



The Future is Now

Teaching ALR during a 5-week Summer Session



Legal Skills Prof Blog

A Member of the Law Professor Blogs Network

Monday, August 12, 2013

Bertrand Russell's 10 Commandments of Teaching

By [Legal Skills Prof](#)

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In 1951, philosopher Bertrand Russell set out these ten commandments. They focus on not being arrogant and on being open to new ideas—by you and by your students. Here they are, from [Brain](#)

Pickings:

1. Do not feel absolutely certain of anything.
2. Do not think it worth while to proceed by concealing evidence, for the evidence is sure to come to light.
3. Never try to discourage thinking for you are sure to succeed.
4. When you meet with opposition, even if it should be from your husband or your children, endeavor to overcome it by argument and not by authority, for a victory dependent upon authority is unreal and illusory.
5. Have no respect for the authority of others, for there are always contrary authorities to be found.
6. Do not use power to suppress opinions you think pernicious, for if you do the opinions will suppress you.
7. Do not fear to be eccentric in opinion, for every opinion now accepted was once eccentric.
8. Find more pleasure in intelligent dissent than in passive agreement, for, if you value intelligence as you should, the former implies a deeper agreement than the latter.
9. Be scrupulously truthful, even if the truth is inconvenient, for it is more inconvenient when you try to conceal it.
10. Do not feel envious of the happiness of those who live in a fool's paradise, for only a fool will think that it is happiness.

(ljs)

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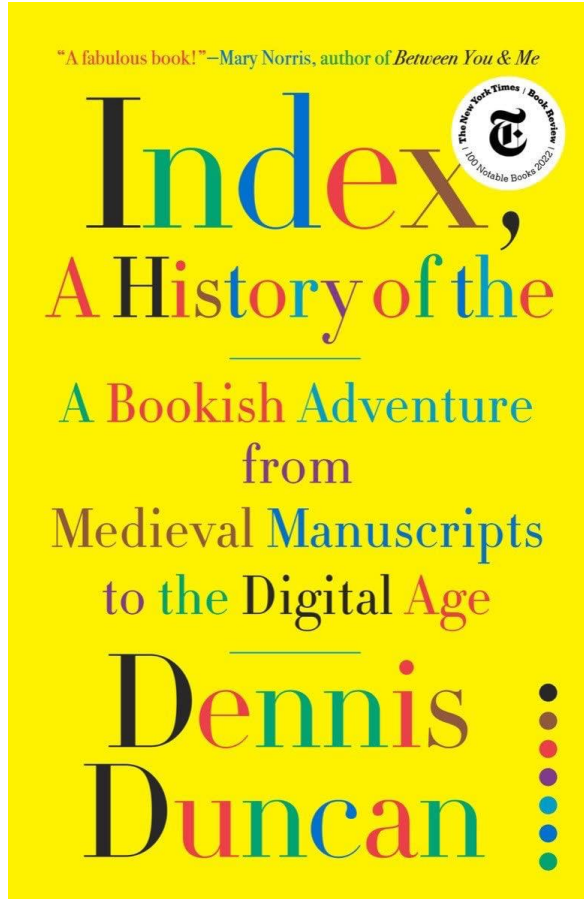


Basics



Preparing . . .

- Rich Leiter: thoughts, discussions, syllabus
- AALL Teach-In-Kits: course information, syllabi, assignments
- Books, textbooks, articles, podcasts





Preparing . . .

- Rich Leiter: thoughts, discussions, syllabus
- AALL Teach-In-Kits: course information, syllabi, assignments
- Books, textbooks, articles, podcasts
- Chats with 1L research colleagues
- What's relevant to our students
- 20+ years of “thought” and “if I were to teach an ALR course . . . “



Learning/Course Objectives

Develop the ability to **think** critically about the process of legal research.

Develop the skills to approach researching a legal issue or problem more effectively and efficiently.

