legal research source (Kaplan & Darvil, 2011; Krieger & Kuh, 2014, 2015; Sears, 2014; Smith-Butler, 2008; Valentine, 2009, 2010). Student reluctance to consider the usefulness of print resources or even a combination of print and online sources adds uncertainty and inconsistency to what and how legal research is being taught (Cordon, 2012; Kaplan & Darvil, 2011; Kim-Prieto, 2011). This student reluctance contributes to the criticism that law schools are not preparing their students to practice law (Harper, 2012; Mangan, 2012; Segal, 2011).

Law schools have been charged with failing to graduate practice-ready students (Chiorazzi & Condit, 2011; Feliu & Frazer, 2012a; Kaplan & Darvil, 2011; Lee, 2011; Meyer, 2009, 2012; Valentine, 2009, 2010). Attorneys complain that law students are unprepared to conduct cost-effective legal research maintaining that law students are given unlimited access to expensive databases, but are not taught the costs of these resources in the practice of law (Smith-Butler, 2008).

In this dissertation, the author addresses these issues by identifying the print and online legal research resources used by attorneys in the practice of law, and comparing these resources to the legal research resources being taught in law schools. This comparison of what is used to practice law with what is taught in law schools addresses the ongoing legal research debates of what to teach and how to teach it.

In this dissertation, the ABA 2013 national annual Legal Technology Survey was used to identify the legal research resources used by practicing attorneys (Poje & ABA Legal Technology Resource Center, 2013). Information from this survey was compared to the research resources and materials being taught at ABA-accredited law schools. The
ABA Council of the Section of Legal Education and Admissions to the Bar is the U.S. Department of Education’s accrediting agency for law schools (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). The Council currently identifies 202 law schools as provisionally or fully accredited (ABA, n.d.a). Legal research resources taught at the 202 law schools were identified in three ways: through a survey of these law schools, through an analysis of legal research and legal research syllabi from these law schools, and through the 2103 Association of Legal Writing Directors (ALWD) annual survey. Data collected from these three sources were compiled and compared to identify the information being taught. Data, individually and in combination from each source, were compared to data from the 2013 ABA Legal Technology Survey.

The 2013 ABA Legal Technology Survey provided benchmark data for research resources used by practicing attorneys. This benchmark information, taken from a survey of practicing attorneys, was compared to the resources being taught in law schools. The results of this comparison will assist legal educators in creating a legal research curriculum that provide law students with instruction in research resources used by practicing attorneys, and should result in law schools graduating law students who are better prepared to practice law.

**Problem Statement**

Legal research is an essential skill needed by newly graduated law students in order to practice law (Kaplan & Darvil, 2011; Meyer, 2014). ABA Standards require “learning outcomes that shall, at a minimum, include competency” (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015, p. 15) in legal research, but the Standards do not provide specifics on what constitutes competency or how such
competency should be taught. Legal educators, including law librarians, legal research and writing instructors and law faculty, cannot agree on how or what should be taught in order to graduate students with research skills adequate to practice law (Bintliff, 2009; Callister, 2010; Osborne, 2012). There is no consensus as to what legal research instruction should be provided (Custer, 2010; Feliu & Frazer, 2012a). Should print resources be emphasized or should emphasis be placed on online resources (Armond & Nevers, 2011; Sondhi, 2009)? If online research strategies are taught, which online databases should be included (Justiss, 2011; Laguardia, 2011)? Should print and online resources be integrated in legal research instruction and how should this be accomplished (Curtis, Silver & Collins, 2014; Lihosit, 2009, 2010; Marke, Sloane, & Ryan, 2013; Sears, 2014)? Law firm and academic law librarians have discussed these issues and have conducted various surveys attempting to answer these questions (Butler, 2012; Krieger & Kuh, 2014, 2015; Meyer, 2012, 2014; Vorenberg & McCabe, 2009). Legal publishers have contributed to the discussion (Collins & Skover, 2012; Meyer, 2014). Practicing attorneys have presented their views (Lee, 2011), but there is still no consensus as to what to teach or how to teach it (Laguardia, 2011).

There are two components to this study: (a) identifying the tools used by practicing lawyers to conduct research and (b) identifying the legal research skills that are being taught in law schools (Armond & Nevers, 2011; Meyer, 2012). Linking the research resources used in law practice with the resources taught in law schools provides direction for legal research instruction that is focused on the needs of practicing attorneys (Armond & Nevers, 2011; Kaplan & Darvil, 2011).
The 2013 ABA Legal Technology Survey provides data identifying the resources used by practicing attorneys (Poje & ABA Legal Technology Resource Center, 2013). The ABA Legal Technology Survey is a national survey of practicing attorneys conducted annually since 2000 (Poje & ABA Legal Technology Resource Center, 2013). This survey is divided into six areas: Technology Basics, Law Office Technology, Litigation and Courtroom Technology, Web and Communication Technology, Online Research, and Mobile Lawyers (Poje & ABA Legal Technology Resource Center, 2013). The ABA Legal Technology Resource Center is available to provide information regarding survey methodology, exact wording of specific questions, and other details relating to the survey (Poje & ABA Legal Technology Resource Center, 2013). Data from the Online Research section of the ABA Legal Technology Survey were used as the benchmark for the research resources identified by practicing attorneys as used in the practice of law.

The second component of this dissertation is determining what legal research resources are being taught in law schools (Armond & Nevers, 2011; Meyer, 2012). Benchmark data, derived from the 2013 ABA Legal Technology Survey, were used to construct a survey that was sent to each of the 202 ABA-accredited law schools. The law school legal research survey listed resources included in the 2013 ABA Technology Survey, and asked individuals at surveyed schools to identify the resources that were included in the instruction provided at their schools. In addition to this law school legal research survey, two other strategies were used to determine legal research instruction at the 202 ABA-accredited law schools. Legal research and legal research and writing syllabi from the 202 ABA-accredited law schools were collected and analyzed. Data from
the 2013 annual ALWD survey were also used to identify legal research resources taught in law schools. Data from each of these sources were, individually and collectively, compared to 2013 ABA Legal Technology Survey results.

**Dissertation Goal**

The goal of this investigation is to determine if the resources included in legal research instruction at the 202 ABA-accredited law schools have parity with resources used by practicing attorneys (Wu & Lee, 2012). The information gained from this dissertation indicates whether ABA-accredited law schools are introducing and teaching research resources used in law practice (Lee, 2011). A lack of connection between research resources taught in law schools and research resources used by practicing attorneys may contribute to law schools graduating students without the skills necessary to successfully practice law (Armond & Nevers, 2011; Meyer, 2014).

Legal educators do not agree on the legal research resources that should be included in a law school curriculum (American Association of Law Libraries [AALL] Executive Board, 2012; Conference on Legal Information: Scholarship and Teaching, 2009). A comparison of the research resources used by practicing attorneys with those resources taught at ABA law schools will assist legal educators with their curricular decisions (Meyer, 2012, 2014). The inclusion in the law school curriculum of research resources used by practicing attorneys should result in more practice-ready law school graduates (Kaplan & Darvil, 2011; Meyer, 2014; Osborne, 2012).
Research Questions

The research questions focus on determining the legal research resources used by practicing attorneys (Meyer, 2014), and identifying the legal research resources taught as part of the curriculum at ABA-accredited law schools (Butler, 2012).

Research Question 1

What are the online and print resources being used by practicing attorneys?

Research Question 2

What are the online and print research resources identified in the current ALWD survey as taught by ABA-accredited law schools?

Research Question 3

Is there a relationship, and, if so, what is the extent of the relationship, between online and print research resources used by practicing attorneys and online and print research resources identified in the current ALWD survey?

Research Question 4

What are the online and print research resources that are identified in legal research and legal research and writing syllabi as being taught in ABA-accredited law schools?

Research Question 5

Is there a relationship, and, if so, what is the extent of the relationship between online and print resources used by practicing attorneys and online and print research resources identified in law school syllabi?
Research Question 6

What are the online and print research resources taught as part of legal research, and legal research and writing programs at the ABA-accredited law schools identified in the law school legal research survey?

Research Question 7

Is there a relationship, and, if so, what is the extent of the relationship between online and print resources used by practicing attorneys and online and print research resources taught as part of the instructional program programs at law schools?

Research Question 8

To what extent is there a relationship between online and print resources used by practicing attorneys and those identified in the ALWD survey, law school syllabi, and the law school legal research survey of online and print research resources taught at law schools?

Relevance and Significance

Law schools continue to be criticized for graduating students who lack the skills necessary to practice law (Bronner, 2013; Harper, 2012; Mangan, 2012; Meyer, 2014; Segal, 2011). Inadequate research skills have been documented and reported since the early 1900s (Martinez, 2013), and continue to impact law students’ success in obtaining and/or retaining summer associate positions as well as securing employment after graduation (Suffolk University, n.d.). Adequate research skills are necessary to support law office productivity and to avoid judicial reprimands for inadequate research (Armond & Nevers, 2011). Practicing attorneys lack the time to train new lawyers and are reluctant to hire graduates with inadequate research skills (Segal, 2011; Zillman, 2010).
Legal educators struggle to determine what research resources to teach (Bintliff, 2009; Meyer, 2014). Attempts have been made to determine the skills needed to practice law (Brooks, 2009; Meyer, 2012). Surveys have been conducted (AALL:SIS, 2013; AALL:SIS, 2014; ALWD Legal Writing Institute, 2013; Bintliff, 2009; Meyer, 2012, 2014). Suggestions have been made to improve legal research programs (Justiss, 2011; Kaplan & Darvil, 2011). These suggestions have been limited, and no research has been conducted directly linking legal research resources taught in law schools to the resources identified by practicing attorneys as used to practice law (Johnson, 2009; Kaufman, 2010).

The longest continuous, nationally conducted annual survey of practicing attorneys is the ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013). This report has been referenced to support the proposition that the use of technology by members of the practicing bar is growing (Karpman, 2012), that a third of lawyers use tablets (Koblentz, 2012), and that there is double-digit growth for lawyers’ use of Web 2.0 technologies (ABA, 2010). This survey has also been used as the basis for a survey of research resources used by law students, but it has not been used as a comparison with research resources being taught in ABA-accredited law schools (Meyer, 2014; Wu & Lee, 2012). This research project identifies research resources taught at the 202 ABA-accredited law schools, and compares this data with the survey results provided by practicing attorneys who responded to the 2013 ABA Legal Technology Survey. This research also compared ALWD research resource instruction data with practicing attorney data (ALWD Legal Writing Institute, 2013). Current law school legal research
and legal research and writing syllabi were collected, reviewed to determine research resources taught, and compared to the ABA Legal Technology Survey data. This research project is the first to collect this depth and breadth of data from law schools and to directly compare it to national data from an ABA Legal Technology Survey (Feliu & Frazer, 2012b; Meyer, 2012, 2014).

The specifics of law school legal research instruction coupled with information from practicing attorneys about the resources they use to practice law will indicate whether or not legal education is providing adequate instruction in these resources (Armond & Nevers, 2011; Meyer, 2012). Failure to determine and teach legal research resources used by practicing attorneys will reinforce complaints that law students are not being taught to use tools needed in practice, and continue the criticism that law school graduates are not prepared to practice law (Harper, 2012; Segal, 2011). Legal education’s failure to address these concerns will result in the continued graduation of students who are not prepared to practice law (Lee, 2011).

**Barriers and Issues**

This research project focuses on identifying research resources used by practicing attorneys, and determining if these resources are part of the legal education curriculum being taught at the 202 ABA-accredited law schools. Little has been done to directly link research resources used to practice law with research resources included in law school instruction (Fines, 2013; Meyer, 2012). This research project makes this connection. The information generated by this comparison will assist legal educators in developing a curriculum that provides graduating students with practice-ready skills (Guyer, 2013; Meyer, 2012).
The 2013 ABA Legal Technology Survey is used to identify the research resources used by practicing attorneys (Guyer, 2013; Meyer, 2012, 2014). A barrier to this study was identifying the research resources taught in ABA-accredited law schools. Although previous legal research surveys have been conducted, they have not focused on identifying the research resources being taught in law schools (Meyer, 2014; Wu & Lee, 2012). No earlier survey has directly linked information about research resources used by practicing attorneys to the research resources taught in law schools. This current research project is the first to survey all ABA-accredited law schools, and link survey data to data collected by the annual national 2013 ABA Legal Technology Survey identifying legal resources used by practicing attorneys (Meyer, 2014; Wu & Lee, 2012).

A barrier to this or any study is low survey response rates. This author is an experienced academic law library director at an ABA-accredited law school. In this position, the author is permitted use the law library directors listserv which includes the director, acting director, or interim director for each of the 202 ABA-accredited law schools. The law school legal research survey used in this research project was sent electronically to law library directors at all ABA-accredited law schools. These directors, when necessary, sent the survey questions to the individual or individuals in the law school most able to provide the requested information. This process, facilitated by law library directors, resulted in a high survey response rate among ABA-accredited law schools. This relationship contributed to 191 survey responses (95%) from the 202 ABA-accredited law schools. However, 61 respondents failed to answer one or more questions and were omitted from data calculation resulting in 131 complete responses (65% usable response rate) from the 202 ABA-accredited law schools.
This research project required a survey that determined if the research resources being taught in ABA-accredited law schools corresponded to those used by practicing attorneys. Because no existing survey met these requirements, this project required the development of a valid and reliable survey instrument. As an experienced law library director, this author ensured the validity and reliability of this survey instrument through collaboration with equally experienced law library directors who participated in survey pretests and one-on-one discussions of the survey instrument.

This law school legal research survey is the primary source to determine research resources taught in all ABA-accredited law schools. Two additional strategies were used to gather information. Syllabi from legal research and legal research and writing classes collected from ABA-accredited law schools, and the 2013 ALWD annual survey of legal writing faculty were used to identify other research resources taught in law schools. Each of these three data sources were analyzed to match practitioner research resources identified in the 2013 ABA Legal Technology Survey.

Assumptions, Limitations, and Delimitations

In focusing on ABA-accredited law schools, this study assumed that almost all attorneys practicing law in the United States were educated at ABA-accredited law schools. Based on data collected by the National Conference of Bar Examiners, this was a reasonable assumption. Bar passage records are maintained by the National Conference of Bar Examiners, and these records indicate the source of legal education. As shown in Table 1, for the period from 1996 through 2011, 95% of first-time bar exam takers who passed bar exams attended ABA-accredited law schools. For this same period, 2.4% attended non-ABA-accredited schools, 2.7% attended foreign law schools and less than
1% were allowed to sit for a bar examination based on law office study (National Conference of Bar Examiners, n.d.). Although attendance at and graduation from ABA-accredited law schools is the norm, non-ABA-accredited law schools are not necessarily inferior to ABA-accredited law schools. A number of factors including location and finances impact whether a school seeks or receives ABA accreditation (Wecker, 2012). Although unusual, law office study allowing candidates to sit for a bar exam without attending law school is still available in seven states (Ehline, 2014). In linking resources taught as part of the law school curriculum to skills needed to practice law, it is assumed that a significant percentage of law school graduates would practice law. It is assumed that the ABA Standards correctly identify legal research as a skill essential to the practice of law. It is also assumed that the resources used by practicing attorneys should be incorporated into the instruction provided by ABA-accredited law schools.

The ABA Legal Technology Survey has been conducted annually for more than 10 years and is assumed to be reliable and valid (Poje & ABA Legal Technology Resource Center, 2013).

It is assumed that the anonymity and confidentiality incorporated into the 2014 law school legal research survey of the 202 ABA-accredited law schools results in honest and accurate responses.

