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# Meeting the Challenges of Instructing International Law Graduate Students in Legal Research

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# Trends

IN LAW LIBRARY MANAGEMENT AND TECHNOLOGY

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*Edited by Philip C. Berwick ♦ For academic, firm, corporate, and government law librarians*

## **Meeting the Challenges of Instructing International Law Graduate Students in Legal Research**

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Enrollment in non-JD law programs, including LLM programs for international law graduates, has grown significantly in U.S. law schools over the past 10 years.<sup>1</sup> This unprecedented growth has occurred as some law schools, reeling from declining JD enrollments, spurred by the economic downturn of 2008 and a difficult job market for law graduates, have sought alternative revenue streams. The rapid growth in LLM programs has put an increased demand on legal research instruction

At Cornell Law School, where the authors teach legal research to LLM students, we have been fortunate in that our challenge has not been an insufficient number of librarians or resources to meet the growth.<sup>2</sup> Rather, the limited time available in a one-year program has made it difficult to teach international LLM

students to be solid researchers. In response, we have developed creative solutions to make the most of the time available to us.

### **Teaching Legal Research in the Cornell International LLM Program**

Historically, LLM students at Cornell had received most of their legal research training during a one-week orientation at the beginning of the fall semester. During this very brief period, at a point when a majority of the students were adjusting to a new environment, facing language and cultural barriers, and for a majority, a new legal system, our librarians struggled to fit basic concepts of U.S. legal research into a six-hour period without any means of assessing student learning. A non-mandatory, one-credit legal research course was offered together with optional class sessions of a legal writing seminar. The latter both provided an opportunity to assess the learning of only a small fraction of the LLM class. Otherwise, minimal opportunities existed for subsequent reinforcement and assessment.

Our options for LLM instruction changed significantly after the New York State Board of Law Examiners effective April 2012<sup>3</sup> changed its bar admission rules for applicants, “whether educated in a Common Law or non-common law country, whose legal education is not of sufficient duration or not substantively equivalent to an ABA-approved law school program . . . .”<sup>4</sup> The amended rule requires these bar applicants to complete an A.B.A.-approved law school’s LLM program, which must include, among other things, a two-credit course in legal research, writing, and analysis.<sup>5</sup>

As a result of the new rule, LLM students at Cornell continued to receive instruction in legal research during orientation from law librarians, and in addition, the librarians participated in two newly mandatory courses, Introduction to the American Legal System (IALS) and Principles of American Legal Writing (PALW). Both courses provided better opportunities for assessment of student learning, both formally and informally, than had previously been the case. These assessments, plus other contacts with international law graduate students, have revealed specific challenges and have led to new solutions tailored to meet the international students’ needs.

## **Challenges**

Every teacher of legal research to beginning law students knows that skillful research comes only with practice. But many of the problems faced by all beginners are magnified for international LL.M.s. At a basic level, reading citations is difficult. While U.S. abbreviations are familiar to native speakers of English and those previously educated in the United States, students unfamiliar with U.S. geography and common English-language abbreviations struggle to recognize citations. Understanding the need for so many different kinds of primary sources requires those already trained in a code-based civil law system to put aside their previous approaches and learn new ones, as does understanding the common-law lawyer's emphasis placed on factual analysis.<sup>6</sup>

## **Solutions**

### *I. "Thinking Like a Common Law Lawyer"*

To start our LL.M. students on the analysis needed to conduct American legal research, a factual analysis boot camp was introduced for the LL.M. class during orientation week, which we called "Thinking Like a Common Law Lawyer." LL.M.s were split into four groups, with each assigned to a librarian to work on different legal research hypotheticals.

After a brief introduction to legal research, the first part of this class session was a factual analysis of one of the hypotheticals. The exercise required the students to identify both different factual aspects of the problem and alternative keywords that could be used for the same fact. At the end of the exercise, librarians demonstrated basic searching using the search keywords suggested by the students.

In the second part of the session, the students worked in small groups, each group working together to analyze a different hypothetical. The librarian, circulating among the groups, offered advice and answered questions. Each small group then reviewed their problem and their analysis for the rest of the class. The librarian demonstrated possible searches using the small groups' analyses.