Develop the proficiency to critically **evaluate** legal bibliography to identify the most useful and relevant research tools.

Planning Factors

- When



Planning Factors

- When
- “Pedal to the metal” survey course: what to teach



Basics of Research; Algorithm Intro; AI
Controlled Vocabulary; Indexing; Online Catalogs
Cases
Statutes
Administrative Law
Foreign & International Law
Secondary Sources
Nebraska (State) Resources
Ethics
Transactional Resources
Litigation Resources
WWW & Authentication Issues



Planning Factors

- When
- “Pedal to the metal” survey course: what to teach
- Different learning styles; engaging students



Planning Factors

- When
- “Pedal to the metal” survey course: what to teach
- Different learning styles; engaging students
- Textbook & “Readings”



Where the Law Is:
An Introduction to Advanced
Legal Research

FIFTH EDITION

J.D.S. Amodeo | Christopher A. Koettl | R. Martie Witt

WEST
ACADEMIC
PUBLISHING

Textbook & “Readings”

- Articles
- Websites
- Podcasts

Planning Factors

- When
- “Pedal to the metal” survey course: what to teach
- Different learning styles; engaging students
- Textbook & “Readings”
- “Own” the time commitment



Planning Factors

- When
- “Pedal to the metal” survey course: what to teach
- Different learning styles; engaging students
- Textbook & “Readings”
- “Own” the time commitment
- Experts



Guest Speakers



Planning Factors

- When
- “Pedal to the metal” survey course: what to teach
- Different learning styles; engaging students
- Textbook & “Readings”
- “Own” time commitment
- Experts
- Assessment:
 - Final or Pathfinder
 - Assignments: homework & in-class



Assessment

2022

- 5 homework assignments (35%)
- 5 CALI exercises (5%)
- Attendance & Participation (10%)
- Pathfinder or Final (50%)



2023

- 4 homework assignments (32%)
- 6 CALI exercises (6%)
- Attendance & Participation (12%)
- Final (50%)

“Homework”

2022

- Five CALI assignments
- Five “weekly” assignments
- Additional “extra credit”



2023

- Six CALI assignments
- Four “weekly” assignments
- Additional “extra credit”

In class assignments – “traditional” assignments

- How Algorithms Differ (thanks to Susan Nevelow Mart)
- Catalog Searching
- Case Searching & Headnote Comparison
- Citator Comparison
- Court Rules & Codes
- NE Regulations
- Foreign & International Resources
- Ethics
- Multivolume comparisons
- Litigation Resources





In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards

IMMEDIATE FEEDBACK ASSESSMENT TECHNIQUE (IF AT®)

Name _____

Test # _____

Subject _____

Total _____

SCRATCH OFF COVERING TO EXPOSE ANSWER

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>Score</u>	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____



