

## Teaching of Legal Research at NUS Law School

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### **Abstract**

This article will explore the librarian's role in the teaching of legal research in the National University of Singapore, Faculty of Law ("NUS Law"). In many institutions, the Law Faculty would teach this in their legal skills curriculum. However, at NUS Law, the designers of the legal skills module ("Legal Skills Team") thought it was beneficial to bring in the librarians to jointly teach the legal research component of the course.

2001 was a turning point for the C J Koh Law Library ("Law Library"). The NUS Law Legal Skills Team transformed the Law Faculty's 1st year Legal Methods course into a Legal Skills Programme, including the first year, compulsory course Legal Analysis, Writing and Research course ("LAWR module"), which incorporated legal research instruction. This portion was devised and delivered jointly by the Legal Skills Team and the Law Library staff. This article details how the Law Library took its nascent steps into embedded librarianship, incorporating information literacy through the LAWR module, which was renamed Legal Analysis, Research and Communication ("LARC") in 2014.

This article will examine how the course evolved based on faculty and student feedback and the need to adapt to the flood of Computer Assisted Legal Research ("CALR") resources. It will also evaluate the benefits and challenges faced by all stakeholders – librarians, faculty and students alike. In conclusion, the valuable experience and insight gained from teaching legal research made the Law Library better equipped to face future challenges.

### **Keywords:**

*legal research; information literacy; embedded librarianship; legal education and pedagogy; law librarianship*

## Teaching of Legal Research at NUS Law School<sup>1</sup>

Legal research has always been an essential skill in legal education. As a premier legal education institute in Singapore, the Faculty of Law at the National University of Singapore (“NUS Law”) has not been insulated from the Anglo-American discussions on improving the legal skills of law students and nascent practitioners. In the US, several surveys indicate weakening legal research skills (Meyer, 2009, pp. 306-07; Young & Blanco, 2007, pp. 116–17), and a similar worry is mirrored in the local context (Loke, 2006, pp. 266-67).

These concerns prompted a NUS Law curriculum review in 2001, which resulted in a new and revamped legal skills programme, based on and adapted from similar courses taught at US law schools (Wong, 2006, p. 2) The new Legal Writing Programme (now known as the “Legal Skills Programme”) envisaged that all law students would acquire a “basic grounding in the core legal skills expected of all lawyers – namely the ability to reason, research and communicate in a wide variety of contexts.” (Wong, 2006, p. 2) To meet these objectives, a new module under the programme entitled Legal Analysis, Writing and Research (“LAWR module”) was introduced and made compulsory for all 1<sup>st</sup> year undergraduates.

This new module incorporated a legal research component which was devised by the LAWR directors and the librarians at the C J Koh Law Library (“Law Library”), and delivered by law librarians and LAWR instructors. The Legal Skills Team and law librarians have fostered a strong mutual working relationship when teaching this course component. According to the current Deputy Director of the Legal Skills Programme: “When students participate in this module, they are novices in the realm of legal research. To cross the chasm from novice to someone with competent research skills, the designers of the LAWR module devised a series of experiences and exercises for students to participate in. The librarians at the C J Koh Law Library play an important role in bringing many of these to life.” This practice paper will therefore detail the experiences and insights that the librarians gained through participating in the conduct of the LAWR module.

### Information Literacy in NUS Law School – A Pioneer’s Experiences

Through the implementation of the LAWR module, the C J Koh Law Library was the first among NUS Libraries to embed librarians and information literacy into the curriculum of the various NUS faculties. The goal of the legal research component was for students to be able to demonstrate the ability to accurately identify the key research issues and use legal resources efficiently to retrieve up-to-date information.

In *Section 1: Methods*, we explain the processes involved in the conduct of the course.

In *Section 2: Analysis and Discourse*, we examine the prevailing debates in the legal research education literature, and how it applies to the conduct of the legal research component in the LAWR module.

In *Section 3: Critique*, we analyze the benefits and difficulties we encountered in the course of conducting this module.

Finally, we conclude that our overall experience has been positive, but with ample room for improvement going forward.