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### *2. Moving into the basics of legal research*

All LLM students must take IALS during fall semester. In this two-credit course surveying the principles of U.S. law, early in the semester we built on the factual analysis taught during orientation by teaching three sessions introducing basic legal research principles. The sessions mixed lectures with quizzes and hands-on, in-class group exercises to engage the students. Research exercises were assigned as homework as well. Students used the concepts learned in this segment for the required IALS research paper.

A former LLM student and current library school student (who was also a law library intern) provided much-needed assistance as a teaching assistant. This was especially helpful during in-class exercises when the instructor was typically pulled in many different directions. Having a teaching assistant in the classroom who had a shared experience with current students and a common educational, cultural and language background with a significant number of students was invaluable and made class management so much more effective.

### *3. Citation recognition*

To give students practice with recognizing citations, the research curriculum in both IALS and PALW included both in-class and take-home citation exercises. These exercises focused not on creating citations, which is covered in the writing portion of PALW, but on using the Bluebook to understand unfamiliar citations. For example, from a fictitious case name and citation, students must give the full name of the non-fictitious court in which the fictitious case was heard. For example, the correct answer to “Sewell v. State, 929 P.2d 247 (Okla. Crim. App. 1994)” is Oklahoma Court of Criminal Appeals. For students who have been ignoring citations because they don’t understand them, this exercise can be a revelation.

### *4. Research log*

LLM students enrolled in PALW have to conduct their own research for the persuasive motion assigned by the writing instructor. In past classes, the writing instructor observed some students not using the skills taught in the research portion of the class but instead using Google, Wikipedia, and the like. In

response, and to make a concrete connection between the two parts of the class, we required students to submit a log of research conducted for the persuasive motion. Students were given clear parameters for the log—for example, they were told that the log should reflect both full-text searching and use of headnotes to find cases—and a partial sample so they had a format to follow. The logs were submitted at approximately the point when students should be finishing their research and turning to the writing of their persuasive motion. The instructors then emailed feedback to each student within a few days so that students can correct deficiencies in their research.

### *5. Research conferences*

At the same time students were researching for the open memorandum and preparing their logs, one-on-one conferences were highly recommended with the teaching librarian. While PALW students could take advantage of office hours and the reference desk throughout the semester, for this assignment a free online calendar was utilized with 15-minute time slots made available over the course of one week.<sup>7</sup> The conferences gave students an opportunity to ask questions they might have been unwilling to ask in front of their classmates.<sup>8</sup> The added benefit for the instructors was the ability to discern the concepts students were wrestling with and an opportunity to focus on these concepts in subsequent classes.

## **Conclusion**

Teaching international LLM students legal research offers its own peculiar challenges. The brevity of the LLM program and the limited time available for thoroughly introducing basic research concepts have made it particularly difficult, but the innovative and creative methods of instruction highlighted in this article have provided good solutions.

## **Notes**

1. *ABA Legal Education Section Reports Preliminary Data on Non-J.D. Enrollment Growth, 2000-2012* (Dec. 21, 2012), [http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/aba\\_legal\\_education0.html](http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/aba_legal_education0.html).

2. Cornell has also experienced an increase in its international LLM enrollment, with approximately 86 students enrolled in the LLM class of 2014, up from 54 students in 2009.

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3. 34 N.Y. Reg. 86 (Feb. 1, 2012).

4. *Foreign Legal Education*, N.Y. STATE BD. OF LAW EXAM'RS, <http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm>.

5. N.Y. COMP. CODES R. & REGS. tit. 22, § 520.6(b)(3)(vi)(b) (Westlaw through amendments in 36 N.Y. Reg. (March 26, 2014)).

6. On challenges faced by international LLM students learning U.S. legal research, see Catherine A. Lemmer, *A View from the Flip Side: Using the "Inverted Classroom" to Enhance the Legal Information Literacy of the International LL.M. Student*, 105 LAW LIBR. J. 461, 463 (2013); Elizabeth L. Inglehart, *Teaching U.S. Legal Research Skills to International LL.M. Students: What and How*, 15 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 180, 180 (2007).

7. We have found that students are more likely to take advantage of one-on-one opportunities when technology makes signing up as easy as possible.

8. On the reluctance of some international law graduates to ask questions in the classroom, see, e.g., Mark E. Wojcik & Diane Penneys Edelman, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates*, 3 LEGAL WRITING: J. LEGAL WRITING INST. 127, 132–33 (1997).

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