The questions in the 2014 law school legal research survey mirror the resources identified in the 2013 ABA Legal Technology Survey. It is assumed that identifying and matching resources taught at ABA-accredited law schools to resources identified by practicing attorneys as used in practice will indicate which legal research resources should be incorporated into the law school curriculum.
Table 1

*Bar Examination First-Time Taker Passage by Source of Legal Education*

<table>
<thead>
<tr>
<th>Year</th>
<th>ABA Passed</th>
<th>ABA %</th>
<th>Non-ABA Passed</th>
<th>Non-ABA %</th>
<th>Foreign law school Passed</th>
<th>Foreign law school %</th>
<th>Law office study Passed</th>
<th>Law office study %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>52,309</td>
<td>74%</td>
<td>804</td>
<td>25%</td>
<td>1,708</td>
<td>30%</td>
<td>12</td>
<td>21%</td>
</tr>
<tr>
<td>2010</td>
<td>51,252</td>
<td>74%</td>
<td>861</td>
<td>25%</td>
<td>1,777</td>
<td>31%</td>
<td>10</td>
<td>17%</td>
</tr>
<tr>
<td>2009</td>
<td>50,905</td>
<td>74%</td>
<td>861</td>
<td>25%</td>
<td>1,771</td>
<td>31%</td>
<td>11</td>
<td>19%</td>
</tr>
<tr>
<td>2008</td>
<td>53,186</td>
<td>76%</td>
<td>999</td>
<td>27%</td>
<td>2,103</td>
<td>39%</td>
<td>15</td>
<td>24%</td>
</tr>
<tr>
<td>2007</td>
<td>51,886</td>
<td>72%</td>
<td>1,338</td>
<td>29%</td>
<td>1,559</td>
<td>32%</td>
<td>17</td>
<td>30%</td>
</tr>
<tr>
<td>2006</td>
<td>52,679</td>
<td>71%</td>
<td>1,273</td>
<td>28%</td>
<td>1,424</td>
<td>32%</td>
<td>18</td>
<td>41%</td>
</tr>
<tr>
<td>2005</td>
<td>49,517</td>
<td>69%</td>
<td>711</td>
<td>21%</td>
<td>1,183</td>
<td>33%</td>
<td>5</td>
<td>14%</td>
</tr>
<tr>
<td>2004</td>
<td>46,219</td>
<td>68%</td>
<td>899</td>
<td>26%</td>
<td>1,328</td>
<td>38%</td>
<td>14</td>
<td>32%</td>
</tr>
<tr>
<td>2003</td>
<td>44,851</td>
<td>68%</td>
<td>837</td>
<td>23%</td>
<td>1,433</td>
<td>42%</td>
<td>24</td>
<td>41%</td>
</tr>
<tr>
<td>2002</td>
<td>43,120</td>
<td>67%</td>
<td>745</td>
<td>23%</td>
<td>1,240</td>
<td>38%</td>
<td>12</td>
<td>23%</td>
</tr>
<tr>
<td>2001</td>
<td>45,214</td>
<td>70%</td>
<td>871</td>
<td>25%</td>
<td>1,468</td>
<td>44%</td>
<td>9</td>
<td>19%</td>
</tr>
<tr>
<td>2000</td>
<td>44,186</td>
<td>68%</td>
<td>989</td>
<td>28%</td>
<td>1,152</td>
<td>41%</td>
<td>21</td>
<td>36%</td>
</tr>
<tr>
<td>1999</td>
<td>45,309</td>
<td>69%</td>
<td>892</td>
<td>26%</td>
<td>994</td>
<td>40%</td>
<td>11</td>
<td>21%</td>
</tr>
<tr>
<td>1998</td>
<td>45,512</td>
<td>70%</td>
<td>1,065</td>
<td>27%</td>
<td>1,494</td>
<td>40%</td>
<td>12</td>
<td>18%</td>
</tr>
<tr>
<td>1997</td>
<td>48,397</td>
<td>74%</td>
<td>1,416</td>
<td>34%</td>
<td>747</td>
<td>41%</td>
<td>20</td>
<td>21%</td>
</tr>
<tr>
<td>1996</td>
<td>48,165</td>
<td>74%</td>
<td>4,655</td>
<td>32%</td>
<td>504</td>
<td>32%</td>
<td>34</td>
<td>33%</td>
</tr>
<tr>
<td>Total</td>
<td>772,707</td>
<td>95%</td>
<td>19,216</td>
<td>2%</td>
<td>21,885</td>
<td>4%</td>
<td>245</td>
<td>0.003%</td>
</tr>
</tbody>
</table>

Resources identified by respondents to the 2013 ABA Legal Technology Survey were used to construct the questions for the 2014 law school legal research survey of ABA-accredited law schools. The ABA Legal Technology Survey is an annual national survey, and it may not identify all research resources used by practicing attorneys. In
addition, resources identified in the 2013 ABA Legal Technology Survey used for this study may not be the same resources described in previous surveys (Poje & ABA Legal Technology Resource Center, 2013). This time factor also applies to research resources identified in the 2013 ALWD survey, the law school legal research survey, and to syllabi collected from legal research and legal research and writing courses. Resources identified through these surveys reflect one point in time. These limitations may impact the future usefulness of the information generated through this study, but the tools used in this project can be replicated in the future. Such replication will facilitate the ongoing collection of data linking practitioner legal research resources to legal research resources that are or should be included in law school curriculum.

The 2013 ABA Legal Technology Survey responses, used as the basis for the law school legal research survey, categorized attorney responses by legal research formats including print, Internet free resources and Internet fee-based sources. Print resources are further delineated to include legal treatises, legal forms, law reviews, legal periodicals and legal news. The 2013 ABA Legal Technology Survey responses also indicated how the free and fee-based online resources were utilized. Free online sources were used to search for general news, legal news, and public records. Fee-based sources focused primarily on state and federal case law, citations and legal treatises (Poje & ABA Legal Technology Resource Center, 2013). The ABA Legal Technology Survey included respondents from all areas of law practice and all types of law firms (Poje & ABA Legal Technology Resource Center, 2013). Although not every practicing lawyer in the United States responded to this survey, there were sufficient responses to allow national comparisons (Poje & ABA Legal Technology Resource Center, 2013). The law school
legal research resources survey, the 2013 ALWD survey, and the collected law school syllabi were compared individually and collectively with the 2013 ABA Legal Technology Survey which identified research resources used in practice. A comparison of these data sets provides information relevant to curricular decisions for all U.S. ABA-accredited law schools (Case, 2013; Meyer, 2012, 2014; Wu & Lee, 2012).

**Definition of Terms**

ABA Standards: Standards promulgated by the American Bar Association and used to accredit U.S. law schools (ABA Section of Legal Education and Admissions to the Bar Standards, 2013, 2014).

Bar examination: Each state requires attorneys to be licensed to practice in that state. Usually, individuals must pass a state bar examination to become licensed. Each state determines criteria required for applicants to sit for that state’s bar examination. As indicated in Table 1, the legal education qualification for most states requires that the individual graduate from an ABA-accredited law school. Some states allow other educational options (Moeser & Husmann, 2014).

Council: The ABA Council of the Section of Legal Education and Admissions to the Bar.

Institutional Review Board: The group within an educational institution charged with overseeing research including surveys to insure that the institution conforms to law regulating research.

National Conference of Bar Examiners: A provider of tests and character report services for bar admissions, information on bar admissions offices, bar exams, test information, study aids, and statistics (Moeser & Husmann, 2014).
U.S. Department of Education: The U.S. governmental entity charged with overseeing educational institutions and determining the criteria for the accreditation of educational institutions.

U.S. Department of Justice: The U.S. governmental entity charged with enforcing federal law including antitrust actions.

List of Acronyms

AALL: American Association of Law Libraries, a national organization of law librarians including librarians employed by law firms, state court or county law libraries and academic law libraries. The organization promulgates legal research competency standards (AALL, 2012).

ABA: American Bar Association: This is one of the largest voluntary professional membership organizations in the world (ABA, n.d.b).

ALL:SIS: Academic Law Libraries Special Interest Section: This section of AALL was created in 1979 to provide a forum for the needs and concerns of academic law librarians (AALL, 2012).

ALWD: Association of Legal Writing Directors: A nonprofit professional association of directors of legal reasoning, research, writing, analysis, and advocacy programs from law schools throughout the United States, Canada, and Australia. ALWD has more than 300 members representing more than 150 law schools (ALWD, 2013).

Juris doctor (JD) law degree: The law degree awarded by law schools in the United States (ABA, n.d.b).
Summary

Legal research is an essential skill needed by newly graduated law students in order to practice law (Kaplan & Darvil, 2011). ABA standards identify legal research as one of the areas of instruction required in the law school curriculum (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). However, the ABA Standard does not detail what should be included in legal research instruction (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). Legal educators, including law librarians, legal research and writing instructors and law faculty, cannot agree on how or what should be taught in order to graduate students with research skills adequate to practice law (Bintliff, 2009; Callister, 2010; Osborne, 2012).

The goal of this dissertation is to determine if the resources included in legal research instruction at the 202 ABA-accredited law schools are comparable to the resources used by practicing attorneys (Wu & Lee, 2012). The information gained from this dissertation may be used to determine if ABA-accredited law schools are introducing and teaching research resources that are used by practicing attorneys (Lee, 2011). A lack of consistency between research resources taught in law schools and research resources used by practicing attorneys contributes to law schools graduating students without the skills necessary to successfully practice law (Armond & Nevers, 2011). The inclusion of research resources used by practicing attorneys in the law school curriculum should result in more practice-ready law school graduates (Kaplan & Darvil, 2011; Osborne, 2012).
Chapter 2

Review of the Literature

Legal education has been the subject of debate and criticism almost since the first law school was established (Tamanaha, 2012). These ongoing criticisms reflect the views of those who see law schools’ role as training lawyers and those who see law schools as academic centers focusing on the “meaning of law and its role in society” (Tamanaha, 2012, p. 55). This debate intensified as the 2007 recession resulted in law firms laying off lawyers (Sachdev, 2012), instituting hiring freezes (Ho, 2013), and providing fewer traditional law firm job opportunities for law school graduates (National Association of Law Placement, 2012). This decrease in legal employment opportunities for law school graduates has increased the charge that law schools are not preparing and graduating students who are ready to practice law (Bronner, 2013; Harper, 2012; Mangan, 2012; Segal, 2011).

This chapter identifies and discusses information and research relevant to legal education, including law school curriculum generally and legal research instruction as part of law school curriculum. A review and discussion of studies and surveys relevant to these topics are included. This review considers the anecdotal nature and absence of empirical research as well as the relatively meager amount of research that has been directed toward legal education (Cane & Kritzer, 2010).

Legal Education

Legal education is being criticized for what is described as the failure of law schools to prepare their students to practice law (ABA Task Force on the Future of Legal
Education, 2014; Bronner, 2013; Harper, 2012; Tung, 2013-14; Mangan, 2012; Segal, 2011). Legal educators attempting to address these criticisms must answer two questions: (a) What is being taught in law school? and (b) Does this instruction provide the skills needed to practice law (Case, 2013; Hazelton, 2012; Nettles & Hellrung, 2012)? What is being taught in law schools begins with an understanding of legal education which is overseen by the ABA standards (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). Formal legal education began to develop in the United States in the late 19th century (Spencer, 2012). Prior to this time, legal apprenticeship, often described as reading for the law or clerking, was the way new lawyers were trained (Spencer, 2012). This approach was effective in part because there was relatively little law to learn (Cohen, 2010). West Publishing Company did not begin publishing court decisions until the 1880s, and West Digest indexing tools for these decisions were not created until the early 1890s (Cohen, 2010). Until 1900, most state bar associations did not require attorneys to have a university education (BarMax, 2013). The ABA was created in 1878 by 75 lawyers from 20 states with the stated purpose to “advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of the law, and encourage cordial intercourse among members of the American Bar” (ABA, n.d.b, 1878 Firsts section).

In 1921, seeking to promote law as a profession, the ABA promulgated the first Standards for Legal Education and began to publish a list of ABA-approved law schools that met these Standards (ABA Section of Legal Education and Admissions to the Bar, 2014). In 1952, the U.S. Department of Education approved the ABA Council of the
ABA Section of Legal Education and Admissions to the Bar as the recognized national agency for the accreditation of programs leading to the juris doctor (JD) degree in the United States marking the shift from ABA-approved to ABA-accredited law schools, a responsibility the ABA continues to maintain (ABA Section of Legal Education and Admissions to the Bar Standards Review Committee, 2014). Today, most states require that students graduate from ABA-accredited schools in order to meet state legal education requirements for admission to the bar (Moeser & Husmann, 2014).

The National Conference of Bar Examiners maintains state bar passage records indicating the source of legal education which is generally a law degree from an ABA-accredited law school. States may accept other educational avenues including graduation from a non-ABA-accredited law school, a foreign law degree, or even, in a few states, apprenticeship to an attorney (Moeser & Husmann, 2014). As shown in Table 1, for the period between 1996 and 2011, 95% of those who passed bar exams attended ABA-accredited law schools. For this same period, 2.4% attended non-ABA-accredited schools, 2.7% attended foreign law schools and less than .01% were allowed to sit for the bar based on law office study (Moeser & Husmann, 2014). Only individuals meeting a state’s requirements are allowed to sit for that state’s bar exam, and passing a state bar exam is generally required to practice law in that state (Moeser & Husmann, 2014).

As part of its oversight of law schools, the ABA established and continues to review and revise standards for accreditation of law schools (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). These ABA Standards, divided into seven chapters, identify legal education requirements including law school organization and administration, library and information resources, facilities, equipment, technology
and the program of legal education (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). The ABA Standards focus specifically on the Program of Legal Education in Chapter 3 identifying the educational content that must be included in an ABA-accredited law school program of instruction (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). ABA Standard Chapter 3, especially section 302, Curriculum, which details instruction in legal theory and legal skills has resulted in years of ongoing frustration among legal educators, including academic law librarians, members of the practicing bar, law firm librarians, and the judiciary. These groups have debated a theoretical or substantive legal education foundation versus training in legal skills needed to practice law (Bronner, 2013; Harper, 2012; Segal, 2011). This debate regarding law school deficiencies in preparing students to practice law has been ongoing:

Over the past 130 years we have heard from many sources that law schools are not truly fulfilling their obligations to prepare students for legal practice. This would strike many outside the profession as odd since—as Judge Richard Posner once suggested and as most would assume—the “basic focus” of law schools should be “the training of practicing lawyers.” This is far from a truism, in light of the perspective expressed by many that law schools should be primarily scholarly institutions in which the law can be studied and understood as an academic and intellectual pursuit rather than professional schools that provide vocational training. (Spencer, 2012, pp. 1956-1957)

The New York State Bar Association (2011) addressed these issues by sponsoring a resolution calling on the ABA to urge legal education providers to focus on making future lawyers practice-ready.
In part to address these criticisms, the ABA undertook a comprehensive revision not only of Chapter 3 Program of Legal Education, but of all Standards and Rules of Procedure for Approval of Law Schools (ABA Section of Legal Education and Admissions to the Bar Standards Review Committee, 2014). The process was directed by the Council and assisted by the Standards Review Committee. Following distribution of proposed revisions for comment by letter, e-mail and at public hearings, the Council submitted proposed revisions to the ABA House of Delegates for concurrence (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). This revision process concluded on August 11, 2014, when the ABA House of Delegates concurred with the proposed standard revisions (ABA Section of Legal Education and Admissions to the Bar Standards Review Committee, 2014). The revised ABA Standards represent significant changes to the ABA’s program of legal education. These differences can be seen in ABA Standard Chapter 3 Program of Legal Education which increased its original eight subsections to 16 revising both standards and interpretations. For example, Standard 302 Curriculum was renamed Learning Outcomes and a new Standard 303, Curriculum was added (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). These revisions add details and specifics to ABA requirements that law school educational programs must meet in order to attain and continue ABA accreditation. (ABA, Section of Legal Education and Admissions to the Bar, 2014, 2015).

Law School Curriculum

The 2014, 2015 ABA Standards revisions have been characterized as moving legal education into the 21st century by emphasizing assessment of student learning and requiring more practical skills training (Legal Skills Prof, 2014). The revised Standards
replace one credit in skills training with a minimum of six credit hours of experiential learning which can be satisfied through clinical coursework, externships or practice simulation courses (ABA Section of Legal Education and Admission to the bar, 2014, 2015). The new Standards offer law schools the option to change the 20 hour student employment rule, and to expand the number of online course credits students may receive as part of their legal education. These Standards require assessment of student learning that goes beyond the law school’s bar passage as the traditional measure of student learning. Law schools must now identify student learning outcomes, develop strategies to implement these learning outcomes and develop specific assessments to match learning outcomes. The ABA recognizes the difficulties faced by law schools in meeting these new Standards, and addresses the challenges in a transition memo. “The Standards Review process was a major project, and now the Council, Accreditation Committee, staff, and law schools have another major undertaking in implementing what the Council has adopted. “Faculties and staff will have to consider the ways in which the new Standards require action and changes in their program of legal education” (ABA Section of Legal Education and Admissions to the Bar, 2014, p.1).

In an effort to support this transition, the ABA transition memo indicates a time line for implementation of what is referred to as the “new Standards” which became “legally effective at the end of the ABA Annual Meeting on August 12, 2014” (ABA Section of Legal Education and Admissions to the Bar, 2014, p.1). Recognizing that “while the new Standards and Rules are effective now, some of the new Standards will require changes that it will take schools time to make,” the ABA points out that “[it will also take time to integrate all of these changes into our systems and process” and sets out
a time-table that schools should follow in implementing the changes to legal education and law school curriculum (ABA Section of Legal Education and Admissions to the Bar, 2014, pp.1-4). The ABA transition memo states that in its direction of the transition to the new Standards, the ABA will seek advice from the U.S. Department of Education, noting that some implementation strategies may required modification “so that the ABA law school accreditation process stays in compliance with the Department’s recognition criteria” (ABA Section of Legal Education and Admissions to the Bar, 2014, p. 4).