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### Section 1: Methods

For the LAWR module, NUS Law split the 240-250 students in the first-year cohort into tutorial groups of 12 – 15, each supervised by a LAWR instructor. From its inception, the law librarians worked closely with the Legal Skills Team, especially the Deputy Directors of the module, on the assigned research components (Loke, 2006, p. 269).

The components taught by the Law Library over the years are explained in further detail below:

#### 2002 – 2 Tutorial Classes

In 2002, the library conducted 2 tutorials: (1) Singapore Sources of Law and; (2) Secondary Sources of Law and Electronic Research. Brief scenarios were used to give direction to exercises, which were implemented partially via hard copies of resources. In 2003, a new addition was made - the students were given a 20-question Treasure Hunt assignment to assess whether they had met the course learning objectives. This contained questions on various sources of law which tested the student's basic legal research skills and was composed by the Legal Skills Team and librarians.

No.	Dura-tion	Class	Class Size	Sess-ions	Manpower	Notes
1	30 min	Library Tour	Cohort split into tutorial groups	1	5 librarians and 3 support staff	Not part of LAWR
2	1 – 1.5 hours	Singapore Sources of Law	Seminar groups of 35-40 students from 2-3 tutorial groups; total cohort: 250	7	1 librarian conducting, 1 librarian preparing training materials	Class 1
3	1 – 1.5 hours	Secondary Sources of Law and Electronic Research	Seminar groups of 35-40 students from 2-3 tutorial groups; total cohort: 250	7	1 librarian conducting, 1 librarian preparing training materials	Class 2
4	N/A	Treasure Hunt	Total cohort of 250	N/A	N/A except for reference enquiries	Student assignment after Class 2

Table 1: 2002 Classes

#### 2005 – Increased to 5 Tutorial Classes

In 2005, 3 classes were conducted in addition to the two main tutorials: (3) Researching Singapore, UK and Australian Case Law; (4) Researching Singapore, UK and Australian Legislation and; (5) Noting-up (updating case law). Initially, classes were held in the Law

Library's training room, and then moved to the computer lab to provide students a hands-on experience with online resources. Instructors from the Legal Skills Team sat in during these tutorials to provide support and clarify questions.

No.	Duration	Class	Class Size	Sessions	Manpower	Notes
5	1 – 1.5 hours	Researching SG, UK and AU Cases	Seminar groups of 35-40 students from 2-3 tutorial groups; total cohort: 250	7	1 librarian conducting, 1 librarian preparing training materials	Class 3
6	1 – 1.5 hours	Researching SG, UK and AU Legislation	Seminar groups of 35-40 students from 2-3 tutorial groups; total cohort: 250	7	1 librarian conducting, 1 librarian preparing training materials	Class 4
7	1 – 1.5 hours	Noting-up (updating case law)	Seminar groups of 35-40 students from 2-3 tutorial groups; total cohort: 250	7	1 librarian conducting, 1 librarian preparing training materials	Class 5

Table 2: 2005 Additional Classes

#### Post-2007 Changes

By 2007, the prevalence of student laptops enabled further improvements and enhanced interactive exercises. The Legal Skills Team changed the format of the classes from a tutorial style comprising 7 sessions each with 2-3 tutorial groups, to a lecture style for the full cohort, including interactive exercises on student laptops. The Treasure Hunt, the hands-on portion requiring book usage, continued.

In 2008, the Legal Skills Team implemented a change in the content and structure of the lectures. The librarians collaborated with the team to redesign the lectures as follows:

- (1) Library Orientation lecture, including basic library skills and secondary sources of law;
- (2) Singapore Cases and Legislation;
- (3) Singapore, UK and Australia Legislation;
- (4) Legal Research, including SG, UK and AU cases, noting-up and other secondary sources of law.

The first two introductory lectures, held at the start of the academic year, were followed up with an expanded Library Tour that included instructional guidance based on the library Treasure Hunt assignment. The third and fourth lectures, which were conducted midway through the first semester, then focused on more detailed research requirements as the course progressed. Intermediate to advanced legal research skills were taught to enable students to complete assignments given by the Legal Skills Team later in the term, such as the statutory

interpretation assignment, written memorials and moot submissions. Students were expected to be able to trace the history of statutes, determine the intent of legislation by locating relevant extrinsic materials and provide appropriate case law to substantiate their legal position.

