

Legal Research: Building the



So your client has a problem: As she was driving, she reached down to pick up her cell phone. She veered to the side and nearly hit a pedestrian. The pedestrian jumped out of the way but hit her head on a signpost as she did. The client drove on, since she hadn't actually hit anyone. But the pedestrian got her license plate number.

Now, the client fears she'll be charged with a hit and run violation. Did she commit a hit and run? What should you advise her?

This requires legal research. Good thing you developed a strong background in that when you were at Marquette University Law School. You had to take a first-year course involving legal research, as do just about all law students. But in 1997, Marquette led the way among law schools, making an advanced course in legal research mandatory. Marquette remains one of the few requiring that second course.

In fact, training people to become good at conducting legal research, as well as to become discriminating and careful users of the results they get, is a strength of Marquette Law School.

On a certain level, legal research is more accessible than ever because so much is available on the Internet, at both free and paid websites.

And in a certain way, legal research is more accessible than ever at Marquette Law School. The move in August 2010 into Eckstein Hall has put more volumes and resources within easy reach in the Ray and Kay Eckstein Law Library. It has also created excellent space for doing research, including places where an attorney, student, or other visitor can spread out material and work in quiet conditions. In fact, the library is one of the key features of Eckstein Hall. It is located in the northeast section of the building on all four levels. Access is unrestricted, once a visitor has been admitted to the building. And the Aitken Reading Room on the third floor is about as elegant a place for reading materials as you can find anywhere.

But the heart of legal research has not changed that much, and it has not necessarily gotten easier. It involves the hard work of doing it right. Learning how to do it right involves more than computers and nice space; it requires learning from excellent teachers.

Skills to Get Good Answers

That's another thing that has been on the rise at Marquette Law School: the quality of the people who teach legal research and who help those who come to the Law Library to work on research.

The roles of the Law School's librarians are changing, said Prof. Patricia A. Cervenka, director of the Law Library. The qualifications of the librarians are changing also. The six librarians who teach the research courses all have law degrees, as well as library degrees.

More emphasis is being placed on critical thinking about what legal research finds, according to Cervenka and members of the library staff. You need to know how to blend sources, how to weigh different sources, and especially what sources to regard as reliable and authoritative.

Marva Coward said, "For me, teaching legal research is a creative endeavor which requires developing scenarios that really challenge students to identify legal issues and find the most relevant resource to answer the legal question. Hands-on activities are required to reinforce classroom lectures and help the students to develop their research skills."

Leslie Behroozi, another of the teachers, said that she aims to provide a fact scenario in each of the seven weeks of the one-credit upper-level course. She aims each one to be a challenge "that puts students into a situation they might have in practice."

Elana Olson said that she likes to draw problems from real life. For example, after flooding damaged

numerous homes in Milwaukee in 2010, she created a problem involving legal issues for a client who experienced flooding in a home that he had recently purchased. In what circumstances is the previous owner liable? What is the best course of action for the lawyer?

Behroozi noted that students are required to do research using both traditional printed sources and sources available on the Internet. "Despite the extremely prevalent misconception, not everything is online," she said.

Students sometimes find that print sources are faster and easier to use than they assumed, she said.

Olson said a lot of students are using the library while sitting in their living rooms, thanks to the Internet. "We have more invisible library users," she remarked.

Julie Norton, who also teaches the advanced research course, said, "It just makes the service component of our job all the more important."

Megan A. O'Brien said, "Legal research is one of the skills that students will use immediately upon graduation as they head out into the legal profession. Our well-established Advanced Legal Research program gives Marquette law students an edge that allows them to hit the ground running."

Cervenka said that while technology was changing the way law librarians do their jobs, two things have not changed: One is that students need to learn how to do legal research well. And the other is that good teaching is an important part of the Law School's mission. ■



Adjunct Professors Megan A. O'Brien, International Law Librarian, and Marva Coward, Associate Law Librarian.

Opposite page: Adjunct Professors Leslie Behroozi, Associate Law Librarian; Elana Olson, Faculty Services Librarian; Julie Norton, Student Services Librarian; and Patricia Cervenka, Professor of Law and Director, Ray and Kay Eckstein Law Library.