



How an Australian Law Firm Teaches Legal Research

Some Observations by an Academic Law Librarian

by Carole L. Hinchcliff

While living in Melbourne, Australia, during my husband's sabbatical (January–June 2003), I was able to see Australian law librarianship in action firsthand. At the Melbourne office of Phillips Fox and Masel, I observed how Australian law librarians taught legal research training sessions for 17 new lawyers (known in Australia as *articled clerks*). From this experience, I learned that the most important differences between teaching legal research in a law firm setting compared to teaching in an academic law library are the emphasis placed on using an in-house precedents database, the reliance on selected fee and free sources available via the law firm Intranet, and the expectation that all new lawyers use current sources to keep abreast of new developments in their practice areas. But first, how did I come to be at Phillips Fox and Masel and what happened after I arrived?

When I learned I would be living in Melbourne for six months, I explained to fellow AALL member and Australian law librarian Ruth Bird, whom I met at the AALL Annual Meeting in 1999, that I was interested in observing legal research training at a Melbourne law firm. As legal information manager at Phillips Fox and Masel, Bird invited me to observe the newly revamped series of legal research training sessions at her firm. By Australian standards, Phillips Fox is a large law firm with 185

partners, a staff of 1,500 people, and 10 offices in three countries—Australia, New Zealand, and Vietnam. The firm claims to be the sixth largest law firm in Australasia.

Discovering Shared Experience

The friendly and welcoming Phillips Fox library staff, headed by Althea Ward, was curious to hear about my experiences learning and teaching U.S. legal research. While my teaching experience is predominantly with law students, the law firm librarians and I quickly discovered that whether in a law firm or a law school law librarians encounter similar situations when teaching legal research skills. In both types of law libraries, we teach such skills as how to select the best search terms and how to evaluate the quality of information retrieved from a Google search. We also teach who publishes different types of legal information and how and when this happens, so that legal researchers know how to select the best resource for different research tasks. Moreover, we librarians agreed that the most challenging topics we teach are legislative history and regulations (also known in Australia as *subordinate legislation*).

Gail Boelens, the law librarian in charge of training, facilitated the legal research sessions at Phillips Fox. Boelens began the sessions with clearly stated goals and desired outcomes. The first session, titled “Introduction to Legal Information and Efficient Research Techniques,” was held about two weeks after the new lawyers began their jobs in March. (In Australian law schools, the academic year ends in December and articled clerks traditionally begin work at the beginning of March.) Over the next five weeks, the librarians taught the subsequent classes: “Finding Case Law,” “Finding Legislation,” “Precedents & Plain Language” (using and contributing to the firm’s precedents database), and “Effective Research Skills—Review & Practicum.”

For each session, the participants received a smart-looking spiral-bound workbook with a cover sporting the Phillips Fox colors and logo. All workbooks at Phillips Fox, whether written for legal research training or some other areas of training offered by the firm, have a uniform design, developed by the firm’s training and development department. The workbooks provide spaces for notes, and important research concepts and tips are presented in boxes. With these well-developed

workbooks, the participants could end each class with an easy-to-use summary of the information imparted in the session. They are used in each legal research class, and they are used also in the firm's self-paced training programs, which are arranged in consultation with a law librarian. A brief overview of the sessions will demonstrate Boelens' approach.

Learning to Research Efficiently

For the first "Introduction to Legal Information and Efficient Research Technology" activity, participants jotted down their answers to the question: "What is challenging or difficult about doing legal research?" For a few minutes, the only sounds in the room were the scratching of felt tip markers and the rustle of paper as the participants wrote their answers. This question had struck a chord for these new law graduates.

Not surprisingly, participants discovered that they shared the same problems in approaching legal research: Where to start? When do I use Google instead of a law database? How current and reliable is the information? How do I search efficiently to find the right answers when there are time constraints? Boelens grouped together similar answers as she taped each participant's sheets of paper to the wall. She assured the participants that their concerns would be addressed in the series of legal research training sessions and that the participants would learn skills that can be applied in tackling any legal research problem.

The next activity in the "Introduction to Legal Information" session demonstrated how defining the legal problem is key to the research process in the law firm setting. Participants were asked how they would respond to an urgent request to find information about access to medical records. The participants gave good answers in the form of questions (and brief explanation for their replies) that the new law graduate should ask in order to determine the context of the problem and the type of answer required. Is it billable work? What does urgent *really* mean? Who wants access to the medical records? What types of medical records are being requested? Which jurisdiction? Has anyone else in the firm done work in this area? If going outside the firm, is there anyone I shouldn't ask? Do you expect me to find anything? Is this a new legal issue? Why do we need to know? How far back should I research?

Boelens explained the basic rule that the more you know about the context and parameters of the research task, the easier it is to start and to know when to finish. A recommended strategy is to spend an hour on the research; and if you find that there is a lot of information, you can then ask some intelligent questions to tailor your answer to meet the partner's needs.

