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Information Literacy and Legal Research

It is that time of year when many reference librarians are preparing and delivering numerous user education sessions. The first year students at law schools, new articled clerks in law firms, new recruits in government departments all consume a tremendous amount of a librarian's time early on in a new year We spend hours preparing handouts, course outlines, checking computer labs, giving library tours; hours that are appreciated by the new arrivals and a role we must continue to develop as it is pivotal to the survival of professional reference librarians. However, we never really seem to have the opportunity to reflect upon our teachings, to consider whether we are content with our new arrivals' ability to navigate the library and use the CD-ROM version of the Australian Digest this week What about next week? A radically new version of Folio might be released and won't our new arrivals be lost then! Do we consider at a pedagogical level how we are teaching? Are we happy with simply teaching a tool – use of the Australian Digest – or should we be aiming to teach information structure and processes that surpass changes in software packages and hard copy sources.

The analogy that the law library is to lawyers what the laboratory is to the scientist and the museum is to the naturalist is one that has been used for decades to describe the pivotal role the law library plays in the life of lawyers and law students.[1] As Woxland states "...legal research skills are essential because the law library remains today, as it was one hundred years ago,

at the heart of legal practice.... there is something unique about the relationship of law books and the law library to the practice of law..."[2]

The issues of law library instruction, legal research and information technology are considered in academic and professional library literature.[3] Wren provides one of the foremost discussions on the importance of a process-orientated approach to teach law students *how* to do legal research, rather than teaching the contents of books or legal bibliography. "Future lawyers need a sound understanding of the problem-solving process of legal research, and need a familiarity with law books only to the extent it advances that understanding".[4]

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[1]   Woxland, T (1989) "Why can't Johnny research? Or it all started with Christopher Colombus Langdell" *Law Library Journal* 81, 451-464, at 456

[2]   Id at 463

[3]   British & Irish Legal Education Technology Association (BILETA) (1991) *Report of the BILETA inquiry into the provision of information technologies in law schools* ("The Jackson report") at http://www.law.warwick.ac.uk/html/jackson.html
BILETA (1996) *The second BILETA report on IT for UK law schools* at http://www.law.warwick.ac.uk/html/b2.html
Barnett, E (1995) "Legal research skills training in Australasian Law Faculties – a basic overview – the issues" in *Cross currents. internationalism, national identity and the law 50th anniversary Conference of the Australasian Law Teachers' Association* at http://www.austlii.edu.au/au/special/alta/alta95/barnett.html
Berring, R. & Vanden Heuvel, K (1989) "Legal research: should students learn it or wing it?" *Law Library Journal* 81, 431-449
Howland, J. & Lewis, N. (1990) "The effectiveness of law school legal research training programs" *Journal of Legal Education* 40 (3), 381-391.
Hutchinson, T (1991) "Hornbooks, slip sheets and pocket parts: legal research and writing in a university library" in *Achieving excellence: proceedings of the 4th Asian Pacific Special and Law Librarians' Conference held in Canberra 1-5 September 1991*, 283-293
Hutchinson, T. (1992) "Legal research courses – the 1991 survey" *Australian Law Librarians' Group Newsletter* 110, 87-90
Kauffman, S (1986) "Advanced legal research courses: a new trend in American legal education" *Legal Reference Services Quarterly* 6(3/4), 123-139
Morse, A (1982) "Research, writing and advocacy in the law school curriculum" *Law Library Journal* 75, 232-264
Wren, C & Wren, J (1988) "The teaching of legal research" *Law Library Journal* 80, 7-61.
Wren, C & Wren, J. (1990) "Reviving legal research: a reply to Berring and Vanden Heuval" *Law Library Journal* 82, 463-496.

[4]   Wren, C. & Wren, J. (1990) "Reviving legal research: a reply to Berring and Vanden Heuval" *Law Library Journal* 82, 463-496 at 476.

"Information literacy" is a term of the 1990's appearing in the popular media, university mission statements, and library literature to name but a few places. Precisely what is meant by the term "information literacy" varies and the scholars tend to describe information literacy rather than define it.[5] Cheek suggests that information literacy involves identifying an information problem, "knowing what information is available, where it might be, how it can be located and searched, how it can be retrieved and stored, and how it can be processed and presented".[6]

Five concepts associated with elements of the emerging information society have influenced the idea of information literacy according to Bruce - information technology literacy, library literacy, computer literacy, information skills and learning to learn.[7] Each of these concepts coexists with the notion of information literacy and is "systematically differentiated from, or incorporated into, contemporary descriptions of information literacy".

