Teaching legal research

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Peter Clinch with contributions from

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Edited by Tracey Varnava

Preface to second edition

The first edition of this book was intended to fill a gap in the market. Judging from its popularity, the aim was achieved. This new edition follows the original intention to provide guidance and advice for tutors on how to develop and run a legal research skills course. The text has been thoroughly revised to take into account three important developments since the first edition was written in 1998:

first, the setting in 2000, of a subject benchmark for law teaching in the UK by the Quality Assurance Agency for Higher Education;

second, the application of the concept of information literacy to legal research skills training;

third, the increasing use of electronic learning (e-learning) and especially the creation of Virtual Learning Environments (VLE).

The new edition benefits from the specialised input of three contributors. Cathie Jackson (a colleague in the Information Services Division of Cardiff University) has written or advised on the contributions in several chapters on information literacy. Marianne Barber (College of Law) and Nicola Wakefield (Manchester Metropolitan University) have been responsible jointly for the new chapter on Virtual Learning Environments. Marianne has covered the introductory discussion on what VLEs are and the educational theory which should inform their use, while Nicola has written on the overall design and development of a course using a VLE.

I am grateful for the quality of their contributions. The revision of the rest of the book has been my responsibility.

A grievous omission from the first edition has been rectified. I have written a new chapter on learning theory and legal research, which briefly introduces three of the key theories and attempts to apply them to training in legal research skills.

The first edition contained no advice or information on lesson delivery or presentation skills – neither does this edition. They are generic skills and are covered effectively in some of the titles noted in the lists of further reading in chapter 9.

Although many of the skills and tips included within this guide are readily transferable to any jurisdiction, to keep the publication to a manageable size, the discussion in chapter 1 focuses entirely on defining legal research within the context of law teaching in England and Wales. For readers outside this jurisdiction, chapter 1 should at the very least provide points of comparison with the benchmarks and course specifications with which they may be more familiar.

'Learning by doing' is THE route by which students and tutors learn skills. Over the last 25 years I have gained immeasurably by giving instruction, watching other tutors delivering legal research skills instruction and by talking with colleagues. Of all legal skills, instruction in legal research skills is usually more successful if it is undertaken as a partnership between lecturing and academic support staff (library and computing). Each has experience and insights to bring to the instructional process.

Peter Clinch, Cardiff University, June 2005

Acknowledgements

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Legal Research: Defining the concept

1   Introduction

Like the phrase 'information service', the skill of legal research can mean different things to different people. Although long considered one of the basic skills a lawyer should possess, it has lacked a consistent and universally acknowledged definition. Traditionally, legal research has been applied to the activity of scholarship and writing undertaken almost exclusively by academic lawyers. More recently it has been used to describe the skill students need to acquire as part of their degree and professional studies and eventually employ when in legal practice.

This book is mainly concerned with how to teach the skill in its recent rather than more traditional guise.

The journey taken in this chapter towards a working definition will be informed by statements made by official bodies (both Government and professional) on the content of legal education and especially the legal research element. It has been traditional to divide legal education and training into two stages: an initial or academic stage focusing on developing in students a knowledge base ('thinking like a lawyer'), and the vocational stage, in which students are instructed in how to 'do things like a lawyer'. At the last analysis it will be shown that there is very little distinctively 'legal' about the skill of legal research, and what has been discussed are generic skills of problem analysis, search and retrieval of information and the skill of communication. Finally, the concept of information literacy is introduced and its relationship to the definition of legal research highlighted.

2   Official statements on legal research

Until the 1980s, in the context of first degree law courses in universities in the United Kingdom, legal research meant simply, 'how to use a law library and the material it contains'. It was concerned with what lawyers and educators in the United States prefer to call legal bibliography. It was restricted to knowing the structure of the literature of law and showing technical competency in finding one's way around different types of publication. Evidence of this approach may be found in the famous book which most post-war law students were required to read in the early stages of their course: Glanville Williams, Learning the Law, first published in 1945 and which reached its eleventh edition in 1982 (the twelfth edition did not appear until 2002, revised by other hands). The book was unique in its time, introducing students to a number of 'foundation' skills in the study of law rather than the law itself. Legal research was among those skills.

It is interesting to note that in the first edition of Phillip Kenny's Studying Law (1985), which largely replaced the Glanville Williams text in the late 1980s and 1990s, the phrase legal research was used only in connection with postgraduate legal scholarship and not in the chapters for undergraduates describing the importance and use of the law library and the material it contains.

During the same period spanned by the eleven editions of Glanville Williams' book, legal research was not separately identified in the syllabi of undergraduate courses. Often it was included within the topic of English Legal System which, in turn, was 'sometimes omitted from the central cluster of subjects on the ground that its constituent parts are secreted in the interstices of the others.' (Report of the Committee on Legal Education under the chairmanship of Mr Justice Ormrod, 1971: paragraph 49).

Typically, first degree study was driven by directed reading which did not encourage the development of independent research skills. Using the set text, a cases and materials book and reading the key journal articles on the reading list would be sufficient for a student to pass. Student progress was assessed only through performance in examinations. The syllabi for vocational courses made no specific mention of legal research skills, since the profession accepted the apprenticeship method of training. Practical skills (such as legal research) would be picked up while 'on the job' in the first professional post (see Ormrod Report, 1971: paragraph 82).

The skills revolution first took root in the United Kingdom in the 1980s in the vocational stage of training. It was influenced by developments in legal education and training in North America and Hong Kong. With this revolution came the first attempts to isolate legal research as a separate skill deserving particular attention in the training of lawyers.

The Bar Vocational Course

By the mid 1980s concerns were being raised regarding the nature and content of vocational courses. The Council of Legal Education commissioned an empirical study of what young barristers do as a key input to the development of what became the Bar Vocational Course (BVC) first offered in September 1989 at the Inns of Court School of Law (ICSL). According to Peter Hungerford-Welch, who took over as co-ordinator for legal research at ICSL in 1990, very little documentation from the time is still in existence and 'no-one ever got round to producing a formal set of outcomes/standards [for legal research].' However, he explained in an e-mail to the author in March 1998 that 'as with all the skills which comprise the BVC, the plans for the teaching were based on an analysis of the sub-skills involved in the skill in question. For legal research the following sub-skills were identified:

- working out the question(s) to be answered

- identifying appropriate source(s)

- identifying keywords to enable effective and efficient use of the index

- assessing the relevance of the material found

- summarising relevant material

- cross-referring to other material in that source or another source

- ensuring that the material found is up to date

- ensuring that the answer is correct (or, if there is no 'right' answer that the answer found is properly arguable with a reasonable prospect of success)

- citing sources correctly and accurately

- presenting the answers(s) clearly and concisely.'

The generic skills of legal research may be identified in this list: problem identification and analysis, information search and retrieval and communication of the results of research.

The content of the course was influenced by new approaches to skills teaching in Canada and Hong Kong. The overseas experience and the BVC interpretation of it were set out in the landmark publication Learning Lawyer's Skills by Gold, Mackie and Twining (1989). The book provided materials for developing vocational skills courses around the DRAIN typology - Drafting, Research, Advocacy, Interviewing and Negotiation. However, a close inspection of the text reveals that research is barely mentioned apart from recognising a need to undertake it when preparing to write a good legal opinion (p120). Legal research is also omitted from the set of skills guides forming Chapter 10 of the text.

BVC outcome specification for legal research

In 1996 the General Council of the Bar validated the BVC to be run at approved universities and private sector providers, including the ICSL, from September 1997. The outcome specification for legal research adopted for the re-validation event in 2002 and in force for all providers in 2004/2005 is as follows:

'The student should approach legal research in a practical rather than academic manner and be selective, precise and efficient in the identification and utilisation of resources.

The student should be able to:

(a)	analyse the issues raised by the case and identify which questions of law have to be answered;
(b)	develop relevant keywords;
(c)	demonstrate an understanding of the structure of legal literature and the media through which it is made available;
(d)	locate and use a law library and the catalogues and indexes it contains;
(e)	use IT skills to locate and retrieve relevant information;
(f)	select relevant original material, commentary, opinion and guidance;
(g)	use indexes within legal materials to find relevant information;
(h)	use and interpret legal citations and abbreviations;
(i)	check the currency of information;
(j)	keep up to date with legal developments generally;
(k)	organise the written response into a logical structure;
(l)	concisely and accurately summarise or paraphrase relevant material;
(m)	apply the law to the facts of the problem so as to produce satisfactory answers to the problem posed;
(n)	provide clear advice;
(o)	acknowledge the use of all sources and materials cited;
(p)	devise a research trail to show how the answers have been reached;
(q)	use IT skills to present the results of research.' (General Council of the Bar, 2004).

Again, three elements of legal research may be identified in these course outcomes: problem identification and analysis is covered in outcomes (a) and (b); information search and retrieval is covered by outcomes (c) to (j); communication of results is covered by outcomes (k) to (q). Outcome (p) is a relatively recent but significant addition to the list. As will be shown elsewhere in this guide, the requirement that students submit a research trail provides an opportunity to develop in the learner the skill of reflecting on the work they have undertaken, and provide the tutor with a research strategy, and evidence, or lack of, collaboration and plagiarism. The context is strongly case/client focused.

Law Society legal practice course

LPC specification for legal research

At the same time as the BVC was being developed and run for the first time, the Law Society was looking closely at ways to make the Law Society Finals course more practical. The consultation document Training Tomorrow's Solicitors (Law Society Training Committee, 1990) outlined proposals for changes to vocational courses but made only brief mention in an annex to 'research exercises ... being included wherever appropriate.' However, the Law Society's Training Committee considerably enhanced the role of legal research skills, so that in the present Legal Practice Course written standards, Version 10 of September 2004:

'The student should understand the need for thorough investigation of factual and legal issues involved in a client's matter, the need for preparation and the best way to undertake it.

The student should be able to:

1)   determine the objectives of the employer or client;

2)   identify and analyse factual material;

3)   identify the legal context in which the factual issues arise;

4)   identify sources for investigating relevant facts;

5)   determine when further facts are required;

6)   identify and analyse legal issues;

7)   apply relevant legal provisions to the facts;

8)   relate the central legal and factual issues to each other;

9)   identify the legal, factual and other issues presented by the documents;

10)   analyse a client's instructions and be able to identify the legal, factual and other issues presented by them;

11)   record and present the results of research in a clear, useful and reliable form.

The student should be able to demonstrate an understanding of:

1)   the use of primary and secondary texts;

2)   the methods of locating cases and statutes;

3)   the use of periodicals, digests, and standard practitioner texts;

4)   the use of indices and citators;

5)   the use of electronic research tools.'
        (Law Society Education and Training Unit, 2004).

