

Legal Reference Services: An Annotated Bibliography*

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The phrase legal reference services encompasses many different roles and tasks associated with law librarianship. Librarians are expected to know how to integrate both the bibliographic knowledge of legal tools with the expertise of reference and instructional skills. Library and information science students will benefit from receiving more detailed legal reference training, enabling them to develop this integrated skill set.

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Introduction

¶1 Many graduate-level library and information science (LIS) programs include legal bibliographic instruction in their curricula.¹ Courses also cover basic reference skills, advanced reference training, and information literacy. While these courses offer a strong basis for the skill set needed to work in librarianship, the type of stratification within this curriculum design promotes only a peripheral introduction to legal reference services, legal research, and instructional theory in this subject area. The result is a separation or void in the educational training of LIS students who are interested in a career in law librarianship. To address this situation, a review of the roles performed by law librarians will be outlined, with a view to designing a course dedicated to legal reference services.

¶2 Law librarians are viewed in the literature as an important arm of “expertise”² in legal research training in law school programs, hence the value of combining the application of reference and instructional design techniques with the knowledge of legal reference sources used in answering complex issues of law. Legal reference questions are multidimensional; they seldom reflect just one area or point of substantive law. Integrating the bibliographic knowledge of legal tools with the development of reference skills is an essential component within the profession.

¶3 To define the role of a law librarian within an academic setting, the intersection of law and librarianship requires further exploration.³ In reviewing the literature from a legal educational point of view, there exists a positive perception of the role of law librarians in legal reference services as well as in the instruction and teaching of legal research in law schools.⁴ Trends in the literature identify how different legal research methodologies,⁵ pedagogical designs,⁶ and adult learning theories⁷ are applied in teaching legal research. The underlying premise in review-

1. For a review of American and Canadian graduate library programs, see Am. Ass'n of Law Libraries, ALA-Accredited Graduate Programs: Depth of Law Librarianships Offerings (1998), at http://www.aallnet.org/committee/TFedu/list_1.html; Library and Information Science Graduate Schools in Canada, at http://www.gradschools.com/listings/canada/library_canada.html (last updated Mar. 31, 2005).
2. Blair S. Kauffman, *Advanced Legal Research Courses: A New Trend in American Legal Education*, LEGAL REFERENCE SERVICES Q., 1986, no. 3/4, 123, at 127; see also Herbert E. Cihak, *Teaching Legal Research: A Proactive Approach*, LEGAL REFERENCE SERVICES Q., 2001, no. 3/4, at 27, 29 (arguing that proactive librarians will prepare themselves to be “information experts”).
3. For an understanding of how a professional association views the role of a law librarian, see Am. Ass'n of Law Libraries, *Competencies of Law Librarianship* (Mar. 2001), at <http://www.aallnet.org/prodev/competencies.asp>.
4. See, e.g., Kauffman, *supra* note 2; Cihak, *supra* note 2.
5. See generally Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: Should Students Learn it or Wing it?* 81 LAW LIBR. J. 431 (1989); Christopher G. Wren & Jill Robinson Wren, *The Teaching of Legal Research*, 80 LAW LIBR. J. 7 (1988). These authors have opposite strategies on how to teach legal research. These methodologies are important for LIS professionals to understand (and LIS students to learn) if they are to remain influential in the legal research training of law students.
6. See generally Paul Douglas Callister, *Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Instruction*, 95 LAW LIBR. J. 7, 2003 LAW LIBR. J. 1.
7. Kristen B. Gerdy, *Making the Connection: Learning Style Theory and the Legal Research Curriculum*, LEGAL REFERENCE SERVICES Q., 2001, no. 3/4, at 71.

ing this body of literature is to recognize how law librarians, in conjunction with the educational institution, are often engaged in the creation and design of the legal research curriculum. This unique role supports the need to evaluate the current blueprint of LIS programs to see if LIS students are being adequately prepared to fulfill this teaching responsibility.

¶4 The purpose of this annotated bibliography is to review the literature that supports the roles played by the law librarian in providing legal reference services and teaching legal research within an academic setting. Additionally, this bibliography provides a platform from which to design an LIS course to address these issues.⁸ It is hoped that this review will encourage a continuous commitment on the part of LIS educators and professional law librarians to evaluate and improve the law library-related LIS curriculum, building on the excellent knowledge that is already represented in the professional literature. In enhancing the curriculum, LIS students will be able to enter law librarianship better equipped to respond to legal reference inquiries, as well as to instruct law students and other patrons in how to effectively use legal resources. A legal reference course will aid LIS students as they build a conceptual understanding of the law and come to understand the intricate relationship between substantive law and the multitude of legal resources available to assist them as they answer in-depth legal reference questions.

Scope and Organization of the Bibliography

Scope

¶5 This annotated bibliography represents a selective, rather than an exhaustive, review of the literature. The topics are wide in scope, offering an interdisciplinary approach to the study of law librarianship. The focus is to review the profession in the context of an academic environment. Some references are made to other types of libraries if the subject matter within the article is relevant to the training and development of LIS students interested in law librarianship. The time period covered is 1985 to 2004. The decision to survey this time period is related in part to the onset and steady increase of electronic legal information and access to the Internet. There is also a substantial amount of literature during this period that supports the role of the law librarian in teaching legal research.⁹

¶6 The scholarly literature presented in this review is derived from journal articles. The articles are from English language publications from Canada and the United States, although some were published in journals from the United Kingdom. The *Index to Canadian Legal Literature*, *Index to Legal Periodicals &*

8. See *infra* Appendix A, Outline for a Proposed LIS Course in Legal Reference Services. An LIS legal information bibliographic course should be a required prerequisite to the suggested course outlined in the appendix.

9. See *infra* bibliography entry nos. 29–43 for sources about teaching legal research and the role of the law librarian.

Books, LegalTrac, *Library Literature*, and selected indexes from important law library journals were used to identify citations relevant to the topic. The audience most likely to find this review useful will be law librarians, LIS students, and LIS and law school faculty who teach, design, and evaluate legal research training programs.

Organization

¶7 To provide an organizational structure for reviewing this topic, the bibliography is separated into three main sections: Historical Perspectives, Professional Roles, and Teaching Methodology.

Historical Perspectives

¶8 There is ample historical evidence in the literature that supports the use of academic law librarians to provide reference services and to teach legal research. A great deal has changed, however, during the past twenty years.¹⁰ For one thing, the legal profession has evolved from using legal resources in print format to electronic and Internet access. These changes, as well as the evolution of legal research itself, are highlighted in this section.

¶9 Historically, the profession has also engaged in an ongoing debate over whether a law librarian should be expected to earn dual degrees, that is, a degree in librarianship (typically an MLS) as well as a degree in law (J.D.). Even though dual degrees offer a strong basis in substantive law, the opinion expressed in this article presupposes that a legal reference course, such as that proposed in the appendix, is applicable in both a dual degree program and in an LIS program. LIS students who are interested in law librarianship will find these historical references about the origins of the profession both informative and appealing.¹¹

Professional Roles

¶10 One of the professional roles examined is that of the legal reference librarian. The extent to which legal reference librarians need to understand legal boundaries relating to the unauthorized practice of law (UPL) is highlighted. The articles also offer guidelines and suggestions for law librarians in the area of reference performance and practices, as well as tips on how to instruct and teach at the reference desk. User-focused articles relating to information-seeking behavior of lawyers

10. See Kelly Kunsch, *The Way We Were and What We "B,"* LEGAL REFERENCE SERVICES Q., 2002, no. 1, at 97, 98.

11. See, e.g., John Jeffries, *Law Librarianship in the United Kingdom: Preparation, the Profession, and the British and Irish Association of Law Librarians*, 81 LAW LIBR. J. 679 (1989) (discussing history of the United Kingdom and its law librarians association); Laura M. Goldsmith, *History of the University of Washington Law Librarianship Program*, 82 LAW LIBR. J. 239 (1990) (discussing history of a program on law librarianship in the United States). Goldsmith notes that Diana Priestley, the first Canadian woman to obtain dual degrees in law and librarianship, later supported "a trend toward law-trained librarians in Canada's law schools." *Id.* at 254.

and the legal community offer insight into some of the unique situations that exist between a law librarian and the library's users.

