

# **Incorporating the Values of the Legal Profession into a Research Instruction Experience for Law Students: Simulating A Law Firm Research Experience**

*Karen Summerhill*  
*Faculty Services Librarian*  
*Edward Bennett Williams Library*  
*Georgetown University Law Center*  
*Washington, D.C*

## **Introduction**

When librarians teach, they do so against a backdrop of values. This is true for any teacher. The values may be conscious or unconscious, personal or institutional, oriented toward what the teacher wants to teach, toward what the student wishes to learn, or ideally, both. In the case of the librarian teaching law students, the teaching may be oriented towards the values of librarianship, towards those of the legal profession or both.

The central thesis is a simple one: to be a powerful and effective teacher of students of a particular discipline, it is vital to identify the values of the discipline, and, at least where they are not in conflict with the values of librarianship, adopt them wherever they are relevant in teaching research methods. For example, imagine you are presented with a class of law students. Suppose you have discovered through your research that a major value of the discipline is "exhaustive thoroughness of preparation," whether for court appearance, client interview, or preparation of a brief. Emphasizing the utility of the particular skill(s) you are teaching in the context of, or as a means to the achievement of this "exhaustive thoroughness of preparation," serves two purposes. First, it reinforces this value for the law students, making you therefore an integral participant in the mission of educating the student towards this professional goal. Second, it has the practical effect of increasing your authority, and thus your effectiveness as a teacher to those students who have already adopted or perceived this as a value of the legal profession. Analogizing this approach to other disciplines is fairly straightforward. To give one example, if precision and currency is a value of health care practitioners, emphasizing how the proper use of controlled vocabulary and date restrictions on Medline leads to the precise and up to date results again serves the same two purposes of integration of the librarian's instructional role, and the respect for it which is necessary for a meaningful student-teacher interaction.

In some ways this approach is an aspect of the common admonition to "know your audience," except that in certain cases the teacher may be adopting the value *before* her audience, or at least all members of her audience, has done so. Thus, the closer catch phrase might be "know who your audience is supposed to become."

### Identifying Values

Of course, it may be easier for the specialized librarian such as the medical or law librarian to identify the values of their respective disciplines, than for the busy undergraduate librarian to identify the values of the anthropologists she is fitting in between the historians and the chemical engineers. Still, most professions do indulge in some self-analysis and tend to profess values in some fairly standard places. Professional association manifestos and mission statements, now widely available thanks to the World Wide Web are one place to look. Introductory textbooks can be another, or articles on "the state of the profession." More than likely, an academic in the field would be able to identify without prolonged pondering at least two or three values of their field. [1](#)

Tomes could be and have been written about the various values of lawyers and law teachers.[2](#) Nevertheless, as in any profession, there is a certain core of values which may be identified at a particular time as central and widely accepted. In law, there has been a long standing tension between the tug of practitioners and students alike towards law school mastery of practical lawyering skills, and the opposing tug of scholars and teachers of law toward emphasizing the theoretical and philosophical underpinnings of the discipline. My goal was to identify those values which seemed plausible, current, and adopted reasonably widely by both practitioners and scholars.

The ABA's Professionalism Committee has recently published a core values statement which begins by defining a professional lawyer as "an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good."[3](#) The Committee goes on to list six essential characteristics of the professional lawyer: learned knowledge, skill in applying the applicable law to the factual context, thoroughness of preparation, practical and prudential wisdom, ethical conduct and integrity, and dedication to justice and the public good. [4](#)

The Committee makes numerous recommendations, among them is the exhortation that "the use of diverse teaching methods such as role playing, problems and case studies, small groups and seminars" should be encouraged in the teaching of ethics and professionalism in law schools. [5](#) An overview of fundamental lawyering skills presented in the earlier written and widely read MacCrate Report [6](#) lists ten fundamental skills and four fundamental values for lawyers. [7](#) The skills listed are problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative dispute resolution procedures, organization and management of legal work, and recognizing and resolving ethical dilemmas. While legal research [8](#) was the broad "skill" most obviously relevant, we

found that we were additionally able to incorporate in our program the valued skills of problem solving, legal analysis and reasoning, factual investigation, communication, and organization and management of legal work. Actually, almost all of these other skills are an integral part of good legal research, so it would have been difficult to design a program on legal research without them..