The ABA expects that law schools will begin discussion of the new Standards immediately and will develop plans for implementation in the 2016-2017 academic year. “Compliance will be assessed based upon evaluating the seriousness of the school’s efforts to establish and assess student leaning outcomes, not upon attainment of a particular level of achievement for each learning outcome” ABA Section of Legal Education and Admissions to the Bar, 2014, p.2). Outcomes contained in four specific Standards, 302 (a) and (b), 302, 303, and 314 are identified for the first phase of implementation. Standard 301(a) and (b) Learning Outcomes, require that schools establish and publish learning outcomes designed to create and “maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar, and for effective, ethical and responsible participation as members of the legal profession” (ABA Section of Legal Education and Admission to the Bar, 2014, 2015, p.15). Standard 302 Learning Outcomes requires identification of learning outcomes that will lead to competency in specifically identified legal skills (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). Standard 303 Curriculum requires specific credit hours of instruction in legal topics including professional responsibility
and experiential learning, faculty supervised first year and upper division writing
requirements and opportunities for students to participate in pro bono activities and law
clinics and field placements (ABA Section of Legal Education and Admissions to the
school utilize both formative and summative assessment methods in its curriculum to
measure and improve student learning and provide meaningful feedback to students”
(ABA Section of Legal Education and Admissions to the Bar, 2014, 2015, p. 23). These
Standards mandate significant changes to law school curriculum. Implementation of these
Standards creates both challenges and opportunities for legal education (James &
McDonough, 2014).

Legal Research Curriculum

Instruction in legal research, formerly identified in ABA Standard 302(2)
Curriculum and now included in ABA Standard 302 (b) Learning Outcomes, is one of the
specific areas of concern in the theoretical versus skills debate (Callister, 2010; Lastres,
2013; Walker & Hobson, 2013). “For years, commentators have concluded that law
students simply lack basic research skills necessary for law practice. Writers have long
lamented the decline or simple absence of these research skills” (Cordon, 2012, p. 395).
Ineffective legal research instruction and concerns about law school graduates’ poor legal
research skills have prompted a number of studies including the 1992 MacCrate report
that identified “legal research as a fundamental lawyering skill” (Cordon, 2012, p. 396).
Legal research is also identified as the skill necessary to support the nine fundamental
lawyering skills articulated in the MacCrate report. These nine fundamental skills include
problem solving; legal analysis and reasoning; factual investigation; communication;
counseling; negotiation; litigation and alternative dispute-resolution procedures; organization and management of legal work; and recognizing and resolving ethical dilemmas (Bowman, 2008; Cordon, 2012). Fines (2013) also indicated that “legal research skills have long been recognized as foundational to legal practice” (p. 2).

Law schools are criticized for graduating students without adequate research skills. Critics have identified specific deficiencies in legal education including instruction in legal research, a skill necessary to practice law (Armond & Nevers, 2011; Hackerson, 2010; Valentine, 2009, 2010). According to Myer (2014), research indicates that new attorneys spend approximately 45% of their time conducting research, but despite this fact, “criticism of the research abilities of new associates persists” (p. 419). This implies that these students did not receive adequate legal research instruction (Brooks, 2009; Harper, 2012; Kaplan & Darvil, 2011).

Cordon (2012) pointed out that inadequate legal research instruction, implied by these criticisms, may result from a lack of consensus among law schools about what to teach or how to teach it. Librarians trying to determine how to teach legal research have debated a process-oriented approach versus a bibliographic approach without agreement. The process approach focuses on legal research strategies, while the bibliographic approach focuses on identifying and explaining how to use specific legal research resources (Cordon, 2012). Each group maintains their approach is superior (Cordon, 2012).

Other approaches to legal research instruction include an emphasis on information literacy assessment, a technique that was developed by the Association of College and Research Libraries (Kim-Prieto, 2011). The University of New Hampshire School of Law
(2009) faculty adopted an information literacy plan. Its plan details legal research objectives—for example, introducing basic search strategy for primary and secondary legal authority, student outcomes such as determining the extent of legal information needed, and methodologies to accomplish these objectives such as librarian presentations and vendor assistance (University of New Hampshire School of Law, 2009). Objectives, outcomes, and methodologies are identified for each semester of the year and combined for the 2nd and 3rd years (University of New Hampshire School of Law, 2009). A paper presented at the 2010 World Library and Information Congress emphasized the link between information literacy and legal research. The author stated that “improving information literacy in law translates into developing methods for improving legal research competencies among lawyers, law students and the general public” (Kaufman, 2010, p. 1). Recognizing deficiencies in legal research instruction, suggested strategies to ameliorate these shortcomings have included boot camps and intensive short-term training programs intended to prepare students for summer clerkships (Chiorazzi & Condit, 2011).

The application of learning taxonomies to legal research instruction has been suggested as a way to improve legal research learning outcomes (Feliu & Frazer, 2012b). The Washington and Lee University School of Law Legal Studies Research Paper Series includes a 2012 article describing a plan to approach legal research by identifying the beginning and end of each research project (Osborne, 2012). Although these various approaches suggest how to teach legal research and provide anecdotal accounts of different strategies, they do not identify classes taught using the suggested ideas or offer evaluations of these instructional strategies (Bintliff, 2009; Butler, 2012). Research
studies have not been conducted assessing the value of one approach over another. The most significant reason these approaches lack success may be their failure to identify and link the resources needed to practice law to legal research instruction (Wu & Lee, 2012).

Law librarians and legal educators have also focused on the what-to-teach element of legal research instruction. A recent series of conferences on legal information scholarship and teaching has been held to create pedagogy of legal research instruction (Conference on Legal Information: Scholarship and Teaching, 2009). Drawing on the work of a legal research task force, AALL developed Legal Research Competencies and Standards for Law Student Information Literacy (AALL Executive Board, 2012). A 2009 Georgia State University College of Law Legal Studies Research Paper details the core elements that should be included in the 1st-year legal research course (Johnson, 2009). Although there are similarities among these competency standards, lists of core elements and proposed pedagogy, there are no studies demonstrating the benefits of the various pedagogical strategies and there is no resulting consensus on what to include in legal research instruction (Cordon, 2012).

The what-to-teach question in legal research instruction has been further complicated by the growth of LexisNexis and Westlaw followed by other online databases and expanded Internet resources (Bintliff, 2009; Guyer, 2013). LexisNexis and Westlaw were introduced in 1973 and 1975 respectively, raising the question of how best to teach and possibly integrate these online resources into the print world of legal research as it existed at that time (Cohen, 2010). Initially, print continued to dominate the legal research world with the argument that LexisNexis and Westlaw were grounded in print resources, justifying print instruction as a requirement (Cohen, 2010). Many law
schools required that print be taught in the first semester of law school, and did not allow students to access Westlaw and LexisNexis databases until their second semester (Cohen, 2010). As other print legal research tools such as BNA and CCH transitioned to online availability, and expanded capabilities of search engines made information more easily available on the Internet, this fueled the print versus online debate among legal educators and law librarians (Callister, 2010). While this transition in information formats may not have changed research essentials (Johnson, 2009), there is still no consensus among legal educators as to what to teach or in what format it should be taught (Davidson, 2010; Meyer, 2009).

Further confusion was introduced with the 2001/2002 modification to ABA Standard 302 Curriculum which added a separate legal writing requirement calling for “substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year” (American Bar Association Section of Legal Education and Admissions to the Bar 2001-2001, p. 24). This standard expanded the emphasis on legal writing and has led to combining legal research and legal writing programs resulting in a shift in legal research instruction ownership from law librarians to legal writing faculty who have emphasized legal writing programs at the expense of legal research instruction (Fines 2013).

The increased emphasis on legal writing has led to the integration of legal research and legal writing instruction at most law schools (ALWD Legal Writing Institute, 2013). This integration has also resulted in more time directed to legal writing and less emphasis on legal research (Bintliff, 2009; Fines 2013). A further indication of the lack of emphasis on legal research as part of legal research and writing programs is
the number of articles published by research and writing faculty relating to research. The 2012-2013 issues of *Perspectives: Teaching Legal Research and Writing* included 24 articles (Edinger, 2013). Eight of these articles, 33% of the entire year, mentioned research (Edinger, 2013).

The increased emphasis on legal writing together with a decreased emphasis on legal research, results in inadequate instruction in the skills needed to practice law (Cordon, 2012). The integration of research and writing instruction contributes to the ongoing charge that law students do not graduate with adequate legal research skills (Brooks, 2009; Harper, 2012; Kaplan & Darvil, 2011).

**Surveys**

ALWD conducts annual surveys regarding law school legal research and writing programs (ALWD Legal Writing Institute, 2013). The structure of these surveys indicates a lack of emphasis on legal research (Bintliff, 2009). The 20-question curriculum section of the 2013 survey includes only two questions about legal research instruction. Question 18 asks, “How do you teach legal research in your program (choose a. or b.), and who teaches legal research (choose c. through g.)” (ALWD Legal Writing Institute, 2013, p. 11). Question 19 asks, “What assignments are covered in the required [Legal Research and Writing] program? Please mark all that apply” (ALWD Legal Writing Institute, 2013, p. 11). This question includes a list of 10 possible assignments, including legislative history research, administrative law research, limited Westlaw/Lexis training in the first semester, unlimited Westlaw/Lexis training in the first semester, and unlimited Westlaw Lexis training in the second semester (ALWD Legal Writing Institute, 2013, p. 11). The 2013 ALWD survey includes a Hot Topics section with two additional legal research
questions. One question lists nine online databases with directions to check all that are taught (ALWD Legal Writing Institute, 2013, p. 99). The second legal research question asks when legal research is introduced and offers four options (ALWD Legal Writing Institute, 2013, p. 99). The survey results list the number who checked the various options for these questions, but these results lack detail, merely listing options for these questions without providing additional information about the specific instruction or even the time spent on such instruction (ALWD Legal Writing Institute, 2013, p. 99). The ALWD survey results do not provide any further details that explain or expand on the answers to the various categories (ALWD Legal Writing Institute, 2013, p. 99).

This lack of consensus as to what to teach is illustrated by the answers to the current ALWD survey question about teaching online legal resources (ALWD Legal Writing Institute, 2013). The survey responses indicated that except for traditional Westlaw and Lexis instruction, the only other online resources mentioned were Bloomberg Law, HeinOnline, Fastcase, and Casemaker (ALWD Legal Writing Institute, 2013). The ALWD Survey does not provide any information detailing how such resources are taught.

Other surveys have also been conducted in an effort to determine what legal research elements to integrate into the law school curriculum (Meyer, 2012). Practicing attorneys, law firm librarians and recent law school graduates have been surveyed (Venie, 2008; Wu & Lee, 2012). Meyer (2009, 2012) surveyed law firm librarians to determine their views on the most important law firm research tasks, and whether summer associates were sufficiently prepared in these areas. The survey results indicated that
summer associates continued to lack experience in using secondary sources, administrative materials and loose-leaf services (Meyer, 2009, 2012).

Lawyers and librarians participated in a 2009 survey focusing on the research skills needed by new law firm associates (Brooks, 2009). Conducted by a law librarian, the survey polled 32 1st- through 5th-year attorneys employed at Brooks’s law firm and 10 law firm librarians. The attorneys responded to the following three questions: “What research skills do you think you needed as a new hire? What research methods should be focused on in law schools? How could law schools and law firm librarians ease the transition from academic to firm research?” (Brooks, 2009, p. 292). The law firm librarians responded to the aforementioned three questions as well as a fourth question, “How much do you think new associates should know about legal research, either using electronic or books, when they start at a law firm?”(Brooks, 2009, p. 292). Both attorneys and librarians agreed that new attorneys lacked adequate research skills. Sixty percent of the responding attorneys felt little attention was given to secondary sources in law school, and all responding attorneys felt industry-specific materials were not included in their law school instruction (Brooks, 2009). This study reinforced the view that new attorneys feel they lack adequate research skills, especially in using secondary sources and topic-specific materials. However, the Brooks (2009) study was restricted to 32 attorneys from one law firm in a single geographic location, and included only 10 librarians from the same geographic area. The survey results were limited in relevance by the small sample and narrow geographic area. A similar study of five novice criminal attorneys who graduated from three different law schools indicated these five individuals felt their legal education did not adequately connect theory with the practice of law (Taylor & Gardiner,
2010/2011). This survey was limited in usefulness and broader application due to the small, geographically restricted sample that included only new attorneys practicing criminal law.

In 2011 and 2012, the National Conference of Bar Examiners conducted a job analysis of newly licensed attorneys to assist in developing bar examination questions (Nettles & Hellrung, 2012). The National Conference of Bar Examiners survey was divided into skills and abilities, general tasks, and specific practice area tasks. The survey generated 1,669 usable responses from lawyers who had been practicing for one to three years (Nettles & Hellrung, 2012). The results identified knowledge domains and placed research methodology as number five in importance with 89% of respondents performing this activity (Nettles & Hellrung, 2012). The Skills and Abilities section identified written communication as the number one activity with an average significance of 3.77 (Case, 2013). The Case survey assigned a 3.26 average significance to electronic researching, placing it above non-electronic researching, which received a 2.27 average significance (Case, 2013; Nettles & Hellrung, 2012). It is interesting to note that, in addition to average significance, the study results included a category identifying the percent of time respondents spent on specific items (Case, 2013; Nettles & Hellrung, 2012). These times identify that written communication received 100%, electronic researching 98%, and non-electronic researching 91% (Case, 2013; Nettles & Hellrung, 2012). The Research and Investigation General Tasks category included a research and investigation section listing 15 different activities ranging in average significance from 3.42 for conducting electronic research to 2.16 for investigating the scene of an incident (Case, 2013; Nettles & Hellrung, 2012). This survey was designed to assist the National Conference of Bar
Examiners in creating bar examinations that will effectively assess candidates’ ability to practice law based on the job analysis of newly practice attorneys. The information provided by this study is helpful in identifying the legal research skills to include in law school legal research programs.

In 2011, the Academic Law Libraries Special Interest Section (ALL:SIS) of the AALL established a task force charged with identifying “the current and future research skills that law school graduates need to succeed in legal practice” (ALL:SIS, 2013, p. 1). The task force determined that a survey asking practicing attorneys how they conduct legal research was both a largely unexplored area of research and an appropriate starting point to determine the research skills that should be taught in law schools (ALL:SIS, 2013). The task force survey was distributed to alumni of three law schools and to the adjuncts teaching at four other law schools. Survey information soliciting responses was included in alumni newsletters, alumni Facebook pages and LinkedIn pages at two additional law schools (ALL:SIS, 2013). The survey generated 603 responses (ALL:SIS, 2013). Survey questions identified demographics, information on areas of practice and size of practice as well as asking about tools used in conducting legal research and time spent on the research process. One survey question asked respondents to indicate how well recent law school graduates perform, and included a list of 18 legal research tasks ranging from developing a research plan to finding non-legal information. If the respondent did not work with recent law school graduates they were asked to skip that question (ALL:SIS, 2013). A review of the answers to this question indicates that the new law graduates performed very poorly or unacceptably in 11 of the 18 legal research tasks listed (ALL:SIS, 2013, pp. 77–94). This is one of the first geographically diverse surveys
to be conducted by law librarians to collect specific information from practitioners regarding resources used in the practice of law. It represents a positive approach to identifying legal research sources and search strategies used by practicing attorneys. However, it suffers from a low response rate and limited geographic coverage (ALL:SIS, 2013).

In 2014, ALL:SIS presented an additional review of the responses to its 2013 survey report. Because earlier surveys had focused on both practicing attorneys and librarians, the task force decided to pursue both respondent categories, and a separate but similar survey was also sent to law firm librarians. The 2014 review compared responses from attorneys and law librarians and identified significant differences in the responses of the two groups (ALL:SIS, 2014). Both groups surveyed, practitioners and librarians, were asked to assess how often specific research tools were used, and how well recent law school graduates performed certain legal research skills. In responding to the research tools questions, the attorneys reported significantly less use of research tools whereas the librarians reported more frequent use. A similar result was identified when considering performance evaluations of recent law school graduates by attorneys compared to those of librarians. The librarians more frequently identified research performances as unacceptable, poor or both compared to attorney responses (ALL:SIS, 2014). This 2014 report indicates a troubling disconnect between librarians and practicing attorneys. It suggests that librarians may not be aware of the tools and research strategies used by practicing attorneys.