¶11 A second professional role considered is that of the librarian as legal research instructor. This section identifies the value and importance of legal research training within the law school environment, exemplified by the fact that legal research and advanced legal research are now becoming essential courses in law school curriculums.¹² Ann Hemmens argues that the “sheer number of journal articles and books on the topic of teaching legal research skills is indicative of how embedded legal research is in the legal education landscape.”¹³ Law librarians play an active role within this environment.¹⁴ The educational training of LIS students must therefore meet the standards required to fulfill this professional role.

Teaching Methodology

¶12 This final section lists articles that reflect on how legal research is taught to law students, LIS students, and practicing law librarians. These groups share several common attributes. First, to work effectively within a profession, each group requires a certain level of competence in understanding the techniques and methodologies behind legal research. Second, each group requires a level of understanding in substantive law. Third, to perform the expected roles and tasks associated with a profession, each group will use similar tools to access legal information. Finally, within a learning environment, all parties will most likely respond best to teaching methods that apply principles of adult learning theory. These shared attributes are elements that require assimilation into the LIS field of study. Ensuring that these attributes are incorporated into an LIS course guarantees the enhancement of legal reference services and legal information literacy training for current and future law librarians as they strive to work effectively with their primary user groups.

Bibliography

Historical Perspectives

1. Bonney, Barbara B. “The Controversy over Dual Degrees for Law Librarians.” *Legal Reference Services Quarterly* 11, no. 1/2 (1991): 127–33.

Bonney provides an analysis of when and how dual degrees are useful to the profession of law librarianship. She stipulates that the usefulness of dual degrees relates more to “the position held, [the] gender of the librarian, and type and

12. See generally Peter Schanck, *Mandatory Advanced Legal Research: A Viable Program for Law Schools?* 92 *LAW LIBR. J.* 295, 2000 *LAW LIBR. J.* 26.

13. Ann Hemmens, *Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools*, 94 *LAW LIBR. J.* 209, 236, 2002 *LAW LIBR. J.* 17, ¶ 66.

14. Many of these articles are written by law librarians in the United States who have dual degrees. In Canada, many law librarians are also required to teach legal research. As of the date of this publication, dual degrees are not a requirement for teaching in Canada.

size of the library” (p.127) employing the librarian. Although this article was written in the early 1990s, controversy over acquiring dual degrees still remains. LIS students who are considering a profession in law librarianship will need to assess the current climate regarding the issue as well as career aspirations and the geographic region or country where they plan to work.

2. Janto, Joyce M., and Lucinda D. Harrison-Cox. “Teaching Legal Research: Past and Present.” *Law Library Journal* 84 (1992): 281–97.

Janto and Harrison-Cox summarize the historical progression of legal research training in the legal profession. Librarians receive recognition early in the process as “being among the most qualified instructors available” (p.283), even though evidence suggests that by the mid-1980s there was a decline in the percentage of librarians teaching legal research (p.286). Even so, the authors stress the importance of the law librarian in the preparation and teaching of legal research to law students. The research course they propose perpetuates the role of the law librarian in providing such instruction. It is based on the premise that all librarians who participate in the teaching of legal research hold J.D. degrees. This article is useful for LIS students who are interested in learning about the history of law librarians in the United States who have taught legal research in an academic setting.

3. Kunsch, Kelly. “The Way We Were and What We ‘B.’” *Legal Reference Services Quarterly* 21, no. 1 (2002): 97–111.

In reading this article, one is struck initially by the negative connotations presented by the author regarding law librarianship. On closer inspection, however, Kunsch transcends the “futurists” mentality of the profession with a grounding aura, highlighting the “differences in the time, place, and manner of legal reference” (p.97). Based on his professional experience, the author remains perched like an owl over time within the confines of legal reference, thus giving him the right to claim a broader perspective on the changes within the profession. He highlights and compares the daily life of a legal reference librarian, offering both a past and present scenario. This article is useful for LIS students who wish to discover the origins and changes in the profession. Librarians who have been in the field will also appreciate his insight into the new and contemporary expectations placed upon this challenging career.

4. Mackenzie, Alison. “Introduction to Legal Sources of Information for Law School Students: A User Education Programme.” *The Law Librarian* 28 (1997): 60–62.

The continuing debate over acquiring dual degrees has also occurred among law librarians in the United Kingdom. The hiring of a “Law Subject Librarian” with a law degree and professional librarian status has created an opportunity for improvement within the existing educational program at Manchester Metropolitan University. The expert role of the law librarian provides a much “greater collaboration between the Library and the Law school” (p.60). The library is also involved to some degree in the “early discussion when course content is under review” (p.62). This publication suggests that the dual degree is considered a valuable commodity in certain roles and functions of law librarianship in the United Kingdom.

5. Martin, Peter W. "The Future of Law Librarians in Changing Institutions, Or the Hazards and Opportunities of New Information Technology." *Law Library Journal* 83 (1991): 419–28.

Technological change in how legal information is delivered defines the parameters for the argument presented in this article. Hindsight enables us to assess the accuracy of the evidence presented, given that the article was written prior to the advent of large-scale Internet access. In a somewhat concerned yet futuristic narrative style, Martin argues that "the future role for law librarians is far from guaranteed" and that the profession should pay attention to and "seize the opportunities opened during the current period of technological shift" (p.420). He recommends several strategies that will provide opportunities for law librarians to exist within this new paradigm. LIS students will benefit from reading this early summation of how technology affects and continues to impact the delivery of legal information sources.

6. Woxland, Thomas A. "Why Can't Johnny Research? Or It All Started with Christopher Columbus Langdell." *Law Library Journal* 81 (1989): 451–64.

Woxland argues that the teaching of legal bibliographic instruction works against the grain of substantive law and the case method approach. Legal research is viewed as a "skills course" (p.458). To understand this conflict, Woxland looks to "the foundations of American legal education" (p.455), where Dean Langdell of Harvard first began the case method approach. This article presents an interesting perspective on the difficulty of effectively integrating legal research skills with issues of substantive law. Understanding the teaching methodologies used within this subject area is valuable not only to faculty who teach in the law schools but also to LIS faculty who teach and prepare LIS students for a career in law librarianship.

Professional Roles

Legal Reference Librarian

7. American Library Association. "RUSA: Guidelines for Behavioral Performance of Reference and Information Services Professionals." *RQ* 36 (1996): 200–03.

In the American Library Association's Guidelines for Behavioral Performance of Reference and Information Services Professionals,¹⁵ one of the roles established for a librarian is to serve as a "research consultant who provides guidance and advice on search strategy and process" (p.200). The guidelines outline positive "behavioral attributes" such as "approachability, interest, listening/inquiring, searching, and follow-up activities" (p.200). These attributes present a common ground for reference services in all subject areas and should be considered a part of a curriculum that supports excellence in legal reference services.¹⁶

15. The revised guidelines "currently enjoy widespread acceptance as standards for the measurement of effective reference transactions." Reference & User Services Ass'n, Am. Library Ass'n, Guidelines for Behavioral Performance of Reference and Information Service Providers (June 2004), at <http://www.ala.org/ala/rusa/rusaprotocols/referenceguide/guidelinesbehavioral.htm>.

16. The American Association of Law Libraries also identifies "Reference, Research and Client Services" as one of the specialized competencies of law librarians. See Am. Ass'n of Law Libraries, *supra* note 3.

8. Anderson, Steven P. "Communications Conflict at the Law Library Reference Desk: A Survey of General Library Science and Communications Literature." *Legal Reference Services Quarterly* 16, no. 4 (1998): 5–21.

This article focuses on the use of communication theory at a reference desk. When this theory is applied to activity at a legal reference desk, issues unique to law are exposed. Building a "collaborative relationship" (p.5) with the patron within the context of the reference interview is sometimes perceived as an attorney-client relationship. This is a distinct issue in the art of legal reference services and one that should be explored in the context of an educational setting by LIS students.

9. Arrigo, Paul. A. "Taking Time for Legal Research Instruction at the Reference Desk." *Legal Reference Services Quarterly* 19, no. 1/2 (2001): 75–98.

This article offers one of the most extensive and detailed descriptions of how to incorporate aspects of reference technique into addressing a legal research question. Arrigo argues that prior to choosing a "legal research method" one must first determine the "patron's informational needs" and their "level of interest in receiving legal research instruction" (p.77). A legal reference librarian will also assess the type of patron (primary user such as a law student or secondary user such as the general public) as well as the level and "type of instruction" (p.81) required by the user. Arrigo's table of contents for the article is itself worthy of being incorporated into a legal reference course for LIS students.