### **Incorporating the Values: Designing the Program**

Our program, called *Strategies for a Successful Summer*, is designed for law students preparing to go to work in a firm for the first time as a "summer associate." These summer associate positions are extremely important to law students because they are generally considered a sort of trial period with a firm which the student hopes will lead to an offer for a permanent job with the firm after graduation. This makes this program a key "teachable moment," since the students are very motivated to learn anything which they believe will make them more successful in their summer experience.

Unfortunately, over the years, law firms have found too many students to be ill-prepared for the intensive legal research and writing they are expected to do during this experience. It was this dissatisfaction with newly minted lawyers in fact which led to the study which culminated in the MacCrate Report discussed above. The Georgetown Law Library's Reference Department began the program in a direct response to these complaints, and to the study, in hopes of making Georgetown students more competitive and prepared for life at a law firm. The driving idea behind the program is to simulate the key elements of law firm practice, the environment in which these students will soon, and probably for a long time, have to do research.

Within this context, they could actually experience some of the factors which lead firms to need and want the skills described in the MacCrate report. Key environmental elements the students would experience were the ever present cost constraints, time constraints, and resources constraints of a typical law firm. They would also begin to see how the cost constraints and time constraints were interdependent. In a law firm, a lawyer is billing by small increments, typically 10 - 15 minute blocks. Therefore, the longer a task takes, the more the client pays. Time is indeed money. The result is that each action must be considered by weighing the use of costly but possibly time-saving resources such as online services and librarian assistance weighed against the cost of the extra time the attorney must bill if they avoid using these resources. Thus, a key element of the summer associate's and young attorney's work is not simply to do the research, but to find the most cost-effective combination of time and resources.

The program is a half day one, offered each year on a Saturday morning in April. Since 1993, the program has incorporated a simulation experience which will be the primary focus of this exposition. The typical format also includes short lectures on two or three key areas of legal research, which is intended as review, and has included question and answer periods with former summer associates and/or law firm librarians.

In the design of this portion of the program, we had specific learning outcomes in mind. We wanted the students to be able to derive from the experience what we thought were the key elements they would need for a successful summer experience. These included:

- Effectively interviewing the attorney assigning the project
- Designing and implementing a research plan which would conform to the kinds of time and cost restraints typically placed on a summer associate's work
- Revising their research plan as necessary when they encountered difficulties
- Understanding the role of the law firm librarian, and how to interact effectively with her.
- Being able to assess the utility of online versus manual research in various situations, and to choose the best research method for the situation presented.
- Communicating effectively with others about their research process, and managing their time and workload as a team.

### **The Simulation Exercise**

Approximately two hours of the program is designed to simulate a law firm research experience. The Reading Room of Georgetown's law library is transformed into a simulated firm library with a circumscribed collection of materials more like that available at a large firm, consisting mostly of federal and regional primary materials such as codes and case reporters, with selected major treatises, legal encyclopedias and looseleaf services. Librarian's offices become offices of the supervising attorneys. The reference desk serves as contact point for the "firm librarians," and the large tables in the room become the summer associates' workspace.

Since our simulation had to accommodate a relatively large number of students, the only practical method was to organize the students into teams. Although this was a necessary logistical step, it is not inconsistent with actual law firm practice. Generally, a number of different attorneys, usually a combination of a partner, several associates, paralegals, and perhaps a summer associate, are all working on a particular matter for a client, so there is a good deal of interaction, which may be more hierarchical, or more team-like. In our program, the students are divided into teams of five. We also suggest that they appoint a team leader to coordinate the teams actions, keep track of funds, and divide up the work. This implements the goal of the students recognizing the importance of management and organization skills, and beginning to develop them.

When the simulation begins, each team is presented with an instruction sheet and one of two research problems, in the form of a memo from a "senior associate." The team also is presented a sum of play money, representing the amount the client has agreed to spend on their research. The team also receives a price list detailing the costs of their own time which they must bill back to the client, and that of the librarian, the cost of an "interlibrary loan" (which is any book that is not present in the Reading Room, and is therefore "outside the firm.") At the beginning of the simulation, the team is required to

deduct from their money the amount they would bill for two hours of their time. They find that this leaves only a fraction of the original sum, and thus quickly learn the high cost of their time in a law firm. The remaining money may be spent on online services, library assistance, photocopying, and interlibrary loans. We emphasize that there is no reward for having money left over at the end of the simulation.