As with the BVC outcome specifications, three generic skills may be identified: problem identification and analysis, using paper and computerised sources to gather information, and presenting the results in an appropriate manner. The LPC written standards do not mention the need for students to 'devise a research trail to show how the answers have been reached' (BVC outcome (p)), but LPC Providers do enforce this requirement for assessed work. Similarly to the BVC the context of the LPC written standards is strongly client focused.

Academic stage

Turning back to the academic stage of legal education, the report of the Marre Committee (1988) made recommendations concerning both the academic and vocational stages of legal education as well as considering two other stages: practical training and continuing education. It had little to say about legal research but expressed concerns about perceived inadequacies in the academic stage experience of students entering the vocational stage. At paragraph 13.5 the report states that the Committee had 'received clear evidence from both the College of Law and the Council of Legal Education that some students arrived at the vocational schools exhibiting the following characteristics:

        ...(3) inability to undertake independent legal research.'

At paragraph 13.9 the Committee 'concluded that those responsible for teaching law at the universities should be made aware of the causes of concern outlined in paragraph 13.5 and should make concerted efforts to meet these deficiencies.'

Nowhere in the report is the phrase 'legal research' defined. The addition of the word 'independent' in paragraph 13.5 is significant, as it points to a need for students entering a vocational course to be able to research without depending on the 'crutch' of a reading list.

Elsewhere (paragraph 12.21), the Committee produced a summary list of legal skills which included '(3) An ability to carry out legal research making intelligent use of all source material'. The Committee concluded that the skill of legal research should be taught at the academic stage of

legal education. (paragraph 12.23). Clearly, the Committee had in mind a definition for legal research rather different from that employed by the designers of the BVC and the LPC.

In 1990 a Joint Announcement of the Council of Legal Education and the Law Society set out their requirements on core subject teaching which had to be satisfied if a degree was to be accepted as a qualifying law degree - one recognised by the bodies for the purpose of entry into the vocational stage of training. The Announcement made no mention of skills. (Law Society & Council for Legal Education, 1990).

In January 1995, the Law Society and the Council of Legal Education issued a revised Joint Announcement which was applicable to those students who commenced their law degree before 2001. It set out a statement of the six Foundations of Legal Knowledge which a qualifying law degree must possess and, in addition, required development of the skill of legal research. The 'criteria' for legal research were:

'The ability to analyse a problem involving a question or questions of law, and through research to provide a solution to it. This involves the ability

(i)   to identify and find relevant legal sources and materials;

(ii)   to extract the essential points from those legal sources and materials;

(iii)   to apply the law to the facts of the problem so as to produce satisfactory answers to the questions posed; and

(iv)   to communicate the reasons for those answers, making use of the legal sources and materials.' (Law Society & Council for Legal Education, 1995).

These criteria were similar, generically, to those used in the written standards for the BVC and LPC: identification and analysis, search and retrieval, presentation of results. However, the context is different in that these skills are employed in relation to a legal problem and are not client focused.

In 1999 this Joint Announcement was in turn replaced by a version effective from 1st September 2001 (Law Society and General Council of the Bar, 1999). The six Foundations are retained in an amended form (Schedule 2) but the detailed criteria for legal research have been swept away. In their place, in Schedule 1, are five Knowledge and eight General Transferable Skills which students should have acquired. Legal research features in two of the Knowledge criteria and four of the General Transferable Skills. Under Knowledge, 'students should have acquired:

(iv)   The intellectual and practical skills needed to research and analyse the law from primary resources on specific matters; and to apply the findings of such work to the solution of legal problems; and

(v)   The ability to communicate these, both orally and in writing, appropriately to the needs of a variety of audiences.'

Under General Transferable Skills, 'students should be able:

(iii)   To select key relevant issues for research and to formulate them with clarity;

(iv)   To use standard paper and electronic resources to produce up-to-date information;

(vii)   To conduct efficient searches of websites to locate relevant information; to exchange documents by e-mail and manage information exchanges by e-mail;

(viii)   To produce word-processed text and to present it in an appropriate form.'

The three generic criteria are just recognisable: identification and analysis (Knowledge criteria iv, General Transferable Skill (GTS) criteria iii); search and retrieval (Knowledge iv, GTS iv and vii); presentation of results (Knowledge v, GTS vii and viii). However, as compared with the 1995 Joint Announcement, the current version provides less clear and fewer criteria for the development of a legal research skills programme and places considerable emphasis on the use of electronic media.

The focus (academic or client) is less clear than previously for although Knowledge criteria (iv) speaks of 'legal problems', criteria (v) mentions communication appropriate 'to the needs of a variety of audiences.' The listings in Schedule 1 jumble knowledge with skills. Placing communication in the Knowledge section is perverse for effective communication is normally considered to be a skill.

The subject benchmark statement for undergraduate law

In 2000 the Quality Assurance Agency for Higher Education published a subject benchmark statement for law, to describe the nature and characteristics of the programme of study (Quality Assurance Agency for Higher Education 2000). Amongst the variety of purposes the statement performs is to 'provide general guidance for articulating the learning outcomes associated with the programme but are not a specification of a detailed curriculum in the subject' (Introduction).

The benchmark statement sets out a national standard for law. The Threshold Statement sets out the standard of the bottom of the third class honours degree. Since 'few Law Schools will probably be content simply to describe the achievements of their students at this level' (page 4), it provides a description of the achievement of a typical (2.1/2.2 boundary) student. An example of such a modal statement is given in appendix A of the Statement. The headings: 'subject sources and research' and 'other key skills' are relevant to legal research and are reproduced in Table 1.

The modal statement is useful for it sets out general criteria not only for the single subject degree but also the mixed degree, law as a subsidiary subject and law at vocational level. However, it is quite difficult to tease out where the three elements of legal research: identification and analysis, search and retrieval and presentation of results are placed. There is little clue as to the focus of the skill; even under the column for vocational courses the supposed client focus of the work is not explicitly acknowledged.

Appendix B of the statement sets out the benchmark standards as learning outcomes which must be satisfied by the time a degree is awarded. The learning outcomes are illustrative of different levels of achievement and may be used as marking criteria. So, under the headings 'sources and research', 'communication and literacy' and 'other basic skills' levels of achievement expected of a very proficient, proficient and pass level student are provided. These criteria are also reproduced in Table 1.

Under 'sources and research' it is possible to identify all three of the generic criteria: identification and analysis, search and retrieval and presentation of results. The headings 'communication and literacy' and 'other basic skills' include features relating to the generic criteria: presentation of results. Some criteria not seen in any of the earlier documents discussed above appear in these lists. For example, students at all levels of attainment are supposed to have exhibited some skill in the use of statistical and numerical information – this might have relevance to the development of legal research skills in identifying and tracing published statistical information (e.g. crime statistics). Again, the learning outcomes indicate that a very proficient student ought to be able to create a WWW home page and produce HTML documents and set up and manage e-mail discussion groups. Use of spreadsheets is noted in several places. The implementation of these outcomes would affect the content of the instruction in IT skills which should underpin the degree programme, as will be explored in chapter 2.

The Benchmark Statement provides general guidance on the place of legal research within an undergraduate law programme but, as compared with the specifications of the professional bodies for the LPC and BVC, provides much less detail to assist the course planner. Overall, the accent on legal research is diluted. At paragraph 16 the Statement talks of several ways in which students might be required to exhibit the skill of legal research. The first is in the preparation of a dissertation – which is often an optional course followed by only a minority of undergraduates. The second method suggested is that in preparation for taught modules students may be required to undertake independent legal research for seminars. It goes on to suggest that in some areas it may be appropriate for students to engage in research of non-legal sources and materials as well as

TABLE 1: Subject Benchmark Statement – Law: Extract from possible modal statement and learning outcomes.

Modal Statement (Quality Assurance Agency for Higher Education, 2000

Area of Performance	Specialist (single subject)	Several disciplines (mixed degree)	Law as subsidiary	Vocational
Subject sources and research	Able to identify and use primary legal sources and journals relevant to topic under study; able to identify contemporary debates and engage with these while accurately reporting the law in an area.	Able to use primary legal sources as directed and to supplement these; independent research expected only to encompass a limited range of areas of law.	Able to work from secondary sources (textbooks) and to use these efficiently to identify appropriate rules of law.	Able to find technical solutions to complex problems with independence and accuracy from a wide range of professional texts and information retrieval systems; research working within a clearly defined framework.
Other key skills	– Proficient use of wordprocessing; standard library and information retrieval systems, and WWW resources. – Able to specify technological tools needed for personal support. – Can identify and collaterelevant statistical or numerical information and use in a report. – Able to work in groups as a participant who contributes effectively to the group's task (low priority area).	– Proficient use of wordprocessing; standard library and information retrieval systems, and WWW resources. – Able to specify technological tools needed for personal support. – Can identify and collate relevant statistical or numerical information and use in a report. – Able to work in groups as a participant who contributes effectively to the group's task (low priority area).	– Proficient use of wordprocessing; standard library and information retrieval systems, and WWW resources, and CAL packages. – Able to specify technological tools needed for personal support. – Can identify and collate relevant statistical or numerical information and use in a report. – Able to work in groups as a participant who contributes effectively to the group's task (low priority area).	– Proficient use of wordprocessing; standard library and specialist information retrieval systems, and WWW resources; familiarity with spreadsheets. – Able to specify technological tools needed for personal support in a professional environment. – Can identify and collate relevant statistical or numerical information and use in a report. – Able to take initiative in team as a member or leader; able to set deadlines and identify resources others will needs; able to perform team role recognizing the roles and responsibilities of others.

Learning outcomes

	Very proficient	Proficient	Pass
Sources and research	– Able to recognise sophisticated legal and related non-legal issues and to formulate a clear and coherent research plan. – Effective in using a range of research sources to produce up-to-date information. – Able to produce a clear and accurate presentation of the law on a topic directly from primary sources and to use techniques of legal interpretation to complex issues arising from them.	– Able to select key relevant issues for research and to formulate them with clarity. – Effective in the use of standard paper and electronic resources to produce up-to-date information. – With the assistance of secondary sources, able to integrate material from primary sources using standard techniques of legal interpretation to provide a substantially accurate picture of the state of the law.	– Able to identify principal issues for research on the basis of similarity to previously encountered situations or those well-established in case-law or doctrine. – With substantial reliance on secondary sources, able to read cases and statutes and identify the principal rules which they lay down and to apply basic techniques of legal interpretation to them.
Communication and literacy	– Able to use the English language and legal terminology at all times with scrupulous care and accuracy. – Able to present arguments to a variety of audiences and moderating presentation to suit the needs of each. – Able to read with care and discuss a range of complex works about law and other subjects.	– Able to write and use orally fluent and complex prose, using legal terminology correctly. – Can relate material appropriately to the concerns of the intended audience. – Able to read a range of complex works within and about law and to summarise their arguments accurately.	– Able to understand presentations in English using legal terminology, to write and speak in generally comprehensible English using legal terminology with satisfactory accuracy. – Able to present largely expository material such that the major points are focused relevantly on the question asked. – Able to read and discuss the contents of standard legal textbooks, cases and statutes showing a basic understanding of their content.