10. Brown, Yvette. "From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians." *Legal Reference Services Quarterly* 13, no. 4 (1994): 31–45.

From the onset Brown upholds the position that the unauthorized practice of law (UPL) is a potential risk to the profession. The main purpose of the article is to offer guidelines to differentiate between providing legal information versus offering legal advice. Although she admits that most United States jurisdictions have not ruled on UPL in relation to law librarians, she does cite to case law that has enforced rulings on other nonlibrary professions. She presents some interesting guidelines for law librarians on how to deal with UPL. Her approach to the debate provides an important resource to include in an LIS course designed to address legal reference issues.

11. Condon, Charles, J. "How to Avoid the Unauthorized Practice of Law at the Reference Desk." *Legal Reference Services Quarterly* 19, no. 1/2 (2001): 165–179.

Condon describes how new technology provides innovative programs and resources to enhance reference services and reduce the potential for UPL. He recommends that librarians assess how the law defines UPL within their jurisdiction and then plan to work within the "legal limitations" (p.167). He makes several recommendations that support the development of a "reference policy," and recommends the use of handouts and brochures as self-help options to address the concern for any potential UPL transactions in reference services.

12. Duggan, James E. "The New Reference Librarian: Using Technology to Deliver Reference Services." *Legal Reference Services Quarterly* 19, no. 3/4 (2001): 195–202.

The “new reference librarian” (p.196) and the accompanying changes for the role of the professional are briefly described in this article. As early as 1983, Dick Danner prophesied that reference librarians would still be needed and “new services at higher levels of skill and competence” would be expected from the role.¹⁷ Although this can be said to be true for all reference librarians in different subject areas, the interplay of technology and the Internet has led to a greater awareness of the “changing realities of patron access” to legal information (p.201). This has caused new conflicts within law librarianship that can be explored within a legal reference course.¹⁸

13. Healey, Paul. “Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-five Selected Readings.” *Law Library Journal* 94 (2002): 133–139.

Healey presents an annotated bibliography relating to the unauthorized practice of law. In the introduction he outlines his position on the topic, arguing that the risk for liability for the legal reference librarian is “almost nonexistent” (p.133). His literature review represents both points of view on this controversial topic and, as such, offers an excellent starting point for developing a legal reference course that covers UPL issues.

14. Leckie, Gloria J., Karen E. Pettigrew, and Christian Sylvain. “Modeling the Information Seeking of Professionals: A General Model Derived from Research on Engineers, Health Care Professionals, and Lawyers.” *The Library Quarterly* 66 (1996): 161–93.

In an attempt to understand the nature of the information-seeking behavior of professionals, the authors draw out “important themes or trends” in the literature that stress the “commonalities” of three professional groups: “engineers, health care professionals, and lawyers” (p.163). Using this information, they work toward developing an “original model of information seeking processes” (p.163) that can be applied across many professional groups. While it was found that lawyers have a need to access a “wide variety of information” (p.173), this behavior was dependent upon a “complex interaction of personal and contextual variables including personal attributes, educational background, experience, type of practice, area of specialization, and legal information systems” (p.175). Research into how user groups seek information is essential in order to better understand those who seek out library reference services.

15. Mackler, Mark, and Michael Saint-Onge. “The Sky May Yet Fall on Firm Librarians: A Reply to ‘Chicken Little at the Reference Desk.’” *Law Library Journal* 88 (1996): 456–60.

17. Richard A. Danner, *Reference Theory and the Future of Legal Reference Service*, 76 *LAW LIBR. J.* 217, 232 (1983), quoted in James E. Duggan, *The New Reference Librarian: Using Technology to Deliver Reference Services*, *LEGAL REFERENCE SERVICES Q.*, 2001, no. 3/4, at 195, 197.

18. Another issue that has recently developed within the “new age of virtual and online reference services” is the cross-training of paraprofessionals for basic directional or informational questions. This has been done in part to allow librarians opportunity to work on other reference projects. Cooperative teamwork between professionals and paraprofessionals in legal reference services in these situations is imperative. See generally Margaret McDermott, *Staffing the Reference Desk: Improving Service through Cross-Training and Other Programs*, *LEGAL REFERENCE SERVICES Q.*, 2001, no. 1/2, at 207 (describing changes in library services in the new millennium).

In response to Paul Healey's view that UPL is not a contentious issue for law librarians,¹⁹ Mackler and Saint-Onge argue that reference liability, particularly in the context of a private law firm, is often masked under the umbrella of lawyer or firm liability to a client. What this implies is that liability exists but is hidden, hence the lack of statistical data. Although this article highlights UPL in private law firms, the debate crosses all law library environments. Understanding the difference between helping a user find legal information versus giving out legal advice is a skill that should be considered in a learning environment.

16. Mosley, Jr., Madison. "The Authorized Practice of Legal Reference Service." *Law Library Journal* 87 (1995): 203–09.

Providing access to information is a principle that Mosley regards as a high priority in legal reference services. He argues that fear of reprisal from an outside source should not deter reference librarians in their quest for excellence in their role of information provider. He recommends that librarians should "stop focusing on what constitutes the practice of law, and begin concentrating on not performing lawyerly functions" (p.205). A function of a lawyer is to apply logic and meaning to the elements found within the search effort (p.208). Supplying the means to access and bring together segments of the answer to a question is in his view "the appropriate province of reference librarians" (p.209). This article highlights the unique problems that exist in legal reference services.

17. Placzek, Sandra B. "All in a Day's Work: What's a Reference Librarian to Do?" *Legal Reference Services Quarterly* 19, no. 1/2 (2001): 41–56.

Placzek looks at some of the major changes affecting the provision of reference services within an academic setting. She argues that factors such as the constant "changes in the law" (p.43), a greater "sophistication" (p.42) by individuals who research the law, technological changes that advance and improve the flow of legal information, and the change in the legal publishing environment all interplay to create added stress on legal reference librarians. Combine these changes with the "user expectations of instant information" (p.42) and reference services has reached a challenging yet exciting era. The author recommends several time-management and organizational schemes to reduce the stress level of a professional.

18. Rice, Michael E. "Reference Service versus Unauthorized Legal Practice—Implications for the Canadian Reference Librarian." *Legal Reference Services Quarterly* 10, no. 1/2 (1990): 41–57.

Rice has written one of the few articles that address the UPL issue in law librarianship from a Canadian perspective. Similar to Yvette Brown's assessment of American law,²⁰ Rice concludes that "there has never been a reported case of unauthorized practice against a Canadian librarian" (p.42). He does, however, emphasize the potential for such a case to evolve if librarians fail to understand the parameters around providing legal information. He provides a summary of the Canadian legal position on UPL. As of the date of Rice's article, the Canadian

19. Paul Healey, *Chicken Little at the Reference Desk: The Myth of Librarian Liability*, 87 *LAW LIBR. J.* 515 (1995).

20. Yvette Brown, *From the Reference Desk to the Jail House: Unauthorized Practice of Law and Librarians*, *LEGAL REFERENCE SERVICES Q.*, 1994, no. 4, at 31 (see *supra* entry no. 10 for annotation).

Association of Law Libraries had yet to formally adopt a code of professional conduct to address UPL issues (p.54). Presenting a Canadian perspective of UPL, in conjunction with the United States experience, will enhance an LIS course designed to address legal reference issues.

19. Ross, Catherine Sheldrick. "The Reference Interview: Why It Needs to Be Used in Every (Well, Almost Every) Reference Transaction." *Reference & User Services Quarterly* 43 (2003): 38–42.

Throughout her article, Ross²¹ argues that the reference interview is an important communication tool, something that "must be conducted in every transaction" (p.39). She describes the reference interview as a "creative, problem-solving process that is collaborative" (p.38) in nature.²² She regards the "human element" (p.42) as one of the most important aspects of reference services. This work is significant as it outlines some common problems that occur when librarians interact with users during a reference transaction.

20. RUSA Task Force on Professional Competencies. "Professional Competencies for Reference and User Services Librarians." *Reference & User Services Quarterly* 42 (2003): 290–95.

On January 26, 2003, the task force published a set of guidelines presenting a "model statement of competencies essential for successful reference and user services librarians" (p.290). The classification of competencies listed in the guidelines center on the "abilities, skills and knowledge" (p.290) of the librarian in the new age of technology and change. These guidelines present an excellent framework for all professionals serving in this area; hence their value within a course for legal reference services.