Points

Star first reveal = 5

Star second reveal = 3

Star third reveal = 1

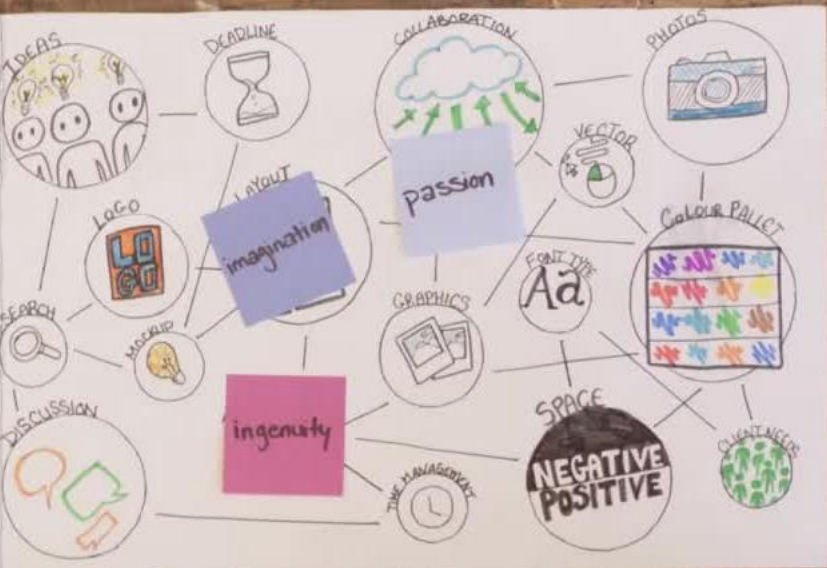
Star fourth reveal = 0

Treaties can be
entered into

- A. By Executive Order
- B. Only with the advice and consent of the Senate
- C. With the advice and consent of the Senate & the House
- D. Both A & B

In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards
- Transactional: Client interview



In-class assignment 11: Client Interview & Business formation

You'll work with an assigned partner for this assignment.

There are two parts to this assignment: Part I is a client interview, Part II involves business formation research.

Your firm has been hired by Mariella Fauci to help with the creation of her catering business.

Part I

In anticipation of the client interview, work with your partner to formulate a list of questions to ask Ms. Fauci. Designate one partner as the spokesperson; that person will take turns with the other team spokespeople to ask the client questions in a round-robin fashion. Everyone should take notes to prepare for Part II.

What questions do you want to ask her before beginning work?

Part II

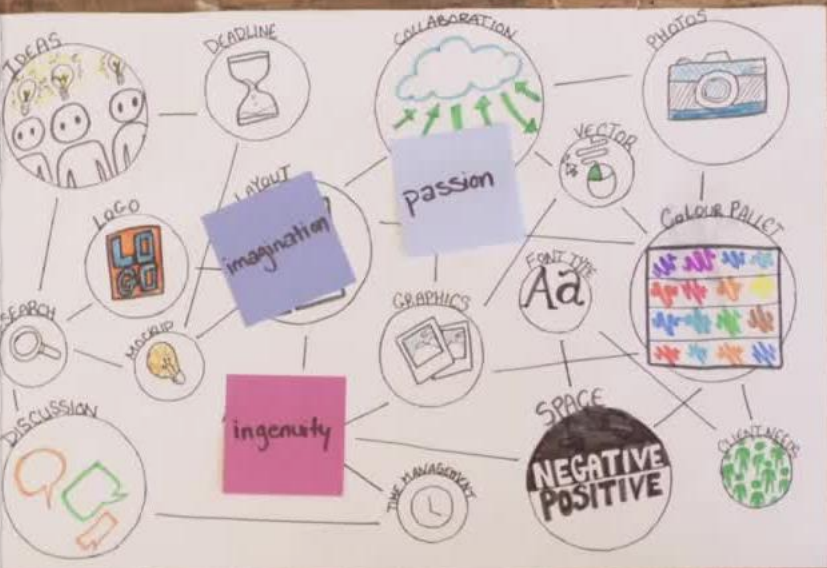
Document Preparation

Taking the information your team has garnered from the client interview:

1. Determine what type of business best suits Ms. Fauci's need. How did you make that determination? What tools did you use?
2. Where is the best place for her to locate the business? Why did you select that location?
3. How would you go about forming the business? What do you need to do? What documents do you need to prepare? Do you need to file? What do you need to file? Where?
4. Can she use the name she's selected and/or the logo if she has one? How would you find out?
5. What other documents do you need to create beyond the business formation related documents?
6. What other areas of the law related to business formation do you need to research to advise your client on beyond these basic issues?

In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards
- Transactional: Client interview
- Administrative: FDA podcast breakdown





Glenn Cohen, professor at Harvard Law School. His research focuses on bioethics and health law. He co-wrote an amicus brief along with 18 other food and drug law scholars in support of the FDA in this Texas lawsuit. (@CohenProf)



Eva Temkin, partner at the law firm King & Spalding where she counsels clients on issues related to the FDA from drug development to post-market regulation. She worked at the FDA for over 8 years, before leaving in 2021.



