

AALL Law Student Research Competencies and Information Literacy Principles

Introduction

The Law Student Research Competency Standards Task Force of the American Association of Law Libraries (hereinafter Task Force) presents this paradigm of general research competency principles to foster the development of different models and eventually best practices.¹

There is a growing body of literature and a lively discussion among members of the legal academy and the practicing bar about the research competency skills of law school graduates. This dialogue among stakeholders is essential to forge change. In our discussions, we determined that continuing communication and collaboration between law schools, legal employers, and the law school accrediting body² is fundamental to any efforts to address and improve the research skills of law students.

To this end, law school programs should reflect the realities of the legal field. In particular, an understanding of the many varied legal practice business models is vital. In today's environment, law firm success hinges on billable time, effective time management, effective communication, effective peer collaboration, and cost recovery. Similarly, efficient research habits in governmental and nonprofit settings ultimately benefit those employees and the public. Highly competent research skills, effective problem solving skills, and critical thinking skills are keys to success in all areas of legal practices of today and the future.

The Task Force is confident that this paradigm of general research competency principles will engage more stakeholders in the dialogue about the need to establish benchmarks in this area. These benchmarks should include the development of a detailed list of required skills to reflect the needs of the legal employers of the 21st century.

We offer our five Law Student Research Competency Principles for consideration, and for use in the following discussions:

- law school curriculum development and design;
- law firm planning, training and articulation of core competencies;
- bar admission committee evaluation of research skills of applicants;
- continuing legal education program development;
- law school accreditation standards review.³

¹ The foundation of the Task Force's Principles are the *Information Literacy Competency Standards for Higher Education (2000)*, approved by the Association of College and Research Libraries (ACRL) and endorsed both by the American Association for Higher Education and the Council of Independent Colleges. Information Literacy as defined by ACRL is the set of skills needed to find, retrieve, analyze, and use information. <http://www.ala.org/ala/mgrps/divs/acrl/issues/infolit/overview/intro/index.cfm> A significant body of literature on information literacy has developed over the years.

² The Section on Legal Education and Admissions of the American Bar Association administers the law school accreditation process.

³ The Section on Legal Education and Admissions to the Bar is discussing student learning outcomes in proposed Standard 202.

Principle I: A successful researcher should possess fundamental research skills.

- **Law students should have an understanding of the complexities of the legal system.** They should know the processes and the interrelationships between the three branches of government and the legislation, regulations, and case law they produce. They should distinguish between official and unofficial sources of law and should place issues in context.
- **Law students should know how to effectively use secondary sources.** They should distinguish between primary and secondary sources of law. They should identify and use secondary sources for background information, to gain familiarity with terms of art, and to put primary sources in context.
- **Law students should have an awareness of the cost of research.** They should understand the costs associated with research using all formats. Further, they should identify where cost and efficiency intersect in the selection of format.

Principle II: A successful researcher should implement effective, efficient research strategies.

- **Law students should select appropriate sources for obtaining required information.** Based on the authority governing the issue, law students should determine which research tools are best suited to analyze the issue, and then they should validate the completeness and appropriateness of the selected sources.
- **Law students should construct and implement efficient, cost-effective search strategies.** Law students should first break the problem down into its components and determine an approach to each of them. They should draft research plans and timelines that include identifying the most cost-efficient sources, appropriately using available resources to perform the research, and using supplemental materials to validate and update results.
- **Law students should confirm and validate research results, incorporating existing work product and expertise.** Law students should confirm the validity of their results by consulting prior work product, when appropriate and available. They should also seek out knowledgeable legal researchers for guidance, when necessary, considering ethical obligations.
- **Law students should document research strategies.** They should record all pertinent information, such as resources and methods used, for future reference. They should produce accurate citations and reference lists using appropriate documentation style.

Principle III: A successful researcher should critically evaluate legal and non-legal information and information sources.

- **Law students should critically evaluate the validity and credibility of information sources.** They should know the different purposes and the relative strengths and weaknesses of different types and formats of information sources. They should be able to translate skills used for familiar information sources in order to master new information resources.
- **Law students should critically evaluate retrieved information.** They should distinguish between binding and persuasive authority and distinguish otherwise binding authority from the facts at hand. They should recognize and address contrary authority and incorporate factually dissimilar yet legally relevant authority by drawing parallels to the facts.
- **Law students should synthesize the results of their research to construct new concepts applicable to resolving the problem at hand.** They should draw analogies between their situation and other areas of the law, when appropriate.

Principle IV: A successful researcher should apply information effectively to resolve a specific issue or need.

- **Law students should understand the context for the legal issue under analysis.** They should research background or historical information, such as legislative or administrative histories, where that context can inform the analysis. They should apply scholarship from other disciplines, consistent with the use made of non-legal materials by courts and other decision-makers in the past.
- **Law students should modify the initial research strategy as suggested by preliminary results.** They should incorporate additional concepts when implicated by preliminary results, and expand or narrow research queries when they retrieve unanticipated results due to the coverage of research tools or the operation of search engines

- **Law students should determine when research has provided sufficient background to explain or support a conclusion.** They should ensure that all questions posed are answered. They should identify unresolved issues and incorporate as appropriate analogous background where research did not clearly resolve the issue posed
- **Law students should use the results of their research to formulate their legal analysis and to prepare their work product.** Law students should apply principles of relevance and priority to the authority cited, taking care to choose a format and style that is appropriate for the audience and that best supports their analysis. They should organize and integrate the results of research into a persuasive document. They should also cite authority consistent with locally accepted rules, ensuring that cited references can be located by the reader.

Principle V: A successful researcher should be able to distinguish between ethical and unethical uses of information and understand the legal issues arising from discovery, use, and application of information.

- **Law students should have a mastery of information ethics and should be able to articulate the factors that determine whether an information use is ethical.** They should understand that the analysis of information ethics includes determining the lawyer's ethical obligations to the court, the bar, and society. They should also understand the organization's (firm, school, court, corporation) rules on access, storage and dissemination of information.
- **Law students should apply laws, rules, and other legal authority that govern a lawyer's use of information in the course of practice.** They should understand the principles of intellectual property, copyright, and fair use. They should also use source citations properly, to accurately indicate where the words and ideas of others have been found, and they should understand and comply with license and subscription agreements and other limitations.