TABLE 1: Subject Benchmark Statement – Law: Extract from possible modal statement and learning outcomes (continued).			
	Very proficient	*Proficient*	*Pass*
Other basic skills	– Able to generate own numerical or statistical information from either primary data or by combining information from other sources. – Able to create a WWW home page and to produce HTML documents; able to set up and manage email discussion groups. – Able to customise own word-processing formats; able to make design the layout and use of spreadsheets to present information; – Able to specify technological tools needed to support desired tasks. – Able to make use of unfamiliar electronic retrieval systems; able to use such systems to conduct complex searches. – Able to take initiative as a participant or leader of a group, and able to identify the needs of others in the group.	– Able to make relevant use in an argument of numerical and statistical information derived from primary sources. – Able to conduct efficient searches of websites to locate relevant information; able to exchange documents by email and manage information exchanged by email. – Able to use a wide range of formatting and other techniques within a standard software package; able to make limited use of spreadsheets. – Able to conduct searches efficiently using a number of electronic retrieval systems. – Able to work in groups as a participant who contributes effectively to the group's task.	– Able to make some relevant use in an argument of numerical and statistical information derived from secondary sources. – Able to locate WWW sites from given web addresses and retrieve information from them; able to send and receive basic email messages. – Able to produce the text of an essay with footnotes and basic formatting using a standard software package. – Able to perform basic searches on standard electronic retrieval systems in the institution. – Able to perform adequately assigned tasks within a group setting and to take part in group discussion.

legal sources. The text of the Statement appears not to acknowledge legal research as a fundamental skill capable of integration at many points and levels within the curriculum.

This review and discussion has focused on what official bodies have said about the content of legal research for undergraduate and vocational courses. The needs of two groups of students have been overlooked: those following non-vocational postgraduate law courses, which often attract students without a law background from areas such as medicine, administration or business; and the place of legal research in continuing professional development (CPD) within the law profession. No national standards or outcomes have been published for either group, but in subsequent sections of this book the legal research needs of these groups will be considered.

3 Definition

The concept of legal research as a skill has come a long way from the simplicity and narrowness of 'how to use a law library and the materials it contains'.

For the purposes of this book, the essential elements of legal research skills may be isolated and expressed generically as:

▸ identifying and analysing a problem

▸ finding appropriate information to solve the problem

▸ presenting the results of the analysis and research in an appropriate and effective manner.

These component skills are applicable to any subject of study or vocational practice. Some universities have identified a range of generic skills including those noted above, and devised general skills courses followed by all first year entrants, regardless of their subject of study. The application of these skills within a particular subject is reflected in the technical language in which the problem is expressed and analysed, the structure of the literature which it is necessary to master in order to find the required information and the accepted modes of communication of the results of research employed within the chosen subject area.

4   Legal research and information literacy

The concept of information literacy is increasingly influencing the approach many UK educational institutions and firms are taking to legal research training. Information literacy encompasses the abilities of students to become competent 'information consumers' in our information society, a society which itself is exponentially increasing the information available. Burgeoning information requires the user to be specific in identifying exactly what information is required and possess the ability to evaluate the information found – precisely the generic skills set out above.

The American Library Association (ALA) created the first generally accepted definition of information literacy in 1989, as the skills needed for a person to 'be able to recognize when information is needed and have the ability to locate, evaluate and use effectively the needed information' (American Library Association, 1989). The Association of College and Research Libraries (ACRL) of the ALA listed five competency standards for an information literate student, detailing for each standard performance indicators and, most usefully, learning outcomes (Association of College and Research Libraries, 2002). The five standards state that an information literate student:

1   determines the nature and extent of the information needed

2   accesses needed information effectively and efficiently

3   evaluates information and its sources critically and incorporates selected information into his or her knowledge base and value system

4   individually, or as a member of a group, uses information effectively to accomplish a specific purpose

5   understands many of the economic, legal and social issues surrounding the use of information and accesses and uses information ethically and legally.

These five competencies marry well with the definition of legal research given above. The concept of information literacy provides an intellectual framework which can be used to successfully integrate legal research and other QAA benchmark skills into the undergraduate curriculum.

5   Summary

In this chapter the different requirements of official bodies for legal research skills instruction at the academic and vocational stages have been examined. A general definition of legal research skills has been developed. The concept of information literacy introduces five competencies which marry well with the definition of legal research skills. Before considering how these requirements and definitions might assist with curriculm development (that is, the design of a legal research skills course) in chapter 3, the application of learning theory to legal research teaching needs will be explored in the next chapter.

Learning theory and legal research

1   Introduction

This chapter briefly discusses three major theories of learning and highlights the findings in the context of teaching legal research skills. The three theories are:

▶ Behaviourist theories

▶ Social cognition

▶ Experiential learning

2   The behaviorist school of thought

According to this school, the focus of learning is a change in behaviour. The foundations of what has been termed classic behaviourism lie in Pavlov's work with dogs which had been conditioned to salivate on hearing a bell they had learned to associate with the provision of food. The learning here may be characterised merely as a stimulus – response relationship.

Another behaviourist researcher, Frederic Skinner (1954), demonstrated that the behaviour of rats and pigeons could be shaped through the provision of reward in terms of food and described the concept of 'positive reinforcement'. The learning here may be characterised as response-reward/reinforcement, which occurs incrementally leading to a change in behaviours.

It is important to remember that this research was performed on animals, not human beings, yet the results of the research were applied to learning by humans. The theory asserts that learning should be:

▶ highly structured

▶ consist of small sequential steps

▶ include feedback and reinforcement rewards

structured so that mastery of one level was necessary before moving onto the next level and, teacher-centred.

The theory is useful in situations where there is only one way of undertaking a task, such as navigating the correct route within databases, pushing the correct buttons, working to a protocol. It is applied in chapter 4, in the Demonstration and workbook models of session design. Illustration 4 on page 53 (an extract from a student handout I used in the 1990's) exemplifies the mechanical nature of this theory in practice. Typically, this type of session is a 'bolt-on' to the law curriculum and not 'embedded'; that is, whilst the learner has acquired a mechanistic skill in using the database, the legal information discovered during this session is not carried over into other parts of the curriculum and re-purposed. The exercise questions are merely ends in themselves.

The limitations of the theory are obvious: it deals only with changes in behaviour, not changes in intellectual processes and our ways of thinking. It does not assist in modelling how we learn through understanding. So, for example, the theory cannot assist in modelling the deeper understanding we try to inculcate in students of, say, how to select an appropriate source for the particular research query to hand.

3   The social cognition school

As a result of the narrow and simple stimulus-response theory of the behaviourists, theories of social cognition developed to deal with the complexity of human behaviour and learning. Perhaps the best known exponent was Jean Piaget (1950). Followers of this school try to explain how our awareness of the outside world is internalised either through assimilation (or fitting ideas into our minds) or accommodation (by changing our existing understanding). Understanding the solution to a problem comes only through internalising and gaining an insight into the whole picture, not just the individual components. Cognitive learning theory maintains that learning should:

▸   focus on meaning and understanding

▸   involve active participation and enquiry

▸   involve problem solving

▸   be resource rich

▸   require the teacher to set problems and tasks.

This approach has application in legal research skills training for we are often concerned with trying to convey the concept of structures and categories and how components fit together. So, rather than teach students by rote how to search a single database, we ought to convey principles about information search techniques and motivate students through lesson design, timing in the year and integration of subject matter with other parts of the curriculum, to pursue the testing of those principles across a range of sources.

An important element of the theory in practice is that learners should discover skills at their own speed and in a supported environment. Cognitivist researchers such as the Russian, Lev Vygotsky (1978), place emphasis on learner potential rather than achievement. Their findings have led to an increased role for supported learning using techniques such as scaffolding, group work, and guidance and coaching. Scaffolding is where the tutor continually adjusts the content of their help in response to the learner's performance, moving gradually to a point where the learner has acquired independent problem solving skills.

This technique clearly has application in our information skills teaching, where the end goal of our work is the independent legal researcher. We need to appreciate that each of our learners is starting from a quite different level of knowledge and that we ought to be creating learning situations which will assist, stimulate and carry forward each learner with equal efficacy. This is touching on lesson delivery techniques such as managing the learning experience and facilitation skills for workshops which are outside the scope of this publication (see Preface).

Another aspect of the theory is the importance of interaction between learners. Learners learn extremely effectively from one another. This should inform our design of lessons and tasks. In group learning, where students are split into 'teams' to carry out learning, they are learning from one another. In peer learning, a new dimension is added: that the results of the work of individuals or the group, are reviewed and commented on by other members of the class. So, an essay or oral presentation of the findings of a piece of work undertaken by an individual or a group of individuals, is reviewed by their colleagues applying assessment criteria provided by the tutor – criteria similar to those which will be used by the tutor when assessing performance of the skill under examination conditions. The criteria might include such elements as:

▸   thoroughness of research as evidenced in material cited verbally or contained in the bibliography

▸   appropriate use of standards for citations and referencing

▸   appropriate layout for the bibliography.

Through the application of the assessment criteria to the work of their colleagues, students understand better the qualities and standards tutors are seeking. Of course, there has to be much preparation by tutors to ensure peer review is carried out in an appropriate and supportive way.

I have seen both peer and group learning techniques used in legal research skills classes on the Bar Vocational Course and, for undergraduate training, the theory is applied by tutors in classes at Cardiff University which immediately follow the research element of basic law undergraduate training (see Davies and Jackson, 2005).