Also Featured: **Amanda Banks**, physician and adviser to multiple biotech companies and other organizations within the industry. **Robin Feldman**, professor at UC Law in San Francisco. (@ProfRobnFeldman)

Home // Radio // On Point



47:12

The abortion pill lawsuit that could change how the FDA approves drugs

March 16, 2023

By Paige Sutherland and Meghna Chakrabarti



<https://www.wbur.org/onpoint/2023/03/16/the-abortion-pill-lawsuit-that-could-change-how-the-fda-approves-drugs>

In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards
- Transactional: Client interview
- Administrative: FDA podcast breakdown
- Secondary Sources: Brainstorm Outline & Wheel



Law Review	
Pros	Cons
<ol style="list-style-type: none"> 1. Deep analysis 2. Heavily footnoted 3. Very accessible 4. Relying on author's expertise in selecting primary law 5. Provides relevant search terms – helps build your vocabulary in that area of the law 6. Courts vary in recognition & reliance on analysis 7. Use Hein Online 	<ol style="list-style-type: none"> 1. Not updated 2. Limited content 3. Not consistent organizational structure 4. Variance in credibility of authors 5. Can be out of date even before published – so always update any primary law cited 6. Courts vary in recognition & reliance on analysis 7. W/L incomplete holdings
Treatise	
Pros	Cons
<ol style="list-style-type: none"> 1. Deep analysis into one area of the law 2. Written by experts 3. Heavily footnoted 4. Frequently updated 5. Excellent finding aids: indexes, TOC 6. Often include primary sources 7. Nuanced discuss of specific or granular or niche points of law in that area 	<ol style="list-style-type: none"> 1. Not available on every topic/in every area 2. Online access is limited by publisher/database – usually only on one not multiple databases 3. Print versions have lag time in updating not same for online versions
American Law Reports (ALR)	
Pros	Cons
<ol style="list-style-type: none"> 1. Analysis of both sides of an issue 2. Tables of authorities for all jurisdictions 3. If superseded can show evolution of an area of the law 4. Covers unique topics 5. Essays/author analysis more important than actual case 	<ol style="list-style-type: none"> 1. Updated annually 2. Can go out of date – if not updated by superseded, may not be as relevant 3. Selected or selective areas of the law – doesn't cover every issue 4. Limited amount of case reporting 5. Very limited organizational structure (only general or federal)

Criminal Law

Case: *Guedes v. ATF*

Issue:

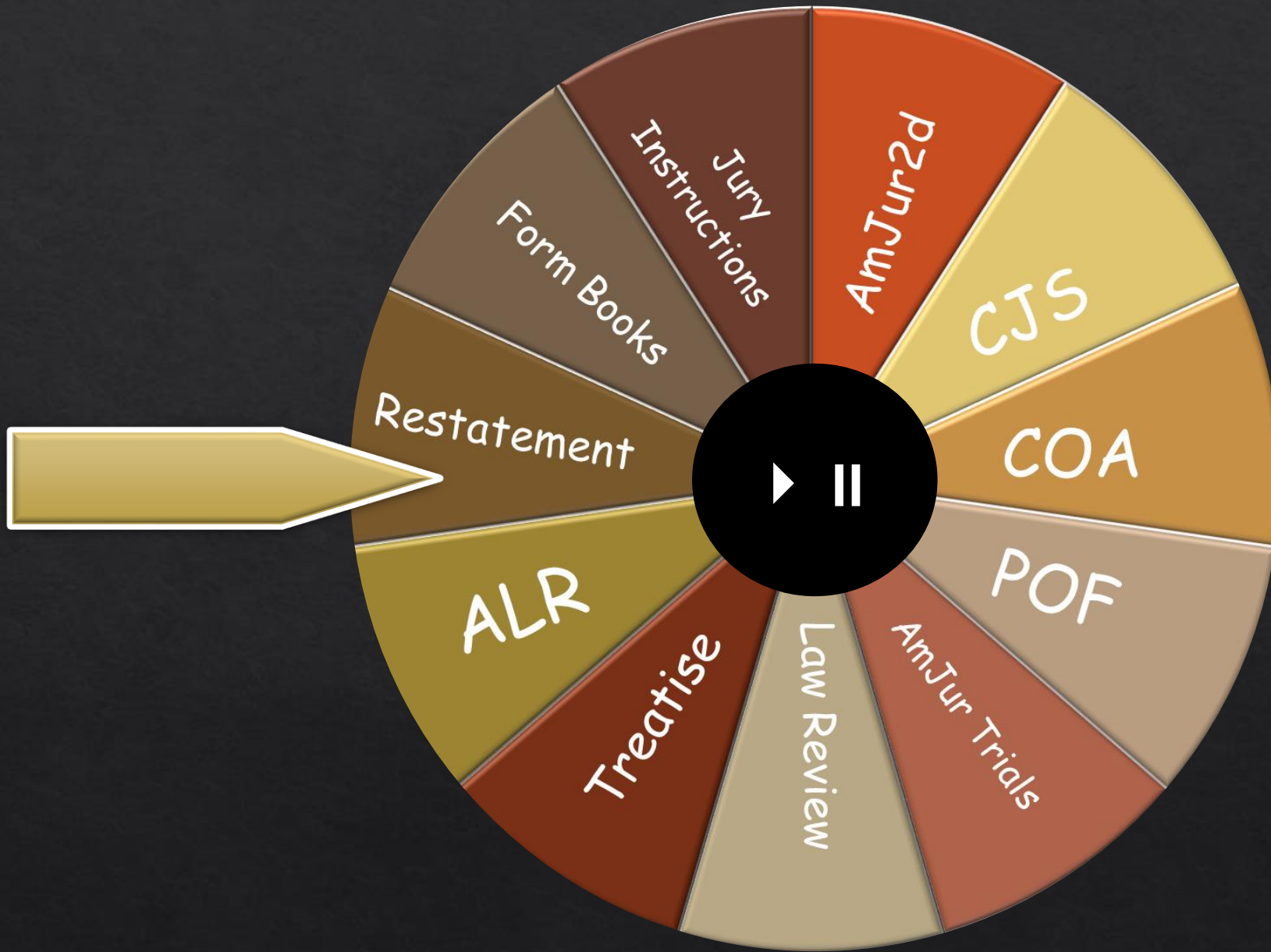
Can bump stock attachments to semi-automatic rifles be regulated as a machine gun under the National Firearms Act? The D.C. Circuit previously ruled that it can and refused to review that decision en banc. The court's holding keeps it aligned with the Tenth Circuit, but the Fifth and Sixth circuits disagree.

Criminal Law

Case: *Hardin v. Bureau of Alcohol Tobacco, Firearms & Explosives*

Issue:

Are bump stocks a machine gun part that can be regulated by the Bureau of Alcohol Tobacco, Firearms and Explosives under the Gun Control Act? The Sixth Circuit joins the Fifth Circuit, saying they aren't. The Tenth and D.C. circuits say that they can be regulated.



In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards
- Transactional: Client interview
- Administrative: FDA podcast breakdown
- Secondary Sources: Wheel & Brainstorm Outline
- Legislative History: Hearing



Perspectives: Teaching Legal Research and Writing
Spring, 2019

LEGISLATIVE HISTORY ON TRIAL

Jamie R. Abrams^{al}

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This article highlights a “Legislative History on Trial” simulation and its pedagogical value to a legislation course, administrative law course, or legal research and writing course. Teaching legislative history to students at any stage in law school in any course is notoriously challenging for faculty. It is a difficult topic to engage students. They do not yet have the context to understand the importance or relevance of the material they are learning. It can also be challenging to strike the proper level of coverage in classes containing a range of experiences from former Congressional staffers to international students.