A recent article suggested that the ALL:SIS survey was not representative of solo practitioners and small-firm attorneys (Lawson, 2014). Lawson (2014) contended that
solo practitioners and small-firm attorneys are now the majority, and the study should have recognized this new reality and considered it in their search strategy and results. Lawson also contended that reliance on surveys of law firm librarians resulted in underrepresentation of solo and small-firm practitioners who do not employ law librarians. Although acknowledging that the ALL:SIS survey did indicate attorney research practices, it was noted that only 13.77% of the ALL:SIS survey sample were solo practitioners. To counteract this issue, a small local survey of solo practitioners and small law firms was conducted resulting in 89 responses. These survey results were compared to the ALL:SIS results and indicated that local survey respondents used fee-based resources less frequently than use identified in the ALL:SIS survey (Lawson, 2014). It should be noted that neither the ALL:SIS 2013 survey nor the local survey conducted by Lawson acknowledged the ABA Legal Technology Survey which provides significant information regarding research tools and strategies used in the practice of law. The ABA Legal Technology Survey also sorts responses by size of practice, offering an opportunity to identify similarities and differences in use of legal research resources based on this variable.

Funded by LexisNexis, the New Attorney Research Methods Survey was conducted by The Research Intelligence Group, a customer service and market research firm (Lastres, 2013). The survey results were summarized and analyzed in the report, *Rebooting Legal Research in a Digital Age* (Lastres, 2013). The impetus for this survey was perceived changes in the business climate resulting in changes to the delivery of legal services (Lastres, 2013). The survey focused on determining how recently graduated and licensed attorneys conducted research in the changing law practice
environment. Survey respondents included 190 newly licensed attorneys from both large and small law firms in a variety of practice areas (Lastres, 2013). These survey results indicate digital research is the norm, and although effective legal research skills are critical, law firms are not providing formal legal research skill training (Lastres, 2013). The survey finds new associates spend more than 50% of their time researching using fee-based legal research services (Lastres, 2013). Despite the availability of fee-based legal research services, the survey indicates that 45% of the new associates begin researching case law using a free web service before turning to a fee-based service (Lastres, 2013). Not surprisingly, new attorneys want more legal research training. About half of those surveyed felt that legal research should be a larger part of the law school curriculum, with more emphasis on statutory research, administrative law and public records searching (Lastres, 2013).

Two recent surveys approached the legal research how-to-teach and what-to-teach questions from a different perspective. Gallacher (2008) surveyed the information literacy of incoming law students. Wu and Lee (2012) surveyed enrolled law students to determine their research and critical evaluation skills. Gallacher’s survey of 740 students from seven different law schools found they overestimated their writing and research skills and lacked training in information literacy.

Gallacher’s (2008) survey listed six competencies included in a legal education: oral communication, written communication, knowledge of substantive law, knowledge of procedural law, legal analysis, and legal research. For each of these competencies, students were asked to identify the most important, the easiest to learn in law school, and the most difficult to learn in law school (Gallacher, 2008, p. 161). The incoming students’
responses to the legal research category indicated that 6.9% of the 740 students thought legal research was the most important skill and 21.2% ranked it as the easiest skill to learn in law school. Only 10.9% saw it as the most difficult skill to learn in law school. In analyzing the survey results, Gallacher concluded “the data suggests that incoming law students overestimate their research skills” (p. 189). This survey focused on incoming law students. The value of the survey would have been improved if the same students were surveyed a second time at the end of their 1st year of law school, and even a third time just before graduation. These additional surveys could be used to determine if the students’ views of not only their own research skills but also the importance of legal research had changed.

Wu and Lee (2012) pointed out that the “fundamental analysis of research behavior and the quality of research skills remains somewhat uncharted territory” (p. 205). In their survey, Wu and Lee gathered empirical data focusing on the research skills and preferences of current law students. Thirty-eight ABA-accredited law schools allowed their students to be surveyed providing a total of 3,599 student responses (Wu & Lee, 2012, p. 205). The survey presented four broad categories of questions: “How do students use information resources? What resources do students use for research? What is the frequency of this use? [and] Why do students select the research tools that they use?” (Wu & Lee, 2012, p. 208). This survey was also the first survey to link data from the ABA Legal Technology Survey to student use of research tools (Wu & Lu, 2012). Wu and Lee used specific resources identified in the 2011 ABA online survey and incorporated this information into their survey. The Wu and Lee survey provided valuable information about legal research resources and research practices of current law
students. The information gathered in these questions is helpful in addressing print versus online instruction. However, this survey did not indicate how the aforementioned students learned about the resources they used or how they acquired the skills to use these resources effectively (Wu & Lee, 2012).

The Wu and Lee survey makes a useful contribution to the what resources should be included in legal research instruction discussion by basing their survey questions on the specific resources identified as used by practicing attorneys in the 2011 ABA Legal Technology Survey (Wu & Lee, 2012). This approach attempts to link information provided by practicing attorneys to the research habits of current law students (Wu & Lee, 2012). The missing link in this equation is identifying what legal research instruction ABA-accredited law schools provide, and how this instruction matches the legal research resources used by practicing attorneys.

Summary

This chapter identified and discussed legal education, emphasizing the impact of the ABA Standards generally on legal education, and specifically on the law school curriculum and instruction in legal research. The impact of the ABA’s expanded legal writing requirement which resulted in integrated research and writing courses was detailed. The lack of consensus in what to teach or how to teach legal research included a review of surveys addressing these questions. The ALWD surveys and their focus on legal research were also included in the survey section. This review noted the limited research conducted in relation to legal education and indicated both the anecdotal nature and the absence of empirical research relating to legal education research (Cane & Kritzer, 2010).
Chapter 3

Methodology

The annual ABA Legal Technology Survey is administered nationally to all practicing attorneys (Poje & ABA Legal Technology Resource Center, 2013). The 2013 survey was used as the benchmark to identify legal research resources used in the practice of law. Using this benchmark data, the law library directors of the 202 ABA-accredited law schools were surveyed to determine the legal research resources included in each school’s legal research instruction. To further identify the legal research resources included in law school instructional programs, legal research syllabi and legal research and writing syllabi were collected from the ABA-accredited law schools. The 2013 ALWD survey of ABA law school legal research and writing faculty was also reviewed. The information collected from these three sources was compared with the legal research resources used by practicing attorneys identified in the 2013 ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013).

Legal education should focus on preparing graduates to practice law. Instruction in legal research is necessary to graduate practice ready attorneys. The comparison of data from the 2013 ABA Legal Technology Survey with data from the law school legal research survey, the 2013 ALWD survey, and collected law school syllabi provides guidance in legal education curricular decisions.
Research Methods

The law school legal research survey used in this dissertation was created using practicing attorney responses from the 2013 ABA Legal Technology Survey. This law school legal research survey was sent to each law library director at the 202 ABA-accredited law schools asking each to identify the specific legal research resources taught in his or her law school program. Data indicating legal research resources taught in law schools were also collected from an analysis of collected syllabi and the 2013 ALWD survey. The legal research resources identified were considered dichotomous Yes/No variables with multiple options. Frequencies and percentages among the options identified in each of these three data sets were computed to determine which options had the highest and lowest usage as being taught in law schools. Frequency and percentage data from these sources were then compared with each other and individually and collectively with data from the 2013 ABA Legal Technology Survey.

Syllabi

Law school syllabi which referenced legal research instruction were collected from ABA-accredited law schools. An attempt was made to obtain one legal research or legal research and writing syllabus from each of the 202 ABA-accredited law schools. Only one syllabus from a school was used in this study. Syllabi used in this research included 52 from legal research courses and 143 from legal research and writing courses for a total of 195 (97%) of the syllabi collected from the 202 ABA-accredited law schools. These syllabi were obtained by contacting legal research and legal research and writing faculty directly, from ABA-accredited law school websites, and from syllabi repositories maintained by the American Association of Law Libraries. Collected syllabi
were from 2012, 2013, and 2014 semesters and differed in structure, organization, and the information provided regarding legal research resources introduced as part of the various courses. The 52 legal research syllabi provided the most detail regarding the resources taught while the 143 legal research and writing syllabi were more general. Legal research resource categories used for analysis were determined using the practicing attorney responses in the 2013 ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013). ABA legal research resource categories which included a list of 17 legal research resources and seven free and 13 fee-based online resources were identified as used by practicing attorneys in the 2013 ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013). The collected syllabi were reviewed, and research resources listed in each syllabi were assigned to appropriate categories.

**Law School Survey Instrument**

The law school legal research survey developed for this dissertation conformed to the statistical standards developed and promulgated by the National Center for Education Statistics (2003). Survey goals were identified by the National Center for Education Statistics as an essential element in developing valid and reliable surveys. The goal of the law school survey was to directly ask if those resources used by practicing attorneys were being taught in the ABA-accredited law schools. The law school legal research survey was developed to mirror the information in the 2013 ABA Legal Technology Survey. For example, the 2013 ABA Legal Technology Survey listed specific free resources used by attorneys in the practice of law, and this same list was used in the law school legal
research survey asking respondents to indicate which items were taught as part of their law school’s program of legal research instruction.

The importance of reviewing related studies and surveys was considered in developing the law school legal research survey (National Center for Education Statistics, 2003) and the AALL Briefs in Law Librarianship survey series was reviewed. Recent surveys reviewed in the AALL series included Survey on the Value of User Surveys (Linitz, Elwood, & Azadbakht, 2011) and Survey of Alumni Services Offered by Academic Law Libraries (Clarke, 2010). AALL Briefs in Law Librarianship Survey guidelines were considered in creating the law school legal research survey. The law school legal research survey structure was developed in consultation with the editor of the AALL Briefs in Law Librarianships series, Associate Dean Roberta Studwell. Six law library directors at geographically diverse public, private, and for-profit ABA-accredited law schools pre-tested this survey. Constructed using Survey Monkey and approved by the Institutional Review Board, this survey was distributed online through a URL link.

Format for Survey Results

Data were entered into SPSS version 20.0 for Windows. Descriptive statistics were used to identify the research variables identified in the analysis. Frequencies and percentages were calculated for nominal data. Chi-square tests were used to examine the relationships between research variables. Chi-square calculations determined if there were significant differences between observed frequencies of data, in effect measuring associations between non-numeric variables (Beck & Manuel, 2008). Chi-square was the appropriate test, and was conducted to assess the relationship between the nominal variables relevant to this study (Pallant, 2010).
Descriptive statistics derived from the online and print legal research resources (research resources) and the free and fee database and web browser access tools (free and fee access tools) identified in the 2013 ABA Legal Technology Survey as used by practicing attorneys were the basis for Research Question 1. Frequencies and percentages were computed relative to these identified resources. These research resources and the free and fee access tools were considered dichotomous Yes/No variables. The individual research resources and free and fee access tools were identified. Frequencies and percentages were determined to assess which research resources had the highest and lowest usage among the practicing attorneys.

Research Question 2 sought to identify those research resources listed as being taught in the current ALWD survey that corresponded to the research resources listed in the 2013 ABA Legal Technology Survey. However, the ALWD survey did not include any of the research resources listed in the 2013 ABA Legal Technology Survey. Therefore, frequencies and percentages were not computed on ALWD research resources.

The 2013 ALWD survey did list the free and fee access tools that were being taught. The free and fee access tools that were identified as taught in the 2013 ALWD survey were considered as dichotomous Yes/No variables. Frequencies and percentages were determined to assess which free and fee access tools had the highest and lowest frequency of instruction among those identified in the 2013 ALWD survey.

To examine Research Question 3, a set of chi-square tests were used to identify the relationship between the free and fee access tools being used by practicing attorneys compared with the free and fee access tools identified in the 2013 ALWD survey. In this case, the nominal variables were the attorney free and fee access tools and the ALWD
survey free and fee access tools. Each access tool was considered a dichotomous Yes/No variable based on use of that resource and coded as practicing attorney or ALWD survey. The chi-square test determined whether there was a statistically significant difference between the free and fee access tools used by practicing attorneys and ALWD survey respondents.

Descriptive statistics derived from the research resources and the free and fee access tools that were identified in the syllabi collected from the ABA-accredited law schools were used to address Research Question 4. Frequencies and percentages were computed on the research resources and free and fee access tools. The syllabi research resources were considered dichotomous Yes/No variables. Frequencies and percentages were determined to assess which individually identified research resource and free and fee access tool had the highest and lowest usage among those identified in current syllabi from the ABA-accredited law schools.

To assess Research Question 5, a set of chi-square tests to identify the relationship between the research resources being used by practicing attorneys and the research resources and free and fee access tools identified in law school syllabi were conducted. In this case, the nominal variables were each research resource and free and fee access tool used by these two groups. Each research resource and online research access tool was considered a dichotomous Yes/No variable based on use of that resource. The variable categories were coded as practicing attorney or law school syllabi. The chi-square test assessed whether there was a statistically significant difference between the research resource and online research tool used by practicing attorneys and the legal research resource and online research tool identified in law school syllabi.
Descriptive statistics from the law school legal research survey were used to address Research Question 6. This survey identified research resources and free and fee access tools taught as part of the education programs at ABA-accredited law schools. Frequencies and percentages were computed on these resources. The research resources and free and fee access tools were considered as dichotomous Yes/No variables. Frequencies and percentages were determined to assess which individual research resource and free and fee access tool had the highest and lowest usage among those identified in the law school legal research survey.

To address Research Question 7, a set of chi-square tests were conducted to examine the relationship between research resources and free and fee access tools being used by practicing attorneys compared with the research resources and free and fee access tools identified by the law school legal research survey. In this case, the nominal variables were each research resource and free and fee access tool. Each research resource and free and fee access tool was considered a dichotomous Yes/No variable based on use of that resource identified by practicing attorneys and the law school legal research survey. The chi-square test assessed whether there were differences between the research resources and free and fee access tools used by the practicing attorneys and those identified as taught in the law school legal research survey.

To assess Research Question 8, a set of chi-square tests were used to examine the relationship between the research resources being used by practicing attorneys, compared to ALWD survey responses, analysis of law school syllabi, and the law school legal research survey respondents. In this case, the nominal variables were each research resource and free and fee access tool identified by these sources. Each research resource
and free and fee access tool was considered a dichotomous Yes/No variable based on whether the legal research resource or free and fee access tool was identified as used by practicing attorneys, ALWD survey participants, law school syllabi, or law school legal research survey respondents. The chi-square test assessed whether there were differences between the research resources and free and fee access tools as used by practicing attorneys, and identified as taught by ALWD survey respondents, syllabi and law school legal research survey respondents.

Summary

This study focused on comparing the legal research resources used by practicing attorneys with the legal research resources and free and fee database and web browser research access tools included in the instructional programs at ABA-accredited law schools. Information about the legal research resources and free and fee access tools used by practicing attorneys was derived from the 2013 ABA Legal Technology Survey Online Research section (Poje & ABA Legal Technology Survey Report, 2013). The data provided by the 2013 ABA Legal Technology Survey identified specific legal research resources and free and fee research access tools. Three sources, the 2013 ALWD survey, the 2014 law school legal research survey, and collected law school syllabi were used to identify legal research resources and free and fee access tools included in the instruction provided at ABA-accredited law schools. Comparisons to research resources used by practicing attorneys were determined separately for each of the three data sources: the ALWD survey, the syllabi analysis, and the law school legal research survey. The three data sources were also combined and compared with the research resource and free and fee access tool data identified as used by practicing attorneys. This process provided
triangulation of data adding to the validity and reliability of the study. All survey data were collected, evaluated, and analyzed following procedures recommended by the National Center for Education Statistics.

This author is an experienced law library director and a tenured member of the law school faculty. As both law faculty and law library director, this author had and continues to have access to peers and experts in the field of legal education. This author was, and continues to be, in a position of authority and was well situated to conduct the research required for this study.
Chapter 4

Results

Legal research is an essential skill needed to practice law (Kaplan & Darvil, 2011). The ABA standards require “competency” (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015, p. 15) in legal research but do not provide specifics defining what constitutes competency or how such instruction can be accomplished. This study seeks to determine if law schools are introducing students to the legal research resources identified by practicing attorneys as used in the practice of law.