4   Experiential learning

The concept of experiential learning explores a cyclical pattern of learning from Experience through Reflection and Conceptualisation to Action and so on to further experience. This process is most widely known through Kolb's learning cycle (Kolb, 1984):
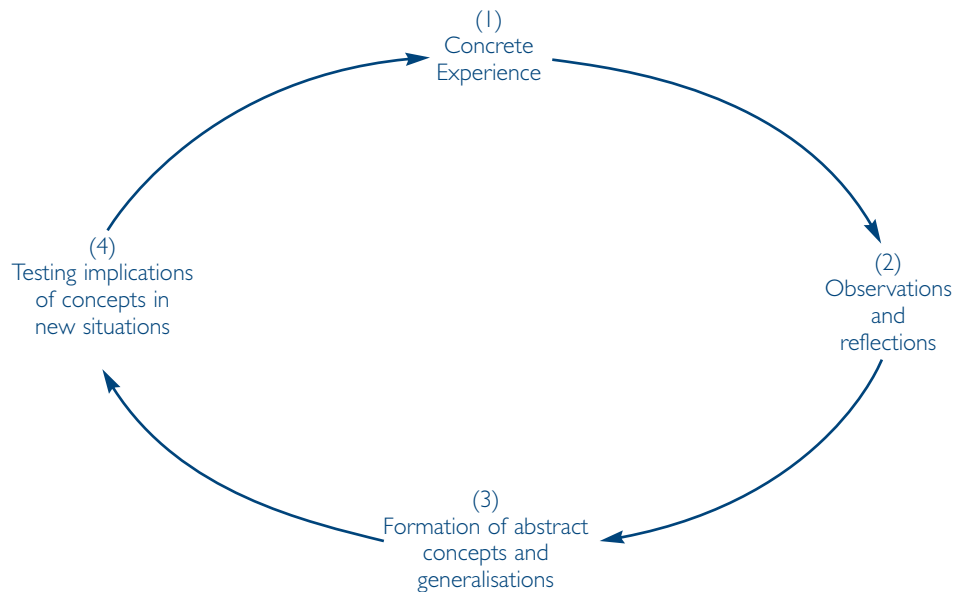
DIAGRAM 1: Kolb's Experimental Learning Cycle

The principle is that ideas are formed and re-formed through a cycle of experience. The learning process starts with a concrete learning experience; the learners need time to reflect on what they have learnt by drawing up theories and processing the new ideas through 'abstract conceptualisation'. During the final stage, 'active experimentation', learners use the theories they have drawn up to test and solve problems.

Put simply, the learner undertakes a task, reflects/thinks about what they have done, considers whether there are other ways of undertaking the task (an opportunity to compare and contrast) and, finally, tries the task again but from a position backed by new experience and understanding.

Kolb's learning cycle is an iterative process that describes learning not only as a process of receiving information and converting it to knowledge, but also emphasises the importance of reflection and action. A recent variant on Kolb's apparently closed, two-dimensional cycle called the knowledge spiral has been put forward by Bawden and Robinson (2002). They argue that at the end of each cycle the learner's knowledge has developed to a higher level of awareness and understanding. New learning thus commences at an increased elevation than originally and so the level of understanding of the learner is gradually lifted further from the original starting point.

Sharon Markless (2004) offers valuable comment on the application of Kolb's theory to the training of library users and, by analogy, legal researchers.

The important concepts here are that students need time to reflect on or discuss the learning they have experienced. The design of the learning should encourage them to construct knowledge (deep learning) not merely reproduce it (surface learning).

Surface learning is concerned with content, the transmission of lots of knowledge. Librarian trainers can slip into learning-by-rote mode, requiring the regurgitation of facts and the passive acceptance of information by the learner rather than developing critical faculties in students. In surface learning,

the learning is either designed for, or the learners themselves adapt to, a purely utilitarian approach. Learners merely match their learning to the requirements of the course, simply regurgitating the information required, but not retaining the new knowledge for any length of time. It is easy to fall into the trap of merely getting students to jump through particular hoops in order to find pieces of information and, on the way, hoping they pick up some deeper principles of, for example, the use of databases.

Deep learning, on the other hand, is concerned with process. Learners participate in activities, in problem solving, summarising and digesting new information to fundamentally change the way they think about and use information.

Those involved with vocational law courses will know that there is increasing use of the 'reflective journal' concept in learning. It admirably illustrates Kolb's principles. On the Bar Vocational Course, for example, students attend classroom-based instruction in the basic skills of advocacy and court procedure which is followed by making a number of visits to local courts to observe the proceedings. Each student creates a personal journal or diary of what they saw and reflects on how it confirms or is at variance with the classroom-based work. They are also encouraged to reflect on the advocacy they have observed as a way of improving their own level of performance in the skill.

The same Kolb learning cycle principles lie behind the assessment requirements for legal research on the BVC and LPC vocational courses. They require students to submit a research trail, indicating the research strategy with reflective comments on the value of the sources employed.

The concept of Personal Development Planning (PDP) is starting to gain ground in higher education (see chapter 3, section 1). It may be appropriate to include reflections on information literacy and legal research skills in the PDP structure. Legal research skill is learned steadily over a period of time and as the student reflects on their performance in individual research exercises, the process of reflection and self-critique should assist improvement in their performance of the skill. Our legal research skills training should aim to go beyond surface learning and encourage deeper understanding. This is best achieved through embedding the skill within the law curriculum. The concept of information literacy, see chapter 1 section 4 and chapter 3 section 1, holds out the greatest hope that legal research skills training will apply and students benefit from deep learning. Learning theory provides insights into the way people learn. As will be seen in chapter 6 learning theory needs to be taken into account when designing training using not only paper but e-learning materials. With e-learning, the tutor is not there in person to support the learning process. Appropriate learning with periods of reflection needs to be built into e-learning. The online transmission of contents or sets of closed, mechanistic questions is not likely to engage, challenge or lead to deep learning.

5   Summary

Three major theories of learning have been discussed. The application of behaviourist theories to legal research skills teaching is limited. Elements of the social cognition theory have direct application in the way in which lessons and tasks should be designed to encourage interaction between learners. This will be taken further in chapter 4. Team working and peer learning, including techniques such as students applying assessment criteria to the work of their colleagues, will provide students with greater insight into what is meant by good legal research skills. Kolb's experiential learning theory and the emphasis on learners having the opportunity to reflect on what they have done has influenced the design and delivery of vocational law courses. Deeper understanding of legal research skills is best achieved through embedding the skill within the law curriculum. How this may be achieved is explored in the next chapter.

Curriculum development

1   Introduction

Chapters 1 and 2 provided information on the definition of legal research and relevant learning theory to underpin the design and delivery of a course. In this chapter the definition will be expanded into learning outcomes and the timing, phasing and embedding of the course discussed. Underlying every successful legal research skills course is co-operation between the teaching school, library and computer services staff. Although the last matter to be discussed here it is fundamental to successful curriculum development.

2   Developing learning outcomes

The definition of legal research given in chapter 1 may be likened to a broad statement of intent, or a goal. As stated in generic terms the goal provides only a general direction to instruction. It is rather akin to saying "I am going shopping". The next stage is to map out what I wish to buy, where I should buy it, how I am going to get to the shops, what will be the benefit of the particular purchase to me.

The three generic skills elements must be developed into learning outcomes or objectives which are more specifically related to the subject of law and which will assist in shaping the content of a legal research skills course. Set out below are learning outcomes which I have devised for the three generic elements.

Identifying and analysing a problem

> identify the objective of the research
>
> identify the facts and issues
>
> identify relevant areas of law
>
> classify the information required in legal terms
>
> develop relevant keywords

Research and retrieval of information

Finding appropriate information to solve the problem
> demonstrate an understanding of the structure of legal literature and the media through which it is made available
>
> locate and use a law library and the catalogues and indexes it contains
>
> use IT skills to locate and retrieve relevant information
>
> select relevant original material, commentary, opinion and guidance
>
> use indexes within legal materials to find relevant information
>
> use and interpret legal citations and abbreviations
>
> check the currency of information
>
> keep up to date with legal developments generally

Communicating the results of research

Presenting the results of the analysis and research in an appropriate and effective manner

organise the written response into a logical structure

employ appropriate layout techniques for written communication

employ style, tone and format appropriate for the intended purpose

employ correct spelling, punctuation and grammar

concisely and accurately summarise or paraphrase relevant materials

apply the law to the facts of the problem so as to produce satisfactory answers to the problem posed

provide clear advice or conclusions, as appropriate

acknowledge the use of all sources and materials cited

construct a list of sources or bibliography

use IT skills to present the results of research.

The present BVC outcome specification for legal research is based on the above list which appeared in the first edition of this guide. Many of these learning outcomes will be familiar from the earlier discussion, although they may be expressed in a slightly different form. The additional outcomes cover three matters, they:

a)   provide the framework within which other learning outcomes are placed, e.g. "demonstrate an understanding of the structure of legal literature ...";
b)   provide additional steps between outcomes which will help to clarify course content, e.g. "locate and use a law library ..." as a step before selecting relevant material;
c)   introduce specific IT learning outcomes, e.g. "use IT skills to locate and retrieve relevant information."

The designer of a legal research course needs to consider the list of learning outcomes in the context of two further pieces of information:

how and where the skill will be applied in other parts of the particular law programme;

the level and nature of research skills possessed by students entering the course.

How and where the skill is to be applied

The discussion at the end of chapter 1 on the application of the concept of information literacy to legal research skills training is pertinent here. The concept offers a model through which essential skills training can be embedded into law teaching. As Davies and Jackson (2005) note: 'Librarians offer expertise in accessing information effectively and efficiently (Standard 2 of the ACRL Standards discussed at the end of chapter 1). Law school IT staff, where available, provide the specialist law applications, maintain the hardware and train and support students on a daily basis. The IT skills they offer underpin all aspects of information literacy. However, only with the active collaboration of the law tutor, can such legal research and IT training be seen by law students as relevant and applicable to their studies. It is the tutor who establishes the context in which the learning takes place and the expectations of the students. It is the law tutor too, who plans the progression of the curriculum, monitors progress and who has the skills and remit to develop the higher order skills in the student of analysis and application of information to the legal context. By pooling the expertise of the law librarian, IT specialist and law tutor, at the planning and delivery stages, skills training can be delivered and information literacy standards met without sacrificing substantive content'. Davies and Jackson go on to describe a successful example of how the concept of information literacy has been embedded within an undergraduate law curriculum.

What does it mean when we talk about integrating information literacy into the curriculum? It includes embedding teaching time into the course or module, and ensuring that the course or

module learning outcomes and assessments include information literacy. However, integration of information literacy is much more than this.

Here are some pointers to guide a review of your training to embed information literacy principles:

▶ Content: Ensure that the content of your sessions flow from what the students have just been doing in the module and into what the students will be doing next. Ensure that your teaching is going to be relevant and timely, that the learning will address real needs and that the context is authentic.

▶ Modelling the process: Information literacy is not just about finding information, but knowing what to do with it. Design the curriculum in such a way that the students need to find and read the information they have identified in your session and use it for a specific purpose.

▶ Involvement of academic tutors: Academic staff are best placed to develop some aspects of information literacy in students. Explore ways in which academic tutors can help students to evaluate and critically analyse the information found from your session/s and to use it for a specific purpose. The School may integrate your undergraduate teaching into the activities it already does to prepare students for academic writing and developing critical analysis and research skills to meet Quality Assurance Agency (QAA) benchmarking standards.

▶ Opportunities for reinforcement: Students need to have the opportunity to repeat the process of finding, evaluating and using information for a formative or summative assessment (see chapter 7 for an explanation of these terms) as soon as possible after the process has been modelled. If the assessment is for another module, the links between the teaching in the one module and the expectations of the tutors in the other module need to be expressed very clearly.

