Why the Boulder Conference on Legal Information: Scholarship and Teaching?

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Reasons

- Improve scholarship among aspiring scholars in the profession
- Address Carnegie Report’s failure to mention libraries and legal research
- Develop pedagogy
Boulder Conferences on Legal Research Education

The Boulder Conference is a gathering of law librarians who meet to critique scholarly works-in-progress and to develop a pedagogy of legal research instruction. The conference has met annually since 2009. The first conference was held at the University of Colorado Law School’s William A. Wise Law Library in Boulder, Colorado.

First and Second Conferences in Boulder, Colorado, June 2009 and July 2010

- [2009 Boulder Statement on Legal Research Education](pdf)
- [2010 Boulder Statement on Legal Research Education: Signature Pedagogy Statement](pdf)


- [Conference Statement: COach Template](pdf)
  - and Illustrations: I, II, III, IV
Carnegie - About Apprenticeships and Signature Pedagogies
Apprenticeships

- Carnegie names three:
  - *Cognitive*
  - *Practice Situations*
  - *Identity ("Social Ethical")*
- Boulder finds room for legal research instruction in all three
What is Our Signature Pedagogy?
Signature Pedagogies

- Surface
- Deep
- Tacit
- Shadow
Surface Structure

We teach an *intellectual process* for the application of methods for legal research by:

- Using a *range of teaching methodologies* and a *mix of realistic problem types*;
- Showing the *relationship of legal structure to legal tools* and evaluating the appropriate use of those tools;
- Inculcating the practice of *iterative research strategies*; and

### For Primary Materials. Determine the Kind of Law, Jurisdiction and Appropriate Arrangement

<table>
<thead>
<tr>
<th>Institution</th>
<th>Kind of Law</th>
<th>How the Law is Published (Arrangements)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislature</td>
<td>Statutory Law</td>
<td>Session Laws, Statutory Codes, Shepard's KeyCite/Annotated Codes</td>
</tr>
<tr>
<td>Courts</td>
<td>Case Law</td>
<td>Case Reports, Case Digests (Summaries of Primary Authority), Shepard's KeyCite/ALR</td>
</tr>
<tr>
<td>Agencies and Executive Branch</td>
<td>Administrative Law</td>
<td>Administrative Registers or Regulations, Administrative Codes, Shepard's KeyCite</td>
</tr>
</tbody>
</table>

Iterative Process

The Research Cycle

- Finding the Most-Relevant Document
- Finding Similar Cases
- Citation Analysis
- Understanding

Another Research Issue? → Need More?

Can You Apply Correctly? → Are You Sure?
Surface Structure

We teach an *intellectual process* for the application of methods for legal research by:

- Using a *range of teaching methodologies* and a *mix of realistic problem types*;
- Showing the *relationship of legal structure to legal tools* and evaluating the appropriate use of those tools;
- Inculcating the practice of *iterative research strategies*; and
- Providing *regular assessment*. 

Deep Structure

The surface structure above enables students to master analytic and *metacognitive* approaches to:

- Find and evaluate *sources* in the *context* of the *legal questions*;
- Determine legal *context*, access authority, and understand *how what is found relates to the legal question*; and
- *Synthesize* knowledge of the legal resources and institutional structures to implement research design, and evaluate and communicate the results.
Typical Student Answer
The churches would *lose* their tax exempt status
... because religious charities are only tax exempt *if no substantial part* of the organization’s activities ... attempt to influence legislation.

See Reg. 1.105(c)(3)-1(c)(3)
Real research has only just begun
What is *substantial*?
(6) Direct influence of legislation

(5) Minor activities. Attempts to influence legislation were

nor activity (5%) in relation to other activi-

ies. Exempt.

Seasongood v. Comm., 1955, CA6, 48 AFTR 711,
227 F2d 907, 56-1 USSTC T135, rev'd (1954)
Baseball Diamond v. Iterative Process

The Research Cycle

- Finding the Right Problem/Question
- Understanding
  - Can you apply
    - Context
- Finding Related
  - Ideas
- Citation Analysis
Deep Structure

The surface structure above enables students to master analytic and metacognitive approaches to:

- Find and evaluate sources in the context of the legal questions;
- Determine legal context, access authority, and understand how what is found relates to the legal question; and
- Synthesize knowledge of the legal resources and institutional structures to implement research design, and evaluate and communicate the results.
Tacit Structure

The surface structure models values, attitudes and norms of ethical professional behavior, including:

- Professional duties, both while representing clients and researching for other purposes, which consist of, but are not limited to, accountability, honesty, thoroughness, cost and time-effectiveness, and balancing competing duties; and

- Professional development, which incorporates but is not limited to critical self-assessment and critical strategic thinking, self-directed lifelong learning, problem solving, and the management of uncertainty and ambiguity within the research process.
Shadow Structure

The surface structure can be *limited* because:

- The curriculum often does *not recognize* legal research as a necessary, intellectual skill;
- Legal research instruction is *not appropriately integrated* within the curriculum;
- The academy often *undervalues librarians* as research experts and underutilizes them as research faculty; and
- The legal education environment is necessarily a *simulation*, and is limited in its ability to provide a holistic context for client contact.
Signature Pedagogies

- Surface
- Deep
- Tacit
- Shadow
The COACH Template
COACH Template

• Context
• Objectives
• Activities
• Checklists

conference_on_legal_information_coach_template_1.pdf
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coach_template_illustration_iii_recognizing_problem_types.pdf
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The Boulder Statements on Legal Research Education

The Intersection of Intellectual and Practical Skills

Edited by
Susan Nevelow Mart
The End