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Escape to Alcatraz: What Self-Guided Museum Tours Can Show Us About Teaching Legal Research

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ESCAPE TO ALCATRAZ: WHAT SELF-GUIDED MUSEUM TOURS CAN SHOW US ABOUT TEACHING LEGAL RESEARCH

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A few years ago on a visit to San Francisco, I took a trip to Alcatraz Island, former home of the toughest federal prison in the nation.[1] After a short boat ride from Fisherman's Wharf to "The Rock," visitors were led to the main cellhouse that used to hold America's most dangerous criminals from 1934 until it closed in 1963.[2] The building itself is a spare structure of concrete, steel and iron bars. However, the Golden Gate Park Association, which produced the tour, used a technique now employed by many museums and tourist attractions to create an engrossing, powerful, and memorable learning experience.[3] Combining rudimentary technology with the magic of good storytelling, the Golden Gate Park

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1. Because of the rough conditions, Alcatraz has sometimes been called "Uncle Sam's Devil's Island." *See Smithsonian Online Magazine at* http://www.smithsonian-mag.si.edu/smithsonian/issues95/sep95/alcatraz2.html (last visited Sept. 29, 1999). It was the place the federal government warehoused the worst and most hardened criminals in the country. Indeed, it was so rough, some prisoners mutilated themselves or committed suicide just to get off the island. *See id.*

2. Alcatraz prison is often referred to as "The Rock" because it sits on an island in the middle of San Francisco Bay. It is accessible only by boat. The isolated location, together with the currents surrounding the island, were thought to make it virtually escape-proof and thus an ideal place to house the most dangerous prisoners in the nation. *See generally* JAMES A. JOHNSON, ALCATRAZ ISLAND PRISON 2 (1949).

3. The National Park Service administers Alcatraz island as a unit of the Golden Gate National Recreation Area. *See Alcatraz Island Web Site at* http://nps.gov/alcatraz/welcome.html (last visited Sept. 29, 1999). The Golden Gate Park Association is a non-profit organization that supports the Golden Gate National Recreation Area by publishing educational materials about Alcatraz and running the museum bookstore, among other things. *See Alcatraz Island Online Bookstore at* http://www.nps.gov/alcatraz/-books/index.html (last visited Sept. 29, 1999). The Alcatraz Cellhouse Audio Tour is produced by the Golden Gate Park Association. *See id.*

Association was able to bring an inert building to life.

Every visitor to Alcatraz received a portable cassette player, head-phones and a tape containing a prerecorded tour of the prison.[4] When the tape started, a narrator's voice directed us from point-to-point throughout the cellhouse.[5] At each stop, we heard former convicts and guards talk-ing about their experiences,[6] while sound effects re-created the emotions and experiences of being incarcerated on The Rock.[7]

For example, we were directed to the cafeteria, "potentially the most dangerous room in the cellhouse."[8] The convicts called it the "gas chamber" because of the tear gas canisters hanging from the ceiling that the guards could release in the event of a disturbance.[9] On the tape, we

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4.   The cassette tape given to visitors was produced by the Golden Gate Park As-sociation. Copies were available for sale at the Alcatraz Island bookstore following the tour.   ALCATRAZ CELLHOUSE TOUR – TOLD BY THE CORRECTIONAL OFFICERS AND INMATES WHO LIVED AND WORKED ON ALCATRAZ DURING ITS YEARS AS A FEDERAL PENITENTIARY (Golden Gate Park Association) [hereinafter "ALCATRAZ TAPED TOUR"]. *See generally Alcatraz Island Online Bookstore at* http://www.nps.gov/alca-traz/books/index.html (last visited Aug. 12, 1999).

5.   The taped tour began as follows: "Thank you for joining us on the tour of the Alcatraz cellhouse.   You should now be standing next to the sign that says 'Alcatraz Cellhouse Tour begins here.'   In front of you is the main aisle through the cell house. The inmates called this 'Broadway.'   You should see a clock mounted on the wall.   Be-neath this clock is the area the inmates referred to as 'Times Square . . . .'   Please begin our tour by walking slowly down Broadway towards Times Square . . . ." ALCATRAZ TAPED TOUR, *supra* note 4.

6.   Near the start of the tour, Philip Bergen, who identifies himself as a former "captain of the guards" on Alcatraz, tells visitors: "If you do what you're told, you'll get a fair break . . . . If you don't behave yourself, we're going to come down on you like a ton of bricks. [The sound of a metal door clanging shut is heard in the background.]" *Id.*

7.   For example, as visitors walk down "Broadway" towards "Times Square," they hear jeers, shouts and cat-calls coming from imaginary prisoners in the cells located on either side of Broadway. This was done to re-create the humiliation a new inmate would endure as he was escorted by the guards to his cell for the first time after arriving on Al-catraz.   *See id.   See also* FRANK HEANEY & GAY MACHADO, INSIDE THE WALLS OF ALCATRAZ 38 (1987).

The technique used by the producers of the Alcatraz Cellhouse Tour is the same one relied on by filmmaker Ken Burns to create such powerful documentaries like the PBS series "The Civil War."   Mr. Burns' success as a storyteller is attributed to a "deft blend of archival photos, evocative sound effects and captivating narrators." *The Business Journal of Charlotte at* http://www.amcity.com:80/charlotte/stories/1999/03/01/editorial-3.html (last visited Sept. 29, 1999).

8.   ALCATRAZ TAPED TOUR, *supra* note 4.

9.   *See id.*

heard inmates griping about the prison food.[10] In the next moment, their complaints turn into a riot; the headphones were filled with the sounds of tables and chairs being knocked over and the angry voices of 200 violent, caged men.[11] The sound of the lever engaging on a Thompson sub-machine gun startled the prisoners and brought the riot to a quick halt.[12]

While the cafeteria may have been the most violent place on Alcatraz, the loneliest was undoubtedly a window facing west, near C Block. A former convict told visitors:

> There was never a day you didn't see what the hell you were losing . . . and what you were missing. It was all there for you to see . . . [the Golden Gate Bridge, the ships passing by. . . . In the distance, the low moan of a foghorn is heard]. There's life. . . there's everything I want in my life and it's there. It's a mile or a mile and a half away, and yet . . . I can't get to it.[13]

The tape even recreated the famous 1962 jail break of Frank Lee Morris immortalized in the film "Escape From Alcatraz" complete with sirens, whistles, and the sound of scurrying guards.[14] The tour was so

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10. An ex-convict tells the story: "When they first started making spaghetti and putting it out on the line, it was pretty good. And it kept going down and down and down. . . . Noodles and plum juice. . . . So somebody said: 'God damn it, the next time they put that spaghetti out on the line, we're going to turn the tables over.' The following week, there was the damn spaghetti!" ALCATRAZ TAPED TOUR, *supra* note 4.

11. *See id.*

12. On the tape, the sound of tables being overturned brings out the guards. *See id.* The narrator says: "The lives of those officers in that dining room were in jeopardy. So old Bergen [a guard] took that Thompson [sub-machine gun] and knocked out three panes of glass. [The sound of breaking glass is heard]. It got everybody's attention. 'I jammed that actuating lever back and she went click. Everybody heard it and knew what it meant. You look at that big muzzle staring down in there and it's just like staring down the mouth of a cannon. . . . I said: 'Lieutenant, blow your whistle . . . just quietly. [There is the sound of a whistle blowing]. The inmates started to get up and walked out of the cafeteria just like lambs.'" *Id.*

13. *Id.* (ex-convict Jim Quillen talking about life on Alcatraz).

14. *See* ALCATRAZ TAPED TOUR, *supra* note 4. *See also* HEANEY & MACHADO, *supra* note 7, at 116; ESCAPE FROM ALCATRAZ (Paramount Pictures 1979) (starring Clint Eastwood as Frank Morris, the only man to ever successfully break out of Alcatraz). *But see* THE ROCK (Hollywood Pictures 1996) (fairly implausible story about an ex-convict, played by Sean Connery, who tries to break *into* Alcatraz in order to thwart some terrorists holding San Francisco hostage under a threat of biological contamination).

engaging, exciting, and effective that you felt yourself transported back to the time when the now empty building was still a maximum-security prison.

Not long after my trip, I found myself leaving the practice of law after nearly ten years to teach research and writing at a law school. Without a doubt, helping law students develop the skills they will need as lawyers has been the most rewarding experience of my legal career. It has also been one of the greatest challenges.[15]

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15. Many obstacles face those who teach legal research and writing in law school. Law school administrators do not support it, students do not like it and, pedagogically speaking, it is a complex subject to teach. For these reasons, some have suggested that it "may be the most demanding teaching job in law school." Jan M. Levine, *Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing*, 26 FLA. ST. U. L. REV. 1067, 1072 (1999). *See also* Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. L. REV. 117, 152 (1997) (teaching legal research and writing may very well be more demanding than the job of teaching other courses). "Legal writing requires steady work over the semester by both the teachers and students — 'close correction and one-to-one, oral teacher-student involvement . . . an extremely difficult type of teaching.'" Allen Boyer, *Legal Writing Programs Reviewed: Merits, Flaws, Costs and Essentials*, 62 CHI.-KENT L. REV. 23, 23 (1985) (quoting Jack Achtenberg, *Legal Writing and Research: The Neglected Orphan of the First Year*, 29 U. MIAMI L. REV. 218, 223 (1975)).

The pedagogical challenges alone are daunting. While the teaching responsibility of doctrinal faculty is primarily limited to the Socratic examination of cases during class, legal research and writing faculty not only teach substantive case analysis in connection with their writing assignments, but also must teach many other skills such as clear written and oral expression, organization of complex ideas, proper citation form and legal research. *See* ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, SOURCEBOOK ON LEGAL WRITING 5-8 (1997) [hereinafter "ABA LEGAL WRITING SOURCEBOOK"]. *See also* Michael J. Lynch, *An Impossible Task but Everybody Has to do It — Teaching Legal Research in Law Schools*, 89 L. LIBR. J. 415, 427 (1997). Because of the breadth of teaching responsibilities involved, the Communication Skills Committee of the ABA recognizes that new legal writing instructors should be trained in a "variety of classroom techniques — lecture, Socratic, collaborative group work, work in pairs, videos, role-playing, and in-class individual writing work." *See* ABA LEGAL WRITING SOURCEBOOK at 102. *See also* Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 TEMP. L. REV. 117, 151 (1997) (noting range of skills taught in a typical legal writing course include, but are not limited to, writing, research, analysis, oral advocacy, professional responsibility, client interviewing, fact investigation, study skills, citation form, exam preparation, and preparation of pleadings and other legal documents); Michael J. Lynch, *An Impossible Task but Everybody Has to do It — Teaching Legal Research in Law Schools*, 89 L. LIBR. J. 415, 427 (1997). As a result, Professor Arrigo notes that helping students become competent in basic legal skills requires research and writing professors to draw on multiple pedagogical strategies and techniques. *See* Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing*

Teaching legal research is especially difficult. Many students do not think the law library is an exciting place,[16] nor do they appreciate the vital importance of good research skills to the practice of law.[17] Educators well recognize that meaningful learning cannot take place unless students are motivated to learn the material being taught.[18] Motivation

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Programs, 70 TEMP. L. REV. 117, 152 (1997). *See also* Allen Boyer, *Legal Writing Programs Reviewed: Merits, Flaws, Costs and Essentials,* 62 CHI.-KENT L. REV. 23, 23 (1985) ("[Legal writing and research] cannot be adequately taught by the traditional methods of lecture on Socratic discourse."). The range of techniques required to teach legal research and writing effectively underscores the pedagogical challenge of the subject.

These challenges are compounded by the unlikelihood that many legal writing instructors were trained as teachers before entering academia. Indeed, Dean Cohen of the University of Michigan School of Law observed that "no one has devoted primary attention to the question of how to teach the *teacher* of writing and advocacy rather than the question of how to teach students. . . . Beyond diligent selection and appropriate supervision, an organized training program is essential to the development of competent writing instructors." Donald S. Cohen, *Ensuring an Effective Instructor-Taught Writing and Advocacy Program: How to Teach the Teacher,* 29 J. LEGAL EDUC. 593, 597 (1978). Dean Cohen suggests that training for new legal writing professors address, among other things, appropriate teacher-student relationships, sensitize teachers to the psychological stresses first year law students experience, examine effective grading, teaching and learning theory, and stress the importance of creating the necessary motivation in students that is key to all meaningful learning. *See id.* at 597.

16. This is supported both by anecdotal evidence as well as the Howland and Lewis study, discussed *infra* note 33, at 388-89, which suggested that only 2% of students believed research was a very important skill to possess while 46% did not think it was important at all. *See also* Leon A. Jakobvits & Diane Nahl Jakobovits, *Learning the Library: Taxonomy of Skills and Errors,* 48 C. & RES. LIBR. 203, 206 (1987) ("A user's negative bias towards the library is automatic.").

17. *See infra* notes 30 and 31.