▶ Assessment: Use assessment tools which are integrated, such as research trails accompanying an assessed essay, rather than bolt-on assessments, such as the creation of a bibliography on a set topic (see chapter 7 for further information on these assessment instruments).

▶ Personal Development Plans: The QAA requires that from 2005/6 all HE students be given the opportunity for Personal Development Planning (PDP). PDP includes some means to enable students to reflect upon their learning, performance and achievement and plan for their personal, educational and career development. Is it appropriate to include reflections on information literacy in the PDP structure suggested by the School?

Even where the concept of information literacy is not applied it is important for the designer of a legal research skills course to know how and to what extent the skill is to be used in other parts of the law programme, so the level of research skill taught matches the demands that are to be made in knowledge areas or in the application of other legal skills e.g. mooting, advocacy or opinion writing. Consonance between the level of skill taught and the level of skill to be displayed within the rest of the programme is essential if course coherence is to be achieved. Factors which will inform the discussion will include, amongst others, the overall learning outcomes of the law programme, the extent of integration of skills with knowledge subjects, the extent to which teaching staff are wedded to problem solving as opposed to directed reading techniques and the ingenuity of teaching staff to create genuine legal research opportunities in the knowledge subjects. Since these are institution-specific factors the result is likely to be unique to that institution, and no further guidance can be given here.

Students' prior research skills experience

It goes without saying that it is important to consider the particular student population for whom the instruction is intended. 'Instruction takes students from where they are to where they need to be, from their present state to a desired state of competence.' (Mager, 1990: 52). So, to create

effective instruction it is necessary to review what students can do at the starting point of the course as well as defining the outcomes or end points.

The limitation of many of the official documents cited in chapter 1 is that they consider only the outcomes of a course of study. Further they recognise only standard access routes to education and training. In devising learning outcomes recognition must be given to students entering any stage by a non-standard route: students having previous part-time study or distance learning experience (which may have been undertaken without any or only very limited use of library/IT facilities. For example, I know that several students following the BVC every year at Cardiff, and probably also at most of the other BVC Providers, had obtained their LLB by distance learning and had never set foot in a law library until the BVC induction). Other examples are those students whose previous tuition has been exclusively in an overseas country (where the sources of research will be different to those in the United Kingdom) or students entering a course of study by direct entry to a year other than the first year (as many ERASMUS exchange students do). Finally, some of the official documents are concerned with law taught only as a major element in a programme of study. In many educational institutions law is also taught as a minor part of a degree programme, for example, as in accountancy, business studies, construction, journalism, social work etc. In addition, all students bring to their study of law knowledge and skills picked up outside higher education. Of particular relevance to legal research is the 'Google factor'. This is the commonly held belief that all research can be achieved successfully solely through use of the web search engine. Tutors need to be aware of and counter such a false belief.

Instruction in the skill of legal research can be introduced at the most basic level of education in the law, and elements added as students progress through education and into practice. For all programmes (non-law degree, law degree, postgraduate vocational and postgraduate non-vocational), a legal research course could fruitfully cover all the learning outcomes listed above. The differences will be in the depth and focus of the instruction. For example, instruction in the structure of legal literature or in the use of specific indexes (whether paper or electronic) would be at a more basic level in a non-law degree programme than in a law degree programme. And again, the focus of instruction in a postgraduate vocational course will be client and practice centred whilst in a non-vocational programme it will be academic and discursive. The list of learning outcomes would not be used in its entirety for in-firm training (except for the induction of new entrants) or CPD training, where the focus would be on up-dating participants in new skills and sources, especially those related to IT and electronic databases.

Nevertheless, it is important to consider including at the commencement of any stage apart from the most basic, some form of 'recap' or 'refresher' element to ensure that those students who have missed out on or forgotten the skills learnt at earlier levels are not disadvantaged. This must be handled carefully otherwise those students who are more than competent will find the 'recap' or 'refresher' a negative experience, which will colour their attitude to the rest of the course.

Checklist of legal research skills

Table 2 sets out the points made above in a more structured manner. It lists each of the legal research skills learning outcomes with details of which particular outcomes, in the author's view, should form components of the curriculum for different types of course. The six types of course are: undergraduate non-law courses but with a law element (for example, BA Business Studies, BA Social Work), undergraduate law courses (LLB), postgraduate vocational courses (LPC and BVC), postgraduate non-vocational courses where students already possess a law degree (some LLM courses, and all research degrees), postgraduate non-vocational courses where students do not possess a law degree (for example, some LLM courses), and finally, continuing professional development (CPD) courses. The table also indicates the focus of the instruction and whether student competence in the skill of performing the objective can be inferred. Legal research skills rarely feature as part of CPD programmes because practising lawyers ought to have achieved competence in the individual aspects of legal research already. According to the latest study of the

TABLE 2: Checklist of legal research skills learning objectives as components of course curricula						
	non-law degree	law degree	p/g voc	p/g non-voc (law first degree)	p/g non-voc (non-law first degree)	CPD
Identify & analyse						
objective of research	*(Academic)	*(Academic)	*(Practice)	inferred	*(Academic)	inferred
facts and issues	*(Academic)	*(Academic)	*(Practice)	inferred	*(Academic)	inferred
relevant areas of law	*	*	*(Practice)	inferred	*	inferred
classify in legal terms	*	*	*(Practice)	inferred	*	inferred
develop keywords	(*)	*	*(Practice)	inferred	*	inferred
Find information						
structure of literature	*	*	inferred	inferred	*	inferred
locate and use law lib	(*)	*	inferred (L)	inferred (L)	*	inferred
use IT skills to locate etc.	(*)	*	inferred (R)	inferred (R)	*	* or U
select relevant information	*(Academic)	*(Academic)	*(Practice)	inferred	inferred (R)	inferred
use indexes within legal materials	*	*	*(Practice)	inferred	inferred	inferred
use etc., citations and abbrevs.	*	*	inferred (R)	inferred (R)	*	inferred
check currency	*	*	inferred (R)	inferred (R)	*	inferred
keep up to date	*	*	inferred (R)	inferred (R)	*	inferred
Present results						
organise logically	(*)(Academic)	*(Academic)	*(Practice)	inferred	*(Academic)	inferred
employ layout techniques	(*)(Academic)	*(Academic)	*(Practice)	inferred	inferred	inferred
employ style etc.	(*)	*	inferred (R)	inferred (R)	inferred (R)	inferred
employ correct spelling etc.	(*)	*	inferred (R)	inferred (R)	inferred (R)	inferred
summarise/paraphrase	*	*	inferred	inferred	*	inferred
apply law to facts	*	*	inferred (R)	inferred (R)	*	inferred
provide clear advice or conclusion	(*)(Academic)	*(Academic)	*(Practice)	inferred	inferred	inferred
acknowledge materials cited	(*)	*	inferredinferred	inferred	inferred	
construct list of sources	(*)	*	inferred (R)	inferred (R)	inferred (R)	inferred
use IT to present results	(*)	*	inferred (R)	inferred (R)	inferred (R)	* or U

KEY: * = essential skill component of course
(*) = some or all of instruction in skill may have taken place already outside law element in degree programme
(Academic) or (Practice) = focus of instruction
inferred = possession of skill by all students may be assumed unless student performance indicates the contrary
inferred (L) = possession of skill by all students may be assumed but instruction in local aspects will be required
inferred (R) = possession of skill may be assumed for some students but others will require refresher or even basic instruction
*or U = some students will require basic instruction, others will require skill up-dating only

Junior Bar (Shapland and Sorsby, 2003) since more students are coming to the BVC with improved IT skills, there is now only a minority in their first five years at the Bar who feel the need for some updating of their IT and database use skills. This contrasts with the findings of a similar study conducted five years earlier (Shapland and Sorsby, 1998).

Checklist of materials

When the particular curriculum is considered in more detail decisions must be made concerning the actual legal research sources (both paper and electronic) which should be featured so as to satisfy the learning outcome relating to 'finding information'. These decisions will be influenced by the way the law course as a whole is taught - the extent to which students are set problems requiring independent research - and the availability of particular paper and electronic sources in the institution concerned. Table 3 sets out for each of the types of course included in Table 2, the type of information source which, in the author's view, ought to be included in a legal research course. Since so many institution-specific variables shape the content of a legal research skills

TABLE 3: Checklist of materials to be featured in "Finding information" section of legal research curricula

	non-law degree	law degree	p/g voc	p/g non-voc (law first degree)	p/g non-voc (non-law first degree)	CPD
General encyclopedias, digests and databases						
Halsbury's Laws/Halsbury's Direct			*			
Halsbury's Statutes/Legislation Direct			*			
Halsbury's Statutory Instruments			*			
EU encyclopedias		(*)	*	*	*	
EU law	[*]	(*)	*	*	*	*
The Digest			(*)	(*)	(*)	
Current Legal Information	*	*	*	*	*	
Current Law Monthly Digest		*	*	*		
Current Law Yearbook		(*)	*	*		
LexisNexis		*	*	[*]	[*]	*
Westlaw		*	*	[*]	[*]	*
Lawtel	*	*	*	[*]	[*]	*
Internet free charge sites	*	*	*	*	*	*
BIDS (academic host for non-law databases)			[*]	[*]		
Legislation & Parliament						
Current Law Statutes Annotated	*	*	*	*	*	
UK legislation	*	*	*	*	*	*
Hansard	*	*	(*)	[*]	[*]	
Parliamentary Papers	*	*	(*)	(*)	(*)	
Internet free charge sites	*	*	*	*	*	*
Law reports						
UK law report CDs	*	*	*	*	*	*
Internet free charge sites	*	*	*	*	*	*
Citators						
Current Law Case Citators	*	*	*	*	*	
Current Law Statute Citators			*			
Current Law SI Citator			*			
Secondary sources - commentary						
Legal Journals Index	*	*	*	*	*	
Index to Legal Periodicals		*	*	[*]	[*]	
Index to Foreign Legal Periodicals		[*]		[*]		
Public International Law (Bib)		[*]		[*]		
Newspaper databases	*	*	*	*	*	*
Practitioner sources						
Encyclopedia of Forms and Precedents			*			
Other precedent packages			*			
Atkin's Court Forms			*			
Civil Procedure (The White Book)			*			
Civil Court Practice (The Green Book)			*			
Stone's Justices' Manual			*			
Kemp & Kemp on Quantum of Damages			*			
Butterworths PI Litigation Service			*			
Other specialist encyclopedias / texts		(*)	*	*	*	*
Office forms (Laserforms or equivalent)			*			*
Non-law sources (selected examples)						
Index to Theses		(*)		[*]	[*]	
ASSIA (applied social sciences)		(*)		[*]	[*]	
Medline (medical)				[*]	[*]	
Psychological Abstracts		(*)		[*]	[*]	
Datastream (company finance and economics)			(*)	[*]	[*]	[*]
Kompass UK (business data)			(*)	[*]	[*]	[*]
Companies House Direct			(*)	[*]	[*]	[*]
Courseware						
IOLIS		*	(*)			

KEY:

*   publication or database upon which students should receive hands-on instruction

(*)   publication or database of which students should be aware

[*]   publication or database the inclusion of which in hands-on training will depend on subject matter of the course

course the table should be treated as a checklist to assist the designer in considering all the possibilities rather than as a prescriptive statement. This table and Table 2 are likely to provoke debate amongst readers - if so, I am happy to have set people thinking. I do not think their form and content have been portrayed previously.