The Legal Skills Team supplemented these lectures with a hands-on, interactive session, but these sessions worked differently from the Treasure Hunt. Students were given a set of questions that required answers from specific legal materials. The questions were divided into sections, with each section taking them through a step in the legal research process. Physical stations corresponding to the respective sections in the worksheet were setup in large rooms to accommodate movement between stations, and each station required students to make use of a different resource. This exercise exposed students to the materials and the thought process required to work with resources in the research process. In this initial iteration, law librarians assisted the Legal Skills Team to select and gather resources, and the Legal Skills Team ran the research stations during the exercise with the students.

#### 2014 Revision

In 2014, the Legal Skills Team renamed the LAW module “Legal Analysis, Research and Communication” (“LARC”). The Legal Skills Team also made a major revision to the interactive hands-on session of the module. The team devised a research scenario, which required students to locate primary and secondary sources relating to a particular area of law. To provide the necessary guidance for this exercise, the fourth lecture on Legal Research was held just before the session.

The 2014 LARC Interactive Session also made use of work station exercises for individual sources of law. Students were assigned a worksheet that brought them through the stages in the legal research process by utilizing different legal resources at each juncture. They gathered their findings by moving from station to station, as illustrated below:



**Figure 1: Stations in the 2014 LARC Interactive Hands-on Session**

For example, for a research scenario involving the tort of trespass, these are the sample resources used for each station:

Station	Type	Sample Resources
1	Textbooks	Textbooks on the Law of Torts
2	Encyclopedias	Halsbury's Laws of England and Halsbury's Laws of Singapore
3	Digests	<u>Mallal's Digest</u> , <u>The Digest</u>
4	<u>Citators</u>	Current Law Case <u>Citator</u> and Australian Case <u>Citator</u>

Table 3: Sample Resources for LARC Scenario Stations

At the conclusion of the session, students would have gone through the legal research process and found the answers required of them. In recent years, hard copy case citators were changed to electronic case citators such as JustCite and LawCite for Station 4.

This version of the exercise would begin immediately after the preparatory morning lecture, involving all 5 law librarians. A total of 20 tutorial groups of 12-15 students each would take turns to go through the 50-minute exercise. Each station would take about 10 minutes to complete, with a librarian or LAWR instructor taking turns to man the station. As station masters, librarians would provide a brief introduction to the resource, and assist students with using the assigned research tool. If necessary, librarians would also correct any students' inefficient use of the resources in real-time. The entire session would last for about 5-6 hours.

As mentioned, this training provided during the interactive session will ultimately assist students for various course writing assignments that tap on these legal research skills.

## Section 2: Analysis and Discourse

There are two major approaches in the prevailing literature surrounding legal research pedagogy. The first is the process method, where legal research is "taught as part of a process of legal problem solving, i.e. as a component of a combined legal research and writing course, often with a much heavier emphasis on legal writing". This is in contrast to the bibliographic method, which focuses on "learning the legal resources available and how to use them" (Feliú & Frazer, 2010). Examples of the latter include the library Treasure Hunt, which has been the subject of much debate.

The bibliographic approach has been critiqued as it is arguably artificial and lacks context since resources are commonly used in isolation (Wren & Wren, 1988, p. 32). Nevertheless, commentators have proposed ways to improve upon it, such as Vettorello's "modern" treasure hunt model, where the given treasure hunt does not provide specific instruction on how or what research resources to use (Vettorello, 2017, p. 214). This precipitates autonomous learning in a wide variety of bibliographic sources, executed on the students' own terms.

Arguably, the process method is the dominant approach in the iterations of the LAWR-LARC module. After all, the module's focus is on writing assignments that require students to go through the legal research, reasoning and writing process holistically. Nevertheless, the Legal Skills team and the librarians have employed the bibliographic method in teaching legal research vis-à-vis the treasure hunt with some deliberation. Firstly, it was introduced and proposed by the Legal Skills Team as this was the traditional method that librarians and instructors were familiar with. Secondly, it was thought to be appropriate as it was pitched at

an elementary level suitable for nascent legal researchers. The primary factor for consideration was that these were freshmen in their first 2-3 weeks of law school who needed a basic introduction to legal resources in the library. Thirdly, the process method had yet to be popularized at that time, at least for Singapore legal education. Over time, we have retained this approach as it has provided a solid foundation for novice legal researchers.