18. "Learning is achieved through first the motivation and then the capacity of the student. Motivation is the vehicle that provides drive, inquisitiveness and persistence . . . . [The] subject matter . . . must first seem to be or must become important and relevant to the student . . . . Without [this], learning may not take place." Robert S. Redmount, *A Conceptual View of the Legal Process,* 24 J. LEGAL EDUC. 129, 165 (1972). *See also* Sandra Sadow & Benjamin R. Beede, *Library Instruction in American Law Schools,* 68 L. LIBR. J. 27, 29 (1975) ("It has been our experience (as students and teachers) that students are not interested in learning how to use indexes and other access tools until they can see very definite reasons to do so."); Christopher G. Wren & Jill R. Wren, *The Teaching of Legal Research,* 80 L. LIBR. J. 7, 49 (1988) ("Naturally, a legal research course that satisfies students' . . . needs and that addresses their interests will enjoy a greater likelihood of success."); DAVID PERKINS, SMART SCHOOLS - FROM TRAINING MEMORIES TO EDUCATING MINDS 45 (1992) (meaningful learning cannot take place unless the student is motivated to master the knowledge being taught); BARRY J.

can arise either because the subject matter is inherently interesting to students or because it relates to the academic or professional goals they want to achieve.[19]

Another fundamental problem faced by those teaching legal research is that law schools do not devote enough resources to provide students with the individual attention they need to learn the subject well. Learning to use the law library is a skill.[20] The best way to teach it, like any other skill, is to provide students with classroom instruction followed immediately by closely supervised practice of that skill in order to reinforce the classroom lessons.[21] However, student-teacher ratios at most

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WADSWORTH, PIAGET FOR THE CLASSROOM TEACHER 78, 158 (1978) (student must be interested in material for effective learning to take place).

19. *See* STEPHEN M. FISHMAN & LUCILLE MCCARTHY, JOHN DEWEY AND THE CHALLENGE OF CLASSROOM PRACTICE 19, 40 (1998) (teachers must find ways to pique student interest for meaningful learning to take place). *See also supra* note 18. Adult students, in particular, learn skills better when they see how the information being taught is relevant to their professional development. *See* FREDERIC H. MARGOLIS & CHIP R. BELL, MANAGING THE LEARNING PROCESS: EFFECTIVE TECHNIQUES FOR THE ADULT CLASSROOM 17 (1984) (Adult learners are characterized by a motivation to learn as they develop needs and interests that learning will satisfy. "Adult orientation to learning is life – or work – centered. Therefore, the appropriate frameworks for organizing adult learning are life – and/or work-related situations, not academic or theorectical subjects.") Ellen M. Callinan, *Simulated Research: A Teaching Model for Academic and Private Law Librarians*, 1 PERSPECTIVES – TEACHING LEGAL RESEARCH AND WRITING 6, 6 (1992) ("Relevance should be the guiding principle in research instruction because it fosters effectiveness. That which is relevant is retained. That which is retained can be applied."); Maureen F. Fitzgerald, *What's Wrong With Legal Research and Writing? Problems and Solutions*, 88 L. LIBR. J. 258, 262 (1996) (adult students need "to relate tasks directly to preparation for future social and professional roles.").

20. There seems to be little dispute in the legal writing literature about this. "The skills of legal research and legal writing are akin to the skills of playing baseball and football, the skills of playing the piano and guitar, and the skills of driving an automobile." Wesley Gilmer, Jr., *Teaching Legal Research and Legal Writing in American Law Schools*, 25 J. LEGAL EDUC. 571, 571 (1973). *See also* I. Trotter Hardy, *Why Legal Research Training Is So Bad: A Response to Howland and Lewis*, 41 J. LEGAL EDUC. 221, 223 (1991) (legal research is a skill); Lynch, *supra* note 15, at 429 (author noting research is a skill which, like most skills, must be used or it will decay); *infra* note 43.

21. One educational theorist provides a common sense model for effective teaching that applies well to skills training:

•   Provide clear descriptions and examples of the goals and performance expected;

•   Give students the opportunity to actively engage and reflect on the activity being taught; and

law schools do not permit the kind of one-on-one supervision that sound pedagogy requires.[22]

As a result, most instructors instead teach the subject by assigning readings from a text book, holding class lectures, walking students through the library, and then giving them exercises designed to show them how to research. Despite our best efforts, the results are often less than satisfying. Understandably, students also feel frustrated and abandoned after being handed a research exercise following a class lecture and then turned loose in the law library to figure it out on their own.[23]

- Provide clear, informative feedback to students about their performance to help them improve.

See PERKINS, *supra* note 18, at 45. "Although there are a number of ways in which skills can be taught, most teachers would agree that, at a minimum, students be permitted an opportunity to attempt the skill and receive feedback." Fitzgerald, *supra* note 19, at 263. Professor Fitzgerald recommends that four steps be followed when teaching any skill: 1. Teach the basics of the skill; 2. Provide an example to students; 3. Allow students to practice the skill; 4. Provide them with immediate feedback. *See id. See also* ERNEST R. HILGARD, THEORIES OF LEARNING 481, 562-63 (Appleton-Century-Crofts 3d ed. 1966) (effective learning depends upon the student actively engaging in the activity, frequent repetition of the skill followed by reinforcement from the teacher). As noted above, meaningful learning also depends on students being motivated to learn the subject being taught. *See supra* notes 18 and 19.

22. Commenting about the legal writing program at De Paul University, Professor Livingston noted that:

> [H]igh student-teacher ratios . . . make close supervision and mean-
> ingful feedback on papers impossible. Small sections promote the
> best learning. Continual individual or small group interaction with
> the instructor enables students to correct their particular writing defi-
> ciencies. The instructor can prod students to criticize their own
> writing. Students feel freer to ask questions about their difficulties
> with the assignment.

Margit Livingston, *Legal Writing and Research at De Paul University: A Program in Transition*, 44 ALB. L. REV. 344, 361 (1980). *See* Boyer, *supra* note 15, at 23 (legal research and writing requires "one-to-one . . . teacher-student involvement"); Levine, *supra* note 15, at 1068 (legal writing courses require a high faculty-student ratio in order to deliver the kind of intensive instruction required by the subject matter).

Unfortunately, high student-teacher ratios are a reality faced by teachers in many disciplines. *See* PERKINS, *supra* note 18, at 52. Although he is writing about secondary schools, the author could be speaking about legal writing programs at most law schools when he observes: "The crowded curriculum and number of students a teacher must deal with often simply do not allow very much feedback." *Id.*

23. *See* Jakobovits & Jakobovits, *supra* note 16, at 206 ("Novice library users make many guesses, they feel frustrated, they get angry, they complain, they feel alienated in

Although this "sink or swim" approach ultimately works, teachers cannot help but wonder whether there is a better way to teach the subject.[24] Given the problems with this methodology, it is also easy to understand why it leaves most students feeling like the words to that old blues song: The "[law library] is a prison and I'm livin' in a world of tears."[25]

To address these problems, this article suggests that law schools try an "Alcatraz" approach to teaching legal research. With the use of basic technology — readily available to every law school — the Golden Gate Park Association was able to turn even an old, abandoned prison into an exciting place to visit.[26] They did it by providing each visitor with a

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the library environment, they speculate, fantasize, resist. Naturally, their first effort is limited, spurious, incomplete, and fraught with errors."). *See also* Wren & Wren, *supra* note 18, at 57 ("[F]or most, if not all, students the law library appears imposing, an entity that (to paraphrase Shakespeare) 'doth bestride the [student's] world/Like a colossus.'"). The Wrens further note that the anxiety new law students feel upon entering the library inhibits their ability to learn as well as reducing their effectiveness as efficient research- ers. *Id.* They need a teaching approach that will help them overcome this fear and anxi- ety. *Id.; see infra* p. 27 (Alcatraz-style research exercise helps reduce student anxiety about the law library which enables them to develop efficient research strategies more quickly.).

24. No one would consider it an effective way to teach tennis, for example, by de- scribing to students where the court is located, explaining the rules of the game, demon- strating a few strokes and then handing them a ball and racket and saying: "Now go play tennis." Yet because of high work loads and student-teacher ratios, that is close to what many legal writing professionals are forced to do with respect to the teaching of research. *See* PERKINS, *supra* note 18, at 55 (author notes that effective sports coaching works be- cause it incorporates the most important aspects of learning theory: (1) practice by stu- dents and (2) observation and critique of mistakes by the teacher); *infra* note 43 (dis- cussing analogy between teaching tennis and legal research).

25. LONESOME SUNDOWN, MY HOME IS A PRISON (Excello Records 1957). Al- though he never taught law students, the lyric of 60's soul icon Nathaniel Mayer captures well the anxiety, fear and dislocation most students feel when they enter the law library for the first time: "I want love and affection, *not* the house of correction!" NATHANIEL MAYER, *I Want Love and Affection (Not the House of Correction), on* VILLAGE OF LOVE (Gold Dust 1996). *See also* Wren & Wren, *supra* note 18, at 57 (new law students have much fear and anxiety about the law library).

26. Prison life is not inherently interesting or exciting. That is especially true about Alcatraz where many prisoners spent twenty-three hours a day locked down in their cells. In fact, enforced boredom and monotony was a technique used by correctional officers on The Rock to maintain control over the inmates. At one point, the rules even prohibited prisoners from speaking to one another as a way of maintaining discipline. *See* HEANEY & MACHADO, *supra* note 7, at 24, (the real terror for the inmates of Alcatraz was the unrelenting boredom of the place). Thus, it is a great testament to the power of good storytelling that the Golden Gate Park Association was able to make an experience that

portable cassette player, headphones, and prerecorded tape that included a wonderful, self-guided, interactive tour. This approach also enabled the Golden Gate Park Association to provide a large crowd of people at once with an individualized learning experience despite limited resources and a small staff. Undergraduate research libraries have successfully experimented with the use of self-guided, prerecorded tours to meet increasing demands for individual library instruction that outpace staff and resources.[27] Law schools facing similar problems can benefit from this technique as well.

Accordingly, this article discusses two ways that prerecorded, self-guided museum tours, like the Alcatraz Cellhouse Tour, can be adapted to the legal writing classroom to better teach students how to use the law library. First, this article suggests that law schools should develop their own prerecorded tours as a way of making research instruction more fun and interesting for students. Every law library contains an abundance of fascinating stories about human struggle, pathos, and humor that are at least as engrossing and exciting as the stories told by ex-convicts and guards about an empty prison. Incorporating some of this material into a prerecorded law library tour would undoubtedly make it a more exciting place for students to visit than it is now.

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was brutally monotonous for the inmates of Alcatraz seem extraordinarily exciting to visitors.

27. Instructors at large undergraduate research libraries have made use of tape recorded tours to address the same problem legal writing instructors face: high student-teacher ratios that prevent more personalized library instruction. For example, librarians at Texas A&M University turned to tape-recorded tours when requests for library instruction overwhelmed the staff and resources. After implementing such a program, the University studied the effectiveness of taped tours by developing a multiple-choice questionnaire for library patrons that compared information about the library retained by those who took instructor-guided tours versus those who took the tape-recorded tours. The results showed a remarkable similarity between the effectiveness of the taped tours compared to the instructor-lead tours. "As the goal of the project was to determine whether the audiocassette tour was at least as good as a guided tour, the similarity of the overall scores led to the judgment that the taped tour was a viable option for the basic library instruction." Candace R. Benefiel & Joe Jaros, *Planning and Testing a Self-Guided Taped Tour in an Academic Library*, 29 REF. & USER SERV. Q. 199, 203 (1989). *See* Charles Forrest & Mary Gassman, *Development of a Self-Guided, Audiocassette Tour at a Large Academic Library: Preliminary Report*, 4 RES. STRATEGIES 116, 122 (1986) (noting that tape-recorded tours were an effective alternative to instructor led tours because they "enabled patrons to proceed at their own pace – reviewing complicated or significant material by simply rewinding the tape – and to schedule the library tour at their convenience.").

Second, this article suggests a way to create better research exercises by drawing on the techniques that make self-guided museum tours such effective learning experiences. Although changing student attitudes about the law library is an important pedagogical goal in and of itself,[28] that alone is not enough to ensure that students develop better research skills. Thus, it has always been incumbent on legal writing teachers to supplement class discussion about the law library with exercises that give students hands-on experience solving the kinds of research problems they will encounter in practice. Generally speaking, legal writing instructors rely on two types of exercises to show students how to use the law library: the "bibliographic" exercise and the "process-oriented" exercise. Each of these is explained in more detail in Section II-B of this article. I also discuss in that section the shortcomings that many commentators believe each type of exercise has. Then, in Section II-C, I show how the pedagogical principles underlying self-guided museum tours can be adapted to the legal writing classroom to create improved research exercises that better help students learn how to use the law library.[29]

I. ALCATRAZ-STYLE PRERECORDED LIBRARY TOURS

A. *Background - The Problem With Student Research Skills*

Developing an enjoyable and entertaining prerecorded tour of the law library is one way to better motivate students to learn research. "Law school faculties, practicing attorneys and judges generally agree" that legal research and writing are among the most important skills taught in law school.[30] Some have even suggested that these are among

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28. *See infra* note 37.