3 Underpinning legal research with adequate IT skills

The learning outcomes set out at the beginning of this chapter recognise the importance of IT skills in searching for and retrieving information, and in presenting the results of research. Students cannot meet these outcomes unless they have a basic level of IT literacy. These pre-requisite skills include:
keyboard familiarisation
how to access networks
use Windows or similar operating system
undertake basic file management
word process
use e-mail, and
how to access the Internet.

In addition students need to be aware of administrative matters such as
institutional regulations on computer use
availability of PCs for their use
availability of computer advisory and support services.

It is helpful to students to include in the IT course a tour of the institution's network 'stopping at the doorstep of' but not entering applications and databases relevant to the students' law course. This helps to provide links forward to later lessons, covering more detailed instruction in the use of these applications and databases, and establishes coherence between the IT course and the legal research skills course proper.

The seven pre-requisite skills can be expressed in more detail as follows:
Keyboard familiarisation
        keyboard layout
        special keys (e.g. Escape)
Basics about the Computer and Network
        hardware
        software
        parts of the computer (e.g. box, screen etc.)
        printers
        drives
Accessing networks
        file servers (if appropriate)
        logging-on
        relevant menus
Basic word processing
        opening files
        printing files
        saving files
        different file formats
        basic text formatting
Using Windows or similar
        accessing Windows

the mouse

double clicking

Basic file management

accessing the Windows File Manager or use of DOS commands

directories

copying files

moving files

deleting files

E-mail

accessing e-mail

extracting files from your mailbox

Internet

open and close a web browser

understand the main navigation buttons and hyperlinks

understand what a uniform resource locator (URL) means

use bookmarks or favourites

understand what a PDF document is and how to open it

access and understand how to use e-learning software (such as Blackboard or WebCT)

but only if it is used by the law school in teaching and learning.

As a result of the National Curriculum more students are entering Higher Education with competence in some or all of these skills. But, there are certain types of student who do not possess appropriate levels of competence: some overseas students (from countries where IT skills are not included in the pre-University curriculum); some mature students who have not been in either the work or educational environments in recent years. It is important, therefore, to ensure all students are competent in basic IT skills before they are given instruction in the use of particular databases or required to use databases or other applications as part of their studies. The experience of trying to teach the use of a database when some of the class have never before used a mouse is salutary. The time spent teaching 'mouse skills' makes the stated learning objective of the lesson (using a database to retrieve relevant legal information) almost impossible to achieve.

IT skills audit

Since there will be a range of prior experience amongst students it will be advisable, if not essential, to carry out an IT skills audit amongst students before the course of instruction commences, and stream students according to their professed ability. If an audit is not carried out and students are not streamed some students will feel intimidated by the expertise of others or, conversely, some will be bored with the basic level of teaching and either switch off mentally or 'play' with computer applications to the distraction of others in the class. Some institutions carry out a pre-course audit so that by the time of University registration, students can be informed of the IT stream they will be following. An example of a pre-course audit form is given in illustration 1.

The wording of the questions is purposely designed to require students to select which level of tuition they are to receive. Some students may over-estimate their ability and by timetabling classes for different levels of ability over a period of, say, 10 days, it should be possible for students to change 'streams' without too much difficulty for all parties. In our experience at Cardiff University, those students who tick the beginners box need four, one hour sessions (including two, one hour lessons on word-processing) covering all the seven pre-requisite skills and the administrative matters listed above. Intermediate students need three, one hour lessons covering the same ground as the basic course except that the word-processing element can be reduced to a single hour. The expert student requires only one session (perhaps 50 minutes) to provide him/her with a personal ID and password for the network, cover administrative matters, using the institutional e-mail system, receiving a handout on word-processing and a tour of the range of applications relevant to their course of study.

ILLUSTRATION 1: Example IT skills audit questionnaire

University of Somewhere
Department of [name]
IT Skills Questionnaire

The Information Skills component of the [title] course will be tailored to your present level of IT experience. To ensure that you receive appropriate IT tuition, please complete the following questionnaire and return it to .... by ....

1.   Your name ....

2.   How often do you use a computer? (for example, a PC or a Macintosh)

        Never   [   ]   Occasionally   [   ]   Frequently   [   ]

3.   Please tick the statement below which most closely describes your training requirements:
        I need beginner's instruction in using computers and word-processing   [   ]

        I know the basics of Word for Windows but need instruction on formatting and page
        layout e.g. indenting, page numbering   [   ]

        I am confident using Word and require only a handout.   [   ]

4.   Please tick the statement below which most closely describes your experience with electronic mail:
        I need beginner's instruction in using electronic mail before I tackle the more advanced features of
        [name of package]   [   ]

        I am familiar with [name of package] and require only a handout outlining some of the more advanced
        features   [   ]

5.   Please tick the statement below which most closely describes your experience with the internet:
        I need beginner's instruction in using an internet browser such as Internet Explorer or Opera   [   ]

        I am familiar with Internet Explorer or Opera and require only a handout outlining some of the more
        advanced features   [   ]

6.   Please add any further comments on your IT experience on the reverse of this questionnaire.

[name of compiler of questionnaire]

[date compiled or issued]

Teaching IT skills

Although this is not the section of the book dealing with how instruction should be delivered, it is worth emphasising that instruction in IT will not succeed if it is only provided by means of tutor demonstrations, especially if the demonstrations are given as part of a large group session (lecture). Students must be sat one to a PC (not sharing) and have ample opportunity in the lesson and outside it to practise what has been taught. An effective and widely employed means of delivery is for students to use a workbook (or self-paced learning technique, the term used by some who wish to inflate this method of learning into something mysterious (!)), containing detailed 'stroke by stroke' instructions, exercises and answers. The workbook technique will be discussed more fully in chapter 4.

Pacing the programme appropriately is important also. The IT training course should be planned to provide several days between lessons so that students have opportunities to practise and consolidate the skills they have learnt. This is especially important for 'basic' students. Experience shows that 'crash' IT courses, where the whole training programme is delivered in one or two days, are not effective and can result in students developing negative attitudes to the place of IT in their learning.

Many institutions will have loaded on their networks keyboard skills packages such as Accutype, or games such as Solitaire or Minesweeper, which will improve mouse skills, and which students should be required to practise between lessons. Additionally, out of lesson e-mail exercises can be set, where students are required to send a message with an attachment to the tutor, who will return the communication with comments on student performance. I have come across this exercise used in the first few weeks of the Bar Vocational Course where the student is asked to create a word-processed CV and e-mail it to a tutor prior to the first meeting to discuss career aspirations. The attached CV is therefore serving several learning outcomes: use of IT, written presentation skills, and as a basis for a discussion on careers. Finally, students can be set exercises to be undertaken between lessons, to create word processed files on floppy disk and bring them to the next lesson to carry out more advanced formatting techniques.

It should be emphasised that the basic IT course outlined here is the pre-requisite for instruction in the use of legal research databases and other non-word-processing applications. Experience indicates that the basic IT course ought merely to highlight the existence of law databases, leaving instruction in using them to be timetabled to a point in the law programme when students will be expected to make use of them in their research work. Always aim to match the timing of instruction with the need to know so as to benefit from maximum student motivation. Avoid the temptation to place instruction on every aspect of legal research, especially the electronic, in the first week or two of the law programme.

4   Phasing and timing of course delivery

Matching skills instruction to the 'need to know'

It is clear from the discussion on information literacy earlier in this chapter and the various lists and tables in sections 3 and 4, that any comprehensive legal research skills course, apart from one given as part of a continuing professional development programme, has the potential to cover many different skills and take a considerable time to deliver. Many of the skills are basic to the work of a lawyer and it has been observed already that there is a temptation amongst some course designers to include as much as possible as early as possible in a student's course of study. The result is usually student mental overload. As with all learning the best plan is to provide instruction in a skill when there is maximum student motivation to employ that skill in the rest of their studies.

Phasing instruction in information sources

Table 4 takes the legal research skills listed in Table 2 and allocates them to phases in the delivery of a legal research skills course. Phase 1 skills are those a student requires in order to successfully undertake basic legal research, the types of skill which might be included in the first two or three weeks of the teaching year. Phase 2 skills may be termed intermediate and follow after the student has successfully completed the IT skills course described in the previous section, and when assignments or assessments in other parts of the law programme require students to search more widely. Finally, phase 3 skills should be taught later still in the course. Some Phase 3 skills (for example, using non-law sources) may best be imparted as late as the final year of a three year undergraduate programme; conversely, in a one year postgraduate vocational course, phase 3 skills may best be placed towards the end of the first term or semester. The precise phasing and timing of instruction in a particular legal research skill should be a matter for discussion and agreement between skills tutors and colleagues delivering other elements in the law programme, so that student motivation and 'the need to know' are at their optimum - an ideal achieved too infrequently

TABLE 4: Suggested phasing of instruction in legal research skills learning objectives within course curricula

	non-law degree	law degree	p/g voc	p/g non-voc (law first degree)	p/g non-voc (non-law first degree)	CPD
Identify & analyse						
objective of research	I(Academic)	I(Academic)	I(Practice)	inferred	I(Academic)	inferred
facts and issues	I(Academic)	I(Academic)	I(Practice)	inferred	I(Academic)	inferred
relevant areas of law	2	2	I(Practice)	inferred	2	inferred
classify in legal terms	3	3	I(Practice)	inferred	2	inferred
develop keywords	(3)	3	I(Practice)	inferred	2	inferred
Find information						
structure of literature	I	I	inferred	inferred	I	inferred
locate and use law lib	(I)	I	inferred (L)	inferred (L)	I	inferred
use IT skills to locate etc.	(I)	I	inferred (R)	inferred (R)	I	I
select relevant information	2(Academic)	2(Academic)	I(Practice)	inferred	inferred (R)	inferred
use indexes within legal materials	2	2	I(Practice)	inferred	inferred	inferred
use etc., citations and abbrevs.	I	I	inferred (R)	inferred (R)	I	inferred
check currency	3	3	inferred (R)	inferred (R)	3	inferred
keep up to date	3	3	inferred (R)	inferred (R)	3	inferred
Present results						
organise logically	(2)(Academic)	2(Academic)	2(Practice)	inferred	I(Academic)	inferred
employ layout techniques	(2)(Academic)	2(Academic)	2(Practice)	inferred	inferred	inferred
employ style etc.	(2)	2	inferred (R)	inferred (R)	inferred (R)	inferred
employ correct spelling etc.	(2)	2	inferred (R)	inferred (R)	inferred (R)	inferred
summarise/paraphrase	2	2	inferred	inferred	2	inferred
apply law to facts	2	2	inferred (R)	inferred (R)	2	inferred
provide clear advice or conclusion	(2)(Academic)	2(Academic)	2(Practice)	inferred	inferred	inferred
acknowledge materials cited	(2)	2	inferred	inferred	inferred	inferred
construct list of sources	(2)	2	inferred (R)	inferred (R)	inferred (R)	inferred
use IT to present results	(2)	2	inferred (R)	inferred (R)	inferred (R)	I