Notwithstanding this, we have sought to complement the bibliographic approach. Significant momentum was made when the Legal Skills Team introduced and subsequently revised the more progressive “interactive session” that incorporated elements of both methodologies. This required students to exercise higher order research skills, such as devising an appropriate legal research strategy to tackle their identified key issues. It ensured that they gained relevant competencies in using the individual resources, while also appreciating the broader legal research framework.

The net result over the years is a hybrid approach that is gradually being tweaked based on feedback and experience. The Law Library has sought to emulate the Faculty’s example by revising and revamping its content to keep its legal research instruction updated and relevant, and more importantly, effective for student learning. For example, in our lectures, we now employ more realistic fact scenarios as illustration so that students are able to understand how the resources fit into the flow of the legal research process. The strengths of both the bibliographic and process method are tapped upon to maximize their potential.

#### Evolution of the Library Instruction Component of LAWR-LARC

Given the need for constant improvement, tweaks have been made to the way research has been taught by the library in the past decade. As aforementioned in ‘Section 1: Methods’, when the legal writing module was initially launched from 2002-2006, tutorials were conducted for 3 tutorial groups at a time, for up to 15-20 groups total. This approach was required because students needed exposure to online research, but online usage was limited by the availability of computer terminals. The tutorials were highly time-consuming and repetitive. Student laptop acquisition allowed class structure to change, from smaller classes to a lecture format. We now conduct lectures for the entire cohort of 250, which is far more efficient. This has allowed the librarians more time to focus on improving the quality of their lectures and instruction.

There were also significant changes in the substantive content of the legal research lectures delivered by the librarians. There was an initial increase from 2 to 5 lectures that expanded on legal resources from other jurisdictions because of NUS Law’s drive towards establishing itself as “Asia’s Global Law School”. The subsequent revision in 2008 further refocused the lecture material from providing an introduction to the library collection, to the materials students would use in their first-year courses.

The introduction of digital resources has also led us to revise the content of our lectures. The rise of Computer Assisted Legal Research (“CALR”) meant that while students had a wider range of materials to rely on, information literacy and curation became even more essential as a research skill to sieve the chaff from the wheat. The electronic research component in the lectures has thus been expanded to cover the range of electronic resources that the library subscribes to, and this remains indispensable for locating legal materials. We instill prudence and awareness in the students’ use of CALR resources, based on our insight as information specialists.

At the same time, electronic legal research must be complemented by judicious use of print resources. Given students' predilection to using digital resources and bypassing physical resources altogether, the evolving purpose of the Legal Skills Team's Treasure Hunt and creation of the interactive sessions was to enable students to engage physically with some of the resources, in order to appreciate the value they add to legal analysis and research. Some of the classic print resources may have been rendered defunct, and we had to adapt accordingly, such as the transition from print to electronic case citators. Other print materials remain of vital relevance, especially when students go into legal practice where law firms may not have access to expensive databases. Therefore, the Legal Skills Team and the librarians have carefully calibrated the current approach to take into account these diverse considerations.

### **Section 3: Critique**

The implementation of the LAWR-LARC module involving librarians has on the one hand, allowed us to appreciate the benefits of embedded librarianship. However, there are also new challenges that we face in this process.

#### Benefits of Embedding Information Literacy in the Legal Research Curriculum

Shumaker and Tyler refer to embedded librarianship as a "purposeful collaboration between librarians and teaching faculty where the librarian is more fully integrated ... than is customarily the case with "one off" [information literacy] integration" (Shumaker & Tyler, 2007). Drewes and Hoffman similarly define embedded librarianship as "librarians involved in the space of their users and colleagues, either physically or through technology, in order to become a part of their users' culture" (Drewes & Hoffman, 2010). The LAWR-LARC collaboration is a manifestation of embedded librarianship to some degree, as our librarians form a close nexus in conducting the legal research components of the curriculum. Information literacy is thus infused into the student's education.