29. Prerecorded museum tours are effective teaching tools because they incorporate many of the elements of sound learning theory. First, they encourage visitors to participate in the experience and thus involve "active" learning. *See infra* p. 14. Prerecorded museum tours are also self-guided and thus permit visitors to proceed at their own pace. *See* HILGARD, *supra* note 21, at 560 (self-paced learning is best for heterogeneous groups of students with different learning styles). *See also* Eileen B. Cohen, *Teaching Legal Research to a Diverse Student Body,* 85 L. LIBR. J. 583 (1993) (suggesting that self-paced research instruction is required in order to accommodate different learning styles). Finally, they make the learning experience interesting and fun and, therefore, it is memorable. *See supra* notes 18 and 19.

30. *See generally* ABA LEGAL WRITING SOURCEBOOK. The Legal Writing Sourcebook was commissioned by the ABA on the basis that law schools "would benefit from a

the most critical skills needed to practice law.[31] Nevertheless, the ABA

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book reviewing the various kinds of legal writing programs and staffing models" in order to better evaluate the advantages and disadvantages of each one. It is a comprehensive manual that surveys and assesses different legal writing pedagogies, course designs and management models. *Id.* at 2-3. *See* Lucia Ann Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? And More?*, 100 DICK. L. REV. 245, 249 (1997) (author notes that "legal research and writing have traditionally been identified as the two most fundamental skills that a first year student should master.").

31. The ABA Section on Legal Education and Admissions to the Bar established a task force in 1989 to study lawyer competence and the relationship between law schools and the bar. Known as the "MacCrate Report," it includes a "Statement of Fundamental Lawyering Skills" that the ABA feels all practitioners should possess. Among them are the "knowledge of and the ability to use the most fundamental tools of legal research [and an] understanding of the process of devising and implementing a coherent and effective research design." ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 138 (1992) [hereinafter the "MACCRATE REPORT"]. *See* Toni M. Fine, *Legal Writers Writing: Scholarship and the Demarginalization of Legal Writing Instructors*, 5 J. LEGAL WRITING 227 (1999) ("[L]egal research and writing are among the most important skills for a young attorney to possess."). *See also* Silecchia, *supra* note 30, at 269 ("Research and writing have been repeatedly identified as the two most basic skills needed by competent attorneys. They are at the heart of what attorneys do in practice."); Thomas Woxland, *Why Can't Johnny Research? Or It All Started with Christopher Columbus Langdell*, 81 L. LIBR. J. 451 (1989) (noting that attorney surveys "show that they rate legal research as one of their most essential functions.").

The growth over the years in legal writing programs among ABA accredited law schools is acknowledgment by both law schools and the bar that students need adequate research training before they enter practice. In a report published in 1950, less than half of the 100 law schools surveyed offered a separate course in legal method, the precursor to a modern legal writing course. *See* William H. Agnes, *A Survey of Present Law School Curricula*, 2 J. LEGAL EDUC. 510-11 (1950). *See also* Marjorie D. Rombauer, *First-Year Legal Research and Writing: Then and Now*, 25 J. LEGAL EDUC. 539, 541 (1973) (a typical "legal methods" course at the time of the Agnes report might have covered "the interpretation of legislation, case analysis and synthesis, legal reasoning and legal bibliography."). Today, all of the 178 accredited law schools have some form of legal writing program. *See* Gary S. Laser, *Educating for Professional Competence in the Twenty-first Century: Educational Reform at Chicago-Kent College of Law*, 68 CHI-KENT L. REV. 243, 274 (1992) (today all law schools require legal writing). *See also* Levine, *supra* note 15, at 1068 ("[A]t all ABA-accredited law schools, legal writing is a required first-year course."); Jill J. Ramsfield, *Legal Writing in the Twenty-First Century: A Sharper Image*, 2 J. LEGAL WRITING 1, 3 (1996) ("[A]ll law schools now have some form of legal writing course."); Silecchia, *supra* note 30, at 248 (Skills training "is a component of the legal education of nearly all American law students.").

"Not only are law schools the best equipped to teach basic skills like research and writing but the best time to learn those skills is at the beginning of one's legal education not when entering practice." Mary Ellen Gale, *Legal Writing: The Impossible Takes a*

recently noted that practitioners are generally dissatisfied with the re-
search skills of new law graduates.[32] The ABA report confirms an earlier
finding by Joan Howland and Nancy Lewis that law students do not have
adequate research skills upon graduation based on a nationwide survey of
law firm librarians.[33]   Several reasons have been suggested for this
finding that primarily relate to the failure of law school administrators to
treat the subject more seriously.[34] These issues have already been the

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Little Longer, 44 ALB. L. REV. 298, 302 (1980). *See also* Bryant Garth & Joanne Martin,
Law Schools and the Construction of Competence, 43 J. LEGAL EDUC. 469, 482 (1993)
(In the opinion of bar members, law schools should bear primary responsibility for
teaching students important skills they will need in practice like research.); Lynch, *supra*
note 15, at 427 (it is generally agreed that law schools must impart certain proficiency in
research skills); Helene S. Shapo, *The Frontiers of Legal Writing: Challenges for
Teaching Research*, 78 L. LIBR. J. 719 (1986) ("[L]aw schools and the legal profession
now recognize the need to improve the writing of students and lawyers.").

    32. ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20; *see also* DAVALENE
COOPER, ADOPTING THE 'STEPCHILD' INTO THE LEGAL ACADEMIC COMMUNITY:
CREATING A PROGRAM FOR LEARNING LEGAL RESEARCH SKILLS - IN EXPERT VIEWS ON
IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 12
(West 1992) ("[E]very commentator on the issue agrees that recent law school graduates
are not prepared to do the legal research required by the practice of law.").

    33. *See* Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal
Research Training Programs*, 40 J. LEGAL EDUC. 381 (1990). This study compiled the
results of surveys completed by 458 mid- to large sized law firm librarians throughout the
United States. The Howland and Lewis survey asked these librarians to assess the skills
of summer and first year associates in four areas: 1. Their level of expertise in basic re-
search tools and strategies; 2. Their competency in computer research (e.g., Lexis and
Westlaw); 3. The attitude of summer and first year associates towards the importance of
legal research; 4. Their perception of the research training they received in law school.
The study concluded that 80% of the summer associates and 65% of the first year associ-
ates lacked knowledge about basic resources and were unable to develop efficient re-
search strategies. *Id.* at 383. *See* Robert C. Berring & Kathleen Vanden Heuvel, *Legal
Research: Should Students Learn it or Wing it?*, 81 L. LIBR. J. 431, 438 (1989) (current
legal research training is abysmal); Silecchia, *supra*, note 30, at 272 (research skills have
become the target of very pointed criticism).

    34. *See* ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20. *See also* How-
land & Lewis, *supra* note 33, at 390; Levine, *supra* note 15, at 1073; Hardy, *supra* note
20, at 223. More specifically, some blame the findings of Howland and Lewis Report on
the failure of law school administrators to devote the resources necessary to ingrain good
research skills in students. *See* ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20
(the "orphan" status of legal writing programs at many law schools has lead to insuffi-
cient support and attention to teaching research skills); Hardy, *supra* note 20, at 223
("Teaching research is a very resource-intensive undertaking that requires a high faculty-
student ratio, substantial clerical and administrative support and funding. However, in-
creased resources are not on the horizon for most law schools."). Others blame the find-

subject of much debate and scholarship in the legal writing community and, accordingly, are not discussed here.

However, one reason for the prevalence of poor student research skills not often mentioned in the commentaries, but well-known anecdotally, is that students do not think the subject is interesting or important.[35] Take an informal opinion survey of your faculty colleagues about their own research training in law school and you will likely find that most thought it was deadly boring.[36] If teachers can make the law library a more interesting, and at the same time less intimidating, place to visit, student attitudes will change, resulting in the students' acquisition of

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ings on the failure of law schools to adopt pay and job security policies that ensure the successful recruitment and development of skilled research and writing teachers. *See* SUSAN L. BRODY, THE MACCRATE REPORT, BUILDING THE EDUCATIONAL CONTINUUM – CONFERENCE PROCEEDINGS TEACHING SKILLS AND VALUES DURING THE LAW SCHOOL YEARS, 26 (West 1994) ("[L]egal writing teachers have lower status, less pay, less security and fewer resources than any other constituency in all of law school education."). *See also* Berring & Vanden Heuvel, *supra* note 33, at 438 ("Law schools simply have been unwilling to accord reasonable status, compensation, and time to legal research training."); Lisa Eichhorn, *Writing in the Legal Academy: A Dangerous Supplement*, 40 ARIZ. L. REV. 105, 113 (1998) (legal writing faculty have lower rank and receive less pay than other faculty members); Levine, *supra* note 15, at 1068, 1074 (because of term caps and low status, there are often strong disincentives to remain in the job); Laurie Magid, *Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course*, 43 WAYNE L. REV. 1659, 1682 (1997) ("there is a great deal of turnover among [legal writing] professors"); Ramsfield, *supra* note 31, at 14 (legal writing programs generally experience great turnover since teachers stay an average of only three to five years).

Nevertheless, some law schools have worked hard in recent years to address these problems. *See* Laurie Magid, *Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course*, 43 WAYNE L. REV. 1659, 1659 (1997). This author notes that, generally speaking, law schools have made great progress in improving legal writing programs including: (1) reducing class size; (2) hiring full time faculty to replace student-teachers and adjunct professors; (3) increased salaries of LRW professors; (4) hiring more tenure track directors; and (5) increasing the number of credits awarded for LRW courses. *See id. See also* Levine, *supra* note 15, at 1075. Hopefully this trend will continue for the sake of student research skills.

35. Of course, law school administrator and student attitudes about legal research are inextricably linked. When administrators fail to set a good example by not awarding the subject the academic credit it deserves, or not properly treating those who teach it, it seriously undermines student attitudes about the subject. *See generally* Howland & Lewis, *supra* note 33, at 388-89.

36. Even those who now teach the subject research recount with disdain their own research training in law school. *See* Levine, *supra* note 15, at 1078 ("The topics . . . were . . . incredibly boring . . . . [G]uaranteed to induce a flat-line EEG.").

better research skills by graduation.[37]   One solution suggested by this article is that law schools develop prerecorded library tours that make the hunt for cases, as well as the stories behind them, as exciting as a tour of Alcatraz. Like the Golden Gate Park Association, we could use sound effects, evocative music and actors to re-create the dramatic stories that led to some of the more interesting or important judicial decisions found in every law library. While the ability to tell a good story requires considerable skill, there is little question that the raw material found in every law library is at least as good as anything the Golden Gate Park Association had to work with in producing the Alcatraz Cellhouse Tour.

Adapting the use of tape recorded tours to the law library would have another important pedagogical benefit. It would help law schools solve a fundamental problem with most research training today: the lack of one-on-one instruction that students really need to learn these skills well. Just as the Golden Gate Park Association was able to provide a large crowd of people with a simultaneous, individualized tour of Alcatraz prison, law schools could also use self-guided, tape recorded tours as a means to provide more individual research instruction to a large class of students. Discussed below is a suggested approach.

B.   *Develop Prerecorded Library Tours As A Way To Make Research Instruction More Interesting*

Law schools should consider developing two kinds of prerecorded library tours: one that provides students with a good overview of the law library and another that contains lessons for using the major research tools like the West key number system, legal encyclopedias or Shepards. By making both kinds of tapes available for check out at the library's reserve desk, students could schedule a general tour of the library, or seek instruction on a particular subject, anytime or as often as they wanted.[38] The self-guided aspect of these tours would allow students to

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37. "A user's negative bias towards the library is automatic . . . . To succeed, learners must adopt a positive bias towards the library." Jakobovits & Jakobovits, *supra* note 16, at 206. *See also* FISHMAN & MCCARTHY, *supra* note 19, at 19 (teachers must find ways to pique student interest for meaningful learning to take place); Redmount, *supra* note 18, at 150 ("[A]n excess of anxiety, whether from personal or pedagogical sources, shatters confidence, incites fear and may inhibit or prevent performance.").

38. The ability to schedule a library tour at the student's convenience is an important reason why taped library tours have been an effective substitute for instructor-led tours at the undergraduate level. *See* Benefiel & Jaros, *supra* note 27, at 204; *see also*

go at their own pace, pausing when they want and, by rewinding the tape, re-listen to any portion of the lecture they choose.[39] Undergraduate universities found that this was an important reason why students believed the prerecorded tours were an effective substitute for instructor-led library tours.[40]

Another reason these tours are a powerful teaching tool is because they encourage active learning. One of the most widely agreed upon principles of good skills pedagogy is that active participation in the lessons being taught is far better than the passive absorption of information.[41] Indeed, educational psychologists note that students better learn information when it is "actively discovered" rather than passively observed.[42] As a result, the legal writing community agrees that legal re-

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Forrest & Gassman, *supra* note 27, at 122; W. WILLIAM HODES, LEGAL RESEARCH: A SELF-TEACHING GUIDE TO THE LAW LIBRARY xvi (2d ed. 1988).