21. Shaffer, Roberta. "Thinking Like A Lawyer: An Essay on Finding Some Common Ground." *Information Outlook* 6 (March 2002): 24–26.

According to Shaffer, the "Five R's" of "thinking like a lawyer" include "research, reasoning, [w]riting, reading, and rhetoric" (p.25). She argues that similarities exist between the educators in law and LIS professionals. For example, lawyers are "information optimists" (p.25), believing that there will always be an answer for a legal research question. LIS professionals believe that information is infinite; "information professionals have trouble facing the prospect that information does not exist" (p.25). She provides a list of lawyer-related attributes that are similar to those held by information professionals, reinforcing the connection between the two professions and creating an avenue for better communication and understanding. This article is a valuable source for LIS students who wish to explore the nature of communication and profiling between a primary user group and the professional librarian.

21. See also CATHERINE SHELDRIK ROSS ET AL., CONDUCTING THE REFERENCE INTERVIEW: A HOW-TO-DO-IT MANUAL FOR LIBRARIANS 157–61 (2002) (covering interviews of patrons with consumer health and legal questions).

22. See Steven P. Anderson, *Communications Conflict at the Law Library Reference Desk: A Survey of General Library Science and Communication Literature*, LEGAL REFERENCE SERVICES Q., 1998, no. 4, at 5, 16. Anderson notes that a "collaborative relationship" can sometimes be construed in legal reference as procuring a solicitor/client relationship. This is specific to the subject area of law; hence the importance of practice tips designed specifically for legal reference librarians.

22. Thompson, Jane. "Teaching Research to Faculty: Accommodating Cultural and Learning-Style Differences." *Law Library Journal* 88 (1996): 280–87.

Law faculty "bring to the 'training table' a different set of cultural values and norms compared with those of librarians and students" (p.280). Thompson assesses faculty training programs, emphasizing the need to recognize and make allowance for different learning styles. Utilizing "teachable moments" (p.285) with faculty, either at a reference desk, in an office, or by e-mail, "secures our continuing viability" (p.281) as librarians within the academic setting.

23. Trosow, Samuel E. "Jurisdictional Disputes and the Unauthorized Practice of Law: New Challenges for Law Librarianship." *Legal Reference Services Quarterly* 20, no. 4 (2001): 1–18.

The multilevel approach presented in this article provides an excellent assessment of the complexity and nature of UPL and how it affects the professions of law and librarianship. Trosow uses Abbott's sociological theory that highlights "occupational groups" existing in an "interactive" (p.2) environment, competing to define their own parameters around elements of unique identification within their profession. The tension that exists between the professions leads to jurisdictional dispute issues. Trosow recognizes the effects of external as well as internal factors such as the "environmental disturbance" (p.7) of technology and how it sways and shifts this relationship. The tension between these two occupational groups in defining the boundary in UPL remains in the forefront of his analysis. An ambiguous determination of this jurisdictional boundary leads the author to conclude that librarians should remain autonomous as they decide on an appropriate resolution to UPL issues.

24. Whisner, Mary. "Golf Buddy Reference Questions." *Law Library Journal* 91 (1999): 413–16.

This article is effective on two levels. First, Whisner provides an example of how a telephone interview between a layperson and a librarian can innocently lead to a UPL issue. In such a situation, Whisner recommends steering "clear of interpreting or explaining the law to public patrons" (p.413). Second, in her exuberance to tackle the question following the end of the telephone interview, she presents a summary of a search strategy she uses to answer the question.

25. Whisner, Mary. "Learning From Library Science." *Law Library Journal* 95 (2003): 295–301.

In this essay, Whisner offers insight into a recently published book about reference work: *Understanding Reference Transactions: Transforming an Art into a Science* by Matthew Saxton and John Richardson.²³ While Whisner concurs with the book's authors who support the importance and value of an effective reference interview, she also emphasizes the need for accuracy in reference work. Saxton and Richardson argue that library schools need to train library students in the reference interview while also devoting attention to behavioral skills in reference services. While Whisner accentuates the scholarly contributions of Saxton and Richardson, the article also highlights her practical experience as a reference librarian.

23. MATTHEW L. SAXTON & JOHN V. RICHARDSON, JR., *UNDERSTANDING REFERENCE TRANSACTIONS: TRANSFORMING AN ART INTO A SCIENCE* (2002).

26. Whisner, Mary. "On Asking for Help." *Law Library Journal* 92 (2000): 377–80.

The question of why patrons do not ask for help is considered in this article. Whisner offers several valid reasons, including gender differences, as to why patrons are sometimes too timid to request service from a reference desk. She then proposes several ways to encourage patrons to ask for assistance. Law librarians must support individuals doing legal research by affirming that "their questions are not dumb" (p.380). Maintaining an open communication process with patrons will aid in supporting their own learning process.

27. Whisner, Mary. "Teaching the Art of the Reference Interview." *Law Library Journal* 94 (2002): 161–66.

The reference interview is recognized as one of the most important skills for librarians to acquire and develop during their professional career. Whisner summarizes the training program used at the University of Washington's Gallagher Law Library to teach novice librarians how to address reference issues. She specifically highlights how they are taught to respond to law-related issues, paying particular attention to the ways a reference person decides how best to serve particular patrons by directing, instructing, referring, or providing information on their topic. She describes several teaching methods that aid in changing the information from abstract form into one of practical application. This is an excellent article to use in the preparation of a curriculum that addresses legal reference services.

28. Wilkinson, Margaret Ann. "Information Sources Used by Lawyers in Problem-Solving: An Empirical Exploration." *Library & Information Science Research* 23 (2001): 257–76.

The model designed by Leckie et al.²⁴ on the information-seeking behavior of three professional groups is viewed by Wilkinson as "empirical research work in LIS" (p.258). In modifying the earlier model, Wilkinson works toward advancing a new model that specifically addresses the information-seeking behavior of lawyers. The value of this research study is paramount for LIS programs as it brings into focus the complexity of this professional group. More studies of this nature, using models for interpretation, will aid in building a framework for understanding the information needs of the legal community.

Legal Research Instructor

29. Berry, Catherine. "Library Induction Programmes: How Do We Do That?" *The Law Librarian* 27 (1996): 41–43.

Berry argues that induction courses are essential programs for anyone involved in the legal process. She contends that technological changes have affected the way in which legal research is addressed. Library "induction training" should be "flexible" and tailored "to the needs of the individual or department" (p.41). Factors such as the location of the training, timing of the induction, and identity

24. Gloria J. Leckie, Karen E. Pettigrew, and Christian Sylvain, *Modeling the Information Seeking of Professionals: A General Model Derived from Research on Engineers, Health Care Professionals and Lawyers*, 66 LIBR. Q. 161, 180 (1996) (see *supra* entry no. 14 for annotation).

of the instructor are all outlined. More importantly, librarians are considered appropriate resource people to fill these teaching roles.

30. Cihak, Herbert E. "Teaching Legal Research: A Proactive Approach." *Legal Reference Services Quarterly* 19, no. 3/4 (2001): 27–40.

Cihak believes that law librarians ought to be involved in the teaching of legal research to law students. He sees this role as important on several levels. First, he considers law librarians to be the most qualified to teach legal research and also the most effective in "their roles as information experts" (p.29). Law librarians involved in teaching legal research will be premiered as the "showcase [for the] institution's talented law librarians" (p.29). The author also envisions the role of librarians as being that of "mediators between customers and legal research tools and methodology" (p.35). Cihak encourages law librarians to be proactive as they work toward developing a central role in teaching legal research skills.

31. Clinch, Peter. "Legal Research Skills: Development of an Undergraduate Course." *The Law Librarian* 22 (1991): 77–85.

With goals of supporting "the increasing skills orientation of legal study" and providing "points of comparison" for others teaching within the field (p.77), Clinch presents an example of a course in legal research skills. He believes that law librarians play an essential role in the delivery of research skills and in the "design of course materials" (p.81), emphasizing their expertise in the field.

32. Clinch, Peter. "Legal Research Skills Training in Universities and Polytechnics in England and Wales: Report of a Study." *The Law Librarian* 24 (1993): 137–40.

Two surveys were presented to law librarians in England and Wales between 1992 and 1993. They were initiated in part by the changes being implemented to legal education, resulting from the 1988 Marre Committee Report. The purpose behind the surveys was to gain an understanding of the current status of legal research training within universities and polytechnic facilities. Evidence within the report suggests the need to improve the process of delivering legal research training to law students. The author encourages "law librarians to use the Law Society reforms as a vehicle to ensure instruction in legal information skills forms a more prominent part in the training of lawyers" (p.140).