Librarians, as information professionals, are in an optimal position to teach legal research by their very nature (Gallacher, 2006, p. 173). Embedding them into the legal research curriculum has brought win-win benefits to all parties:

For the Law Faculty, the students are all provided with basic, foundational legal research skills, which will hold them in good stead when they join the legal fraternity. Students are learning from information professionals who are well versed in this area, and who can appreciate the information needs of the students. The law instructors, who are excellent researchers in their own right, may nevertheless be less familiar with say, historical legal research using obscure sources that are difficult to locate. Thus, the librarians who work with legal research materials on a daily basis may then come in to complement their expertise in a reciprocally beneficial situation (Parker, 2011). The net result is a rigorous training that is highly customized and tailored to achieving their learning outcomes.

For the librarians, we demonstrate our value to stakeholders within the University by providing an insight into our expertise. We maximize the use of University paid resources in our classes and ultimately turn out students who are better able to cope with the demands of research when they join the work force. Litigation lawyers, for instance, may spend 35 percent of their time everyday just doing research (Teng, 2016) and thus better research skills may translate into time efficiency in light of their billable hours.

However, this must be qualified by the caveat that the level of embedment can be improved. Using Bowler's model of embedded librarianship<sup>2</sup>, the Law Library's embedment of librarians would only be at level two — Twin-Pack, as the librarians conduct sessions for students to complete their legal research assignments (Bowler & Street, 2008). We noted that the NUS Central Library has had more success, even achieving the level four "Co-Teaching as Information Literacy Specialist" category, as they have successfully embedded a librarian in Ridge View Residential College who convenes the information literacy components of the module GEQ1917 Understanding & Critiquing Sustainability (Wong & Sim, 2016). The Law Library thus hopes to eventually increase its level of embedment and involvement, so as to fully achieve Shumaker's intended goals – a complete and seamless integration of information literacy and librarian expertise at the plenary level.

LAWR-LARC has served as a valuable springboard for the Law Library to increase its reach and number of information literacy programmes. Moving forward, apart from LARC, we have implemented other legal research classes over the years, each tailored to a specific demographic to meet the entire suite of student needs. For the upper year students, legal research tutorials are provided for students participating in mooted competitions, and these cover resources that are relatively more advanced. For the second year students, we hold customized classes with more practitioner-oriented resources in order to help them prepare for their internships. The Law Library hopes to further expand on these opportunities to meet the information needs of various stakeholders and beyond.

#### Challenges Faced

***Breadth of Content and Jurisdictions Taught.*** The legal education in Singapore follows closely the English legal system as part of our history as a British colony. However, while much of our laws originate from Britain, we have also adapted statutes from other common law jurisdictions over the years. For instance, Singapore's Penal Code is taken from India and the Strata Titles Act is derived from New South Wales legislation. With time and resource constraints, it may not be possible to cover the whole range of applicable jurisdictions, and so the librarians have had to carefully manage the scope of lecture content accordingly so that coverage across the relevant jurisdictions is sufficiently appropriate.

***Depth of Legal Resources Covered.*** There is a greater drive today for lawyers to be flexible. An increasing amount of extra-legal materials have been cited to the courts, and many issues of law are complex and require multi-disciplinary consideration. In-depth and comprehensive legal research now relies on resources outside the traditional milieu.

According to Justiss' typology on electronic research resources, there are: 1) Primary source materials; 2) Court materials; 3) Secondary sources; 4) Business and financial news; 5) Public records and; 6) Non-legal and legal-related general sources (Justiss, 2011).

The legal research instruction delivered by the Law Library mainly focuses on components (1) and (3) – primary and secondary sources of law. Sources (4) and (6) on news and extra-legal materials are covered superficially, while (2) and (5) such as the applicable court forms and government documents tend to be learnt only on-the-job either during the practitioner

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<sup>2</sup> Consists of (1) Level 1 – Entry: Collaboration; (2) Level 2 – Twin-Pack: Information Literacy Assignments; (3) Level 3 – Immersion: Working with students on research projects and assignments; (4) Level 4 – Co-Teaching as Information Literacy Specialist: Joint responsibility for conduct of course. (Bowler & Street, 2008)

period, or by informal instruction as a trainee. To meet the objectives of a fully holistic and thorough legal research education, it is necessary to emphasize these neglected areas as lawyers increasingly have to deal with neo-traditional legal resources. The Law Library thus strives to fill these gaps by familiarizing itself with such resources outside its comfort zone and implementing new programmes in order to keep in tandem with the enhanced scope of legal research education.