39. The Alcatraz Cellhouse tour that I took several years ago used portable cassette players that allowed visitors to stop and restart the tape whenever they wanted. While this allowed visitors to set their own pace, they still had to visit each station in the order proscribed by the narrator because of the linear nature of the cassette format. This past summer, however, I visited an exhibit of Toulouse-Lautrec paintings hosted by the Denver Art Museum which employed a prerecorded, self-guided tour using compact disc "CD" players instead of cassette players. *See The Denver Art Museum Web Site at* http://www.denverartmuseum.org/past.html (last visited Sept. 25, 1999). By using portable CD players that were worn around the neck, visitors could view paintings in the exhibit in whatever order they chose. Each painting had a number next to it on the wall that corresponded to a track on the CD. By pressing that number into a key pad on the CD player, visitors could listen to a prerecorded lecture about that particular painting. Pressing the number again allowed visitors to re-listen to that portion of the tour.

Using the CD format, rather than cassettes, for law library tours would allow students to go directly to a specific station within the library rather than follow the linear path required by cassettes. If a CD-ROM were used that was loaded with appropriate software, students could check it out from the reserve desk and take an interactive tour of the law library on their home computer anytime, or as often as they wanted.

40. *See supra* note 38.

41. Educators in other fields well know that teachers cannot hand ideas to students as if they are bricks. *See* STEPHEN M. FISHMAN & LUCILLE MCCARTHY, JOHN DEWEY AND THE CHALLENGE OF CLASSROOM PRACTICE 19-20 (Teachers College Press 1998) (referring to JOHN DEWEY, DEMOCRACY AND EDUCATION (1916)). Instead, students must actively participate in the learning process rather than passively absorb information. *See id. See* also HILGARD, *supra* note 21, at 562-63; PERKINS, *supra* note 18, at 45, 55 (effective teaching depends on students engaging in activity being taught); BARRY J. WADSWORTH, PIAGET FOR THE CLASSROOM 102, 104 (Longman 1978) ("[T]eaching at all levels of education must be founded on the activity of the learner.").

42. *See* WADSWORTH, *supra* note 41, at 104 (students who engage in the activity being taught have a better understanding than those who are taught by means of a verbal

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search cannot be taught solely through assigned readings and class lectures any more than tennis can be taught by having students read a book about it.[43] Aside from making a tour of the library more interesting, portable prerecorded library tours could include interactive elements that help students learn how to use particular resources by having the narrator ask them, for example, to take a book off the shelf and run through some short research exercises.

A good self-guided library tour would include a portable cassette or compact disc player,[44] headphones, appropriate software, and a map that marks the location of each stop on the tour. Librarians would have to place numbers or symbols throughout the library that would correspond to locations of each resource marked on the map so students could be sure they had found the right place as they follow the narrator's instructions. Just like the Alcatraz Cellhouse Tour, a prerecorded law library tour could start with a narrator telling students to "begin by finding

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description of the same information). *See also* JOSEPH D. HARBAUGH, REPORT OF THE ASSOCIATION LAW SCHOOLS – AMERICAN BAR ASSOCIATION COMMITTEE ON GUIDELINES FOR CLINICAL LEGAL EDUCATION - SIMULATION AND GAMING: A TEACHING/LEARNING STRATEGY FOR CLINICAL LEGAL EDUCATION 191, 192 (AALS/ABA 1980) (noting that leading educational theorist John Dewey and developmental psychologist Jean Piaget both observed that the active discovery of information by students is at the heart of all meaningful learning).

43. The analogy between learning tennis and legal research is appropriate and often used. People learn a sport because the coach demonstrates the activity, observes the student's performance and then provides immediate feedback. *See* PERKINS, *supra* note 18, at 55. Legal research is no different. *See also* Boyd K. Dyer, *Whatever Happened to Legal Writing at Utah,* 26 J. LEGAL EDUC. 338, 339 (1974) ("[T]o teach this type of skill is very different from teaching information. It cannot be taught by explanation. A tennis coach could spend hours explaining the game to his students in detail, and it would not accomplish much. Practice is essential."); Maureen F. Fitzgerald, *What's Wrong With Legal Research and Writing? Problems and Solutions,* 88 L. LIBR. J. 258-59 (1996) ("It is unlikely that a student would be able to drive a car or fly an airplane on the basis of classroom instruction alone. In the same way, it is extremely difficult to learn about research and writing from words alone. The lecture method is not effective for teaching skills."); Gilmer, *supra* note 20, at 571 (the skills of writing and research are learned by doing them); Thomas M. McDonnell, *Joining Hands and Smarts: Teaching Manual Legal Research Through Collaborative Learning Groups,* 40 J. LEGAL EDUC. 364 (1990) ("Teaching legal research through the lecture method suffers from the same disadvantages as would teaching tennis by lecturing. To learn how to conduct legal research or to learn how to play tennis, one must practice the skill.").

44. *See supra* note 39 (discussing the difference between cassette and compact disc format in connection with library tours).

Number 1 on your map and walk to that part of the library."[45] Once they get there, the narrator could explain to students what cases are reported in that resource, how to use it, and could even direct students through some short exercises designed to show them some of the features of the books they might otherwise miss.[46]

Beyond describing where to find the books and how to use them, an Alcatraz-style law library tour could go even further by using some of the fascinating stories behind the cases to make learning about research more interesting and fun for students. Every law library is filled with stories involving struggles for human freedoms and rights, moral dilemmas, and high drama. Decisions from the United States Supreme Court would make especially good material for evocative story telling for just that reason. Since the transcripts of oral argument from several landmark cases have already been published, it would not be difficult to incorporate some of the better material into a prerecorded tour by having actors read excerpts into the tape.[47] Cases that define the parameters of free speech under the First Amendment are particularly suitable to the audio format of a prerecorded library tour because the underlying story — the speech that led to a constitutional dilemma — can be easily reenacted for students on tape.

For example, as students stand in front of the Supreme Court Reports, the narrator could explain the legal problem facing the Court in

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45. *See supra* note 5 and accompanying text (discussing how the Alcatraz Cellhouse Tour begins).

46. *See infra* pp. 20-22 (discussing bibliographic exercises). For example, the narrator might tell students to find volume 89 of the West Supreme Court Reporter and note which case begins on page 1827 [Brandenburg v. Ohio, 395 U.S. 444, 89 S. Ct. 1827 (1969); *see infra* note 47]. The narrator could then direct students through a short bibliographic-style exercise that, for example, asks them to locate the page in West's Supreme Court Reporter that begins the discussion relating to headnote # 2 *[Brandenburg,* 89 S. Ct. at 1830]. The narrator could explain to students that West includes a cross-reference on that page to the place where the same discussion begins in the official Supreme Court reporter *[Brandenburg,* 395 U.S. at 448]. In this way, the tour could deliver an interactive exercise designed to show students how the headnotes in West's Supreme Court Reporter can be used to locate portions of the Court's decision in the official reporter.

47. *See* MAY IT PLEASE THE COURT: THE FIRST AMENDMENT: TRANSCRIPTS OF THE ORAL ARGUMENTS MADE BEFORE THE SUPREME COURT IN SIXTEEN KEY FIRST AMENDMENT CASES (Peter Irons ed., New Press 1998). *See also* MAY IT PLEASE THE COURT: THE MOST SIGNIFICANT ORAL ARGUMENTS MADE BEFORE THE SUPREME COURT SINCE 1955 (Stephanie Guitton & Peter Irons eds., New Press 1994); THE GREAT ADVOCATES LEGAL BRIEFS: COVERING SIX HISTORIC CASES (Professional Group, Inc. ed. 1994).

Brandenburg v. Ohio when it had to decide whether verbal exhortations to take violent action against the government are protected by the constitution.[48] To make the case really come alive for students, actors and sound effects could be used to re-create the angry mob and violent threats that lead to a constitutional dilemma.[49] After listening to a short reenactment, the narrator could encourage students to read the *Brandenburg* decision and see for themselves how the Court resolved it.[50] In this way, students would discover that the case reporters filling every law library reflect real disputes about tangible rights rather than abstract pontifications of law.

Additionally, teaching theory suggests that students learn better when the material being taught is enjoyable.[51] One way to make the law library more enjoyable to students, and therefore create a better learning experience, is to incorporate humor into a library tour. Several books have been devoted just to the subject of the legal humor.[52] Thus, the supply of material that could be incorporated into a prerecorded library tour is vast. Some of this material could be used to teach students, for example, how to use the key number system and Decennials to locate

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48. 395 U.S. 444 (1969).

49. *See supra* note 7 (The key to powerful story telling is "captivating narrators" and "evocative sound effects.").

50. *Brandenburg*, 395 U.S. at 448-49. While there are many other cases that could be incorporated into an audio law library tour, *Brandenburg* is a good example because it is a relatively concise opinion by Supreme Court standards. As a result, students should be able to read it fairly quickly as they stand in front of the reporters listening to the recorded narrative. Because there are literally hundreds of cases that would be worthy of inclusion in an audio tour of the law library, readers may have their own ideas about which would be the best or most appropriate.

51. *See supra* notes 18 and 19 (discussing that students learn better when they are interested).

52. One of the best compilations of humorous reported cases is CORPUS JURIS HUMOROUS (John B. McClay & Wendy Matthews eds. 1991). Chapter titles include: (1) Alcohol, Drugs, Gambling, Vice, Profanity, Lewdness, Obscenity, Indolence, Sloth, Vagrancy and Other Assorted Prevalent Evils; (2) Clever Schemes, Bizarre Claims, Ridiculous Contentions, Novel Demands, Strange Lawsuits and Good Old-Fashion Fraud and Deceit; and (3) Accidents, Slips, Falls, Crashes, Crunches, Wrecks, Bumps, Thumps and Lumps. *See also* JOHN A. DUNCAN, THE STRANGEST CASES ON RECORD (1940); PETER W. PELTON, LAUGHABLE LAWS AND COURTROOM CAPERS (1993); THE LEGAL ARCHITECT (Wilmore Brown ed. 1959); Edward J. Bander, *A Survey of Legal Humor Books*, 19 SUFFOLK U. L. REV. 1065 (1985); James D. Gordon, III, *A Bibliography of Humor and the Law*, 1992 BYU L. REV. 427 (1992) (setting forth an extensive list of books and articles devoted to legal humor).

cases throughout the regional reporter system. As students stand in front of the Tenth Decennials – Part 2, the narrator could entice them to find the annotation for the Ohio case involving the despondent mortician who tried to embalm himself by plugging "key number 8" into the digest topic "Dead Bodies."[53]   Once students find it, the narrator could explain to them how to use the citation found there to locate the full text decision among the regional reporters so they could read the full opinion and find out what happened to the mortician.

Whether prerecorded tours are used by law schools to provide an exciting overview of the law library or to show students how particular library resources work in a way that is interactive and fun, they represent an effective teaching tool to supplement current pedagogy. Even more intriguing is the future possibility of an interactive tour of a cyberlaw library that could be designed to be just as exciting and engaging as a video game. Instead of having students take a group tour of the library during law school orientation, as many schools do now, students could instead receive a computer disc as part of registration that would allow them to take a fascinating cybertour of the law library on their home computers. The software could include a narrator who directs students from location-to-location within this cyber-environment and allows them to pull "virtual" books off the shelf and flip through pages with the click of a mouse.   A cyber-librarian could be available to answer student questions twenty-four hours a day. Short research exercises could be included for some of the major resources that might incorporate sound effects and animation that would make them fun for students to complete. As soon as law schools learn how to use technology in the same way that it has been successfully applied in other educational contexts — like self-guided museum tours — to make legal research more interesting and exciting for students, they will graduate with better research skills than they have now.

II.   ALCATRAZ-STYLE LIBRARY RESEARCH EXERCISES

A.   *Using Alcatraz Library Exercises to Correct Problems With Traditional Research Exercises*

Whether or not your law school has the resources to develop a prerecorded Alcatraz-style library tour, legal writing instructors can create

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53. *See* State v. Gardner, 582 N.E. 2d 1014, 1015 (Ohio App. 3d 1989).

better research exercises by borrowing from the techniques that make these tours such good teaching tools. ating better research exercises. Accordingly, this section discusses an Alcatraz-style research exercise created by the author that emulates prerecorded museum tours by providing students with a written script for finding and using the research tools they will need to complete their first semester writing project. Because students can carry this "script" with them as they engage in their research, it approximates the experience of providing each student in the class with individualized research instruction just as the Golden Gate Park Association was able to provide every visitor to Alcatraz with a personal tour of the prison.[54] In this way, an Alcatraz-style research exercise addresses the important pedagogical requirement of all skills training that students receive instruction from the teacher that is temporally connected to their own efforts to practice that new skill.[55]

Nearly all commentators agree that legal research cannot be taught through classroom lecture alone.[56] It is a skill best learned by doing it. Thus, any sound pedagogical approach must include library exercises that give students the chance to get hands on experience using the research tools.[57] Learning a new skill is also dependent upon students get-

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54. *See supra* note 27 (discussing the use of tape-recorded tours by undergraduate universities to provide a large number of students with individual library instruction at once). *See also* HODES, *supra* note 38, at xii, xxi (discussing bibliographic exercises that attempt to emulate self-guided museum tours by walking students through their research).