A quantitative methodology was used to conduct this study. The benchmark which serves to identify the research resources used to practice law is the 2013 ABA Legal Technology Survey of practicing attorneys (Poje & ABA Legal Technology Resource Center, 2013). The information from this survey is compared to the research resources taught in the 202 ABA-accredited law schools. What is taught at ABA-accredited law schools is identified using three quantitative sources: the 2013 ALWD survey, a review of ABA-accredited law school legal research and legal research and writing syllabi, and a 2014 law school legal research survey of the 202 ABA-accredited law schools. Chi-square tests were conducted to determine how closely the resources used by attorneys in the practice of law compared to the observed frequencies of law school instruction in these legal research resources. A chi-square test is an appropriate method to determine if there is a significant difference between observed and expected frequencies (Leedy & Ormrod, 2005).
The 2013 ABA Legal Technology Survey used in this study was conducted from January through May 2013 and focused on the use of technology by practicing attorneys. The 12,500 attorneys surveyed were determined through a random drawing of ABA attorney members in private practice. The data in the Online Research section of the 2013 ABA Legal Technology Survey were based on 906 (7%) completed surveys (Poje & ABA Legal Technology Resource Center, 2013). This ABA survey consisted of 218 questions divided into six sections (Poje & ABA Legal Technology Resource Center, 2013). The Online Research section of the ABA survey provided the data relevant to this study. This Online Research section is divided into Legal Research Formats, and Online Free and Fee-Based Legal Research Resources. The Legal Research Formats section identified 17 specific resource topics such as federal case law and indicated how often they were used by practicing attorneys. These resource topics and the number and percentage of practicing attorneys using them are presented in Table 2.

The 2013 ABA Online Research Survey identified specific numbers and percentages of practicing attorneys who use free and fee-based database and web browser research access tools. The frequencies and percentages of attorney use of free research access tools are detailed in the 2013 ABA Online Research Survey is presented in Table 3.

Research Question 1

Research Question 1 asked what are the online and print resources used by practicing attorneys?

This question was examined by assessing the frequencies and percentages of practicing attorneys’ use of resource topics identified in the 2013 ABA Legal Technology
Survey Report (Poje & ABA Legal Technology Resource Center, 2013). This information is presented in Table 2.

Table 2

*Practicing Attorney Use of Resources by Topic: Frequencies/Percentages*

<table>
<thead>
<tr>
<th>Resource by topic</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal news sources</td>
<td>813</td>
<td>97%</td>
</tr>
<tr>
<td>Public records</td>
<td>792</td>
<td>95%</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>799</td>
<td>95%</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>799</td>
<td>95%</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>785</td>
<td>94%</td>
</tr>
<tr>
<td>State administrative—your state</td>
<td>768</td>
<td>92%</td>
</tr>
<tr>
<td>Federal case law</td>
<td>764</td>
<td>91%</td>
</tr>
<tr>
<td>Federal legislation—history*</td>
<td>762</td>
<td>91%</td>
</tr>
<tr>
<td>Legal periodicals</td>
<td>745</td>
<td>89%</td>
</tr>
<tr>
<td>State case law—other states</td>
<td>747</td>
<td>89%</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>746</td>
<td>89%</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>691</td>
<td>83%</td>
</tr>
<tr>
<td>Legal forms</td>
<td>654</td>
<td>78%</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>653</td>
<td>78%</td>
</tr>
<tr>
<td>Information about judges</td>
<td>575</td>
<td>69%</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>524</td>
<td>63%</td>
</tr>
<tr>
<td>Jury verdict information</td>
<td>420</td>
<td>51%</td>
</tr>
</tbody>
</table>

*Note. Data in this table were taken from the 2013 ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013, pp. V-25–V-30).*

*Indicates legislative history.

Table 2 indicates that among the 17 resource topics examined, eight of them were used by 90% or more practicing attorneys (legal news sources, secondary sources/treatises, federal case law, federal legislation, public records, state
administration—current, state case law—current, and state legislation—current). Legal news sources were used the most often among practicing attorneys \((n = 813, 97\%)\). Jury verdict information was the least used resource among practicing attorneys \((n = 420, 51\%)\).

In addition to identifying specific legal research resource topics used, it is also necessary to consider the method used to access these resources. The ABA’s initial resource survey question asked the attorney’s choice of access method and listed free and fee-based online access tools (Poje & ABA Legal Technology Resource Center, 2013, pp. V-25–V-29). Subsequent ABA Survey questions identified attorney use of specific free online access tools which are detailed in Table 3 (Poje & ABA Legal Technology Resource Center, 2013, p. V-38).

Table 3

<table>
<thead>
<tr>
<th>Practicing Attorney Use of Free Online Access Tools: Frequencies/Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free online access tools</td>
</tr>
<tr>
<td>Google search</td>
</tr>
<tr>
<td>State Bar Association offering*</td>
</tr>
<tr>
<td>Government website</td>
</tr>
<tr>
<td>FindLaw</td>
</tr>
<tr>
<td>Cornell’s Legal Information Institute</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

*Note. Data in this table were taken from the 2013 ABA Legal Technology Survey (Poje & ABA Legal Technology Resource Center, 2013, p. V-38).

*Refers to database access, usually to either Fastcase or Casemaker, provided at no cost to state bar association members.

The ABA Survey indicated that 93.6% of responding attorneys use free online access tools, with Google search the most frequently used at 35.6% and Cornell’s Legal
Information Institute the least often used at 9.4%. Table 3 presents the frequencies and percentages for attorney use of free online access tools.

Attorney use of fee-based online access tools is provided in Table 4 (Poje & ABA Legal Technology Resource Center, 2013, p. V-45).

Table 4

**Practicing Attorney Use of Fee-Based Online Access Tools: Frequencies/Percentages**

<table>
<thead>
<tr>
<th>Fee-based online access tools</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>WestlawNext</td>
<td>190</td>
<td>28%</td>
</tr>
<tr>
<td>Westlaw*</td>
<td>174</td>
<td>25%</td>
</tr>
<tr>
<td>Lexis</td>
<td>163</td>
<td>24%</td>
</tr>
<tr>
<td>Lexis Advanced</td>
<td>35</td>
<td>5%</td>
</tr>
<tr>
<td>Other</td>
<td>25</td>
<td>4%</td>
</tr>
<tr>
<td>RIA Checkpoint</td>
<td>19</td>
<td>3%</td>
</tr>
<tr>
<td>Fastcase</td>
<td>19</td>
<td>3%</td>
</tr>
<tr>
<td>BNA</td>
<td>14</td>
<td>2%</td>
</tr>
<tr>
<td>Loislaw</td>
<td>12</td>
<td>2%</td>
</tr>
<tr>
<td>PLC</td>
<td>8</td>
<td>1%</td>
</tr>
<tr>
<td>CCH</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Casemaker</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Bloomberg Law</td>
<td>5</td>
<td>1%</td>
</tr>
</tbody>
</table>

Note. Beginning in 2014, support for Westlaw, also called Westlaw Classic, was shifted to Westlaw Next.

Identifying the use of Fee-based online access tools is significant in determining if law schools not only teach resources used by practicing attorneys but also teach the resource access tools and strategies used by attorneys in the practice of law. The ABA Survey indicated that \( n = 803 \) 85.6% of responding attorneys conducted legal research
using fee-based online resources (Poje & ABA Legal Technology Resource Center, 2013, p. V-39). Table 4 presents the frequencies and percentages of attorney use of fee-based online access tools. The fee-based online access tools included WestlawNext, Westlaw, Lexis, LexisAdvance, RIA Checkpoint, Fastcase, BNA, Loislaw, PLC, CCH, Casemaker, Bloomberg Law, and Other. The most common fee-based online access tool was WestlawNext followed by Westlaw and Lexis (Poje & ABA Legal Technology Resource Center, 2013, p. V-45).

Research Question 2

Research Question 2 asked what are the online and print research resources identified in the 2013 ALWD survey as taught in ABA-accredited law schools? The ALWD survey emphasizes legal writing programs, and the information provided regarding legal research instruction is limited. The ALWD 2013 survey does not specifically identify any of the 17 resources that were detailed in the 2013 ABA Online Research Survey as used by practicing attorneys. However, the 2013 ALWD survey does include a computer-assisted legal research instruction question which lists eight specific online fee-based research databases and asks which are included in the school's legal writing curriculum. The frequencies and percentages indicating fee-based legal research databases identified in the 2013 ALWD survey as included in law school legal research instruction were determined and are detailed in Table 5. The most common fee-based online access tools identified as being taught in the ALWD survey are specifically Westlaw Next (167; 88%), Lexis Advance (162; 85%), and Westlaw Classic (152, 80%). The most infrequently taught resources were Casemaker (25; 13%) and Fastcase (28; 15%).
Table 5

*ALWD Survey Fee-Based Online Access Tools: Frequencies/Percentages*

<table>
<thead>
<tr>
<th>Resource</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westlaw Next</td>
<td>167</td>
<td>88%</td>
</tr>
<tr>
<td>Lexis Advance</td>
<td>162</td>
<td>85%</td>
</tr>
<tr>
<td>Westlaw Classic</td>
<td>152</td>
<td>80%</td>
</tr>
<tr>
<td>Lexis</td>
<td>146</td>
<td>77%</td>
</tr>
<tr>
<td>Other</td>
<td>23</td>
<td>77%</td>
</tr>
<tr>
<td>Bloomberg Law (BNA)</td>
<td>116</td>
<td>61%</td>
</tr>
<tr>
<td>Hein Online</td>
<td>89</td>
<td>47%</td>
</tr>
<tr>
<td>Fastcase</td>
<td>28</td>
<td>15%</td>
</tr>
<tr>
<td>Casemaker</td>
<td>25</td>
<td>13%</td>
</tr>
</tbody>
</table>

Research Question 3

Research Question 3 asks if there is a relationship, and, if so, what is the extent of the relationship, between online and print resources used by practicing attorneys and online and print research resources identified as taught in the 2013 ALWD Survey?

To examine Research Question 3, only one chi-square test of independence could be conducted because the ALWD Survey listed none of the 17 specific resources identified in the ABA Legal Technology Survey. The chi-square test which was conducted compares the percentage of those who taught any free or fee-based online access tool identified in the ALWD survey with the free or fee-based online access tools used to access legal research resources identified in the 2013 ABA Legal Technology Survey as used by practicing attorneys. This chi-square test is presented in Table 6.
Table 6

**ALWD Chi-Square Relationship Fee and Free Online Access Tools/Practicing Attorney Use**

<table>
<thead>
<tr>
<th>Resource</th>
<th>$\chi^2$ value</th>
<th>df</th>
<th>$p$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online fee-based resources</td>
<td>8.63</td>
<td>1</td>
<td>.003</td>
</tr>
<tr>
<td>Online free resources</td>
<td>5.18</td>
<td>1</td>
<td>.023</td>
</tr>
</tbody>
</table>

Results of the chi-square test, $\chi^2(1) = 8.63, p = .003$, indicate that practicing attorneys are using significantly more fee-based access tools than ALWD responses identify as being taught. Similar results are found when examining ALWD free online access tool instruction, $\chi^2(1) = 5.18, p = .023$. These results indicate a greater use of free online access tools by practicing attorneys than are identified in ALWD survey responses.

**Research Question 4**

Research Question 4 asks what are the online and print resources identified in the law school syllabi as being taught in the ABA-accredited law schools?

To examine Research Question 4, legal research resources identified in 195 legal research and legal research and writing syllabi collected from ABA-accredited law schools were reviewed. Table 7 details the frequencies and percentages for resources identified in the syllabi as included in course instruction.
Table 7

_Syllabi Research Resources and Free and Fee-Based Access Tools: Frequencies/Percentages_

<table>
<thead>
<tr>
<th>Resource</th>
<th>$n$</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any free online resource</td>
<td>97</td>
<td>50%</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>50</td>
<td>26%</td>
</tr>
<tr>
<td>Federal legislation—history*</td>
<td>47</td>
<td>24%</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>42</td>
<td>22%</td>
</tr>
<tr>
<td>Any fee-based online resources</td>
<td>37</td>
<td>19%</td>
</tr>
<tr>
<td>Federal CASE LAW</td>
<td>34</td>
<td>17%</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>28</td>
<td>14%</td>
</tr>
<tr>
<td>State administrative—your state</td>
<td>19</td>
<td>10%</td>
</tr>
<tr>
<td>Legal forms</td>
<td>18</td>
<td>9%</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>15</td>
<td>8%</td>
</tr>
<tr>
<td>Legal periodicals</td>
<td>12</td>
<td>6%</td>
</tr>
<tr>
<td>Legal news sources</td>
<td>8</td>
<td>4%</td>
</tr>
<tr>
<td>Jury verdict information</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Public records</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Information about judges</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State case law—other states</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

*Indicates legislative history.
Research Question 5

Research Question 5 asks if there is a relationship, and, if so, what is the extent of the relationship between online and print resources identified in law school syllabi and online and print resources used by practicing attorneys?

To examine Research Question 5, chi-square tests of independence were conducted to assess if there is a relationship between resources used by practicing attorneys and those identified in syllabi as being taught in law school courses. The resources used by practicing attorneys were examined, and the five attorney resources that were not identified in any of the syllabi were not included in the chi-square test. Results for chi-square tests of independence between the resources used by practicing attorneys and those indicated in the syllabi as being taught are presented in Table 8.

Results of the chi-square tests for the resources were significant ($p < .001$). Practicing attorneys use the 12 legal research resources listed in Table 8 significantly more than the amount of instruction identified as being taught in the syllabi. Additionally, practicing attorneys use significantly more free and fee-based online resources compared to the percentage of instruction identified in the syllabi ($p < .001$ for both).
### Table 8

**Syllabi Chi-Square Relationship for Research Resources and Free and Fee-Based Online Access Tools to Attorney Use in Practice**

<table>
<thead>
<tr>
<th>Resource</th>
<th>df</th>
<th>$\chi^2$</th>
<th>$p$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal news sources</td>
<td>1</td>
<td>837.27</td>
<td>.001</td>
</tr>
<tr>
<td>Public records</td>
<td>1</td>
<td>755.97</td>
<td>.001</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>1</td>
<td>716.77</td>
<td>.001</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>1</td>
<td>646.33</td>
<td>.001</td>
</tr>
<tr>
<td>State administrative—your state</td>
<td>1</td>
<td>595.77</td>
<td>.001</td>
</tr>
<tr>
<td>Legal periodicals</td>
<td>1</td>
<td>559.97</td>
<td>.001</td>
</tr>
<tr>
<td>Federal case law</td>
<td>1</td>
<td>486.91</td>
<td>.001</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>1</td>
<td>481.48</td>
<td>.001</td>
</tr>
<tr>
<td>Federal legislation—history(^a)</td>
<td>1</td>
<td>425.42</td>
<td>.001</td>
</tr>
<tr>
<td>Fee-based online resource</td>
<td>1</td>
<td>349.20</td>
<td>.001</td>
</tr>
<tr>
<td>Legal forms</td>
<td>1</td>
<td>330.58</td>
<td>.001</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>1</td>
<td>228.43</td>
<td>.001</td>
</tr>
<tr>
<td>Free online resource</td>
<td>1</td>
<td>222.44</td>
<td>.001</td>
</tr>
<tr>
<td>Jury verdict information</td>
<td>1</td>
<td>149.83</td>
<td>.001</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Information about judges</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State case law—other states</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

\(^a\)Indicates legislative history.
Research Question 6

Research Question 6 asked what are the online and print legal research resources taught as part of the instructional program at ABA-accredited law schools as identified in the 2014 law school legal research survey?

To examine Research Question 6, resource frequencies were tabulated and percentages calculated from the responses to the 2014 law school legal research survey. Responses indicate online and print instruction in resources were combined. If a respondent indicates a resource is taught online or in print it is considered as one resource. Table 9 presents the frequencies and percentages for the instruction in legal research resources identified in the law school legal research survey.