33. Davidson, Jeanne R. "Faculty and Student Attitudes Toward Credit Courses for Library Skills." *College & Research Libraries* 62 (2001): 155–63.

Although this study presents user data outside the subject area of law, it does assess how a selected sample population of faculty and students perceive the value of taking a library skills credit course. Findings of this study indicate "students and faculty consider instruction in library and research skills important" (p.162). Although a credit course in library skills is viewed as least preferable, almost two-thirds of the study respondents said they would "consider a credit course, especially if its relevance to their curriculum needs is clear" (p.162). This study validates the importance of librarians as full participants in providing information literacy within an academic setting.

34. Farmer, Jill Anne. "A Poststructuralist Analysis of the Legal Research Process." *Law Library Journal* 85 (1993): 391–404.

Farmer offers an epistemological view, using a poststructuralist ideology to address the design and structure of legal research. Legal scholarship, particularly in critical legal studies, embraces a much different perspective on legal research than what is practiced in mainstream law. As indicated by the author, "theorists of this movement 'deconstruct' or take apart texts to reveal the array of assumptions underlying each statement" (p.392). The reality of how information and meaning is designed is viewed as a social construct (p.393); law librarians can become strong enablers of change by conceptually unlocking legal information (p.402) through the teaching of legal research and the reorganization of legal information. This article provides a philosophical position that affects both the legal and library professions in the delivery of legal knowledge. On a practical level, LIS students will benefit from knowing this ideology and others that exist within the legal profession.

35. Hemmens, Ann. "Advanced Legal Research Courses: A Survey of ABA Accredited Law Schools." *Law Library Journal* 94 (2002): 209–41.

Hemmens provides one of the most extensive surveys of advanced legal research courses taught in ABA-accredited law schools in the United States, as well as summarizing past surveys reviewing similar issues. The need to continue advanced legal research courses is supported by the view that an "inadequacy of research skills" (p.210) exists in new law school graduates. This factor, combined with the complexity and the increase in legal materials, has forced law schools to evaluate their curriculum to address these issues. Hemmens maintains that law librarians play a valuable role in the educational process.

36. Kaskey, Sid. "The Law Librarian As Trainer." *Legal Reference Services Quarterly* 17, no. 3 (1999): 37–38.

Although this article is brief, the author draws a portrait of technological change that is highly recognizable: "when the tools to exchange information become better, the increase of change becomes faster" (p.37). The law librarian must meet the challenge of this new technology, work with the speed of change, and continue to open the doors of opportunity for access to legal sources and to new methods of instructing legal research. His vision of the "law librarian as trainer" serves as an important mandate to educators. Specific training in law librarianship must continue to move with the speed and complexity needed to maintain the profession.

37. Kauffman, S. Blair. "Advanced Legal Research Courses: A New Trend in American Legal Education." *Legal Reference Services Quarterly* 6, no. 3/4 (1986): 123–39.

Advanced legal research courses have received enormous attention in the United States. Complexity of the law and the lack of legal research competency on the part of new law graduates has provided an impetus to supporting this type of curriculum. Kauffman cites the value of such a course even though he argues that it should remain an elective and not a mandatory requirement. He recognizes the role of the law librarian as expert in the teaching of legal research, although he admits that many librarians lack "classroom teaching experience" (p.127). Perhaps a teaching practicum designed within an LIS course will help to integrate teaching methods with legal research and will provide a solution for this early lack of professional experience.

38. Lee, Robert. "From the Classroom to the Library and From the Library to the Workstation—Redefining Roles of Legal Education." *The Law Librarian* 30 (1999): 37–41.

Redefining the roles in legal education is the main thrust of this article. Lee reviews the position held in legal education between law librarians and legal academics. With the increase in student enrollment in undergraduate programs and a "revolution in the provision of legal materials" (p.37), Lee argues that a shift must take place in how legal education is delivered by these professional groups. His analogy of the "law team" (p.41) is encouraging as it moves the role of the law librarian into full participatory involvement within legal education. Similar to the North American experience, the study of law in the United Kingdom seeks to enhance this educational process, making certain that all experts in legal research are utilized to the fullest extent.

39. Lee, R.G., and P.A. Thomas. "Librarians As Teachers: Academic and Practitioners Views." *The Law Librarian* 23 (1992): 37–38.

Written just prior to the onset of the global use of the Internet, the expectations and futuristic predictions by Lee and Thomas reflect a positive role for law librarians in instructing and teaching legal research. The "lifeline" (p.38) of the information specialist is emphasized as the essential tool for lawyers and law schools endeavoring to work through the increased flow of legal information. It is hoped that professional law library associations and LIS educators will embrace the vision to interweave the skill set necessary to develop and maintain these professional roles.

40. Rosmarin, Warren. "The First Column: The First Class." *Legal Reference Services Quarterly* 11, no. 1/2 (1991): 167–83.

Teaching can be accomplished anywhere: in a classroom, in "small groups in the library, or one person at the reference desk" (p.167). This motto is one that Rosmarin promotes as he describes the value of giving and receiving information and working with people to "make a connection" (p.167). This article is a transcript of a legal research lecture presented to first-year law students. Rosmarin reassured the students that the library is a place where "no question [was] too easy, too basic, or too repetitious" to ask (p.183). He acknowledges the valuable role of teaching legal research and the importance of librarians in being a part of the process.

41. Schanck, Peter C. "Mandatory Advanced Legal Research: A Viable Program for Law Schools?" *Law Library Journal* 92 (2000): 295–304.

Many American law schools are now considering implementing a mandatory advanced legal research course. Schanck cites three factors that influence this educational direction: higher expectations by law firms that new attorneys will display effective research skills, the ongoing "complexity of legal research systems" (p.295), and a general dissatisfaction by law firms with the lack of research skills now seen in law school graduates. He outlines the advanced legal research course taught by reference law librarians at Marquette University, and notes that law librarians involved in teaching this course have responded positively to participating in the process. This article reflects the current trends in law schools for raising the value and importance of legal research training and for recognizing the valuable role law librarians can play in teaching research. LIS students will be better equipped to handle these emerging teaching roles if LIS schools provide them with adequate preparation.

42. Tunkel, Victor. "Law-Finding for Lawyers." *The Law Librarian* 28 (1997): 59–60.

The deep appreciation for the role of a law librarian is evident as the author describes the interconnected relationship between lawyers and librarians. Tunkel admits that librarians are usually more adept at answering "focused questions" (p.59) of law and that lawyers depend on their expertise. He foresees more involvement by law librarians in the teaching of legal research through academic instruction and workshops. This professional connection remains a pinnacle in both the United Kingdom and in North America.

43. Young, Steve. "Teaching UK Legal Research in the USA." *The Law Librarian* 31 (2000): 49–52.

Teaching United Kingdom legal research in an American university identifies the diversity of expertise held by law librarians. Young uses a bibliographic approach as opposed to a "process" (p.50) method to teach the course. Librarians are primary instructors in the "suite of advanced legal research courses" (p.49) offered at the University of Texas. This prominent role reinforces the importance of producing an LIS course designed to incorporate training for geographically specific legal information.

Teaching Methodology

Curriculum Design and Models of Learning Used in Teaching Legal Research and Information to Law Students

44. Bast, Carol M. "Teaching Tough Stuff: Judicial Decision Making and the Legal System: Implications for Conducting Research." *Research Strategies* 12 (1994): 238–42.

By understanding the relationship that exists in legal systems including the institutional structure and the legal concepts of law, Bast contends that the performance of a law librarian will be enhanced, resulting in a more effective research strategy. She uses concepts of law, such as civil and common law and the doctrine of stare decisis, to explain the importance of legal systems in the development of a research strategy. To help LIS students become effective research strategists by including a conceptual legal framework in the organization of a research question, methods of preparation for this skill set can be replicated within an integrated course design.²⁵

45. Berring, Robert C., and Kathleen Vanden Heuvel. "Legal Research: Should Students Learn It or Wing It?" *Law Library Journal* 81 (1989): 431–49.