***Institutional Framework.*** The institutional framework could go further in encouraging a culture of librarian involvement beyond LAWR-LARC and selected programmes. So far, where LAWR-LARC is concerned, the librarians are fortunate in having established a strong working relationship with the Faculty of Law, given how essential faculty support is to the successful implementation of the collaboration. The current Deputy Director has remarked that “research is a crucial skill for our students ... the librarians at the C J Koh Law Library play an important role in bringing many of [the legal research skills and processes] to life”, especially by allowing students to engage with physical library resources.

In teaching legal research under LAWR-LARC, the Law Library takes its cue from the Faculty since the curriculum is administered by faculty. As such, there are some necessary constraints on the library’s involvement. Therefore, while LAWR and LARC are undoubtedly fruitful examples of collaboration, librarian embedment could still extend beyond these programmes, to expand on the reach of skills taught and audiences involved. To accomplish this, there could be more robust institutional frameworks and infrastructure to encourage further inter-departmental exchanges. Consequently, this may bolster librarian involvement and integration into the wider university community. After all, according to Parker citing Alford, “Historically, formal legal research instruction was nearly always taught by [law] librarians” (Alford, 2009; Parker, 2011, p. 241).

***Advanced Information Literacy.*** Many students struggle with even basic legal research skills. The Law Library therefore relies on more traditional approaches to its library instruction.<sup>3</sup> As a result, the steps taken so far in this practice paper are candidly baby steps, compared to advances made elsewhere, especially in the Anglo-American jurisdiction.

The Law Library therefore has a ways to go in order to keep up with developments. Apart from the list of critiques above, it has to fundamentally build on higher order information literacy skills as its ultimate goal. One key tenet would be algorithmic literacy, due to the influx of CALR use in the digital age.

Currently, we do teach the use of electronic resources, but we could go further. Looking ahead, the Law Library could do more in this area by advocating for students to think even more critically about their use of electronic resources – with novel concepts such as algorithmic literacy coming into play (Baker, 2018, p. 28). This refers to the application of information literacy skills to research generated by computer algorithms. For instance, even while relying on CALR, students must understand their limitations, including the “intentional or unintentional biases ... [of] Big Data analysis” (Campbell, 2016, p. 11). In the worst case scenario, these would-be practitioners might commit “computational negligence” in failing to fulfill their fiduciary duties when they ignore the weaknesses of machine learning legal

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<sup>3</sup> See above **Section 1 – Methods**, such as the critiqued library treasure hunt.

research to the detriment of their clients (Baker, 2018, p. 25). The student researcher must be wary of slavish and uncritical over-reliance on databases.

To prevent this, the Law Library must step in. Arguably, law librarians are best positioned for this as they are “on the front lines of teaching legal research tools that increasingly rely on algorithms to perform the work ... [and therefore] in the best position to teach prospective lawyers about the various issues surrounding the use of algorithms in law” (Baker, 2018, p. 30). We must continuously upgrade our course and instruction to incorporate these developments, in order to ensure that the legal fraternity is prepared for the Information Age.

### **Conclusion**

The LAWR-LARC module has proven to be a vital launch pad for the Law Library’s initiation into embedded librarianship. While we celebrate the successes, we realize that the librarians, in conducting our various programmes, have much room for improvement. These include raising the level of embedment, incorporating advanced information literacy skills, and expanding the range of resources to better prepare our students for an increasingly dynamic legal landscape. It is therefore imperative that we better prepare these aspiring lawyers to undergo rigorous legal research training so that they are equipped with the necessary skills to locate information quickly and efficiently.

The law librarians at the NUS Libraries have gained much experience and insight from teaching legal research in their flagship information literacy programme. This has given us the confidence to conduct other programmes for the law school, and infuse information literacy into the curriculum. Looking forward, we ultimately hope to equip students with legal research skills that will serve them well as life-long information professionals throughout their career. As Callister pithily asserts, “the fundamental aim of every law library ought to be to remind its patrons and constituents to dare to think otherwise” (Baker, 2018, citing Callister, 2007, p. 303).

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