The Law School Research Survey indicates that at least 90% of those responding to the survey provided instruction in secondary sources/treatises \( (n = 124; \text{95\%}) \), federal case law \( (n = 117; \text{90\%}) \), federal legislation \( (n = 121; \text{93\%}) \), state case law (current; \( n = 119; \text{92\%} \)), and state legislation \( (n = 119; \text{92\%}) \). The least taught resource was experts \( (n = 20; \text{15\%}) \). Almost half of the survey participants taught at least one fee-based online access tool \( (n = 63; \text{49\%}) \) and a majority of the survey respondents taught at least one free online access tool \( (n = 118; \text{91\%}) \).
Table 9

*Law School Legal Research Survey: Frequencies/Percentages*

<table>
<thead>
<tr>
<th>Resource</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal periodicals</td>
<td>111</td>
<td>85%</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>124</td>
<td>95%</td>
</tr>
<tr>
<td>Federal legislation—history\textsuperscript{a}</td>
<td>121</td>
<td>93%</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>119</td>
<td>92%</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>119</td>
<td>92%</td>
</tr>
<tr>
<td>Federal case law</td>
<td>117</td>
<td>90%</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>106</td>
<td>82%</td>
</tr>
<tr>
<td>State administrative—your state</td>
<td>91</td>
<td>70%</td>
</tr>
<tr>
<td>Legal forms</td>
<td>89</td>
<td>69%</td>
</tr>
<tr>
<td>State case law—other states</td>
<td>89</td>
<td>69%</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>84</td>
<td>65%</td>
</tr>
<tr>
<td>Any fee-based online resource</td>
<td>63</td>
<td>49%</td>
</tr>
<tr>
<td>Legal news sources</td>
<td>49</td>
<td>38%</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>48</td>
<td>37%</td>
</tr>
<tr>
<td>Jury verdict information</td>
<td>40</td>
<td>31%</td>
</tr>
<tr>
<td>Information about judges</td>
<td>31</td>
<td>24%</td>
</tr>
<tr>
<td>Public records</td>
<td>22</td>
<td>17%</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>20</td>
<td>15%</td>
</tr>
<tr>
<td>Any free online resource</td>
<td>118</td>
<td>91%</td>
</tr>
</tbody>
</table>

\textsuperscript{a}Indicates legislative history.

**Research Question 7**

Research Question 7 asks if there is a relationship, and, if so, what is the extent of the relationship between online and print legal research resources used by practicing
attorneys and online and print legal research resources taught as part of the instructional program at law schools?

To examine Research Question 7, 17 chi-square tests were conducted to determine if there is a relationship between legal research resources used by practicing attorneys, and those identified by the law school legal research survey as taught as part of the law school instructional program. The results of the chi-square tests are presented in Table 10.

The results show that 10 of the 17 resources, specifically, legal forms, $\chi^2(1) = 5.92, p = .015$; legal news sources, $\chi^2(1) = 5.92, p = .015$; experts, $\chi^2(1) = 102.97, p < .001$; information about judges, $\chi^2(1) = 97.57, p < .001$; jury verdict information, $\chi^2(1) = 17.61, p < .001$; public records, $\chi^2(1) = 510.07, p < .001$; state administration—your state, $\chi^2(1) = 56.53, p < .001$; state administration—other states, $\chi^2(1) = 137.04, p < .001$; state case law—other states, $\chi^2(1) = 41.51, p < .001$; and state legislation—other states, $\chi^2(1) = 56.37, p < .001$ are significant. This indicates that practicing attorneys use those resources significantly more than the instruction identified as part of the law school instructional program. No significant differences in use by practicing attorneys and law school instruction were found for the other seven legal research resources, specifically, legal periodicals, secondary sources/treatises, federal case law, federal legislation, federal administrative law, state case law, and state legislation. This suggests that the legal research instruction provided in these areas is sufficient to support their use in the practice of law. In addition to assessing specific legal research resources, free and fee-based access tools were considered. Although practicing attorneys’ use of fee-based online access tools exceeded the amount of law school instruction these access tools
resource access ($\chi^2[1] = 97.64, p < .001$), there was no significant difference in the amount of instruction in free online access tools ($\chi^2[1] = 0.74, p = .391$).

Table 10

Law School Legal Research Survey Chi-Square Relationship Research Resources and Free and Fee Based Online Access Tools/Practicing Attorney Use

<table>
<thead>
<tr>
<th>Resource</th>
<th>$df$</th>
<th>$\chi^2$</th>
<th>$p$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public records</td>
<td>1</td>
<td>510.07</td>
<td>.001</td>
</tr>
<tr>
<td>Legal news sources</td>
<td>1</td>
<td>406.18</td>
<td>.001</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>1</td>
<td>137.04</td>
<td>.001</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>1</td>
<td>102.97</td>
<td>.001</td>
</tr>
<tr>
<td>Any fee-based online resource</td>
<td>1</td>
<td>97.64</td>
<td>.001</td>
</tr>
<tr>
<td>Information about judges</td>
<td>1</td>
<td>97.57</td>
<td>.001</td>
</tr>
<tr>
<td>State Administrative—your state</td>
<td>1</td>
<td>56.53</td>
<td>.001</td>
</tr>
<tr>
<td>State case law—other states</td>
<td>1</td>
<td>56.37</td>
<td>.001</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>1</td>
<td>41.51</td>
<td>.001</td>
</tr>
<tr>
<td>Jury verdict information</td>
<td>1</td>
<td>17.61</td>
<td>.001</td>
</tr>
<tr>
<td>Legal forms</td>
<td>1</td>
<td>5.92</td>
<td>.015</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>1</td>
<td>3.08</td>
<td>.079</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>1</td>
<td>2.62</td>
<td>.105</td>
</tr>
<tr>
<td>Legal periodicals</td>
<td>1</td>
<td>1.65</td>
<td>.199</td>
</tr>
<tr>
<td>Any free online resource</td>
<td>1</td>
<td>0.74</td>
<td>.391</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>1</td>
<td>0.71</td>
<td>.401</td>
</tr>
<tr>
<td>Federal legislation—history</td>
<td>1</td>
<td>0.43</td>
<td>.513</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>1</td>
<td>0.39</td>
<td>.534</td>
</tr>
<tr>
<td>Federal case law</td>
<td>1</td>
<td>0.15</td>
<td>.695</td>
</tr>
</tbody>
</table>
Research Question 8

Research Question 8 asks to what extent is there a relationship between online and print resources used by practicing attorneys and those identified in the ALWD survey, law school syllabi, and the law school research survey of online and print research resources taught at law schools.

To examine Research Question 8, 17 chi-square tests of independence were conducted between online and print resources used by practicing attorneys and those identified as included in law school instruction in the ALWD survey, the analysis of law school syllabi, and the law school legal research survey. However, the resources identified in the ALWD survey did not match those used by practicing attorneys, and thus were removed from the grouping. Further, those resources not identified in the syllabi (experts, information about judges, state administration, case law, and legislation—other states) were omitted from chi-square tests. Therefore, a total of 12 chi-square tests were conducted.

Of the 12 chi-square tests conducted, all were significant ($p < .001$). When comparing use by practicing attorneys and legal research instruction, similar percentages (within 10% of each other) were found for legal periodicals, legal forms, secondary sources/treatises, federal case law, federal legislation, federal administration, state case law—other states, and state legislation—other states. However, for these items, significantly fewer syllabi identified instruction in the use of the resources. Practicing attorneys were found to use legal news sources, jury verdict information, and state administration although these resources were not identified as part of law school instruction in syllabi or the law school legal research survey. Table 11 provides the
frequencies, percentages, and chi-square results for instruction in the 17 resources used by practicing attorneys, and identified in syllabi, and the law school research survey of online and print research resources taught at law schools.

Table 11

*Practicing Attorney/Syllabi/Research Survey: Chi-Square Tests of Relationships*

<table>
<thead>
<tr>
<th>Resource</th>
<th>Practicing</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Syllabi</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Research</th>
<th></th>
<th></th>
<th>χ²</th>
<th>df</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal news sources</td>
<td>813</td>
<td>97</td>
<td>8</td>
<td>4</td>
<td>49</td>
<td>38</td>
<td>831.60</td>
<td>3</td>
<td>.001</td>
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<td></td>
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<td>.001</td>
</tr>
<tr>
<td>Public records</td>
<td>792</td>
<td>95</td>
<td>6</td>
<td>3</td>
<td>22</td>
<td>17</td>
<td>840.99</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>State case law—your state</td>
<td>799</td>
<td>95</td>
<td>15</td>
<td>8</td>
<td>119</td>
<td>92</td>
<td>766.88</td>
<td>3</td>
<td>.001</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>State legislation—your state</td>
<td>799</td>
<td>95</td>
<td>28</td>
<td>14</td>
<td>119</td>
<td>92</td>
<td>690.04</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>Secondary sources/treatises</td>
<td>785</td>
<td>94</td>
<td>50</td>
<td>26</td>
<td>124</td>
<td>95</td>
<td>532.37</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>State administrative—your state</td>
<td>768</td>
<td>92</td>
<td>19</td>
<td>10</td>
<td>91</td>
<td>70</td>
<td>586.09</td>
<td>3</td>
<td>.001</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>Federal case law</td>
<td>764</td>
<td>91</td>
<td>34</td>
<td>17</td>
<td>117</td>
<td>90</td>
<td>521.34</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>Federal legislative - History</td>
<td>762</td>
<td>91</td>
<td>47</td>
<td>24</td>
<td>121</td>
<td>93</td>
<td>466.24</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
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<td>Legal Periodicals</td>
<td>745</td>
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<td>12</td>
<td>6</td>
<td>111</td>
<td>85</td>
<td>587.77</td>
<td>3</td>
<td>.001</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
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<td>.001</td>
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<tr>
<td>State case law—other states</td>
<td>747</td>
<td>89</td>
<td>-</td>
<td>-</td>
<td>89</td>
<td>69</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>State legislation—other states</td>
<td>746</td>
<td>89</td>
<td>-</td>
<td>-</td>
<td>84</td>
<td>65</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>State administrative—other states</td>
<td>691</td>
<td>83</td>
<td>-</td>
<td>-</td>
<td>48</td>
<td>37</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Legal Forms</td>
<td>654</td>
<td>78</td>
<td>18</td>
<td>9</td>
<td>89</td>
<td>69</td>
<td>332.83</td>
<td>3</td>
<td>.001</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>Federal administrative</td>
<td>653</td>
<td>78</td>
<td>42</td>
<td>22</td>
<td>106</td>
<td>82</td>
<td>245.04</td>
<td>3</td>
<td>.001</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.001</td>
</tr>
<tr>
<td>Information about judges</td>
<td>575</td>
<td>69</td>
<td>-</td>
<td>-</td>
<td>31</td>
<td>24</td>
<td>-</td>
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<td></td>
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<td></td>
<td>-</td>
</tr>
<tr>
<td>Experts (finding/using)</td>
<td>524</td>
<td>63</td>
<td>-</td>
<td>-</td>
<td>20</td>
<td>15</td>
<td>-</td>
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<tr>
<td>Jury verdict information</td>
<td>420</td>
<td>51</td>
<td>5</td>
<td>3</td>
<td>40</td>
<td>31</td>
<td>156.65</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td>.001</td>
</tr>
</tbody>
</table>
Table 12 describes the chi-square tests comparing attorney use with instruction in fee and free online research tools between the four groups. The chi-square tests indicate significances ($p < .001$). Examining the percentage of use shows that practicing attorneys use fee-based online research tools significantly more than the instruction identified by ALWD survey participants, school syllabi, and the law school legal research survey. However, when considering the use of free online research tools, only the syllabi showed significantly less instruction at 50%. All other groups showed percentages of instruction ranging from 91% to 97%. This suggests that instruction in free online legal research access tools identified as provided by ALWD survey respondents, and respondents to the law school legal research survey, equals the free online access tool use identified by practicing attorneys.

Table 12

_PraCtiCing AttorneY/aLwD/Syllabi/research surVey: ChI-Square testS oF roRelaTionshIps_

<table>
<thead>
<tr>
<th>Online resource</th>
<th>Practicing</th>
<th></th>
<th>ALWD</th>
<th></th>
<th>Syllabi</th>
<th></th>
<th>Research</th>
<th></th>
<th>df</th>
<th>$\chi^2$</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee-based</td>
<td>687 86</td>
<td>146 79</td>
<td>37 19</td>
<td>63 49</td>
<td>3</td>
<td>372.55</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Free</td>
<td>745 93</td>
<td>167 89</td>
<td>97 49</td>
<td>118 91</td>
<td>3</td>
<td>241.25</td>
<td>.001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Summary of Results**

This study uses the responses of practicing attorneys to the ABA Legal Technology Survey to identify specific legal resources used to practice law. The study also considers attorney preference for free or fee-based legal research online access tools. Specific information as to what was being taught in law schools was collected using the
2013 ALWD survey, an analysis of legal research and legal research and writing syllabi from ABA-accredited law schools, and information obtained through a 2014 law school legal research survey submitted to law library directors at 202 ABA-accredited law schools. Based on these data, multiple chi-square tests were conducted to determine if law schools are providing instruction in resources used by practicing attorneys. The results, detailed in Tables 2 through 12, indicate variations in the legal research resources used by attorneys in the practice of law and what is identified as part of law school legal research instruction. Attorney preferences in using free or fee-based legal research online access tools were also identified. Significant differences are identified between instruction in free and fee-based online access tools and the free and fee-based online access strategies used by practicing attorneys.
Chapter 5

Conclusions, Implications, Recommendations, and Summary

Legal education has been criticized for the failure of law schools to prepare students to practice law (Harber, 2012; Mangan, 2012). Inadequate instruction in legal research, a skill needed to practice law, has been identified as a deficiency in legal education (Armond & Nevers, 2011; Hackerson, 2010). This study addresses this deficiency by identifying the legal research skills needed to practice law and attempting to determine if these skills are being taught in law schools. The benchmark for legal research resources used to practice law was taken from the 2013 ABA Legal Technology Survey. This annual survey is administered to a random sample of attorney members of the ABA in private practice (Poje & ABA Legal Technology Resource Center, 2013). The 2013 ABA Legal Technology Survey identified specific legal research resources as well as specific free and fee-based online access tools used by attorneys in the practice of law. This information served as the benchmark for legal research resources and free and fee-based online access tools used in the practice of law. The legal research resources and the free and fee-based access tools taught as part of legal education programs at the 202 ABA-accredited law schools were identified using three sources: the results of the 2013 ALWD Survey of legal research and writing instructors; a review of legal research and legal research and writing syllabi; and a 2014 law school legal research survey sent to the law library directors at each of the 202 ABA-accredited law schools.
Conclusions

The 2013 ABA Legal Technology Survey identified 17 specific legal research resources used in the practice of law as well as 6 free and 13 fee-based online access tools. Frequencies and percentages for each of these ABA data sets were determined. Frequencies and percentages were also determined for the three law school instruction data sets. Using chi-square tests, these law school instructional data sets were compared to the ABA data sets identifying the resources and access tools used by attorneys in the practice of law. The results of these analyses show little consistency in the specific legal research resources included in legal research instruction among the three sources used to identify what was taught. In addition, the specific resources and the frequencies identified by these three sources showed inconsistencies when compared with the legal research resources identified as used in the practice of law.

Research Question 1

Research Question 1 asked what online and print resources are used by practicing attorneys. The 2013 ABA Legal Technology Survey identifies 17 legal research resources as well as free and fee-based online access tools used by practicing attorneys. The frequencies and percentages for attorney use of these resources were computed. Eight specific resources—legal news sources, public records, state case law—your state, state legislation—your state, secondary sources/treatises, state administration—your state, federal case law, and federal legislation were identified as used by 90% or more of the practicing attorneys. The other nine resources showed less use, with experts, information about judges, and jury verdict information used by less than 70% of practicing attorneys. Other categories of legal research resources including state legislation—other states, state
administrative—other states, legal periodicals, and legal forms were used by between 78% to 89% of attorneys in the practice of law. In addition to legal research resources, frequencies and percentages were computed to determine attorney use of free and fee-based online resources. These frequencies and percentages established in Research Question 1 formed the basis for comparison with what was being taught in law schools as identified in three different data sets, the 2013 ALWD Survey, an analysis of law school syllabi, and a law school legal research survey.

Research Question 2

Research Question 2 identified the legal research resources listed in the 2013 ALWD Survey as being taught in law schools. However, ALWD Survey Question 18, which asked what assignments are covered in a required legal research and writing program, listed only 10 items including only two substantive legal research areas: legislative history and administrative law (ALWD Legal Writing Institute, 2013, p. 11). This limited listing did not provide sufficient detail to allow comparison with the practicing attorney legal research resources identified in Research Question 1. The ALWD Survey did include a list of eight fee-based online research access tools, indicating Westlaw Next (167; 88%) as the most frequently taught followed by Lexis Advance (162; 85%) and Westlaw Classic (152; 80%). The most infrequently taught resources were Casemaker (25; 13%) and Fastcase (28; 15%) (ALWD Legal Writing Institute, 2013, p. 99). Interestingly, Casemaker and Fastcase are less expensive general databases that are frequently provided at low or no cost to state bar members.

Research Question 3 used chi-square analyses to compare the frequencies and percentages of resources used by attorneys identified in Research Question 1 with the
2013 ALWD survey data identified in Research Question 2. Due to limitations in the 2013 ALWD Survey data, only instruction in the fee-based online access tools was compared to attorney use of these fee-based research tools. The chi-square analysis for this comparison indicated that practicing attorneys used significantly more free and fee-based research access tools than ALWD responses indicated were being taught.