KEY: I = phase number (see text)
(I) = phase number - some or all of instruction in skill may have taken place already outside law element in degree programme
(Academic) or (Practice) = focus of instruction
inferred = possession of skill by all students may be assumed unless student performance indicates the contrary
inferred (L) = possession of skill by all students may be assumed but instruction in local aspects will be required
inferred (R) = possession of skill may be assumed for some students but others will require refresher or even basic instruction

Table 5 uses information from Table 3 on the materials to be featured in the 'Finding information' section of legal research courses, and suggests how instruction in the wide range of sources may be phased through the law programme. For non-law degree courses it has been assumed that the law element will be taught towards the end of the programme (possibly in the third year) by which time students will have already acquired and become proficient in IT skills. As a result, the use of electronic databases to access the law and commentary on it can be placed in the first phase of the legal research skills course. For law undergraduate and postgraduate programmes, however, instruction in electronic sources should come after students have successfully completed the IT skills course. For this reason these sources are earmarked for phase 2 instruction. The table also tries to distinguish between the needs of students following a postgraduate programme by research only and those following a taught postgraduate programme with a research (dissertation) element limited to the final stages. So, in the column headed postgraduate non-vocational (law first degree), the first phase number relates to research only degrees (where a knowledge of secondary sources and databases at the outset is essential to kick-start the research process) whilst the second phase number relates to taught courses, where instruction in secondary sources and databases can usually be left to a later stage in the programme. In the CPD column only phases 2 and 3 are represented since some competency in IT skills (phase 1) will be a pre-requisite.

TABLE 5: Suggested phasing of instruction in materials to be featured in "Finding information" section of legal research curricula

	non-law degree	law degree	p/g voc	p/g non-voc (law first degree)	p/g non-voc (non-law first degree)	CPD
General encyclopedias, digests and databases						
Halsbury's Laws/Halsbury's Direct			I			
Halsbury's Statutes/Legislation Direct			I			
Halsbury's Statutory Instruments			2			
EU encyclopedias		(2)	3	I/2	2	
EU law	[(2)]	(2)	3	I/2	2	2
The Digest			3	(3)	(3)	
Current Legal Information	2	2	I	2	2	
Current Law Monthly Digest		3	I	I		
Current Law Yearbook		(3)	I	I		
LexisNexis		I	I	I	I	2
Westlaw		I	I	I	I	2
Lawtel	I	I	I	I	I	2
Internet free charge sites	I	I	I	I	I	I
BIDS (academic host for non-law databases)		(3)		[2/3]	[3]	
Legislation & Parliament						
Current Law Statutes Annotated	I	I	I	I	I	
UK legislation	I	I	I	I	I	2
Hansard	3	2	(3)	[3]	[3]	
Parliamentary Papers	3	2	(3)	(3)	(3)	
Internet free charge sites	I	I	I	I	I	I
Law reports						
UK law report CDs	2	2	2	2	2	2
Internet free charge sites	I	I	I	I	I	I
Citators						
Current Law Case Citators	(I)	I	I	I	I	
Current Law Statute Citators			2			
Current Law SI Citator			3			
Secondary sources - commentary						
Legal Journals Index	I	2	2	2	2	
Index to Legal Periodicals		2	2	[I/3]	[3]	
Index to Foreign Legal Periodicals		[3]		[I/3]		
Public International Law (Bib)		[3]		[I/3]		
Newspaper databases	I	I	I	I	I	
Practitioner sources						
Encyclopedia of Forms and Precedents			2			
Other precedent packages			2			
Atkin's Court Forms			2			
Civil Procedure			2			
Civil Court Practice			2			
Stone's Justices' Manual			2			
Kemp & Kemp on Quantum of Damages			2			
Butterworths PI Litigation Service			2			
Other specialist encyclopedias / texts		(3)	2	I	I	2
Office forms (Laserforms or equivalent)			2			2
Non-law sources (selected examples)						
Index to Theses		(3)		[I/3]	[3]	
ASSIA (applied social sciences)		(3)		[I/3]	[3]	
Medline (medical)				[I/3]	[3]	
Psychological Abstracts		(3)		[I/3]	[3]	
Datastream (company finance and economics)			(3)	[I/3]	[3]	[2]
Kompass UK (business data)			(3)	[I/3]	[3]	[2]
Companies House Direct			(3)	[I/3]	[3]	[2]
Courseware						
IOLIS		I	I			

KEY:

2   phase number - publication or database upon which students should receive hands-on instruction

(2)   phase number - publication or database of which students should be aware

[2]   phase number - publication or database the inclusion of which in hands-on training will depend on subject matter of the course

I/3   phase numbers: first number relates to higher degree by research; second number relates to taught higher degree with a research element in the latter stages

LexisNexis and Westlaw

Instruction in the large, general databases, such as LexisNexis and Westlaw may take place in phase 1. Since writing the first edition of this Guidance Note the increased familiarity of students with the use of web technology and improvements in the screen design of law databases have prompted me to re-think the timing of instruction of these databases. Even in phase 1 of their courses, students are able to use these general databases successfully to find specific cases or statutes. However, the cautions I expressed in the first edition do still apply when the general databases are used for subject searches to support coursework. Students struggling to understand legal principles can be 'fazed' by the vast number of hits produced by a simple query. First year and, to some extent, second year students have not developed sufficient powers of discrimination to sort 'the wheat from the chaff'. There is also considerable anecdotal evidence from law librarians that undergraduate students do not undertake subject searches in the statute and case law parts of LexisNexis and Westlaw but use them merely as a finding tool for specific materials.

It is still my view that a LexisNexis or Westlaw problem-based training session will be necessary for vocational postgraduate students and will take at least 60 minutes (including hands-on practise time). Once out in practice, many lawyers will not be allowed access to these databases without having attended training offered by the database providers. The reason: commercial charges for the use of these databases are many times higher than academic rates, so mistakes can be expensive for the firm or chambers. My view is that students should be given basic training in LexisNexis and Westlaw in phase 1 but subject searching might be left until a later phase.

Courseware

The inclusion of courseware may need a word of explanation. IOLIS not only contains a section on using a law library but also a vast amount of material of use not only to undergraduates, but also vocational postgraduates wishing to refresh their grasp of first year undergraduate topics such as contract and tort. Instruction in accessing and using courseware can fall neatly within legal research skills.

I believe the form of presentation and the content of Tables 4 and 5 have not been attempted previously. If readers disagree with the phasing suggested I consider one of the reasons for writing this book has been achieved: to set people thinking and discussing the place of legal research skills in the curriculum to ensure all its elements are given due prominence.

5   Integration of legal research skills with knowledge-based subjects

Embedded model or 'bolt-on' model?

The Dearing Report (1997) considered how skills instruction might be embedded into programmes (paragraph 9.22 and following). Although the report was concerned with key skills: defined as communication skills, numeracy, the use of information technology and learning how to learn (paragraph 9.17), the comments in the report may equally well apply to the skill of legal research. There are two ways in which key skills might be included in a programme of study: by embedding the skill in existing programmes as the vehicle for development; or by creating parallel modules of 'skills development'. The Report notes the results of a project by Hodginson (1996) for the Open University where both methods were used in its programmes and the outcomes evaluated. 'The OU found that the embedded model required the programme to be completely revised to integrate the selected skills. Academic staff provided feedback to students on their skill development in the same way as on the subject being studied. In contrast, the parallel model involved the development of a separate 'bolt-on' skills pack. In this model, staff were not involved in feedback or assessment of students. The OU's findings were that in the long term there was

considerable advantage in embedding skills into programmes. However, this will require an initial investment to redesign programmes to include skills and to train staff in feedback and assessment techniques.' (paragraphs 9.23 and 9.24).

The research by Lynch, Moodie and Slater (1993) appears to indicate that for undergraduate programmes at least, library skills and IT (the terms used in their survey) are highly likely to be included amongst the practical skills elements of foundation legal instruction. This is akin to the OU 'bolt-on' model of integration.

Some form of integration of legal research skills can be achieved even with a 'bolt-on' module, where topics for research are based on those being studied or about to be studied in knowledge areas. This requires considerable co-operation between those teaching legal research skills and tutors in knowledge subjects. It also depends on the legal research skills element running concurrently with knowledge subjects which offer the maximum opportunities for research using paper and electronic sources. In the first year of an undergraduate law programme such knowledge areas would be contract and tort, where there is plenty of case law and commentary for students to research. The linkage is more difficult to achieve if the knowledge subjects running concurrently with the legal research skills course are constitutional or administrative law, or an introduction to European Union law. The opportunities and possibilities for linkage need to be considered when the structure of the whole law degree programme is being reviewed. If these opportunities are not provided then integration of the legal research skills with other aspects of the law degree programme will be weaker.

6   Promoting the course to the teaching school

Chapter 1 highlighted how the concept of legal research skills has developed since the late 1980s. Up until then, with a few exceptions, there was little formal instruction in legal research skills at undergraduate level, and none at postgraduate. Students could hardly be described as 'independent researchers' but tended to rely on library staff for a great deal of assistance even with simple information needs. Since then official and professional bodies have required that law students learn to be effective, independent researchers. However, there are institutions where these requirements are not fully met, and so this section, based on personal experience, is written for anyone: lecturer, librarian or computing staff, who feels the need to promote an enhancement to a legal research skills course.

There is no single, appropriate method of promoting the concept of legal research skills training, i.e. persuading the teaching school that it is a good thing and getting support for it. The promoter needs to gauge the method most appropriate to the style and personality of the teaching School involved. Timing is also a very important factor. In general, the success or failure of promotion depends largely on the ability of staff to take advantage of the opportunities available. Support staff who are well informed and involved with the work of the teaching School will be at a clear advantage over those who are not.