55. Immediate feedback must be an essential part of any skills training strategy. "Research . . . demonstrates that students learn best if they receive feedback and reinforcement immediately after they study and practice the task." McDonnell, *supra* note 43, at 364 (quoting ERNEST R. HILGARD & GORDON H. BOWER, THEORIES OF LEARNING 58 (Englewood Cliffs 4th ed. 1975)). *See also* Callinan, *supra* note 19, at 6, (referring to this as "point of need training. Instruction and assistance that is delivered at the moment students attempt to learn research will be most effective because that is when students are best motivated to learn."); Cohen, *supra* note 15, at 603-04 ("the most effective method [for teaching writing and advocacy skills] is actual student participation followed by instructor review and personal evaluation of individual work . . ."); Livingston, *supra* note 22, at 361.

56. *See supra* notes 41 and 43 (stating that students must actively participate in order to learn a skill such as research).

57. One commentator recommends, with respect to effective research pedagogy:

> Although there are a number of ways in which skills can be taught, most teachers would agree that, at the minimum, students should be permitted an opportunity to attempt the skill and receive feedback. It is recommended that four steps be followed when teaching any skill: 1. Teach the basics of the skill; 2. Provide an example of the skill; 3.

ting instruction from the teacher that is temporally connected to their own efforts to try that new skill.[58] A fundamental problem with using most library exercises to teach legal research is that any instruction students receive in the use of those tools comes in the form of feedback from the teacher when the exercises are graded and returned. Because of the heavy workload of many legal writing teachers, such feedback might not be received for several days, or even weeks, after the students have finished the exercises.[59] By then, the value of any feedback is greatly diminished because too much time has passed between the students' efforts to learn how to use the law library and the instruction they received about it from the teacher.

The Alcatraz-style exercise attempts to address this temporal discon-

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Allow students to practice the skill; and 4. Provide feedback to students.

Fitzgerald, *supra* note 19, at 263. *See also supra* notes 41 and 42.

58. Professor McDonnell suggests that one way to address the impediment to providing immediate feedback, which is caused by high student-teacher ratios, is to allow students to collaborate on research projects. "My hypothesis was that a group of law students who research a problem together will learn legal research better than students who work individually. I further hypothesized that if the group research could be undertaken during the class time under the direct supervision of the instructor and the teaching assistant, the students would be less intimidated by manual research tools and would be better prepared to work on their own." McDonnell, *supra* note 43, at 363.

On the other hand, some argue that allowing students to collaborate during research projects undermines the development of good skills. See Joyce M. Janto & Lucinda Harrison-Cox, *Teaching Legal Research: Past and Present,* 84 L. LIBR. J. 281, 291 (1992) (describing research training at University of Richmond School of Law where "students must work alone. Students working in groups tend to parcel out the assignment, with each student actually researching only a few questions.").

In my own course, I have tried to strike a balance between these two positions by allowing students to engage in limited collaboration while researching their first writing assignment. Specifically, I permit each student to work with one other person for the limited purpose of discussing how to locate and use the research tools. While students are permitted to talk to one person about how to find and use each resource, they may not exchange specific citations. The purpose of this policy is, on the one hand, to help lessen their general anxiety about using the library while, on the other hand, forcing all students to find the specific citations on their own.

59. *See* Livingston, *supra*, note 22. One commentator has suggested that the best way to address this problem is to use several short bibliographic-style exercises that can be marked up and returned to students quickly. *See* Lynch, *supra* note 15, at 435, 441. By doing so, students receive feedback more immediately connected to their practice of library skills. However, such an approach still suffers from the "so-what" factor endemic to most bibliographic exercises. *See infra* note 67 (discussing the "so-what" factor).

nect by providing students with written directions for using the major research tools that they can carry with them and refer to as they engage in their research. An ancillary benefit of an Alcatraz-style exercise is that it also incorporates the best aspects of traditional exercises – the "bibliographic" and "process-oriented" approaches discussed below – into one exercise.[60] In order to understand why an Alcatraz-style library exercise represents an improvement over current research pedagogy, it is necessary to examine traditional library exercises.

B.   *Traditional Legal Research Pedagogy: The Use of "Biblio-graphic"and "Process-Oriented" Library Exercises*

Generally speaking, legal research and writing instructors rely on two types of library exercises to teach research. These are usually referred to as the "bibliographic" exercise and the "process oriented" exercise.[61] As discussed below, each has advantages as well as disadvantages.

The bibliographic-style approach may be more commonly known to

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60. "Competent, well-supported instructors will not limit themselves to one single approach, either bibliographic or process-oriented." Berring & Vanden Heuvel, *supra* note 33, at 440. *See also* Lynch, *supra* note 15, at 441.

61. Among the leading proponents of the process-oriented approach are Christopher and Jill Wren. Robert C. Berring and Kathleen Vanden Heuvel, on the other hand, are recognized as the leading advocates of the bibliographic approach. Both camps hotly debated which approach is pedagogically more sound in articles published several years ago in the Journal of Legal Education. *See* Berring and Vanden Heuvel, *supra* note 33. *See also* Wren & Wren, *supra* note 18, at 8-9; Robert C. Berring and Kathleen Vanden Heuvel, *Legal Research: A Final Response*, 82 L. LIBR. J. 495 (1990); Christopher G. Wren and Jill R. Wren, *Reviving Legal; Research: A Reply to Berring and Vanden Heuvel*, 82 L. LIBR. J. 463 (1990).

Rather than choose sides, one commentator suggested that incorporating both types of exercises into one's pedagogy may be best since each approach has advantages as well as drawbacks. *See* Lynch, *supra* note 15, at 430-31 (noting the modern debate between a process oriented approach to teaching legal research and the bibliographic method and suggesting that sound pedagogy should draw elements from each). *See also* Berring & Vanden Heuvel, *supra* note 33, at 440 (competent instructors will not limit themselves to one approach); CAROL L. GOLDEN, TEACHING LEGAL RESEARCH AS AN INTEGRAL STEP IN LEGAL PROBLEM SOLVING IN EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL EDUCATION IN THE UNITED STATES 37, 38 (West 1992) (noting the modern debate between the process oriented approach to teaching legal research advanced by the Wrens and the bibliographic approach advocated by Berring and Vanden Heuvel).

legal writing instructors as the "treasure hunt" exercise.[62] These exercises are designed to familiarize students with the law library by asking them to locate a particular resource and then answer a series of questions about it. Thus, a "treasure hunt" exercise designed to teach students about statutes for their jurisdiction might require them to use the word-index to locate a statute pertaining to, for example, criminal assault. Once they find it, a bibliographic exercise might then ask students to answer a series of questions about the text of the statute, the legislative history that follows it, and the case annotations that follow that.[63] The advantage of such an exercise is that it shows students details about a resource they might not discover on their own.[64]

On the other hand, such exercises receive criticism because they only teach students how to move around "within a discrete law book or within related sets of law books" but do not show students how the books can be used to solve legal problems.[65] Consequently, students might not gain the kind of knowledge from such an exercise that teaches them how to solve the research problems they will encounter in practice. Moreover, because any substantive information they gain from a bibliographic exercise is somewhat abstract, students might not retain much of it.[66] One commentator refers to this as the "so-what" factor.[67]

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62. Professor Helene Shapo describes the exercise this way: This "format includes lectures to large groups of students, usually once a week over the semester or a shorter period of time. Following the lectures, students do short-answer exercises that require them to use the library resources discussed in the lecture. These expeditions were labeled, not so affectionately, 'treasure hunts.'" Shapo, *supra* note 31, at 725.

63. *See* LYNN FOSTER AND NANCY P. FOSTER, LEGAL RESEARCH EXERCISES (West 4th ed. 1995) (includes excellent examples of bibliographic style exercises). *See also* MORRIS L. COHEN, ROBERT C. BERRING AND KENT C. OLSON, HOW TO FIND THE LAW (West 9th ed. 1989); ROBERT C. BERRING, FINDING THE LAW (10th ed. 1995). The Foster text includes great exercises that cover the use of several major library resources including state and regional case reporters, federal case reporters, federal legislative materials, administrative law materials, Shepard's, and other resources.

64. Bibliographic exercises "can provide experience with using all the important components of each important research source. This simply cannot be done in a typical brief-writing or memo-writing exercise." Lynch, *supra* note 15, at 435.

65. Wren & Wren, *supra* note 18, at 10.

66. *See* Shapo, *supra* note 31, at 726 (acquiring knowledge through the use of bibliographic exercises may not be meaningful to students because it is unrelated to legal problem solving).

67. The "so-what" factor refers to the observation that adult students tend not to retain information that is too abstract or not connected in an obvious way to the skills they will need as lawyers. *See* Jane Thompson, *Teaching Research to Faculty: Accom-*

For these reasons, many instructors prefer to use a "process oriented" research exercise.[68] This approach teaches students how to use the law library in the context of solving a hypothetical legal problem, usually performed in connection with an "open universe" writing assignment during the first semester of law school.[69] Instructors often ask students to record the results of their open memo research in a log or diary that may be turned in with the final draft at the end of the semester. Readings and class lectures explaining how to use the law library usually accompany the research portion of the assignment.

Many commentators believe that a "process oriented" approach to teaching legal research is superior to the bibliographic method.[70] That

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modating Cultural and Learning-Style Differences, 88 L. LIBR. J. 280, 284 (1996); MARGOLIS & BELL, *supra* note 19, at 17 ("Adults need to feel that the training is relevant to their work, and they will place any information that they learn into the framework of their experiences to date.").

68. The process oriented research exercise may be more popular among legal writing instructors since instruction at most law schools "is integrated into a legal writing course . . . . [T]he students use the information they acquire regarding bibliographic tools in the preparation of briefs and memos. . . . There are probably only a few law schools that use [the bibliographic] method in isolation, without a complementary research and writing program." Lynch, *supra* note 15, at 431, 434. *See also* ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20-21.

69. The term "open universe" refers to the objective office memorandum assignment, usually distributed during the first semester, where students receive a hypothetical fact pattern from their instructor and are then required to find relevant authorities on their own.

70. The ABA Sourcebook on legal writing programs notes that:

> Isolated research instruction often has a bibliographic feel, concentrating on the technical information about the sources. The current criticism of this approach is that it inadequately addresses the interrelationships among sources and the strategies behind choosing one source over another. A majority of programs now use an integrated approach because of its perceived pedagogical soundness. . . .
>
> A related shift in legal research instruction has been the change in focus from the product to the process of researching. This shift focuses on research strategy, enabling teachers to help students think through the process of finding the correct and current information about the law. In addition, the increased emphasis on process allows teachers to draw closer connections between the use of research sources and the reasoning skills essential to legal research.

ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20-21.

conclusion is based on the observation that "students learn research skills better when they are taught in the context of the writing and analytic skills that inevitably accompany legal research in the practice of law."[71] Consequently, it avoids the "so-what" factor more common to the bibliographic approach because students can see how the knowledge they are learning relates to the skills they will need in practice.[72]

Because of these advantages, there has been a shift away from a "bibliographic" approach to teaching legal research towards a "process-oriented" approach.[73] Even so, the process-oriented approach is not without its own shortcomings. For one thing, it might not provide students with comprehensive exposure to many important research tools. Many

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Consistent with the ABA's recommendations, instructors from the University of Richmond's School of Law have:

> [F]irmly rejected the old 'treasure hunt' methodology. . . . We were unanimous in our agreement that treasure hunts are not only time-consuming and frustrating, but also of limited educational value. Because each source is presented in a vacuum, relationships between different types of material are never made clear to students. . . . Instead, our students are each given a hypothetical problem drafted by a librarian to insure that there are at least three issues: a state statutory issue, a federal statutory issue, and a common law issue. Students then must analyze the facts of the problem and locate relevant information in a variety of sources. . . .

Janto & Harrison-Cox, *supra* note 58, at 290-91.

71. ABA LEGAL WRITING SOURCEBOOK, *supra* note 15, at 20.

72. *See supra* note 67. Professor Shapo observes that the:

> [M]ajor weakness of [the treasure hunt] exercise is that even the more sophisticated versions are simulations. They do not require the students to use the resources they find to produce anything more than short answers. The exercises remain unrelated to their other work. . . An integrated legal research and writing course, however, avoids some of these disadvantages. Instead of simulating lawyers' research tasks, students engage in their own research as part of the problem-solving activity their writing assignments require. Thus, they can learn research not only for itself, but as part of the analytical process that lawyers undertake. This process requires the students to define issues, plan research strategies, evaluate the authoritative value of the materials they have found, and engage in further research as their writing reveals analytical weaknesses. In short, they learn to do research as part of the process of putting the results of their research to work.

Shapo, *supra* note 31, at 726 .

73. *See supra* note 68.

first semester writing assignments often involve relatively straightfor-
ward legal issues concerning the law of one jurisdiction.[74] Thus, students
may only learn about the few resources they need to complete that prob-
lem and nothing else.[75]

In addition, a "process-oriented" approach might not expose students
to many of the bibliographic details of the books they find. Although
such an exercise requires students to find the case reporters they need to
complete their memo, they might overlook important features like "stop
cites."[76] Finally, the process-oriented approach is sometimes criticized
because it fails to give students a strategy for solving legal problems.[77] It
does not teach them how to make use of cases, statutes, and secondary
sources as part of an overall research strategy.