*Research Question 4*

Research Question 4 examined data provided in legal research syllabi identifying instruction in legal research resources, and free and fee-based online access tools. Syllabi data frequencies and percentages were computed indicating that not all resources used by practicing attorneys were identified in the legal research syllabi as being taught in law schools. The legal research resources most frequently used in practice and identified as taught in the syllabi were secondary sources/treatises \( n = 50; \ 26\% \) followed by federal legislation \( n = 47; \ 24\% \) and federal administrative law \( n = 42; \ 22\% \). Students were not given instruction in other legal research resources identified as used in the practice of law but not included in the examined syllabi. These resources include experts, information about judges, state administrative – other states, state case law – other states, and state legislation—other states. Half of the syllabi indicated instruction in at least one free online access tool also used by attorneys, but only 37 (19\%) of the syllabi indicated instruction in fee-based online access resources.

*Research Question 5*

Research Question 5 compared the syllabi data identified in Research Question 4 with attorney use of legal research resources and free and fee-based online access tools identified in Research Question 1. Attorney data from Research Question 1 identified 17
legal research resources. The syllabi analysis did not include 5 of these legal research resources, experts, information about judges, state administrative—other states, state case law—other states, and state legislation—other states. Chi-square tests of independence were conducted to assess the data relationships for the 12 legal research resources that were identified in the syllabi analysis and used by practicing attorneys. These chi-square tests, presented in Table 8, indicated that practicing attorneys used these 12 legal research resources significantly more ($p < .001$) than the amount of instruction indicated in the analysis of syllabi as provided as part of law school instruction. In addition, practicing attorneys used both free and fee-based online access tools significantly more ($p < .001$) than the instruction indicated as provided in the analysis of syllabi.

*Research Question 6*

Research Question 6 required the tabulation of the frequencies and percentages of legal research resources and free and fee-based online access tools identified in the law school legal research survey as taught in ABA-accredited law schools. The results for this tabulation are presented in Table 9. The law school legal research survey indicates that at least 90% of those responding to the survey provided instruction in secondary sources/treatises ($n=124; 95\%$), federal case law ($n=117; 90\%$), federal legislation ($n=121; 93\%$), state case law—your state ($n=119; 92\%$), and state legislation—your state ($n=119; 92\%$). The least taught resource was experts ($n=20; 15\%$). Almost half of the survey respondents taught at least one fee-based online resource ($n=63; 49\%$) and a majority of respondents taught at least one free online resource ($n=118; 91\%$).
Research Question 7

Research Question 7 compared practicing attorney data with data collected using the law school legal research survey. This research question was examined using 17 chi-square tests of independence. The results, presented in Table 10, showed that 10 of the 17 resources used by practicing attorneys received significantly less instruction in law schools when compared to the use of these resources by practicing attorneys. The remaining seven resources showed no significant differences in their use by attorneys and the instruction provided in law schools. When correlating free and fee-based online access tools, the tabulations indicated that law schools provided less instruction in the use of fee-based tools compared with the use of these fee-based tools by practicing attorneys $X^2(1) = 97.64, p < .001$. There was no significant difference in the amount of free online resource instruction, and use of free online resources by practicing attorneys $x^2(1) = 0.74, p = .391$.

Research Question 8

Research Question 8 sought to determine the relationship between legal research resources and free and fee-based online access tools used by attorneys and the resources identified as taught in the 2013 ALWD Survey, the analysis of syllabi, and the law school legal research survey. Those legal research resources not included in the 2013 ALWD Survey and the syllabi analysis were not included in this analysis. Chi-square tests of the remaining legal research resources indicated that instruction identified by the law school legal research survey most closely matched legal research resources used by practicing attorneys. Instruction in resources identified in the 2013 ALWD Survey and the review of syllabi falls below usage of these resources identified by practicing attorneys. The law
school legal research survey and the review of syllabi did not indicate instruction in legal news sources, jury verdict information, and state administrative law equal to the amount of use of these resources identified by practicing attorneys. The chi-square tests of relationship between free and fee-based online resources indicates that attorneys are using more fee-based resources compared to what is being taught as identified in the 2013 ALWD Survey, the review of syllabi and the law school legal research survey. Instruction in free resources as identified in the 2013 ALWD Survey, the review of syllabi and the law school legal research survey equals use of free online access tools identified by practicing attorneys.

Implications

This study focuses on determining whether law schools are instructing students in the legal research resources used by attorneys in the practice of law. The study’s results indicate that law schools are not providing instruction in these resources. This study uses data from three sources: the 2013 ALWD Survey; the review of syllabi; and the 2014 law school legal research survey. Triangulation of this data adds depth to this study, increasing the validity of the study’s results.

Study results demonstrate deficiencies in legal research resource instruction as part of legal research and writing programs. The 2013 ALWD Survey of legal research and writing faculty provides a list of 10 research assignment areas taught as part of required legal research and writing programs (ALWD Legal Writing Institute, 2013, p. 11). Legislative history and administrative law research were the only two of the 17 legal research resource areas identified by practicing attorneys included in the 2013 ALWD Survey list (ALWD Legal Writing Institute, 2013, p. 11). Significant legal research
resources used by practicing attorneys were not identified in the 2013 ALWD Survey as offered in law school instruction. Based on the 2013 ALWD Survey, law students in research and writing classes are not receiving instruction in resources needed to practice law.

The review of legal research and legal research and writing syllabi supports this lack of instruction in resources needed to practice law. The legal research and writing syllabi are generally developed by the same individuals who respond to the ALWD survey. The syllabi reviewed for this research were less detailed in identifying instruction in legal research resources, emphasizing instead legal writing assignments. ALWD Survey results and legal research and writing and legal research syllabi were assessed to determine the frequencies and percentages of research instruction provided in free and fee-based legal research resources. Tables 5 and 7 present the results of these analyses. Using chi-square tests of independence, these analyses allow a comparison of the online and print resources identified in the ALWD Survey and the review of syllabi with the online and print resources used by attorneys in the practice of law. The results presented in Tables 6 and 8 indicate that less instruction is provided in 12 legal research and writing resources that are frequently used by practicing attorneys, and no instruction is provided in 5 other tools that are being used by attorneys in the practice of law. The results also demonstrate that attorneys use of free and fee-based online research tools exceeds the amount of instruction the ALWD Survey respondents and the review of syllabi indicate is provided for these tools.

The 2014 law school legal research survey eliminated the difficulties encountered in matching ALWD Survey responses and syllabi descriptions to attorney legal research
resources by including the 17 specific attorney resources in the law school legal research survey. This coordination with the ABA Legal Technology survey allowed a more systematic comparison of resources taught with resources used in practice and increased the accuracy of the comparisons. Even with this coordination of research resources, the chi-square tests used to assess the relationship between legal research resources identified in the law school legal research survey and legal research resources used by practicing attorneys indicate that not all resources used in practice are included in the instruction provided to law students, nor do all resources identified receive a level of instruction equal to the use made of those resources by practicing attorneys. Results indicate that of the 17 resources identified as used in the practice of law, only 7 receive law school instruction equal to the amount of use of these legal research resources by practicing attorneys. Specifically, law school instruction in secondary sources/treatises \( (n = 124; 95\%) \), federal case law \( (n = 117; 90\%) \), federal legislation \( (n = 121; 93\%) \), state case law—your state \( (n = 119; 92\%) \), and state legislation—\( n = 119; 92\% \) equal the use of these resources by attorneys in the practice of law. However, the chi-square analyses, presented in Table 10, indicate the level of attorney use of the 10 other research resources exceeds the amount of instruction provided in these resources. The 10 research resources receiving less instruction compared to use by attorneys in practice are legal forms, \( \chi^2(1) = 5.92, p = .015 \); legal news sources, \( \chi^2(1) = 5.92, p = .015 \); experts, \( \chi^2(1) = 102.97, p < .001 \); information about judges, \( \chi^2(1) = 97.57, p < .001 \); jury verdict information, \( \chi^2(1) = 17.61, p < .001 \); public records, \( \chi^2(1) = 510.07, p < .001 \); as well as state administrative law for your state, \( x^2(1) = 56.53, p < .001 \); and other states, \( x^2(1) = 137.04, p < .001 \); instruction in state case law—other states \( x^2(1) = 41.51, p < .001 \); and state legislation for
other states $x^2(1) = 56.37, p < .001$. The results of the law school legal research survey indicate significant gaps in law school instruction in state administrative law for both the attorney's home state and other states and for state case law research for states other than the attorney's home state. In addition, law school instruction is not focused on several tools used in law practice, specifically legal forms, legal news sources, experts, information about judges, jury verdict information, and finding and using public records. Based on the use of these resources by practicing attorneys, instruction in these areas would result in law students' gaining more practice-ready skills.

One interesting result of this study is recognition that law school instruction includes more instruction in free online research access tools compared to fee-based tools. This conforms to the responses from practicing attorneys who use more free research tools compared to fee-based resources. This may indicate that law school instruction in free online research tools has increased because more free tools are now available. It may be that law schools are relying more on vendor instruction in fee-based tools, while focusing more faculty resources on instruction in free tools. The ABA Legal Technology Survey is published annually, and it will be interesting to note if in the future there is a percentage of change in practicing attorneys' use of free and fee online research access tools.

The ABA has completed an exhaustive review of each of its standards that are used to judge and accredit law schools (ABA Section of Legal Education and Admissions to the Bar, 2014, 2015). This review has resulted in standards requiring schools to establish learning outcomes, to provide six hours of experiential learning, and to use "both formative and summative assessment methods in its curriculum to measure and
improve student learning and provide meaningful feedback to students” (ABA Section of Legal Education and Admissions to the Bar, 2014/2015, p. 23). The new ABA Standards continue to require competency in legal research, are significantly different in specifying types of assessment and setting a credit hour requirement for experiential learning. This research study offers suggestions and direction that may assist law schools in successfully meeting these new standards. In this study, resources used by practicing attorneys are linked to information about what is taught in law schools. This study provides the information needed to introduce resources used in practice into the law school curriculum. It also offers the information needed to assess student learning and compare that learning with use of legal research resources and research access tools in the practice of law.

While focusing on the identification and assessment of legal research instruction in law schools, this study also offers a broader assessment perspective applicable to other educational institutions and programs. The U.S. Secretary of Education is required to identify and list nationally recognized post-secondary accrediting agencies in the United States (Office of Postsecondary Education, Department of Education, 2015). Accrediting organizations, including the ABA, are required to assess an institution’s program of education (Jones, 2013). Accreditation “requires an institutional commitment to student learning and achievement,” and an institution must demonstrate that it is accomplishing its educational mission (Southern Association of Colleges and Schools, 2011, p. 3). This study offers an assessment strategy that is responsive to the requirements of regional accreditation organizations such as the Southern Association of Colleges and Schools (SACS) as well as programmatic accrediting organizations such as the ABA. Accrediting
organizations ask institutions to identify their educational mission and “prove they are meeting their program objectives and attaining sufficient educational quality” (Jones, 2013-2014, p.91). Law schools attempt to educate students who will practice law. Identifying the skills needed to practice law, and comparing these skills to what is being taught provides a strategy for assessing an institution’s program of education.

This study focuses on the ABA accreditation standard which establishes a programmatic requirement for instruction in legal research. Using data triangulation, this study determines what legal research instruction is provided in law schools and compares this instruction to the legal research tools used to practice law. Simply stated, this assessment strategy identifies what is being taught, determines the needs of the profession or practice area and compares the two. If these two elements match, this indicates a successful educational program. If the two elements do not match, direction is provided for improving the program of education. This strategy can serve as a model for both institutional and programmatic accreditation assessments.

**Recommendations**

Further research linking resources used in the practice of law to resources taught in law schools is necessary. The ABA Legal Technology Survey is conducted annually and offers more information and data about the research focus of practicing attorneys than is used in this study. It is suggested that individual law schools compare their own instructional programs to the annual ABA Legal Technology Survey results.

It is suggested that the ABA Legal Technology Survey results be compared with law school legal research instructional programs in order to meet the revised ABA Standards assessment requirements.
It is suggested that research be conducted focusing on solo and small law firm practitioners. While the annual ABA Legal Technology Survey categorizes responses by number of lawyers at all locations including solo, 2-9, 10-49, 50-99, 100-409, and 500 or more, a total response category is included (Poje & ABA Legal Technology Resource Center, 2013). The total response category was used for this study. In addition to a research focus on solo and small law firm practitioners, research based on the ABA number of lawyers designation, and linked to law school job placement information, could direct a more focused, institutionally specific approach to legal research instruction.

It is suggested that the AALL legal research competency standards be compared to the resources used by attorneys in the practice of law to determine if the AALL competencies adequately reflect the tools needed in law practice.

**Summary**

This study was the first to compare the legal research resources taught in law schools to the resources identified in the ABA Legal Technology Survey as used in the practice of law. It is also the first to triangulate data in identifying the legal research resources taught in law schools. Using the 2013 ABA Legal Technology Survey, this study identified the specific legal research resources and research access tools used by attorneys as well as the extent these resources were used in the practice of law. This information was compared to what is taught, and how much instruction is provided by ABA-accredited law schools. The three separate and different tools used to triangulate the data include the 2013 ALWD annual survey of law school legal research and writing instruction, an analysis of legal research and legal research and writing syllabi collected
from ABA-accredited law schools, and a legal research instruction survey sent to each of the 202 ABA-accredited law schools. This study compared each tool individually with the 2013 ABA Legal Technology Survey results, and then compared all three tools to the 2013 ABA Legal Technology Survey results. This study is not based just on an analysis of one data set, but instead strengthens the study’s results through triangulation of three different data sets which are then compared together with a fourth data set, the ABA Legal Technology Survey Table 11. The triangulation of data through the use of multiple data sets increases validly, and strengthens the results of this study.

Law schools are criticized for failing to graduate students with the skills needed to practice law (Bronner, 2013; Harper, 2012). This study identifies a lack of instruction in the resources identified as used by practicing attorneys. In view of the significant revisions to the ABA Standards which emphasize experiential learning, specifically focusing on providing students with the experience needed to practice law, the results of this study indicate a need for more instruction in the legal research resources identified as used in law practice. The results of this study can be used to assist law schools in identifying legal research resources that should be included in law school instruction. The study indicates gaps in instruction in state administrative law, instruction in research strategies for states other than the home state, and in specific practice tools such as public records, expert witnesses, jury verdict information, and information about judges. The results of this study suggest ways to improve and expand traditional legal research instruction programs. The results of this study can also be used to assist in meeting the revised ABA Standards for experiential learning leading to practice ready law school graduates.
Appendix

Law Library Directors Survey

This survey was sent, using the academic law library directors’ listserv, to each of the 202 law library directors at ABA-accredited law schools. This author, as one of these 202 law school library director, may use this listserv to distribute the survey link.
Introduction

This survey seeks to determine the formal and informal legal research instruction provided in law schools and by all types of law libraries using questions drawn from the ABA Legal Technology Survey Report which identifies research resources used by practicing attorneys. It is hoped that information gathered from this survey will assist legal educators and law librarians in providing instruction in those resources identified by attorneys as used to practice law.
1. Please indicate the type of library in which you work:

- [ ] Academic private for profit
- [ ] Academic private not-for-profit
- [ ] Academic public
- [ ] Law Firm Library
- [ ] Court Law Library
- [ ] State Law Library
- [ ] Corporate Law Library

Other (please specify)
### Academic Libraries

2. Please indicate the state in which your library is located:

   State: ___

3. Which of the following describes your academic library? (This question assists in compiling demographics.)

   - [ ] ABA Accredited
   - [ ] ABA Provisionally Accredited
   - [ ] Seeking ABA provisional accreditation
   - [ ] Not ABA accredited
   - Other (please specify)

4. Please indicate the size of your student body in FTEs

   - [ ] <50
   - [ ] 50-100
   - [ ] 101-250
   - [ ] 251-500
   - [ ] 501-750
   - [ ] 751-1000
   - [ ] 1001-1500
   - [ ] >1500

5. Please indicate the size of your faculty in FTEs:

   - [ ] less than 25
   - [ ] 25-50
   - [ ] 51-75
   - [ ] 76-100
   - [ ] >100
6. How many faculty, who do not also work as librarians, primarily teach legal research, legal research and writing or other legal research courses?

- 1-5
- 6-10
- 11-15
- >15
- None

7. How many librarians, or librarians also designated as faculty, teach or assist in teaching legal research either face to face or online in classes assigned to non-library faculty?