In a war of words about legal research strategy, these authors dismiss the method offered by Christopher and Jill Wren.²⁶ Berring and Vanden Heuvel believe in the traditional or bibliographic approach to legal research training, originally embraced

25. Some LIS programs in the United States, Canada, and the United Kingdom offer a legal bibliography course highlighting some of the concepts discussed by Bast. Integrating the bibliographic instruction of legal resources with legal research strategies and reference techniques will greatly enhance the educational opportunities of new law librarians working in legal reference services.

26. Wren & Wren, *supra* note 5 (*see infra* entry no. 51 for annotation).

by Frederick Hicks in a 1918 article, "The Teaching of Legal Bibliography."²⁷ This is in sharp contrast to the "process-oriented approach"²⁸ recommended by the Wrens. This issue has been debated long and hard; law schools have developed their legal research curriculum based on these two opposing positions. Berring and Vanden Heuvel claim that had law schools maintained the principles of legal research as taught by Frederick Hicks, we "would not have the debilitated legal research programs we are left with today" (p.432). Law librarians working in the library or in a classroom must contend with these opposing methodologies.

46. Callister, Paul Douglas. "Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Instruction." *Law Library Journal* 95 (2003): 7-45.

Callister summarizes the debate between the process-oriented and bibliographic approaches to legal research. He argues that so much emphasis has been placed on the approach to teaching that legal educators have failed to consider the value of a "flexible, pedagogical model for the acquisition of legal research skills" (p.8). Callister encourages legal research education that enables students to reach beyond their own "mental construct" (p.34) to successfully challenge new ideas and ways of thinking.

47. Fitzgerald, Maureen F. "What's Wrong with Legal Research and Writing? Problems and Solutions." *Law Library Journal* 88 (1996): 247-79.

Fitzgerald offers a Canadian perspective on the teaching of legal research and writing. She reports that while half of the Canadian law schools offer a "distinct course" in legal research and writing, the "other half integrate legal research and writing" (p.249) into a substantive law class. Her article summarizes some of the problems within the Canadian law school curriculum and proposes solutions to meet the educational needs of law students. Librarians are seen as being part of a team of legal research and writing instructors, including law faculty, "adjunct professors, other students, and practitioners" (p.251). LIS students interested in working in Canadian law schools will benefit from learning about the institutional organization of these programs in Canada.

48. Gerdy, Kristen B. "Making the Connection: Learning Style Theory and the Legal Research Curriculum." *Legal Reference Services Quarterly* 19, no. 3/4 (2001): 71-93.

One of the most encouraging acknowledgements of the role of the law librarian as teacher is found in this article. Similar to the view advocated by Warren Rosmarin,²⁹ Gerdy argues that teaching can be done in a "formal classroom, at the reference desk, and one-on-one"; the fact is "law librarians teach everyday" (p.71). In an effort to aid understanding about how students learn, Gerdy considers three learning-style theories in the context of legal research training. Fundamental to using these theories is her belief that a disconnection exists

27. Frederick C. Hicks, *The Teaching of Legal Bibliography*, 11 LAW LIBR. J. 1 (1918).

28. Wren & Wren, *supra* note 5, at 33.

29. Warren Rosmarin, *The First Column: The First Class*, LEGAL REFERENCE SERVICES Q., 1991, no. 1/2, at 167 (see *supra* entry no. 40 for annotation).

between “the substance and the student; complete learning is not occurring” (p.72). The problem is evident when a student obtains bibliographic instruction and is able to answer sample questions but fails to “transfer that knowledge to a hypothetical fact situation” (p.72). The same may hold true for LIS students who take courses in legal bibliography; designing a research strategy to address the facts of a specific reference question is much different than just understanding the basic legal bibliographic tools. Sensitivity to different learning styles as well as support by LIS educators for a more integrative learning curriculum will benefit LIS students who wish to enter law librarianship.³⁰

49. Goldberg, Perry M., and Marci Rothman Goldberg. “Putting Legal Research into Context: A Nontraditional Approach to Teaching Legal Research.” *Law Library Journal* 86 (1994): 823–28.

Alternative learning-style methods are sometimes used as a way to combat the inadequate level of legal research skills found in law students. One of the more creative endeavors is the legal research board game called “Prestige, Profit and Power” (p.824). The main focus of the game is to allow students a forum to develop and learn research techniques. The creators of the game believe that “creative teaching techniques” (p.824) offer a way to increase student learning. This example presents a nontraditional path to learning legal research; the emphasis on creativity and design suggests that both law and LIS specialists can create styles of teaching legal research that are applicable to their user group.³¹ Learning legal strategies in this way can also be adapted to support a curriculum that teaches LIS students how to analytically prepare for different types of reference inquiries.

50. Strober Dabbour, Katherine. “Applying Active Learning Methods to the Design of Library Instruction for a Freshman Seminar.” *College and Research Libraries* 58 (1997): 299–308.

Strober Dabbour writes about the effect of different learning methods on library instruction. Law students were not part of the population group studied, but it can be argued that there are similarities between a freshman and a first-year law student. Although law students have probably used a library in their undergraduate programs, generally speaking they are newcomers in legal information literacy training. Thus, the teaching methods applied to freshman seminars described in this article may be applicable to law students. Active learning methods using both cooperative and collaborative instructional techniques, as well as small

30. For another example of how the learner-centered approach can be used in teaching legal research, see Kristen B. Gerdy, *Teacher, Coach, Cheerleader, and Judge: Promoting Learning through Learner-Centered Assessment*, 94 *LAW LIBR. J.* 59, 2002 *LAW LIBR. J.* 4. For a summary of “inborn personal patterns of students” in learning, see David W. Champagne, *Improving Your Teaching: How Do Students Learn?* 83 *LAW LIBR. J.* 85 (1991).

31. For example, Timothy Terrell has written on the existing gap between law school and law practice. He advocates an in-house training model that promotes a client-focused environment. Again this represents another potential model that is useful for a law librarian to understand, given the complexity of the user population in law. Timothy P. Terrell, *What Does and Does Not Happen in Law School to Prepare Students to Practice Law: A View from Both Sides of the Academic/Practice Dichotomy*, 83 *LAW LIBR. J.* 493 (1991).

group activity, were used in this study. It was able to confirm that a “small group, self-guided exercise, under direct librarian supervision” was an effective way of “teaching basic library skills” (p.307).

51. Wren, Christopher G., and Jill Robinson Wren. “The Teaching of Legal Research.” *Law Library Journal* 80 (1988): 7–61.

This article focuses on how best to design and implement a curriculum to teach legal research. The authors move away from the traditional approach of using a “bibliographic” (p.8) format, instead promoting a “process-oriented” (p.14) method that offers students a “comprehensive and functional view of legal research” (p.48). Law librarians need to be aware of the impact of this approach and how law schools choose to implement a particular methodology within the curriculum. LIS programs will best serve students interested in law librarianship if they include as part of the legal reference course an understanding of the rich history of methodology found in legal research training.

Curriculum Design and Models of Learning Used in Teaching Legal Research and Information to LIS Students and Practicing Law Librarians

52. British and Irish Association of Law Librarians. “UGC/NAB Transbinary Review of Librarianship and Information Studies.” *The Law Librarian* 16 (1985): 117–18.

This article assesses the educational structure of librarianship in the United Kingdom. One of the general concerns of the British and Irish Association of Law Librarians (BIALL) is that while law librarianship requires a graduate LIS degree, the profession does not attract “law graduates in sufficient numbers” (p.117). The association encourages the development of more courses detailing the “bibliography and librarianship of legal literature” (p.118). BIALL also recommends the hiring of experienced librarians to teach practical skills to LIS students.

53. Clarke, Hazel. “Legal Knowledge and the Law Librarian: The BIALL/PCL Course.” *The Law Librarian* 16 (1985): 119.

In a one-page summary, Clarke outlines a course providing law librarians without a law degree an opportunity to do coursework that covers basic principles of law. Once again the question of dual degrees and the need to obtain a “higher qualification in law librarianship” (p.119) is evident. The concern of BIALL to help its members develop “subject expertise” (p.119) reinforces the premise that law librarians and LIS educators must continually strive to revamp LIS programs to guarantee that those interested in the profession obtain the best training possible.