Professors often construct assignments with “bumpers” (i.e. assignments that are guaranteed to lead students to successful results) in which they design a “scavenger hunt” to find various nuggets of legislative interpretive material. I spent nearly a decade designing, vetting, and executing such pre-canned assignments as an instructor of Legal Writing and as a Director of Legal Research Curriculum. These assignments are contained and manageable for students to stay on course, but their lasting educational effects are limited.¹ The students become myopically focused on finding the answers, losing sight of the big picture of how and why a lawyer might use legislative history, what the sources are, the limitations and benefits of each source, and the critiques in using each source as a statutory interpretation tool.

After years of watching students stumble through these assignments with minimal enthusiasm, I designed this “Legislative History on Trial” simulation to get students engaged more collaboratively.

This simulation involves a trial in which groups of students interrogate and then rehabilitate various sources of legislative history on the stand with students testifying as the source itself. Admittedly, the exercise is a bit of a fictional conflation between a criminal and civil trial. Another more concrete way to frame the exercise is to conduct a hearing on whether the United States should adopt the “exclusionary rule” that the United Kingdom uses to exclude legislative history as an interpretive tool in courts.² Regardless of the set-up, the context is a debate between those who support the expansive use of legislative history as an interpretive tool and those who oppose its use.

The Learning Objectives

This assignment refocused my legislative history assessment goals entirely. The goals of the exercise are to (1) learn what the major sources of legislative history are; (2) understand the relative hierarchical values of different sources of legislative history; (3) identify the limitations and benefits of using legislative history as a tool of statutory interpretation; and (4) practice preliminary trial preparation skills. The simulation usually falls during a point in the semester in which I am heavily engaged in grading and the students are awaiting feedback. This gives students a much-needed break from drafting and writing exercises. It is a well-received shift in class preparation for the professor as well, requiring facilitation and guidance, but little podium teaching.

The image shows a website profile for Jamie Abrams, Professor of Law and Director of the Legal Rhetoric Program at the American University Washington College of Law. The page features a blue header with navigation links: Admissions & Financial Aid, News & Events, Career in Law, About the School, MyWCL, MyAU, Resources for, and Give. Below the header is the college's logo and a navigation bar with links for LAW WITH IMPACT, ACADEMICS, OUR COMMUNITY, and BEING HERE. The main content area includes a large photo of Jamie Abrams, a woman with glasses wearing a dark blazer over a white top. To the left of the photo, her name 'Jamie Abrams' is displayed in a large serif font, followed by her title 'PROFESSOR OF LAW' and 'Director of the Legal Rhetoric Program'. Below this, her contact information is listed: 'JAMIEABRAMS@WCLAMERICAN.EDU', 'ROOM Y301', and '(202) 274-4196'.

In-class assignment: Legislative History Court Rule Hearing

A new Nebraska Supreme Court rule has been proposed mandating the use of legislative history when the Court is faced with a case involving the interpretation or application of a Nebraska Statute. The Supreme Court has called a hearing (see [Neb. Ct. R. § 1-103\(D\)](#)) to explore the topic.

For purposes of this exercise, assume the following:

1. The Supreme Court has the authority to craft a rule either mandating or prohibiting the use of legislative history in questions involving the interpretation or application of any Nebraska Statute.
2. The legislative history documents being considered during this hearing are those identified and discussed in the readings for class, not those currently available in Nebraska and reflect a bicameral, not unicameral legislative body.

Assignment – two parts.

Part I

You have been assigned a witness role. In preparation for the hearing, you must formulate the points you are going to make if you are called to testify, and you must have a written statement to submit to the Court summarizing those points. Each role has considerations outlined below based on stance: proponent, opponent, or neutral. Use those considerations in preparing your written statement.