- 1-5
- 6-10
- 11-15
- >16
- None

8. If librarians, or librarians designated as faculty, teach or assist in teaching legal research, describe what they do (check all that apply) (R&W is used to designate a Legal Research & Writing course that includes instruction in both legal research and writing and is taught by someone other than a librarian or librarian designated as faculty)

- provide all legal research instruction separate from R&W courses
- teach the research portion of R&W courses
- offer research workshops as part of the R&W courses
- offer research workshops independently from R&W courses
- prepare online research tutorials as part of the R&W courses
- prepare online research tutorials separate from the R&W courses
- offer research workshops for courses other than R&W
- offer research tutorials for courses other than R&W
- offer online research tutorials for courses other than R&W

Other (please specify): [ ]
9. If librarians, or librarians designated as faculty, teach basic (introductory or 1L) legal research courses, check all that apply to these courses

☐ part of R&W - separately graded course
☐ part of R&W - not graded separately course
☐ one credit separately graded course
☐ one credit separate pass/fail course
☐ two credit separately graded course
☐ two credit separate pass/fail course
☐ three credit separately graded course
☐ three credit separate pass/fail course
☐ online synchronous course
☐ online asynchronous course

Other (please specify)

10. If librarians, or librarians designated as faculty, teach advanced (any course beyond basic entry-level or 1L) legal research courses, check all that apply to these courses

☐ one credit graded course
☐ one credit pass/fail course
☐ two credit graded course
☐ two credit pass/fail course
☐ three credit graded course
☐ three credit pass/fail course
☐ topic-specific legal research course
☐ general legal research course
☐ online synchronous course
☐ online asynchronous course

Other (please specify)
11. Indicate which of the following resources are taught in a PRINT FORMAT as part of formal (listed in the curriculum) graded or ungraded introductory or 1L legal research courses (check all that apply)

☐ law reviews/legal periodicals
☐ legal forms (finding and/or using)
☐ legal news sources
☐ treatises/secondary sources
☐ experts (finding and/or using)
☐ federal case law
☐ federal legislation (statutory history/public laws)
☐ federal administrative/regulatory/executive law
☐ information about judges
☐ jury verdict/settlement information
☐ public records
☐ state administrative/regulatory/executive law for your state
☐ state administrative/regulatory/executive law for other states
☐ state case law for your state
☐ state case law for other states
☐ state legislation/statutes for your state
☐ state legislation/statutes for other states

Other (please specify) ____________________________

12. Approximately how much formal (listed in the curriculum) legal research instruction time is provided in any semester to teach the use of PRINT resources for introductory or 1L students?

☐ 10% or less  ☐ About 25%  ☐ About 50%  ☐ About 75%  ☐ About 100%  ☐ not taught

Other (please specify) ____________________________
13. Indicate which of the following resources are taught in a PRINT FORMAT as part of formal (listed in the curriculum) graded or ungraded advanced (any course beyond basic entry-level or 1L) legal research courses (check all that apply)

☐ law reviews/legal periodicals
☐ legal forms (finding and/or using)
☐ legal news sources
☐ treatises/secondary sources
☐ experts (finding and/or using)
☐ federal case law
☐ federal legislation (statutory history/public laws)
☐ federal administrative/regulatory/executive law
☐ information about judges
☐ jury verdict/settlement information
☐ public records
☐ state administrative/regulatory/executive law for your state
☐ state administrative/regulatory/executive law for other states
☐ state case law for your state
☐ state case law for other states
☐ state legislation/statutes for your state
☐ state legislation/statutes for other states

Other (please specify)

14. Approximately how much formal (listed in the curriculum) legal research instruction time is provided in any semester to teach the use of PRINT resources to advanced students (beyond entry-level or 1L)?

☐ 10% or less  ☐ About 25%  ☐ About 50%  ☐ About 75%  ☐ About 100%  ☐ not taught

Other (please specify)
15. Indicate which of the following resources are taught in an ONLINE format rather than a print format as part of formal (listed in the curriculum) legal research instruction for entry-level and 1L students (check all that apply)

- law reviews/legal periodicals
- legal forms (finding and/or using)
- legal news sources
- treatises/secondary sources
- experts (finding and/or using)
- federal case law
- federal legislation (statutory history/public laws)
- federal administrative/regulatory/executive law
- information about judges
- jury verdict/settlement information
- public records
- state administrative/regulatory/executive law for your state
- state administrative/regulatory/executive law for other states
- state case law for your state
- state case law for other states
- state legislation/statutes for your state
- state legislation/statutes for other states
- Cornell's Legal Information Institute
- federal government websites
- state government websites
- Westlaw & Westlaw Next
- Lexis Advance
- BNA Bloomberg Law
- Google search
- Google Scholar
- Findlaw
- Versatlaw
- Casemaker
- Footnotes
- LEXIS
- RIA Checkpoint
16. Approximately how much formal (listed in the curriculum) legal research instruction time is provided in any semester to teach FREE ONLINE research resources (databases or services that are free for public use outside the law school environment) for entry-level and 1L students?

☐ 10% or less  ☐ About 25%  ☐ About 50%  ☐ About 75%  ☐ About 100%  ☐ not taught

Other (please specify)

17. Approximately how much formal (listed in the curriculum) legal research instruction time is provided any semester to teach FEE/PAY ONLINE resources (databases or services that charge for use outside the law school environment) for entry level or 1L students?

☐ 10% or less  ☐ About 25%  ☐ About 50%  ☐ About 75%  ☐ About 100%  ☐ not taught

Other (please specify)
18. Indicate which of the following resources are taught in an ONLINE format rather than a print format as part of formal (listed in the curriculum) legal research instruction for advanced students (beyond 1L and entry-level) (check all that apply)

- law reviews/legal periodicals
- legal forms (finding and/or using)
- legal news sources
- treatises/secondary sources
- experts (finding and/or using)
- federal case law
- federal legislation (statutory history/public laws)
- federal administrative/regulatory/executive law
- information about judges
- jury verdict/settlement information
- public records
- state administrative/regulatory/executive law for your state
- state administrative/regulatory/executive law for other states
- state case law for your state
- state case law for other states
- state legislation/statutes for your state
- state legislation/statutes for other states
- Cornell's Legal Information Institute
- federal government websites
- state government websites
- Westlaw & Westlaw Next
- Lexis Advance
- BNA Bloomberg Law
- Google search
- Google Scholar
- Findlaw
- Versutlaw
- Casesmaker
- Fastcase
- Loislaw
- RIA Checkpoint
19. Approximately how much formal (listed in the curriculum) legal research instruction time is provided in any semester to teach FREE ONLINE research resources (databases or services that are free for public use outside the law school environment) for advanced students (beyond 1L and entry-level)?

- 10% or less
- About 25%
- About 50%
- About 75%
- About 100%
- Not taught

Other (please specify)

20. Approximately how much formal (listed in the curriculum) legal research instruction time is provided any semester to teach FEE/PAY ONLINE resources (databases or services that charge for use outside the law school environment) for advanced students (beyond 1L and entry-level)?

- 10% or less
- About 25%
- About 50%
- About 75%
- About 100%
- Not taught

Other (please specify)

21. If informal (unscheduled, occasional) legal research instruction is conducted at the point of need, for example reference desk, office, library area, who provides that instruction? (select all that apply)

- Librarians
- R&W faculty
- Other faculty
- Vendors
- Not provided

Other (please specify)
22. Indicate which of the following resources are taught in a PRINT format rather than an online format as part of informal (unscheduled, occasional) legal research instruction for any students (select all that apply)

- law reviews/legal periodicals
- legal forms (finding and/or using)
- legal news sources
- treatises/secondary sources
- experts (finding and/or using)
- federal case law
- federal legislation (statutory history/public laws)
- federal administrative/regulatory/executive law
- information about judges
- jury verdicts/settlement information
- public records
- state administrative/regulatory/executive law for your state
- state administrative/regulatory/executive law for other states
- state case law for your state
- state case law for other states
- state legislation/statutes for your state
- state legislation/statutes for other states

Other (please specify)

23. Approximately how much informal (unscheduled, occasional) legal research instruction time is spent by librarians, or librarians designated as faculty, teaching the use of PRINT resources in any given semester?

- 10% or less
- About 25%
- About 50%
- About 75%
- About 100%
- not taught

Other (please specify)
24. Indicate which of the following resources are taught in an ONLINE format rather than a print format as part of informal (unscheduled, occasional) legal research instruction (select all that apply)

- [ ] law reviews/legal periodicals
- [ ] legal forms (finding and/or using)
- [ ] legal news sources
- [ ] treatises/secondary sources
- [ ] experts (finding and/or using)
- [ ] federal case law
- [ ] federal legislation (statutory history/public laws)
- [ ] federal administrative/regulatory/executive law
- [ ] information about judges
- [ ] jury verdict/settlement information
- [ ] public records
- [ ] state administrative/regulatory/executive law for your state
- [ ] state administrative/regulatory/executive law for other states
- [ ] state case law for your state
- [ ] state case law for other states
- [ ] state legislation/statutes for your state
- [ ] state legislation/statutes for other states
- [ ] Cornell's Legal Information Institute
- [ ] federal government websites
- [ ] state government websites
- [ ] Westlaw & Westlaw Next
- [ ] Lexis Advance
- [ ] BNA Bloomberg Law
- [ ] Google search
- [ ] Google Scholar
- [ ] Findlaw
- [ ] Versuslaw
- [ ] Casemaker
- [ ] Fiusoa.com
- [ ] Loislaw
- [ ] RIA Checkpoint
- [ ]
25. Approximately how much time of informal (unscheduled, occasional) legal research instruction in any semester is used by librarians, or librarians designated as faculty, to teach FREE ONLINE legal research resources (databases or services that are free for public use outside the law school environment) to any student?

- 10% or less
- About 25%
- About 50%
- About 75%
- About 100%
- not taught

Other (please specify)

26. Approximately how much time of informal (unscheduled, occasional) legal research instruction in any semester is used by librarians or librarians designated as faculty to teach FEE/PAY ONLINE legal research resources (databases or services that will charge for use outside the law school environment) to any student?

- 10% or less
- About 25%
- About 50%
- About 75%
- About 100%
- not taught

Other (please specify)

27. If you prepare online tutorials, what technology do you use? (select all that apply)

- Camtasia
- Captivate
- YouTube
- We don’t prepare tutorials
- Other (please specify)
### Non-Academic Libraries

28. Please indicate the state in which your library is located:

State: ____________

29. Indicate the approximately size of your primary user population (i.e. those entitled to check out materials).

- [ ] < 50
- [ ] 100-199
- [ ] 200-299
- [ ] 300-399
- [ ] 400-499
- [ ] 500-599
- [ ] 600-999
- [ ] > 999
- [ ] Unknown

30. As a non-academic law library, do you provide formal or informal research instruction for your primary users?

- [ ] Yes
- [ ] No
### Non-Academic Libraries Providing Formal or Informal Legal Research Instruct...

#### 31. If you provide formal (scheduled, advertised and/or promoted in advance of presentation) legal research instruction, who provides that instruction? (Check all that apply)

- [ ] librarians
- [ ] lawyers
- [ ] vendors
- [ ] not provided

Other (please specify)  

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#### 32. Indicate which of the following resources are taught in a PRINT format as part of formal legal research instruction? (Select all that apply)

- [ ] law reviews/legal periodicals
- [ ] legal forms (finding and/or using)
- [ ] legal news sources
- [ ] treatises/secondary sources
- [ ] experts (finding and/or using)
- [ ] federal case law
- [ ] federal legislation (statutory history/public laws)
- [ ] federal administrative/regulatory/executive law
- [ ] information about judges
- [ ] jury verdict/settlement information
- [ ] public records
- [ ] state administrative/regulatory/executive law for your state
- [ ] state administrative/regulatory/executive law for other states
- [ ] state case law for your state
- [ ] state case law for other states
- [ ] state legislation/statutes for your state
- [ ] state legislation/statutes for other states

Other (please specify)  

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33. Approximately what percentage of formal research instruction in any given month is spent teaching the use of PRINT resources?

- 10% or less
- About 25%
- About 50%
- About 75%
- >75%
- Not Taught

Other (please specify)

34. Indicate which of the following resources are taught in an ONLINE format as part of formal (scheduled and announced) legal research instruction? (Select all that apply)

- law reviews/legal periodicals
- legal forms (finding and/or using)
- legal news sources
- treatises/secondary sources
- experts (finding and/or using)
- federal case law
- federal legislation (statutory history/public laws)
- federal administrative/regulatory/executive law
- information about judges
- jury verdict/settlement information
- public records
- state administrative/regulatory/executive law for your state
- state administrative/regulatory/executive law for other states
- state case law for your state
- state case law for other states
- state legislation/statutes for your state
- state legislation/statutes for other states
- Cornell’s Legal Information Institute
- federal government websites
- state government websites
- Westlaw & Westlaw Next
- Lexis Advance
- BNA Bloomberg Law
- Google search
- Google Scholar
- FindLaw
- Versus-Lex
-
35. Approximately what percentage of formal (scheduled and announced) legal research instruction in any given month is spent teaching the use of FREE ONLINE resources?

- [ ] 10% or less
- [ ] about 25%
- [ ] about 50%
- [ ] about 75%
- [ ] >75%
- [ ] not taught

36. Approximately what percentage of formal (scheduled and announced) legal research instruction in any given month is spent teaching the use of FEE/PAY ONLINE (databases or services that charge for use outside the library environment) resources?

- [ ] 10% or less
- [ ] about 25%
- [ ] about 50%
- [ ] about 75%
- [ ] >75%
- [ ] not taught

37. If you conduct informal legal research instruction (unscheduled, occasional, conducted at a point of need) who provides such instruction? (Select all answers that apply)

- [ ] librarians
- [ ] lawyers
- [ ] vendors
- [ ] not provided

Other (please specify)
38. Indicate which of the following resources are taught in a PRINT format as part of informal (unscheduled, occasional, conducted at a point of need) legal research instruction (select all that apply)

- [ ] law reviews/legal periodicals
- [ ] legal forms (finding and/or using)
- [ ] legal news sources
- [ ] treaties/secondary sources
- [ ] experts (finding and/or using)
- [ ] federal case law
- [ ] federal legislation (statutory history/public laws)
- [ ] federal administrative/regulatory/executive law
- [ ] information about judges
- [ ] jury verdict/settlement information
- [ ] public records
- [ ] state administrative/regulatory/executive law for your state
- [ ] state administrative/regulatory/executive law for other states
- [ ] state case law for your state
- [ ] state case law for other states
- [ ] state legislation/statutes for your state
- [ ] state legislation/statutes for other states

Other (please specify)

39. Approximately what percentage of informal research instruction (unscheduled, occasional) in any given month is spent teaching the use of PRINT resources?

- [ ] 10% or less
- [ ] about 25%
- [ ] about 50%
- [ ] about 75%
- [ ] >75%
- [ ] not taught

Other (please specify)
40. Indicate which of the following resources are taught in an ONLINE format as part of informal (unscheduled, occasional, conducted at a point of need) legal research instruction? (Select all that apply)

- Law reviews/legal periodicals
- Legal forms (finding and/or using)
- Legal news sources
- Treatises/secondary sources
- Experts (finding and/or using)
- Federal case law
- Federal legislation (statutory history/public laws)
- Federal administrative/regulatory/executive law
- Information about judges
- Jury verdict/settlement information
- Public records
- State administrative/regulatory/executive law for your state
- State administrative/regulatory/executive law for other states
- State case law for your state
- State case law for other states
- State legislation/statutes for your state
- State legislation/statutes for other states
- Cornell's Legal Information Institute
- Federal government websites
- State government websites
- Westlaw & Westlaw Next
- Lexis Advance
- BNA Bloomberg Law
- Google search
- Google Scholar
- Findlaw
- Versuslaw
- Casemaker
- Fastcase
- Loislaw
- RIA Checkpoint
- Other (please specify)
41. Approximately what percentage of informal (unscheduled, occasional, conducted at a point of need) research instruction in any given month is spent teaching the use of FREE ONLINE resources?

- 10% or less
- About 25%
- About 50%
- About 75%
- > 75%
- Not taught

Other (please specify)

42. Approximately what percentage of informal (unscheduled, occasional, conducted at a point of need) research instruction in any given month is spent teaching the use of FEE/PAY ONLINE resources?

- 10% or less
- About 25%
- About 50%
- About 75%
- > 75%
- Not taught

Other (please specify)

43. If you prepare online tutorials, what technology do you use? (select all that apply)

- Camtasia
- Captivate
- YouTube
- We don't prepare tutorials

Other (please specify)
### Survey Conclusion

44. Thank you for participating in this survey. Please provide any additional comments or information regarding legal research instruction.

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References