54. Cohen, Eileen B. “Teaching Legal Research to a Diverse Student Body.” *Law Library Journal* 85 (1993): 583–90.

Cohen summarizes types of learning styles and how they can be used to help diverse groups learn legal research skills.³² She believes that by understanding

32. This article describes learning theories related to a law student population and could therefore be placed in the section under teaching methods for law students. It is included under teaching methods for LIS students for two reasons: these learning theories may be useful for LIS educators who teach librarianship and they also may help LIS students as they prepare to work professionally with a legal population.

adult learning theories, law librarians can improve and diversify the methodologies they use in teaching legal research. The relationship between teaching methods and learning styles can also be considered in the context of an LIS program. LIS students represent a diverse population group. Teaching an integrated package of legal research, reference, and instructional training with adult learning theories will enhance the educational preparation of LIS students entering law librarianship.

55. Dewdney, Patricia, Sam Coghlan, Christine Sue-Chan, & Catherine S. Ross. "Legal Information Services in Ontario Public Libraries." *Canadian Library Journal* 45 (1988): 365–71.

Although this article is related more to how public libraries assist in providing legal information to the general public, this same responsibility exists in an academic setting. In upholding the democratic process, librarians have a responsibility to provide access to information that is pertinent to an individual's rights in society. This obligation is understood to be paramount by those who deal with legal inquiries in library settings. This study examines the "problems encountered by Ontario public librarians in providing access to legal information" (p.366). Of the librarians surveyed, 96% indicated that they had developed knowledge and training in this subject area through "on-the-job experience rather than through any kind of formal training" (p.367). Some of the librarians in the study thought that library schools should fill this educational void either through a graduate-level program or through "continuing education programs" (p.368). This study provides an excellent argument for designing a legal reference course within the LIS curriculum that integrates training in both legal reference tools and legal research strategies.

56. Eisenschitz, Tamara. "Training the Law Librarian of the Future." *The Law Librarian* 30 (1999): 231–36.

Law librarianship is reported to be "one of the most rapidly developing areas of library and information science" (p.231) in the United Kingdom. Eisenschitz encourages students interested in the profession to take LIS courses that reflect both law and nonlaw sources, given that some research questions may involve nonlegal issues. Librarians who are interested in developing a profile in the legal profession are encouraged to take the "law for librarian courses" (p.235). This article validates the importance of developing a legal reference and research course for LIS students and librarians who are interested in upgrading their level of expertise.

57. Foote, Martha. "The Need for Research in Law Librarianship." *Canadian Law Libraries* 25 (2000): 7–10.

Involvement in research should be part of the role and function of a law librarian. Research is an essential component of law librarianship; it is connected to the status of the position, and it aids in providing a "body of knowledge" (p.7) for the profession. Foote³³ explains why librarians are often unable to fulfil this function. For many, the lack of time, money, and support are all factors that impede the opportunity to do scholarly work within the field. This article speaks directly to

33. Martha Foote was the chair of the Committee to Promote Research of the Canadian Association of Law Libraries from 1997 to 1999.

Canadian scholars and the need to produce a body of knowledge that will continue to enhance and aid in the education of new librarians entering the field.³⁴

58. Hazelton, Penny A. "Law Libraries as Special Libraries: An Educational Model." *Library Trends* 42 (1993): 319–41.

While this article relates more to private law libraries, Hazelton's analysis of the private sector is relevant to the issue of how librarians in general are trained. She provides a brief history of the educational structure for law librarians in the United States and discusses the American Association of Law Libraries' Guidelines for Graduate Programs in Law Librarianship.³⁵ She suggests that the drafting of the guidelines allowed the association to "sidestep the question" (p.327) of dual degrees. She recommends several ways to incorporate the training of the private sector law librarian into the curriculum of LIS programs.

59. Jensen, Mary Brandt. "Teach Me to Learn: Planning Quality Continuing Education for Law Librarians." *The Law Librarian* 28 (1997): 87–89.

Jensen uses the term "re-engineering" (p.87) to describe the ongoing training of law librarians. She recommends the use of mini courses, workshops, and presentations for the continuing education of law librarians. Teaching law librarians to "teach themselves" is, in her view, the way to "keep up with the changing needs of our profession" (p.89).

60. Lester, June. "The ALA Accreditation Process: Implications for Educational Preparation for Law Librarianship." *Law Library Journal* 81 (1989): 511–22.

The American Library Association (ALA) has produced guidelines for the accreditation of LIS programs. The general purpose of accreditation is to "assure the quality of an institution or program, and to assist in the improvement of the institution or program" (p.511). Lester introduces the parameters of accreditation and the position held by AALL. As part of the accreditation process, specialized associations were to provide their own "educational policy" so as to communicate their "curricular needs" (p.516) to the accredited library schools. Within this framework, AALL produced its Guidelines for Graduate Programs in Law Librarianship.³⁶ The author offers some constructive suggestions as to how law librarians can "shape [the] educational" policies (p.518) within LIS programs.³⁷

61. McAdam, Judith E. "The Place of Legal Education in Law Librarianship." *Canadian Law Libraries* 21 (1996): 251–54.

In an attempt to answer the long-standing issue of how best to offer legal education in law librarianship, McAdam presents an array of options derived from the

34. See Rita Millican & Danny P. Wallace, *Research Needs in Academic Law Libraries*, 84 LAW LIBR. J. 421 (1992) (seeking to identify, based on information derived from the profession, research needs in academic law libraries).

35. Am. Ass'n of Law Libraries, *Guidelines for Graduate Programs* (Nov. 1988), reprinted in 2004–2005 AALL DIRECTORY AND HANDBOOK 436 (44th ed. 2004), available at http://www.aallnet.org/about/graduate_guidelines.asp.

36. *Id.*

37. Judith McAdam argues that the Canadian Association of Law Libraries "should lobby library schools and law schools to provide and promote programs." Judith E. McAdam, *The Place of Legal Education in Law Librarianship*, 21 CANADIAN L. LIBR. 251, 253 (1996).

literature. She highlights programs from the United Kingdom, United States, and Canada, addressing dual-degree programs, courses delivered within a library school curriculum, continuing legal education, and paralegal courses taken by librarians. Her recommendation encourages students who are interested in law librarianship to combine an MLS with “a one year degree programme in substantive law and legal thought” (p.251). What is evident in this article is the concern that students entering library schools may not receive adequate educational support directly related to law.

62. Mersky, Roy M., and Bonnie L. Koneski-White. “Law Librarians: The Trials Ahead.” *Library Journal* 116 (Sept. 15, 1991): 34–37.

This article centers on the 84th Annual Meeting of the American Association of Law Libraries which, using a theme of “Building Bridges,” focused on the changing roles for and expectations of law librarians. The AALL Committee on Recruitment reported that some LIS schools had dropped legal bibliography from their curriculum and in some cases did not offer any legal library course work (p.36).³⁸ Concern for this structural deficiency in the LIS curriculum was viewed as problematic, given that law schools were having difficulty in providing adequate legal research skills to their students. This article speaks to the value of law librarians teaching legal research in law schools. It also presents a good example of how a professional association attempts to address the educational issues facing the profession.

63. Murphy, Cyndi. “The Seven Habits of Highly Effective Researchers.” *Canadian Law Libraries* 27 (2002): 15–17.

Murphy provides some of the most direct links between understanding substantive law, legal reference research, and the use of legal bibliographic sources. She highlights several research strategies that are useful in both a law firm and an academic setting.

64. Oakley, Robert L. “Education for Law Librarianship: Avoiding the Trade School Mentality.” *Journal of Library Administration* 11, no. 3/4 (1990): 147–64.

Oakley believes that the role of professional education is to develop “habits of [the] mind, ways of reasoning, and problem solving” (p.149). He argues that this distinguishes librarianship as a profession and not simply “learning a trade” (p.151). Using a four-goal model, he encourages LIS programs to adopt “pedagogical techniques that are specifically designed to sharpen their students’ analytical and intellectual skills” (p.151). While he does not advocate for dual degrees, he does recommend that LIS programs provide more options for learning.

65. Roberson, Gloria Grant. “Legal Research and the Democratic Process.” *The Reference Librarian*, no. 40 (1993): 63–71.

This article provides an argument similar to that suggested by Dewdney and her coauthors³⁹ on the need to offer legal information as a way to support the

38. An AALL survey identified those American Library Association-accredited library schools in the United States that teach zero to three or more courses in law librarianship. See Task Force to Enhance Law Librarianship Educ., Am. Ass’n of Law Libraries, ALA-Accredited Graduate Programs, at <http://www.aallnet.org/committee/tfedu> (last visited Apr. 3, 2005).