In the memo, a research problem is described briefly, and the team is asked to answer several questions which pertain to the problem. The memo is probably the most crucial piece of the simulation. If the memo is too vague, or too complex, the students may be slow to begin actual work, and therefore may not make enough progress in the two hours to get the sense of the law firm experience we are trying to convey. On the other hand, the problems should not be overly simple and straightforward, since that would present an unrealistic picture of the type of assignment they are likely to encounter in a law firm. After many years of fine-tuning, we have come up with memos which are fairly specific in what they ask, but also require further information before they can be successfully done. This allows the students to both feel a mixture of confidence about their ability to accomplish at least some of the tasks, and doubt about exactly how they are going to do so. The fact that there are some details missing requires them to interview the "supervising attorney" effectively, in order to gather the missing information.

After reading the memo and instruction sheet, each team is given an opportunity to consult with their "supervising attorney" (played by reference librarians) to ask questions. The instructions suggest that the team prepare a list of questions for the meeting, since they will have only about five minutes, and any subsequent consultation with the attorney will be costly: the first consultation is free, but any subsequent consultations cost twenty dollars each.

The students are then allowed to proceed with their work as they see fit. They are billed for any use of online services, for any consultations with two available "firm" librarians, for interlibrary loans, and for any subsequent attorney consultations. At the end of the simulation, feedback/answer sheets are passed out, and the teams report briefly on their experiences. The "supervising attorneys" and "firm librarians" also give the students feedback on what the students did well, and how they could have been more effective.

### **Conclusion**

We have found the simulation to be an effective learning experience, which increases the skill levels, and perhaps more importantly, the self-confidence of our students. Our simulation give the students a chance to begin to think about and practice the realities of conducting research in the firm environment, but in a safe place where they can learn from their mistakes without serious or embarrassing consequences.

A simulation is unfortunately too intensive in terms of both resources and personnel to do on a regular basis. Also, to be run effectively by a five-person

department, the number of student participants must be limited. Thus, we make use of the simulation at the time when it is likely to be most effective, and have the highest impact. The pre-summer associate experience is a time when we know we have a motivated, focused group of students, who are ready and eager for a taste of a professional research experience, and who will within a month, have a chance to reinforce their experience with an actual firm experience.

The simulation experience is a teaching technique which naturally lends itself to incorporation of professional values because by definition it attempts to model the professional experience. What may not be as obvious, is that a simulation can be not only a learning experience for the students, but also an opportunity for librarians to better understand the work environment for which they are preparing the students, and the ways in which the professed values of a discipline figure into the daily work of the discipline's practitioners.

Footnotes:

1. Of course there may be a gap between the purported values of a profession and the actual values of the profession. However, my experience is that the purported values will get you enough credibility and knowledge to be effective, and anything you know about different actual values merely adds another layer of subtlety.
2. Examples of recent treatments include: Anthony Kronman, *The Lost Lawyer*, Cambridge, Mass.: Harvard Univ. Press, 1993; *Legal Education*, Martin Lyon Levine, ed., New York: New York University Press, 1993; Louis Harmon and Deborah W. Post *Cultivating Intelligence: Power, Law and the Politics of Teaching* New York: New York University Press, 1996.; as well as numerous journal articles.
3. American Bar Association Section of Legal Education and Admissions to the Bar, *Teaching and Learning Professionalism: Report of the Professionalism Committee*, [Chicago]: American Bar Association, 1996, p. 5.
4. *Ibid.*, p. 5-6.
5. *Ibid.*, p. 24.
6. American Bar Association Section of Legal Education and Admissions to the Bar, *Legal Education and Professional Development: An Educational Continuum -- Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, Chicago, IL: American Bar Association, 1992 (MacCrate Report).
7. The values listed are: 1) Provision of competent representation, 2) Striving to promote justice, fairness and morality, 3) Striving to improve the profession and 4) Professional self-development. MacCrate Report, p. 140-141.

8. This skill is summarized in three subpoints, namely that for a lawyer to be able to "identify legal issues and to research them thoroughly and efficiently" the lawyer should have 1) knowledge of the nature of legal rules and institutions, 2) knowledge of and ability to use the most fundamental tools of legal research, and 3) understanding of the process of devising and implementing a coherent and effective research design.

9. *Ibid.* p. 140.