1. Proponent
 - a. Is the use of legislative history better for statutory interpretation.
 - b. You are trying to make the strongest case possible for the use of legislative history.
 - c. Be prepared to address Sponsor Statements, Legislative Deliberations (Hearings/Floor Debate), Committee Reports, and Amendments & Related Bills; your written statement should address all three. The Judges may ask about legislative history generally or specifically about one of the three types.
 - d. Be prepared to field questions as to why these resources should or should not be used.
 - e. Make sure you have a strong foundation for your arguments – “because they show why the law was proposed and enacted” isn’t good enough. Dig deeper. If you want to say a sponsor’s statement is reliable and reflects in-depth research and thoughtful consideration of the issue, that’s a stronger foundation.
2. Opponent
 - a. Why isn’t the use of legislative history better for statutory interpretation.
 - b. You are trying to make the strongest case possible against the use of legislative history.
 - c. Be prepared to address Sponsor Statements, Legislative Deliberations (Hearings/Floor Debate), Committee Reports, and Amendments & Related Bills; your written statement should address all three. The Judges may ask about legislative history generally or specifically about one of the three types.
 - d. Be prepared to field questions as to why these resources should or should not be used.
 - e. Make sure you have a strong foundation for your arguments – “because they show why the law was proposed and enacted” isn’t good enough. Dig deeper. If you want to say a sponsor’s statement is unreliable because it reflects just one side of the issue, that’s a stronger foundation.
3. Neutral
 - a. Even though your role is categorized as neutral, you “improvise” and be either strongly for or strongly against the underlining issue if you so choose. HOWEVER, your role requires you to think of how the adoption or rejection of the rule will impact you and/or your organization.

- b. Will it change how you function?
- c. Will it require more funding or less funding?
- d. How will it impact the individuals using your services?
- e. If you do decide to improvise, you may make a notation to that effect.

Part II

Please answer the following reflection questions:

1. Based on the testimony you’ve heard today would you adopt a rule mandating the use of legislative history?
 1. Which arguments did you find the most persuasive and why?

Student	Role	Proponent, Opponent, Neutral, or student decides
	State Senator	Proponent
	Senate Staffer	Proponent
	Law Professor	Proponent
	State Senator	Opponent
	Senate Staffer	Opponent
	Law student writing a law review article on the use of legislative history in state court opinions	Neutral
	Law Professor	Opponent
	Academic law librarian whose written an article about how her state’s highest court has used legislative history	Neutral
	Archivist working at the Nebraska state archives who has concerns and wants the court to consider the practical implications – WHAT WOULD BE THOSE IMPLICATIONS	Student decides
	Office of the Law Revision Counsel (OLRC) employee who works to classify public laws into the United States Code. Working remotely in Nebraska, saw the notice about the hearing.	Student decides
	State law librarian who has some of the same concerns as the archivist and how this will work – WHAT ARE THOSE CONCERNS	Proponent
	Supervises the Legislative Transcribers’ Office in the Clerk of the Legislature’s office, responsible for compiling “on demand” legislative histories. Has concerns about the impacts of the passage of	Neutral

In class assignments – thinking “outside of the box”

- Treaties: Scratch off cards
- Transactional: Client interview
- Administrative: FDA podcast breakdown
- Secondary Sources: Wheel & Brainstorm Outline
- Legislative History: Hearing
- Nebraska: Secondary Sources resource reviews



In-class assignment: Nebraska Resource Evaluation

Your Name:

You've been given a specific resource to review for this assignment. Part I's questions are primarily objective and ask fact-based questions related to the resource. Part II's questions are subjective and asks you to think about the content and evaluate the resource. Be prepared to discuss your answers in class and answer questions related to the resource.

One further note: as you answer the questions, please keep in mind that this assignment will be posted on Canvas and available to your colleagues as a future reference.