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74. For simplicity's sake, the problem may be intentionally designed to limit the
students' research to the law of one jurisdiction.

75. *See* Lynch, *supra* note 15, at 432 (most memo and brief writing exercises do
not ensure that students will use important research tools). As discussed *infra*, the Alca-
traz approach tries to avoid that problem by giving students a writing assignment that
requires them to use, or at least check, most of the major library resources and in the
process shows them how primary and secondary sources should be used as part of a com-
prehensive research strategy.

76. For an excellent explanation of "stop cites," *see* EDWARD C. GOOD, LEGAL
RESEARCH WITHOUT LOOSING YOUR MIND 76-78 (LEL Enterprises 1993). *See* Lynch,
supra note 15, at 432-33 (process-oriented research exercises do not require students to
become familiar with important bibliographic features like the "plaintiff-defendant name
table," "the descriptive word index," or the "topic outline").

77. *See* Berring & Vanden Heuvel, *supra* note 33, at 439-40. As the title of their
article implies, *Legal Research: Should Students Learn It Or Wing It,* authors Berring and
Vanden Heuvel argue that a process-oriented approach leaves it up to the students to
figure out on their own how to use the law library. Unless a process-oriented approach is
carefully planned and supervised, there is a suggestion that legal writing instructors may
be abdicating their teaching responsibility by leaving it up to students to develop for
themselves an efficient and comprehensive research strategy:

> A process-oriented approach gives students tunnel vision. They learn
> only the narrowest, and most ineffective, paths to solving their re-
> search questions because they have no idea what the larger picture of
> legal research looks like. . . . Students will not, as [proponents of a
> process-oriented approach] claim, extract all the information they
> need about the research books merely by engaging in the process of
> research. . . . We should lay to rest the tired myth that engaging in
> the mere *process* of answering legal questions can teach students how
> to develop effective and practical research strategies.

Id.

C.   *Using An Alcatraz-Style Library Exercise to Teach Research*

An Alcatraz-style research exercise is an attempt to address the in-adequacies of traditional exercises by incorporating the best aspects of both the bibliographic and process oriented approaches into one exercise. More importantly, it improves upon traditional research pedagogy by providing students with instructions for using the law library that they can carry with them as they work on their research projects.[78] As de-scribed below, the Alcatraz exercise consists of a map, flow chart, and research log given to students in connection with their open universe writing assignment. The map shows students where to locate the re-search tools they will need to complete the project and the flow chart and research log explain how to use them.

Providing each student with a simple guide for using the law library that they can refer to as they work their way through their first major re-search project also helps lessen their anxiety about the law library.[79]

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78. Recognizing that the temporal disconnect between instruction from the teacher and practice by students is a fundamental problem with the way research is taught in law school, one commentator suggests the following approach. First, assign a textbook reading about each resource. Next, discuss that resource in class and, *immediately* fol-lowing that, retire to the library where students can work on an exercise under the in-structor's guidance. *See* McDonnell, *supra* note 43, at 364. *See also* COOPER, *supra* note 32, at 15.

During the course of my research for this article, I discovered a book published by the National Institute for Trial Advocacy ("NITA") that includes a series of biblio-graphic-style research exercises with narratives that direct students through the use of the books needed to complete those exercises. *See* HODES, *supra* note 38. The author ac-knowledged that in creating these exercises, he was trying to emulate in written form the prerecorded tours available at many museums. *See id.* at xvii. The book consists of six "tours" designed to familiarize students with particular resources like cases, statutes, Shepard's, and administrative law materials. Unlike those exercises, however, the Alca-traz approach is designed to walk students through all the major library resources they will need to fully research a hypothetical writing problem. As discussed above, the exer-cise consists of a text that includes explanations for finding and using the major research tools interspersed with bibliographic exercises. It is written in a way so that it can be used from year-to-year with different writing topics without alteration by the instructor.

79. The importance of this cannot be overstated. "Few educational experiences can compare with the intensity, excitement, and sometimes sheer panic of the first year of law school." *See* Woxland, *supra* note 31, at 457. Figuring out how to use the law library may be a particular source of stress to new law students because of its seemingly arcane organization. *See* Wren & Wren, *supra* note 18, at 57 (because the law library appears imposing to most law students, it provokes considerable anxiety).

Thus, another benefit of the Alcatraz approach is that it may help students develop efficient research strategies more quickly because they are not as intimidated by the law library. Discussed below in more detail is each of the three components that comprise the Alcatraz-style exercise I created for my class.

1. Give Students a Map that Shows Where the Books are Located[80]

Just like the prerecorded tours used by many museums and other tourist attractions, I give students a map of the law library that includes the location of each research tool I want them to use in connection with their open universe writing assignment. Although new students at our law school are required to take a library tour as part of their orientation, starting law school can be such an anxiety provoking experience that many students do not remember much about it. As a result, they find it tremendously helpful to have a map they can carry with them into the library that notes the location of everything they will need to complete their open memo assignment.[81] Librarians at many law schools may already have a map prepared that you can use. If not, it does not take much effort to create a simple hand drawn map yourself. It is well worth the time spent because it will save you and the librarians even more time in the long run answering repetitive questions about where to find the books.

There have been studies examining the psychological aspects of law school that confirm it is indeed stressful. "[Two researchers] concluded from their study of law students that 'law students have higher rates of psychiatric distress then either a contrasting normative population or a medical student population.'" B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627, 631 (1991) (quoting Stephen B. Shanfield & Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65, 69 (1985)). *See* Cathleen Roach, *A River Runs Through it: Tapping into the Informational Stream to Move Students from Isolation to Autonomy*, 36 ARIZ. L. REV. 667, 670 (1994) (data showing that there is "widespread, well-documented evidence of acute psychological distress among many first-year students.").

80. *See* Appendix A.

81. There is another benefit to giving students a map of the law library; it enables teachers to explain more clearly during class where research tools are located within the library by making reference to the map. I also include a hand drawn compass at the top of the page. This allows me to describe both during class and in the research log the location of various books by making reference to it. Accordingly, I can say to students: "Go to the northeast corner of the library" to find, for example, the statutes for our jurisdiction.

The map I use includes hand-written numbers next to the major re-sources I want students to find.[82] The numbers correspond to ones on the flow chart I give them, discussed below, that provides students with a schematic diagram for using each resource. The numbers on the map and flow chart also cross-reference with the research log. For instance, the log tells students that if they want to begin their research with the case reporters for our jurisdiction, they should locate "#1" on their law library map. Once they find that place in the library, students can use the research log and flow chart to tell them what the case reporters look like and how to use them.

2.   Give Students A Flow Chart That Shows Them How To Use The Books Once They Find Them

The next component in my Alcatraz-style research exercise is a flow chart that gives students a schematic diagram for using each resource they will visit on their tour through the law library.[83] Several textbooks provide good examples to help inspire your own designs.[84] The flow chart I use fits on a single 8 ½ x 11 sheet of paper turned length-wise so

82. These include the case reporters and statutes for our jurisdiction, the West Practice Series for our jurisdiction, the Decennials and General Digests, the major secondary sources (like A.L.R., AM. J. JURIS. and C.J.S.), the restatements, the location of the computer terminals where students can access the online card catalogue, important miscellaneous materials (like the model jury instructions for our jurisdiction) and last, but not least, Shepard's.

At the University of Colorado School of Law, we primarily cover the use of state research tools (both primary and secondary authorities) during the first semester as well as federal case reporters. During the second semester, we introduce federal legislative materials (including statutes, U.S.S.C.A.N., the Federal Register and C.F.R.) as well as other miscellaneous materials not covered first semester, like loose-leaf services. Students are also trained in Westlaw and Lexis during the spring semester.

83. With modern software, it is easy to create a flow chart on your own computer or with the help of the faculty secretaries if necessary. For example, Microsoft Word for Windows Office '97 includes a "draw" option that makes creating a professional looking flow chart relatively easy. *See* GETTING RESULTS WITH MICROSOFT OFFICE '97 159 (1997) (manual included with Microsoft Office 97 – "Professional Edition" that describes how to use "draw" option).

84. *See* GOOD, *supra* note 76. *See also* CHRISTINA L. KUNZ, DEBORAH A. SCHMEDEMAN, MATTHEW P. DOWNS & ANN L. BATESON, THE PROCESS OF LEGAL RESEARCH (Little, Brown & Co. 4th ed. 1996); LARRY L. TEPLY, LEGAL RESEARCH AND CITATION (West 5th ed. 1999). The flow chart I use in class is loosely based on one created by Professor Aviva Meridian Kaiser that was distributed several years ago during the Legal Writing Institute's biennial summer conference.

that it is concise and convenient for students to take with them into the library. In the far left margin of the page, I place a box labeled "Begin by Formulating Search Words." The purpose of this is to show students that, no matter which tool they choose, all research projects begin this way.[85]

From the box labeled "Search Terms," I draw arrows to an adjacent column of boxes that run from the top of the page to the bottom. Each box represents a different library resource I want students to use. At the top of the column is a box labeled "cases," the one below that is called "statutes," then "secondary source: state materials," "secondary source: ALR," and so on down to the last box in the column which is labeled "Index to Legal Periodicals." The order in which these resources are listed can be tailored to reflect their relative importance as research tools, the order you want students to use them, or they can be listed randomly.[86]
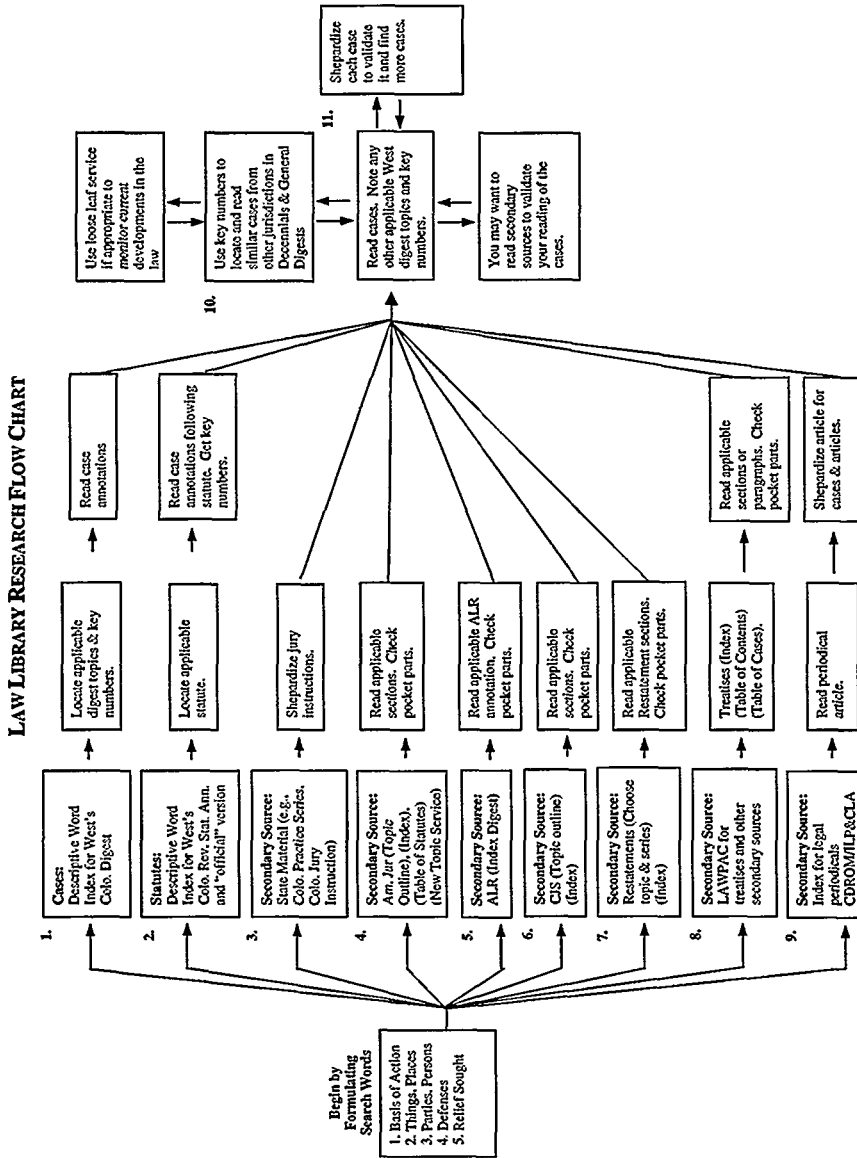
The column to the immediate right of the one listing all the research tools contains a row of corresponding boxes that shows students how to use each resource. Thus, to the right of the box for "cases" is one that explains that the "Descriptive Word Index" should lead students to find "Digest Topics" and "Key Numbers" that relate to their legal issue. With respect to "cases," the flow chart continues from left-to-right across the page by directing students to next find annotations corresponding to the

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85. Inside the box, I include a list of suggestions for brainstorming about search terms based on the "basis of the action," or the "things or places" involved, or the "parties or persons" involved or the "defenses" at issue or the "relief sought." Most legal writing textbooks contain a discussion about how to formulate search terms that can be incorporated into the instructions included in your Alcatraz exercise. The textbooks used by the legal writing program at the University of Colorado School of Law are HELENE S. SHAPO, MARILYN R. WALTER & ELIZABETH FAJANS, WRITING AND ANALYSIS IN THE LAW 217-218 (Foundation Press 4th ed. 1999) and GOOD, *supra* note 76, at 60-63. Both contain a very good discussion of how to formulate search terms.