39. Patricia Dewdney et al., *Legal Information Services in Ontario Public Libraries*, 45 CANADIAN LIBR. J. 365 (1988) (see *supra* entry no. 55 for annotation).

democratic process. Roberson argues that nonlaw librarians must be trained in legal information services (p.64). She blames LIS schools for not expanding their curriculum to support librarians in their roles as legal information providers. In her view, “[t]he time has come to abandon the notion of law solely within a legal framework, but representative of a broader societal and cultural setting” (p.66). On the basis of a fundamental democratic principle, Roberson believes that the role of LIS schools is to support and train students in understanding and providing access to legal sources.

66. Shonrock, Diana, and Craig Mulder. “Instruction Librarians: Acquiring the Proficiencies Critical to their Work.” *College and Research Libraries* 54 (1993): 137–49.

Improving information literacy is becoming one of the most important roles of librarians. Historically, LIS schools neglected to teach students how to teach: “[l]earning theory and teaching methods [were] not ordinarily part of library school courses” (p.137). This report looks at librarians and their roles in bibliographic instruction, including orientation to library resources, “course-integrated instruction,” online catalog instruction, and search strategy techniques (p.139). When asked the best way to learn how to provide these instructional services, the method preferred by responding librarians was that of “library school, on-the-job training, or other formal education” (p.144–45). Evidence of LIS courses in information literacy and instruction are now more apparent. Once again the question remains as to whether or not the general teaching methods applied in these courses satisfy the framework when teaching legal research. Given that law librarians are often assigned the roles of instructor, teacher, and expert in legal research strategies, this area of library training may require further evaluation to assess the value of existing and proposed subject-specific teaching methods.

Conclusion

¶13 Law librarianship is a profession that encompasses many roles and tasks. The profession demands a knowledge base that covers both the skills of library and information science and the understanding of legal resources and legal research. Professional training is fundamental to sustain the *expert* level of the profession. In his article titled “Education for Law Librarianship: Avoiding the Trade School Mentality,” Oakley states that “[t]here is a serious need to make the education program of future librarians rigorous and theoretical to prepare students to move confidently and creatively into the future.”⁴⁰ These words express a concern for maintaining the professional status of law librarians, an undercurrent that exists throughout this annotated bibliography. Education that is relevant to the roles and tasks performed by law librarians is the key ingredient in securing the status of the profession. Developing a legal reference course like the one proposed in the appendix will help to address this issue. In her article on “Thinking like a Lawyer,”

40. Robert L. Oakley, *Education for Law Librarianship: Avoiding the Trade School Mentality*, J. LIBR. ADMIN., 1990, no. 3/4, at 147, 161.

Shaffer notes that “[a]s information professionals, we can learn a great deal from how other professionals think and how their thought processes are inculcated into our own professional persona.”⁴¹ This idea offers a cornerstone for understanding the relationship that exists between the professional components of law and the LIS field. Both professions are connected through a desire and an obligation to explore legal research and legal information. The main goal in providing a proposed course curriculum in legal reference services is to further enhance and sustain this relationship by ensuring the continuation of the expert role that law librarians play within the academic legal environment. Through the efforts of LIS educators who are committed to exploring the theoretical components in legal reference and instructional services, this strong relationship should continue into the future.

Appendix A

Outline for a Proposed LIS Course in Legal Reference Services⁴²

Historical Perspectives: Seeing Through the Eyes of the Past into the Future

- History of law library associations⁴³
 - American Association of Law Libraries (AALL)
 - Canadian Association of Law Libraries (CALL)
 - British and Irish Associations of Law Librarians (BIALL)
- History of law librarianship through LIS programs: United States, Canada, and the United Kingdom⁴⁴
- History of legal research and the advent of legal reference services (entry nos. 2–3, 6, 35, 45)
- Evolution of thought on dual degrees: an issue that challenges the credibility of the profession, past and present (entry nos. 1, 4, 61)

Professional Roles (Part 1): Legal Reference Services

- Guidelines established for reference services by professional associations
 - RUSA (entry nos. 7, 20)

41. Roberta Shaffer, *Thinking Like a Lawyer: An Essay on Finding Some Common Ground*, INFO. OUTLOOK, Mar. 2002, at 24, 26.

42. The articles presented in this bibliography only scratch the surface in terms of what is available to use for this type of course. There is a wealth of information in both law and LIS literature that would add texture and depth to the already existing resource base. While some of the literature is anecdotal in nature, there is also LIS research that supports both theories and methodologies applicable to librarianship that can be included in this course design.

43. Most of the historical materials pertaining to library associations referred to in this literature review are from the United States. If a course in legal reference services is developed, more material will need to be gathered to represent Canada, the United Kingdom, and other law library associations.

44. This category is not directly related to legal reference services, but it does connect LIS students to the depth or lack of educational opportunities existing for those interested in a career in law librarianship. See Goldsmith, *supra* note 11. The histories of individual LIS programs can also be accessed via LIS graduate program Web sites.

- AALL⁴⁵
- CALL⁴⁶
- BIALl⁴⁷
- Communication theory in legal reference service
 - Collaborative relationship vs. solicitor/client relationship (entry nos. 8, 19, 27)
 - User seeking information: understanding different user groups and their research needs (entry nos. 9, 14, 21, 22, 25, 26, 28, 33)
 - Demographic factors in communication (entry nos. 9, 22, 26, 48, 50, 54)
- Legal issues arising at a reference service desk
 - Unauthorized practice of law issues unique to legal reference services (entry nos. 10, 11, 13, 15, 16, 18, 23, 24)
 - Democratic right to obtain legal information: obligations of the profession (entry nos. 34, 55, 65)
- Training in legal reference services
 - The reference interview in legal reference services (entry nos. 7, 19–20, 25, 27)
 - Training and working with reference librarians and assistants (entry nos. 27, 63)
 - Practical tips from legal reference librarians (entry nos. 8, 9, 24–27)
- Effects of technology on legal reference services (entry nos. 3, 5, 12, 17, 29, 36)

Professional Roles (Part 2): Legal Research Instructors

- Importance of librarian in legal research instruction and law school curriculum (entry nos. 30, 31, 32, 35, 37–43)
- Understanding the organizational structure of your institution: law faculties decide on methodology used in teaching legal research. (entry nos. 35, 45–47, 51)
- Legal research methodology and theory of practice: exploration of leading opponents in the field (entry nos. 6, 45–47, 51)
- Critical legal studies and other theories of law that affect instruction and legal reference services (entry no. 34)
- Importance of librarian in information literacy as it relates to legal instruction and other academic disciplines (entry nos. 29, 31–33, 50, 66)

Teaching Methodology

- Curriculum design and models of learning used in teaching legal research and information to law students (entry nos. 22, 40, 44–49, 51)

45. The American Association of Law Libraries provides a list of competencies for law librarians. *See* Am. Ass'n of Law Libraries, *supra* note 3.

46. Further research would need to be done to obtain the policies and directives of the Canadian Association of Law Libraries.

47. Further research would need to be done to obtain the policies and directives of the British and Irish Association of Law Librarians.

- Curriculum design and models of learning used in teaching legal research and information to LIS students and practicing law librarians (entry nos. 55–56, 58–59, 61–62, 64)
- Adult learning-style theory applied in legal research training (entry nos. 9, 22, 48–49, 54)
- Combining both didactic approaches to learning: LIS students develop a skill set for instructing legal research.⁴⁸

Conclusion

- Future of law librarians as legal reference and legal research instructors: leaders and agents of change⁴⁹ (entry nos. 3, 8, 12, 14, 17, 19, 23, 24–28, 30, 34, 38–39, 41, 46, 48, 57)
- Enhancing the *professional persona* of law librarianship: constructing a model for the future⁵⁰ (entry nos. 14, 21, 23, 28, 30, 64)

48. This topic summarizes the materials cited in “Teaching Methodology.” The idea in this section is to provide a resource-training package for LIS students as they prepare to provide instruction in legal research.

49. These authors were chosen as leaders or agents of change because they represent ideals in the profession that are innovative and challenging to law librarianship. They also present theoretical concepts that speak to the legal profession and to law librarians in such important areas as user-seeking information, communication theory and sociological theory relating to the professions, information literacy, practical applications to legal reference services, as well as learning styles and teaching methodologies used in legal research training. These works provide an avenue for change, offering new directions for the future of law librarianship.

50. *Professional persona* is a phrase embraced by Shaffer, *supra* note 41, at 26. All of these authors write with an emphasis to test or challenge the professional persona of law librarians in relation to the extended legal community which they serve.

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