BIALL Meeting

Paul Maharg

# Participants:

Ruth Bird (Bodleian Law Library, Oxford), RB

Peter Clinch (retired, formerly Cardiff University), PC

Natasha Choolhun (College of Law), NC

Paul Maharg (LETR) PM

1. After introductions RB began by introducing the subject of the documents sent to PM, namely:
   1. The SCONUL7 Pillars of Information Literacy through a Digital Literacy ‘lens’
   2. LILT research skills and learning outcomes
   3. BIALL IL Toolkit working draft version 5 (1 June 2012)

At Oxford, she noted, Legal Research is a pass/fail subject. It was assessed by moots, and students were required to use both paper and digital research resources in order to develop their competence in legal research in both.

1. The three discussed whether the distinction between academic and professional research training needs were all that different. They were of the opinion that a single competence framework could accommodate both, if appropriately constructed. LILT was designed to be a common denominator in all law programmes. It has been well-received: the group had had positive feedback from both academic and practice librarians.
2. It was noted that there were complaints from firms about trainees’ research practices. They appeared to be generally unfamiliar with paper-based resources by comparison with digital resources. In addition many noted that trainees seemed to depend on one-hit-only searching: in other words they did not check thoroughly and contextually around their findings. They used Google extensively and their searches tended to be shallow and brief. Trainees were also increasingly unable to distinguish between the genres of legal research tools – the difference between an encyclopaedia and a digest, for example. They seemed to lack persistence and diligence in searching, as well as organization. These values, that underlay the learning outcomes of the LILT document, needed to be worked on by students. The group were unanimous in their opinion that many academics shared the weaknesses of students and trainees in this regard. Academics were also poor at attending training sessions. The group thought that it was time for a ‘wake up call’ on the whole issue of legal research.
3. One example of this was the decision by some institutions to remove automatic links to reading list materials via tools such as Just Cite to ensure students learned to master this process. All three respondents were of the opinion that students needed to be assessed on skills as well as content: process needed to be audited both in practice-based situations and in formal academic learning, and indeed if good habits were established early on in academic learning, supported by staff and driven in part by assessment, then it would make the job of practice-based librarians a lot easier.
4. When asked about the role of regulators and regulation, the following points were discussed and noted:
   1. The QLD is highly academic, and focused on content too much. Little space in it for focus on process, ie how students learn what they learn.
   2. The BIALL Toolkit (one of the documents passed to PM) could be used as an element of the regulatory process.
   3. Mind the gap -- regulators need to focus on smoother transitions and better links between the various stages of legal education. The gaps are clear to librarians in both academia and practice, who can see learning deficits in the move into academia, and from formal learning to the more informal learning that takes place in practice contexts.
   4. From a regulatory point of view, what was needed was both more specification of legal search skills and digital literacy (hence LILT and other documents) and more focus on process.
   5. The law degree was an apprenticeship of content, not of process.
   6. Over the last few decades the law curriculum had become ever more crowded with more core content and extra options.
   7. Part of the solution to crowded curricula was better design. In particular, academic staff needed to design with library staff in joint activities. Library staff, in other words, needed to be more at the heart of the educational design process with academic staff, and involved in teaching, learning and assessment. NC described the situation at the CoL, where Library staff design the supplementary legal research sessions (as opposed to timetabled/curriculum sessions). Unlike other LLB institutions that deliver these sessions at the start of the degree, the CoL will deliver in Year 2.
   8. Following on from this, regulators needed to recognize the changing role of law librarians as legal educators. Currently librarians are classified occupationally in many institutions as ‘Clerical Staff’ or some such. This needs to change and their role as educators and digital information curators and digital information environment designers should be recognized.
5. When asked about the role of distance learning and how it was changing legal research, the respondents agreed that it had a significant effect, and there were examples of good practice. They cited those of Monash DL support staff and services, and the use of podlets and Instant Messenger (IM) in the search process. PC cited the example of the University of London External LLB Degree Programme.
6. The difference between types of legal research was acknowledged *within* the academic and professional divides, eg on the academic side, the distinctions between pure academic research, PBL research and research carried out in clinical legal education. Library skills, it was felt, should be integrated more across these various forms of academic learning, and this could be recognized more by regulators.
7. When asked about use of software the respondents agreed that applications that allowed just-in-time learning were important. IM had a role to play in that, as did webinars. *Second Life* had briefly been used for this purpose. RB described LIST (Legal Information Skills Tutorial) which was used at Melbourne Law School, and was an interesting local solution using online tutorials to represent problems and solutions.[[1]](#footnote-1) The group was asked whether social media and networking could play a useful role in legal research and the group agreed. Push-information approaches were fine, but sharing resources and approaches could be useful too.
8. Digital literacy, which lay at the core of the LILT and other documents were then discussed, and the following points made:
   1. Authenticity of information remained a central concern in digital literacy, as also was the ‘googlization’ of legal research (the overuse of google for legal research). An understanding of plagiarism in the digital domain was also important.
   2. Publishers were problematic, in that they focused largely on those areas of legal information which would bring profit, and on those jurisdictions where profit would be made. PC mentioned that the jurisdictions that the commercial publishers miss out most often is Northern Ireland, with Wales a close second. Publishers were particularly problematic in open-access and open-source endeavours, eg BAILII. All three respondents were very much in favour of BAILII, its increased use and development.
   3. Government was also problematic. It appeared uninterested in the publication of law for citizens and lawyers: the initiatives were few and under-funded. Government efforts lacked focus – the Statute Law Database (since 2010, Legislation.gov.uk) was a classic example. There was a need for regulators to help persuade government of the need for better provision. In this regard the group felt that the UK government could learn lessons from the legislative publication records of devolved assemblies in Scotland and Wales.

1. Smith, McL., N., Presser, P. (2004). Educating the MTV generation: legal information skills online. *Legal Information Management*, 4, 37-43. [↑](#footnote-ref-1)