86. In each box in this column, I include the name of the index for each resource so that students will know exactly what to look for when they get to that part of the library. For example, inside the box labeled "cases," the flow chart shows students they must find the "Descriptive Word Index" for their jurisdiction. For A.L.R., students should look for the volumes marked "Index Digest" on their spine. With respect to statutes, students are directed to find the "General Subject Index." Because the map, flow chart, and research log all cross reference each other, each of the boxes in this column is assigned a number that corresponds to its location on the law library map. A.L.R., for example, is represented by box #5 on the flow chart in the left-hand column listing all research tools. If students want to begin their search with A.L.R., they need to locate "#5" on the law library map. Once they find it, the flow chart shows them that they should begin their search by formulating search terms and then plugging them into the "Index Digest."

"Digest Topics" and "Key Numbers" they found, read the full-text decisions and, finally, "Shepardize" the cases they plan to include in their final memorandum.

LAW LIBRARY RESEARCH FLOW CHART

11. Shepardize each case to validate it and find more cases.

10. Read cases. Note any other applicable West digest topics and key numbers.

Use loose leaf service if appropriate to monitor current developments in the law

Use key numbers to locate and read similar cases from other jurisdictions in Decennials & General Digests

You may want to read secondary sources to validate your reading of the cases.

Read case annotations

Read case annotations following statute. Get key numbers.

Read applicable sections or paragraphs. Check pocket parts.

Shepardize article for cases & articles.

Locate applicable digest topics & key numbers.

Locate applicable statute.

Shepardize jury instructions.

Read applicable sections. Check pocket parts.

Read applicable ALR annotation. Check pocket parts.

Read applicable sections. Check pocket parts.

Read applicable Restatement sections. Check pocket parts.

Treatises (Index) (Table of Contents) (Table of Cases).

Read periodical article.

1. Cases: Descriptive Word Index for West's Colo. Digest

2. Statutes: Descriptive Word Index for West's Colo. Rev. Stat. Ann. and "official" version

3. Secondary Source: State Material (e.g., Colo. Practice Series, Colo. Jury Instruction)

4. Secondary Source: Am. Jur (Topic Outline), (Index), (Table of Statutes) (New Topic Service)

5. Secondary Source: ALR (Index, Digest)

6. Secondary Source: CJS (Topic outline) (Index)

7. Secondary Source: Restatements (Choose topic & series) (Index)

8. Secondary Source: LAWPAC for treatises and other secondary sources

9. Secondary Source: Index for legal periodicals CDROM/ILP&CLA

Begin by Formulating Search Words
1. Basis of Action
2. Things, Places
3. Parties, Persons
4. Defenses
5. Relief Sought

As the above illustration shows, the flow chart I use provides a similar schematic diagram for each resource students are expected to check in connection with their open memo writing problem. Because the flow chart assigns a number to each resource that corresponds to its location on the law library map, both can be used together to show students where to find and how to use each resource.[87]

3. Provide Students With Written, Step-By-Step Instructions For Using Each Resource in the Law Library

The most important part of an Alcatraz exercise is the research log that includes written instructions for finding and using each research tool students will need to complete their open memo writing assignment, as well as the space to record the results of that research.[88] In creating this document, I tried to put into writing the kind of instructions I would give students if I were scripting a recorded, self-guided tour of the law library.[89] Accordingly, the instructions direct students to visit several research "stations" throughout the library. At each station, the text of the log explains how the students will find the resources, how to use the index for each resource, and then asks students to record the results of their research in the space provided. I also ask students to answer a few bibliographic questions about each resource in order to highlight some of the details of the books they might otherwise overlook.

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87. The flow chart also provides students with an important visual reminder that the final step in any research project should be to Shepardize the cases they plan to rely on. Shepard's is also assigned a number on the flow chart that corresponds to its location on the map students receive.

88. *See generally* Appendix A.

89. *See* Benefiel & Jaros, *supra* note 27, at 202 ("in developing taped tours for the Texas A&M University research library, the committee tried to develop a smooth and cohesive script that covered the major library resources"). *See also* Forrest & Gassman, *supra* note 27, at 118 ("[D]eveloping the script for the self-guided tour proved to be the most complicated and time consuming aspect of the project. . . . It consisted mainly of explicit directions on moving from tour stop to tour stop, and informative and succinct physical descriptions of the service desks, collections, or other special features discussed at each tour stop. We needed to be sure that patrons could get to the next tour stop without difficulty and know what to look for when they got there . . ."); *See* HODES, *supra* note 38, at xii, xxi (discussing bibliographic exercises that include *narrative* instructions designed to "talk" students around the law library).

>   *i.*   The Introduction: Explain to Students the Instructions,
>   Goals and Basic Research Strategy[90]

The first page of the log includes some general instructions and goals for the assignment. The instructions explain that the purpose of the log is to provide students with a step-by-step guide for using the law library in connection with their open universe writing assignment. Students are told that the log contains frequent cross-references to the law library map to help them locate each resource. Cross-references to the flow chart give them a quick visual reference for using each resource. To encourage students to take the assignment seriously, the instructions state that the research log will be reviewed and factored into their final grade for the open memorandum writing assignment.[91]

A frequent criticism of the process-oriented approach is that it fails to provide students with a strategy for solving their writing problems. Thus, students may feel overwhelmed by their research and writing projects because they do not know how to start.[92] The Alcatraz-style exercise tries to remedy this by including a section at the beginning of the log that provides some general advice about research strategy.[93] Because the

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90. *See* Appendix p. i.

91. Our legal writing program is a year-long, graded course. Students earn two credit hours per semester. During the first semester, students are required to submit two drafts of their open memo writing problem which constitutes a substantial portion of their final grade for the semester. *See* Magid, *supra* note 34, at 1662 (noting that giving students grade for legal writing provides necessary incentive for them to do their best work). *See also* Kory D. Staheli, *Motivating Law Students to Develop Competent Legal Research Skills: Combating the Negative Findings of the Howland and Lewis Study,* 14 LEGAL REF. SERV. Q. 201 (1994) (author notes that grades "provide needed motivation and incentive for students to learn the material and to master the necessary skills").

92. *See supra* note 79.

93. The instructions explain, as I do in class, that students can begin their research either with cases, statutes or secondary sources. The log further explains that which of those resources they start with will depend on the nature of the problem they are researching. They are told that with more experience, they will develop judgment about whether a particular legal issue will likely be statutory or common law, or whether it might make more sense to begin with a secondary source given the volume of authority on the subject or its complexity. *See* Appendix pp. i-ii.

To illustrate the point, the instructions include a few examples of issues that are usually statutory - like criminal or environmental issues - and ones that are typically common law - like negligence. Of course, we discuss in class the best way to begin researching the particular open-universe memo topic they have been assigned. By repeating this part of the class lecture in the text of the research log, however, the lesson is delivered again

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strategy will vary depending upon the issue involved, the log must be flexible enough to permit students to begin with either cases, statutes or secondary sources. As a result, the research log is organized into three discrete sections reflecting the general categories into which all research tools fall. Students are told that they can start with any section they choose, but must eventually complete the entire log before turning it in.

> ### ii. Give Students Instructions for Using Case Reporters and the Key Number System[94]

The first section of the log pertains to case reporters. Students are directed to find the place on their map where the case reporters for their jurisdiction are kept and go to that area of the library. Once there, the log gives them step-by-step instructions for using the case digests.[95] Students are first told to brainstorm for search terms and then to record them in the space provided. The directions remind them to look at the flow chart if they need any help formulating these terms.[96]

The log then describes what the Descriptive Word Index looks like for their jurisdiction, where to find it on the shelf, and how to use it. After plugging their search terms into the index, students are told to record any helpful digest topic or key numbers they find in the space provided for that purpose. The log then explains how the digest topics and key numbers can be used to look up relevant case annotations. As shown below, a separate space is provided for students to record citations to any

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at the most pedagogically important moment; when students start to practice their new research skills. *See* Appendix p. i.

There is some debate about whether it is best to introduce students to legal research by starting with secondary sources. *See* Janto, *supra* note 58, at 293 n.70 (the first research "class is devoted to secondary material: legal encyclopedias, journals, treatises, and A.L.R. annotations [footnote omitted]. We think this is a logical place to begin, since these are the resources a researcher would consult to learn about a new area of law."). *But see* HODES, *supra* note 38, at 3 ("I never considered starting with anything other than case law, or judge-made common law."); Wren & Wren, *supra* note 18 , at 43 n.121 ("[B]y presenting secondary materials first, students *might* tend to overrely on them and accord them an importance they do not deserve.").

94. *See* Appendix pp. ii-iii.

95. Since Colorado no longer publishes an "official" case reporter, the instructions I include relate to the use of the "Colorado Reporter" published by West. Professors in jurisdictions that still use both "official" and West case reporters may want to include instructions that explain how to use each reporter and the differences between them.

96. *See supra* note 84.

helpful annotations they find. The instructions also remind them to check all pocket parts to ensure their research is up to date.

With citations in hand, the text of the log next directs students to locate the case reporters containing the full opinions for those citations. The log contains space for students to note whether each case they found was helpful as well as a reminder to Shepardize any they plan to rely on in the final draft of their memorandum.

Once students have completed research in their own jurisdiction, the instructions contained in the log direct them to visit the Decennials and General Digests in order to check for analogous authority from other jurisdictions.[97] Directing students to use these resources teaches them the important lesson that key numbers found in one jurisdiction can be used to locate similar authority throughout the regional reporter system by way of the Decennials.[98] To reinforce this point, I always select a writing assignment that requires students to find and use authority from other jurisdictions.[99]

iii. Give Students Instructions for Using the Statutes[100]

Once students have completed their common law research, the log directs them to visit the statutes for their jurisdiction.[101] If they need help

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97.   The text of the log reminds them that these cases, while not binding, may nevertheless be persuasive authority especially if they find cases that are more factually analogous than anything they found in their own jurisdiction.

98.   The directions in the research log also explain the difference between the Decennials and the General Digests. Students are told that the General Digests function like a "pocket part" that fills the gap until the next edition of the Decennials is published. The log explains that in order to use the General Digests, students must check the "Key Number Index" contained in every tenth volume which will give them references to any relevant cases published in the preceding ten volumes. *See* Appendix p. iv. For an excellent explanation about how the Decennials and General Digests work, see ROBERT C. BERRING & ELIZABETH A. EDINGER, FINDING THE LAW 104-07 (West 11th ed. 1999). *See also* GOOD, *supra* note 76, at 133-39. Because students learn how to use the Key Number System in a "process-oriented" context, they should retain that information better and therefore be better able to apply those lessons to their next research project. *See supra* note 72.

99.   *See infra* pp. 40-43.

100.   *See* Appendix p. iv.

101.   Although the statutory section follows the one devoted to case law research, the log is organized into discrete sections that allow students to start with either type of authority. We discuss in class whether it makes the most sense to start with cases, statutes or secondary sources depending on the writing topic they have been assigned.

finding the statutes, students are told to refer to their map. Once they get to that part of the library, the log tells them the exact location on the shelf where the statutes are found, how to use the General Index, and provides space to record any helpful citations they find. The instructions tell students to begin their statutory research by formulating search terms and plugging them into the General Word Index. After locating any helpful annotations following the text of their statute, students are told to look up the citations in the appropriate case reporters. The log also includes some brief bibliographic questions for students to answer that are designed to familiarize them with some of the details of the statutes they might otherwise miss.[102]

iv.   Give Students Instructions for Using Secondary Sources[103]

The final section of the research log is devoted to secondary sources. The instructions in this section remind students that it sometimes makes sense to begin their research with a secondary source.[104] Rather than try to cover every secondary source in the library, students are directed to the ones most commonly used by practitioners.[105] Accordingly, this final section is divided into sub-parts reflecting each secondary source students are expected to use. For each resource, students are told where to find it in the library, how to use the index, and are given space to record

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102.   For example, students are told to note references to legislative history that follow the text of any statutes they find. They are then asked to record in the space provided in the log the date of the last legislative action affecting their statute. They are also told to note the references to any secondary sources that follow the text of their statute and record citations to the first one they find. *See* Appendix pp. vii-viii.

103.   *See* Appendix p. viii.

104.   *See supra* note 93. The text of the log states: "Rather than sift through hundreds of case annotations in a state digest on a broad topic like 'negligence,' a good secondary authority will summarize the law for you and provide citations to the leading cases on that topic." *See* Appendix p. viii. Students are further told that while secondary authorities can be tremendously helpful research tools, they merely reflect a commentator's view of the law on a particular subject. Thus, students need to remember that secondary authorities do not carry the weight of cases or statutes and therefore should not be relied on as such in their memoranda. *See* BERRING & EDINGER, *supra* note 98, at 301 ("[O]nly a fool cites to legal encyclopedias as persuasive authority."); GOOD, *supra* note 76, at 65-66.