Information technology literacy can be viewed primarily as the knowledge and ability that allows an individual to function in a technologically orientated society and the capacity to use new and continually changing technologies such as personal computers and associated software, telecommunications, CD-ROM, online databases and the Internet.[8] *Computer literacy* involves an understanding of what computer hardware and software are and do and the ability to determine their application and use.[9] *Library literacy* is the ability to use libraries of which there are two main interpretations.[10] The first focuses on a persons' ability to retrieve information from library resources which essentially encompasses the mechanics of locating

information and use of a tool. The second approach adds to the familiarity with location skills, the ability to problem solve, critically think and evaluate and synthesise information. *Information skills* have been described as information acquisition methods, information-seeking processes and information problem-solving skills.[11] Six information skills are mooted - task definition, information-seeking strategies, location and access to information, use of information, synthesis and evaluation.

Learning to learn involves developing those skills which lay a foundation for self-direction and lifelong learning in a society that is continually changing and requiring the regular updating of skills and knowledge.[12]

5   Booker, D. (ed) (1995) *The learning link. information literacy in practice*, Adelaide, Auslib Press, at 157
Bruce, C (1997) *The seven faces of information literacy*, Adelaide, Auslib Press, at 26
Cheek, J , Doskatsch, I., Hill, P. & Walsh, L B. (1995) *Finding out information literacy for the 21st century*, Melbourne, Macmillan Education Australia Pty Ltd, at 2
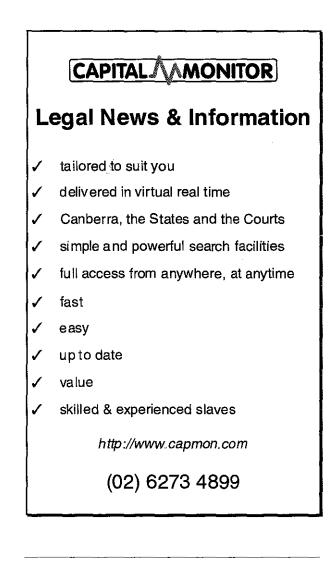
6   Cheek, J , Doskatsch, I , Hill, P. & Walsh, L B. (1995) *Finding out information literacy for the 21st century*, Melbourne, Macmillan Education Australia Pty Ltd, at 2

7   Bruce, C (1997) *The seven faces of information literacy*, Adelaide, Auslib Press, at 20

8   Id at 21

9   Id at 22

10   Id at 23

11   Id at 24-25

12   Id at 25-26.

Each of these conceptions of information literacy are highly relevant to the work reference librarians do in teaching new arrivals how to use their libraries. Many of these conceptions are issues that we consider already, generally minus the pedagogical framework. Perhaps it is time to consider the relationship between information literacy and legal research

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Library Juice

Library Juice is a weekly current awareness newsletter for librarians and other information professionals Each issue of Library Juice compiles recent news, articles, and announcements gleaned from a wide range of mailing lists related to librarianship, information science, intellectual freedom, and social responsibility. The Website posts the current issue of the newsletter and maintains an archive of all past issues. A list of discussion lists digested by Library Juice also appears on the site.

Library Juice
http://www.libr.org/Juice/
To subscribe to Library Juice, send an email to:
Juice@librarian.net
and in the body of the message type, "subscribe library_juice *your email address*"
OR complete the form on the Web site

Australian Libraries Gateway

The *Australian Libraries Gateway* (a web-based directory of Australian libraries – see *Australian Law Librarian Reference Column,* Vol.6, No.2, June 1998) has now included "law" as a library type, so users can search for law libraries around Australia, within a state or major capital cities.

Libraries are also now able to identify themselves as more than one library type – eg. university and law, government and law. See the "Notify us of an Australian Library" link on the web site.

Australian Libraries Gateway
http://www.nla.gov.au/libraries/

Kinetica

This site discusses some of the issues libraries face in transferring cataloguing activity from ABN processes to Kinetica processes The site identifies several key decision areas for library managers including how order records are obtained/created, obtaining copy records through Kinetica gateway services versus local arrangements, and the best time to add holdings to Kinetica.

Kinetica
http://www.nla.gov.au/kinetica/workflow.html

KINETICA-L is a public mailing list administered by the National Library of Australia to broadcast news about Kinetica services.

To subscribe, send an email message to listproc@nla.gov au with the following message: subscribe kinetica-l yourfirstname yourlastname

Shepard's Online to be offered exclusively on LEXIS-NEXIS

On 17 December 1998, LEXIS-NEXIS announced that the Shepard's Citation Service, the pre-eminent provider of citations research information in the U.S for 125 years, will be available to online users exclusively on LEXIS-NEXIS beginning July 1999

According to a LEXIS-NEXIS news release, Shepard's offers daily updating of citation references and analysis and it includes the broadest, most thorough coverage of primary law.

Shepard's is the only U.S. citation service covering all 50 state and federal statutes; court rules; regulations (including the Code of Federal Regulations); constitutional provisions; and U S. patents. It also provides full coverage of widely used legal reporters such as the Bureau of National Affairs' U.S. Patents Quarterly and CCH's National Labor Relations Board Decisions.

The daily updates, with the full Shepard's analysis, include the popular Shepard's Signal feature which quickly indicates the precedential value of the case