When selecting appropriate research sources to find the right source at the right time, Boelens reminded the class of the different types of legal materials, who publishes them, and the publication patterns of different formats. An eight-question quiz followed in which the students answered questions such as: Where would you find a recent case handed down by the Australian High Court? Where would you find a clear statement of the law relating to privity of contract?

Boelens taught participants how to locate information in sources via exercises in generating search terms. Fortunately, if a lawyer at the Melbourne office of Phillips Fox is having difficulty in searching a fee-based or free database, a librarian can "proxy in" to the searcher's computer to assist in searching the database. Boelens also reminded the participants of the benefits of using the library's audit trail (research log) form for recording the sources consulted and search terms used. Using this form makes it easier to resume researching at a later date with minimum duplication of effort, and facilitates updating the research. The audit trail form is also valuable for evaluating the quality of the research and gauging whether the answers to questions reflect the use of authoritative sources.

The next week the second session on finding case law opened with a short true-or-false quiz covering the major points in the introductory session. The participants were reminded of such terms as unreported decisions and authorized reports versus unauthorized reports. For each database available at the firm, the library provides a one-sheet chart that succinctly presents key information about the database, such as contents, currency, search features, viewing, pricing, and downloading results. Using these simple guides makes navigating databases straightforward, and having these charts meant that the case finding and legislation sessions focused on general legal research skills instead of the mechanics of database searching.

Boelens showed examples of how employing different search methods, such as phrase searching and proximity searching in using Lawbook Online's Australian Digest, retrieves different results. The participants then completed some searches and discussed the search strategies they used to retrieve a manageable number of results. The legislation session focused on finding relevant legislation and sources used to update Australian state and federal legislation. The sessions also included a review of the legislative process and the differences between the content of sources such as Capital Monitor, Lawlex, and TimeBase.

Bringing It All Together

Boelens opened the final session, "Effective Legal Research—Review & Practicum," with some introductory comments about the types of materials that were covered in the previous sessions and what types of research the participants had begun using in their work at the firm. The participants divided into groups of three to five, and each group received a research question. They had a hour to write a research plan, including relevant search terms, and to find information that answered their assigned questions. In the process of presenting their information, members of each group explained why and how they used each resource.

The law firm Intranet was often mentioned as a starting place for trying to identify an appropriate subscription database or free Web site for the firm's practice areas. Some of the questions covered areas of law in which there had been recent legislative changes or significant cases. This gave the participants the opportunity to demonstrate their knowledge of updating strategies. The participants realized that while not finding the latest legislation or case for a law school assignment resulted in a lower grade, the consequences for the firm and the client of incomplete updating could be far more serious.

In closing the session, Boelens posted a PowerPoint slide that presented the list of items participants had identified in their first session as being difficult about doing legal research. She reminded them of strategies they had learned to overcome these difficulties. This exercise worked well and is one that I plan to use when I next teach Advanced Electronic Legal Research. Boelens especially emphasized

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the importance of current awareness and sources that monitored legislation and case developments and finding government information. She reminded them of the cheat sheet cards that Phillips Fox has for various Internet services to which it subscribes. Finally, the participants completed the training evaluation forms and a training questionnaire in which they indicated if they were interested in scheduling individual training sessions on any database available at the firm.

So what did I learn? The professional-looking notebooks were terrific—the screen captures (freezes of particular Web pages) were done with a product called “Snagit” from www.techsmith.com. Snagit allows one to edit the information from the screen of a Web site to show as much as is needed and is particularly helpful for capturing and presenting information that extends for more than one screen. I discovered that the participants liked the short quizzes, and I am using these more in teaching legal research classes.

A striking difference in teaching legal research in a law firm is the emphasis on using current awareness sources for monitoring cases, legislation, and other new developments in the practice areas in which the lawyers are working. I have always found that the biggest difference between Australian and United States research is that annotated codes as we are familiar with them in the United States do not exist in Australia. This means that if there is no recent statutory reprint, one may have to examine a series of printed acts, or if using online sources, search both a consolidated and a sessional law database to establish what the current law is on a particular subject.

Another difference is the high use of the in-house precedents database. However, I was more struck by the similarities that Boelens and I encountered in our teaching experiences. We both found that the legal researchers whom we teach expect to be able to do most of their research online and are dismayed when some types of material lack retrospective coverage or are not even available online. We also find that legal researchers are more trusting than we law librarians of information on the Internet and assume that online sources are up to date to the minute.

During the Phillips Fox legal research training sessions, participants could not help but be engaged as they completed a variety of tasks in each session, and the examples and quizzes drew on recent and current research projects that the new lawyers were undertaking. (I wished that when working as an “articled law clerk” some years ago that I had experienced this type of practical training.) The sessions provided a great way to promote and demonstrate library services and to teach new lawyers how to use effectively a knowledgeable library staff.

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