105.   These include the West Practice Series for their jurisdiction, A.L.R., C.J.S., AM. J. JURIS., the restatements, the Index to Legal Periodicals, treatises and model jury instructions.

the results of their research.[106]

For example, the final sub-part of this section is devoted to the re-statements, treatises, and the library's online index to legal periodicals. With respect to the restatements, the research log includes a brief expla-nation about what they are, how to use them, and a space to record any helpful material students find there.[107] Students are told that even if they do not find any restatement sections related to their issue, they should note that in the log anyway. Thus, the log is designed to make them at least look through the most commonly used secondary sources even if they find nothing.[108] The last paragraph of the research log tells students,

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106. At the beginning of each sub-part, students are asked to record the search terms they plan to use for that secondary source. The instructions remind them that the search terms they have already developed in connection with other portions of the re-search log will likely work with most of the secondary sources as well. Nevertheless, they are told that they might have to develop alternative search terms because various legal publishers sometimes index topics differently.

Students are reminded to check the pocket part, or any separately published supple-ment, for each secondary source the instructions direct them to research and record any citations they find there. Like the other portions of the research log, some bibliographic questions are included that are designed to familiarize students with details of these sec-ondary sources that they might otherwise overlook.

With A.L.R., for example, students are asked to locate the Annotation History Table in the back of the last volume of the index. The instructions tell them that this is a way to check whether any helpful A.L.R. annotations they find in the main volumes have been superseded by more recent annotations. They are further instructed to record citations to any superceding annotations. *See* GOOD, *supra* note 76, at 88-89; BERRING & EDINGER, *supra* note 98, at 124. *See* Appendix p. x.

107. Students are told that before they can use the restatements, they have to know what area of law they are looking for. *See* Appendix p. xiv. Even then, it is not easy to find relevant sections. There is a table of contents for each restatement, with a listing of the section numbers and their titles. However, that list is not very helpful be-cause the titles of sections often do not correspond to the common name of the legal con-cept codified therein. Each volume also contains a word index in the back that students may find helpful.

108. When students are done with the restatements, the research log instructions direct them to move to legal periodicals. The instructions tell them that it is often a good idea to check legal periodicals because they can be a great source for citations, general background information or as a way to understand an especially complex area of law. Students are told to consult their law library map in order to find the location of the com-puter terminals where they can access our library's online index to legal periodicals. The log then directs them to record citations to at least three articles they find. However, if they do not find any articles, they should note that as well. *See* Appendix p. xv. Finally, students are given a brief explanation concerning the value of treatises to their legal re-

again, to Shepardize any citations they plan to rely on in their memorandum.[109]

4. Disadvantages To Using An Alcatraz-Style Research Exercise

An Alcatraz-style research exercise is the best method I have found to provide a large group of students with simultaneous, individual instruction in the use of the law library. It is also the only method I have found that allows an instructor to provide the entire class with research instruction that is contemporaneous with each student's own efforts to figure out how the law library works. Finally, an Alcatraz-style research exercise allows instructors to integrate the best aspects of the bibliographic and process-oriented approaches into one exercise.

Nevertheless, there are some disadvantages to an Alcatraz-style approach that are worth mentioning. The first is the time it takes to prepare a scripted tour of the law library complete with instructions for using each resource students should find. The other potential disadvantage is that an Alcatraz-style exercise requires the instructor to develop an open universe writing topic that involves a sufficient number of research tools to make this approach feasible. As discussed below, however, neither of these potential drawbacks is significant enough to outweigh the advantages of the Alcatraz approach.

i. Developing a Written Script

Creating a written "script" for using the law library is not as daunting as it first appears. Keeping in mind that new law students lack any understanding about how the law library works, even the most rudimentary advice about where to find each book, how to use the indexes, and a reminder to always check the pocket part is extremely helpful to students struggling through their first research assignment. To prepare a draft of such an exercise, try dictating your class lecture notes on legal research

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search, instructions for finding them with our library's online card catalogue and a place to record any helpful citations they find. *See* Appendix p. xv.

109. Since Shepard's is the last step in most students' research, it makes sense to include a final reminder at the end of the log. The instructions inform students that not only can they Shepardize cases, but there are also several specialty Shepard's that can be used to check statutes, restatements, law reviews and other materials. *See* Appendix p. xvi. For a recent list of Shepard's specialty citators refer to BERRING & EDINGER, *supra* note 94, at 86.

and include occasional spaces that will permit students to record the results of their research.[110]

It is not necessary or desirable to include a lot of technical information about each research tool to make the exercise helpful to students. A section at the beginning of the exercise that reminds students that there are three main types of resources — cases, statutes, and secondary sources — as well as some general advice about which to use first can be very helpful to any student who is unsure about how to start a research project. As you draft the text of the log, walk through the law library and think about how you would want to explain to someone completely unfamiliar with it, how to go about starting a research project. It is almost impossible to be too clear or simplistic in your explanations. I even go as far as describing the color of the books I want students to find and their exact location on the shelf relative to other volumes. An approach that achieves a friendly, conversational tone will likely be more helpful to anxious law students than a written script that contains too much impenetrable detail.[111]

Admittedly, drafting an Alcatraz-style exercise takes an initial investment of time. However, teachers will save a lot more time in the long run by using such an exercise because students become self-reliant in the use of the law library more quickly and, as a result, instructors and library staff will spend less time answering repetitive questions about where to find and how to use each of the books. Moreover, once a satisfactory script is developed, it can be used year-to-year without alteration and therefore does not require any additional work on the part of the instructor.

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110. Describing how the idea originated to provide students with bibliographic exercises that included instructions for using the relevant books, Professor Hodes said that since "my students were attentive but not genuinely engaged by my lectures on legal bibliography, I resolved to write out the material in self-study format." HODES, *supra* note 38, at xix.

111. In describing the taped tour used at the University of Illinois undergraduate library, the librarians noted "we wanted to establish a friendly tone, stress the location of major service points, and emphasize the availability of staff to answer any questions. The objectives . . . [of the tour were to make patrons] feel less intimidated by the library and more comfortable about asking for assistance . . ." *See* Forrest & Gassman, *supra* note 27, at 118.

ii. Finding Appropriate Writing Topics

The other potential drawback to an Alcatraz-style research exercise is that it requires instructors to develop an open universe writing topic that involves enough library resources to make this approach feasible. However, this is not as much of an obstacle as it might seem at first. For an Alcatraz approach to work best, writing instructors need to come up with a research topic that involves both common law and statutory issues. It is probably not necessary to design a problem specifically with secondary sources in mind since almost any first year subject you choose will receive some treatment by them anyway.[112]

With a little resourcefulness, it is not difficult to find a writing topic that can accommodate these requirements. Several tort issues, for example, will work nicely with an Alcatraz-style approach since most of the causes of action are based in the common law while many of the defenses are statutory.[113] Topics involving criminal law can work nicely for the same reason. Think about creating a fact pattern that gives rise to both criminal and civil liability, such as assault or battery.[114] Since most

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112.   The purpose of the log is to expose students to several library resources in connection with the solving of a hypothetical writing problem. Even if a particular resource contains nothing, like a restatement, students are instructed that they need to check the resource and note that they found nothing. Accordingly, it is not necessary that every resource in the library contain a treatment of the open-universe memo topic in order for an Alcatraz-style exercise to work successfully.

113.   Writing problems involving nuisance issues work well for that reason. For example, one year I created an open-universe writing problem that asked students to consider whether urbanites who move next to a small, family hog farm in a rural community can bring a nuisance claim based on the smells coming from the farm. In Colorado, like many jurisdictions, nuisance is a common law cause of action which satisfies that part of an Alcatraz-style exercise. To add a statutory issue, I also asked students to consider whether the Colorado Farm Protection Act, which has a similar counterpart in many jurisdictions, would serve as a defense under the particular circumstances of the hypothetical. *See* COLO. REV. STAT. ANN. § 35-3.5-102 (West 1999) (Colorado Farm Protection Act). Because these common law and statutory issues receive treatment by several secondary sources, this topic worked very well with an Alcatraz approach. *See id. See also* Alexander A. Reinert, *The Right to Farm: Hog-Tied and Nuisance-Bound,* 73 N.Y.U. L. REV. 1694 (1998); J. Patrick Wheeler, *Livestock Odor & Nuisance Actions vs. "Right-to-Farm" Laws: Report by Defendant Farmer's Attorney,* 68 N.D. L. REV. 459 (1992); 4 AM. J. JURIS. 2D *Animals* § 75 (1995); W.E. Shipley, Annotation, *Keeping Pigs As a Nuisance,* 2 A.L.R. 3d 931 (1965 & Supp. 1998) (collecting cases that involve the interpretation of farm protection acts).

criminal issues are statutory and the ancillary civil claim would be common law, such a topic would work well with an Alcatraz approach.

I have found the most effective way to develop writing topics that work well with an Alcatraz approach is to let the library resources inspire the idea. Rather than thinking of a writing topic in the abstract and then seeing whether enough authority exists to make it work, consider instead looking through some good secondary sources to suggest ideas. A great place to start is the topic index for the A.L.R. Choose a general area of law that appeals to you like negligence, product liability or assault. Within that general subject matter, the A.L.R index should include references to several articles that could serve as good writing topics. By looking up promising titles in the main volumes of A.L.R, you should be able to tell at a glance whether there is enough authority to allow you to develop a well-balanced fact pattern that will require students to use a number of resources. Because A.L.R articles often include practice pointers for attorneys, they might include information on defenses that could serve as the inspiration for introducing a statutory issue to your writing problem.

While it may take a bit more resourcefulness at the beginning to develop writing topics that require students to use several research tools, those kinds of problems are more pedagogically sound for just that reason.[115] As teachers of research and writing, it is our responsibility to find

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114.   Using one of the more bizarre statutes found in the Colorado criminal code, I asked students to consider whether an artist who dressed dead bodies stored at the city morgue in party hats and then took photographs of them as part of a "shock art" project had committed abuse to a corpse under COLO. REV. STAT. ANN. § 18-13-101 (West 1999). To add a common law issue to the problem, I also asked students to consider whether the same conduct would give rise to a claim for intentional infliction of emotional distress on behalf of the families of the corpses after they learned about the photographs. This assignment worked very well with an Alcatraz approach since, somewhat surprisingly, there were some good secondary sources on both issues. *See* 25A C.J.S. *Dead Bodies* § 10 (1988). *See also* John S. Herbrand, Annotation, *Validity, Construction and Application of Statutes Making it a Criminal Offense to Mistreat or Wrongfully Dispose of Dead Body,* 81 A.L.R. 3d 1071 (1978); 22 AM. J. JURIS. 2D *Dead Bodies* § 4, 110 (1966).

115.   *See* Lorraine Bannai, Ann Enquist, Judith Maier, & Susan McClellan, *Sailing Through Designing Memo Assignments,* 5 J. LEGAL WRITING 193, 198 (1999) (writing assignments should be carefully planned to require students to use various research tools and resources); *see also* Callinan, *supra* note 19, at 7 (good research problems are those that require multiple resources to solve); Silecchia, *supra* note 30, at 289 (writing topics should be selected that expose students to a wide variety of skills); Grace Tonner & Diana Pratt, *Selecting and Designing Effective Legal Writing Problems,* 3 J. LEGAL

topics that are not only interesting to write about but also provide students with a comprehensive understanding about how the law library works. Using an Alcatraz-style research exercise that requires teachers to develop writing topics that expose students to several research tools in the law library represents a valuable learning experience for them.

III. CONCLUSION

Poor student attitudes about the law library and the inability of teachers to provide more personalized research instruction are two fundamental reasons why law school graduates have deficient research skills. Thus, it is incumbent on those who teach the subject to find ways to address these problems. Indeed, until we figure out how to make legal research more interesting and also provide students with the personal attention they need, research skills will not likely improve.

Accordingly, this article suggested that law schools develop an Alcatraz-style approach to teaching legal research by creating an exciting, prerecorded tour of the law library as a way to stimulate student interest in the subject. The raw material for good storytelling that is available in every law library is at least as good as the material that comprises most self-guided museum tours. An ancillary benefit of an Alcatraz approach to teaching research is that it would also enable instructors to provide students with more individual instruction in the use of the law library by way of electronic proxy.

Perhaps in the near future, law schools will hand students a computer disc during registration that contains software that will take them on an interactive, self-guided tour of a cyber-law library that will be just as exciting as a good video game. In the meantime, however, legal writing instructors can borrow from the techniques that make self-guided museum tours such great learning experiences to create better research exercises for use right now. Only when teachers find ways to make legal research more interesting for students and also provide them with the personal attention they need to learn the subject, will students stop feeling like they are "livin' in a world of tears" every time they enter the library.[116]

WRITING 163, 164 (1997) (legal writing problems should be designed to impart the research skills you want students to learn).

116. *See supra* note 25.