PART I

1. What resource are you reviewing?
2. Where is the resource located? Provide the call number and location from the online catalog and any information regarding access in an electronic format.
3. What is the public date?
4. Currency:
 - a. When was the resource last updated?
 - b. How is the resource updated?
 - c. Where did you find the update information?
5. Cost & Purchase Information:
 - a. How much does it cost to purchase and where did you find the cost information?
 - b. Is there an annual update fee and, if so, where did you find the information and how much is the annual update cost?
 - c. If you wanted to purchase it, where could you purchase it?
 - d. Can it only be purchased in print, or can it be purchased in an electronic format?
 - e. What is the price difference if it can be purchased in an electronic format?
6. Authorship:
 - a. Who is/are the author(s)?
 - b. What are their credentials?
 - c. Do those credentials make the author(s) experts on the materials covered in the resource?
7. Look at the Preface or any prefatory information in the book – what is the purpose of the publication and what other information does this part of the book provide?

PART II

1. Summarize this resource:
 - a. How would you classify it? Do you think it's a handbook, a treatise, a practitioner's manual, or something else? What does that classification mean, and does it change how the resource is viewed – does it create bias?
 - b. What information is included in the resource?
 - c. When and how do you think it would be used?
2. What is missing from this resource? In other words, based on the area of the law covered by this resource and what you learned in the Preface/Prefatory information, what would you expect to find that you didn't?
3. What did you find **most** useful about or in this resource? Or to put it another way – if you were recommending it, **why** would you recommend it? Provide at least 3 specific reasons (“whys”).
4. What did you find **least** useful or what would you remove/change to make it more useful? Provide at least 3 specific things.
5. Name at least 3 things/pieces of information you found in this resource that you did not expect to find:
6. You're presenting this information to a supervising attorney who's asked for this detailed evaluation. The firm has 20 attorneys and represents clients in the topical areas covered by the resource:
 - a. Would you recommend purchasing the resource?
 - b. If you'd recommend purchasing it, in print or in an electronic format?

Reviewer	Resource	Location
	Mangrum on Nebraska Evidence, 2023 ed.	PRINT - Law Library Reserves ONLINE - ProView
	Nebraska Statutes of Limitations Reference	PRINT - Law Library Reserves ONLINE - SharePoint
	Nebraska Trials, 2022-23 ed. (Morris)	PRINT - Law Library Reserves ONLINE - ProView
	Nebraska Civil Procedure, 2023 ed. (Lenich)	PRINT - Law Library Reserves ONLINE - ProView
	2019 Family Law Practice Manual	PRINT - Law Library Reserves ONLINE - SharePoint
	Nebraska Appellate Practice and Procedure, 2022-23 ed.	PRINT - Law Library Reserves ONLINE - ProView
	Juvenile Court Law and Practice, 2023 ed. (Costantakos)	PRINT - Law Library Reserves ONLINE - ProView
		PRINT - Law Library Reserves

What did I learn?

- Imposter syndrome is real for me.



Her enthusiasm for research, while something I personally cannot understand, is evident and makes the class far more engaging. I took this class hoping to learn to research better and I got more than what I thought I would.

What did I learn?

- Imposter syndrome is real for me.
- 5 weeks is both not enough and too much time and it is a *loooooonnggg* time for both you and your students.
- A good RA is priceless.
- A course management system can be extraordinarily helpful – even if it makes you want to pull your hair out.
- Prepare as much as possible and know that it's never enough.
- What you plan doesn't always pan out – and sometimes what you plan, turns out even better than you expect.
- Something always goes awry. Be flexible.
- It's okay to be more excited about an assignment than your students.
- Matrixes for grading. 'Nuff said.



A 3D rendering of a field of dark grey question marks. One question mark in the center is highlighted in a bright yellow color. The question marks are scattered across the frame, creating a sense of depth and focus on the central one.

Questions?

Sandy Placzek
splaczek2@unl.edu

Schmid Law Library
University of Nebraska College of Law