Some institutions are starting to develop strategic aims and objectives for teaching, learning and employability. The ability of students to carry out independent research or to be information literate may feature in these documents and can provide the promoter with a valuable strategic context in which to place detailed discussions with the teaching school on legal research skills training.

The following is a list of examples of promotional methods which have been used successfully both at Cardiff and elsewhere. Frequently, several promotion methods need to be used together, rather than a single one in isolation:

- informal discussions with teaching staff;
- formal and informal contact with key members of School research, teaching and library committees;
- alert relevant staff (such as library representatives, course or module directors, Heads of School) to relevant strategic documents issued by the institution, especially any documents on information literacy;
- send relevant staff (such as library representatives, course or module directors, Heads of School) copies of examples of instruction used by support staff for other Schools;
- offer to train lecturing staff in the use of a particular database and then 'sell' the concept of student instruction in this and other aspects of information skills;
- try to integrate your staff training sessions within the School's staff training programme; prepare a formal paper for the Head of School (an example of the headings used successfully are given below);
- keep track of the views and proposals on library instruction and the use of electronic media of any professional / vocational bodies in the subject field and the QAA, and draw them to the attention of the teaching school;
- bring appropriate sections of government reports to the attention of the teaching school;
- tie in discussions on legal research skills training with other School initiatives such as combating plagiarism and requirements for students to create Personal Development Plans (PDP) – the Quality Assurance Agency requires that from 2005/6 all HE students be given the opportunity for Personal Development Planning (PDP). PDP includes some means to enable students to reflect upon their learning, performance and achievement and plan for their personal, educational and career development;
- give a formal presentation of proposals to meetings between support staff and the teaching school.

The list of headings used in the formal paper mentioned above consisted of:

- an introduction which related the proposals to those contained in a consultation document issued by a professional / vocational body or the strategic aims and objectives of the institution for teaching, learning and employability;
- a brief definition of what was meant by legal research skills;
- linkage to other parts of the curriculum, to highlight integration and complementarity;
- learning outcomes for the course, expressed in student centred terms: "At the end of this course/module a student will be able to …";
- the scheme of study and course timetable, considering constraints (e.g. resources: in terms of rooms, equipment and staff) and presenting alternative solutions;
- how students might be assessed;
- proposed date for implementation;
- summary of recommendations.

7   Promoting the course to students

That it is necessary to promote the course to students might come as a surprise to some staff. Surely students automatically recognise the importance of developing competence in this basic lawyering skill. Regrettably not.

Law school teaching staff in general, tend to give priority to the textbook amongst the learning materials they use as part of their teaching. Undergraduate law students prefer to depend on digested material, whether it be in the form of handouts or textbooks, rather than research independently - see Little, Leighton and Mortimer (1997), especially page 218. Students believe that using Google will provide all the information they need to support their research of the law. Students fail to develop the skill of independent research, although many consider they possess the skill by the end of their studies. This is particularly noticeable when they enter a postgraduate vocational training course. They think they know how to undertake legal research in a client based

environment, but the answers to practise exercises set early in their postgraduate studies show clear signs of weaknesses

Further, some students enter postgraduate vocational training with the view that legal research is beneath them and that when they enter a law firm, they will be able to delegate the task to even more junior staff. This view is misconceived. According to a limited scale research study by Eisenschitz and Walsh (1995), 97% of the fully qualified solicitors surveyed delegated case research. The work was delegated to either trainees or librarians - the distribution about evenly split. Further, since the fully qualified solicitors in the survey undertook their own 'quick research', delegation was used for in-depth searching only. This alone is justification for trainees being competent, independent researchers. In contrast to the solicitors, 72% of the barristers surveyed did all their own research.

During vocational training many students are 'dazzled by the glamour' of other skills: advocacy, interviewing, conferencing. Legal research can appear to be the 'Cinderella' of the lawyering skills. It is important to emphasise to students at the outset of their course of study: whether it be undergraduate or postgraduate, the importance of them developing the skill of independent legal research. At Cardiff University, at the beginning of the undergraduate programme, library staff use a 10 minute lecture slot on induction day to demolish the popular media image of the lawyer who sits in a room lined with books he/she is rarely seen using. We emphasise the importance of the foundation skill of becoming an effective and efficient researcher in paper and electronic sources so that written and oral work done is confident and accurate. Also, on the Legal Practice Course, teaching staff with 'practice experience' have spoken to students in small group sessions about the importance of legal research, relating use of the skill to their own early work as a trainee. On the Bar Vocational Course a past student is invited back after a year or two in practice to 'tell it how it is'.

Student misconceptions about legal research can be emphasised by the attitudes of teaching staff throughout the law school. How frequently, for example, are tutors seen in the library consulting books or using PCs? Is legal research seen to be done by teaching staff? Is an appropriate example being set students? Of course, many teaching staff have access to their own materials and a PC in their room and therefore very little need to use the library. Further, some teaching staff prefer not to use the library in term-time because of interruptions to their work by students seeking advice or assistance with essay questions or coursework. But, legal research could be better promoted as an essential lawyering skill if it was employed more visibly by teaching staff.

8   Co-operation between teaching school, library and computing

As we have seen, a comprehensive scheme of instruction in legal research covers a range of individual skill areas. Devising and delivering the legal research programme ought to be a co-operative partnership between the teaching school, library and computing staff, since each has experience and skills to contribute which will make the student learning experience richer. That is my personal view based on the co-operative nature of the legal research programmes with which I have been involved during the 25 or more years I have worked in academic institutions.

Surveys conducted between 1991 and 2001 (Clinch, 1992, 1993, 1998, Jackson, 2000, 2002), indicate that provision of legal research skills instruction has grown steadily, if erratically, from a joint responsibility between law library staff and the law school amongst 34.5% of respondents to the earliest survey, to joint provision amongst 60% of respondents in 2001.

This movement is encouraging, but there are still some institutions in which the skill of legal research is taught almost entirely by law school staff with minimal contributions from support staff. My guess is that the reason for this is the notion of who 'owns' the course - the law school. I have

no empirical evidence of any link between the quality of student performance in legal research and whether the course was taught by the law school alone or co-operatively. But, I do make the point strongly that library and computing/IT staff have a unique contribution to make because in their jobs they have had to keep track of the increasing range of sources of legal information, the increasing range of formats in which it is held, and come to terms with the lack of standards in the way in which information in electronic sources is presented to the user.

As mentioned earlier in section 1 of this chapter, a law school which embraces the concept of information literacy in the provision of legal research skills is more likely to run the course as a joint responsibility of academic and support staff.

Teaching staff have the subject knowledge and experience to devise and deliver the 'identification and analysis' elements of legal research. Computing and IT staff have the knowledge and experience to teach the basic IT skills programme, though I know that in some institutions, including my own, library staff regularly undertake this part of the programme for the law school. This innovation benefits students since library staff usually have a better knowledge than computing or IT staff of how IT applications will be applied within the law curriculum, and this informs their teaching. The 'finding information' element can be very effectively taught by library staff, for they have knowledge of the range of sources available, experience of using the sources both personally and, uniquely, as observers of others using the sources. By observing and assisting others in the use of paper or electronic sources, librarians gain invaluable insights into how instruction can be most effectively devised and which details, especially 'points to watch', 'things to avoid' or 'short-cuts', ought to be included. Lecturing staff know how they, individually, would use a source, but librarians are able to contribute the broader picture of what a range of users find easy or difficult. Finally, both librarians and lecturing staff have experience to contribute to the 'presenting results' aspect of legal research.

There is also a further reason for advocating co-operation. As student numbers increase there are advantages in having a pool of teaching and support staff available to give instruction. At Cardiff it is the only way we are able to deliver a comprehensive programme of instruction in the Autumn Term to 350 first year undergraduates, over 200 vocational postgraduates and about 100 non-vocational postgraduates.

9   Summary

Expanding the definition of legal research into learning outcomes has enabled the identification of key building blocks in the development of the curriculum. In the next chapter those building blocks will turn into discrete lessons, having structure and content to match the learning outcomes discussed in chapter 3, and meeting some of the findings of learning theory discussed in chapter 2.

Lesson planning, structure and content

'Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand.' Confucius c. 450 BC.

1   Introduction

This chapter looks at planning and structuring a teaching session. It is in three sections.
The first section describes the steps to follow when selecting the training method and lesson structure most suitable for the session you are planning. Your ultimate aim should be to integrate legal research skills training within the curriculum – the concept of information literacy teaching provides a vehicle for this.

The second section describes some standard lesson structures which have been used by various library staff at Cardiff University. They have been developed for free standing, rather than integrated, skills instruction. They may be employed as 'off the peg' models but, in the context of integrating legal research within the curriculum, it is essential to work through the principles presented in the first part of this chapter, rather than 'bolting-on' one of the standard formats presented in section two.

Finally, in the third section, the use of workbooks as a substitute for small group tuition is discussed.

2   Planning a teaching session

There are three general considerations that you must take into account when selecting the method of teaching and the structure for your teaching session:
‣   The learning outcomes of the teaching session.
‣   The characteristics of the learners.
‣   Practical requirements.

The learning outcomes

It is important to select the method and structure which will help the learner accomplish the learning outcomes for the session. Each module or course of study will have a set of learning outcomes. These are required in UK higher education by the Quality Assurance Agency. The module or course outcomes provide a direct indicator of the level and depth of any programme of learning.

Using the course or module outcomes as a basis, develop learning outcomes for the session you are to teach which contribute to the satisfaction of the course or module outcomes. Chapter 5 discusses how to compile learning outcomes for a session and emphasises how they underpin the whole teaching and learning process and must be provided to students before or at the start of the session.
Teaching and learning must be closely tied in with the assessment method for the course. Consider the learning outcomes you write within the context of assessment. If research trails are to be used as an assessment tool (see chapter 7) encourage their use as a learning activity.

The learners

Ask yourself whether the teaching method you have selected is appropriate for the group size, their past experiences, disabilities and other special characteristics of the group.

Prior to your session students will have developed already strategies for finding information. For example, they may rely heavily on the use of Google rather than a traditional library or use of specialist databases. You will need to design learning experiences which build on existing experience but create opportunities to assimilate or accommodate new techniques to old understanding. Within your group of students skill levels will vary. You may need to consider whether to audit their skills. Either way, the teaching method and lesson materials will need to recognise and accommodate the variations in skill levels across the group.

The most effective learning takes place when it is relevant and timely. It should be based on real needs, placed within authentic contexts. During discussions with School staff on the process of embedding your contribution within the curriculum, consider all opportunities to optimise relevance and timeliness.

Students learn very effectively from each other. Encourage peer learning. Design team activities or, at least, provide informal opportunities for students to share knowledge and skills.

Provide an opportunity for students to reflect on their learning. Chapter 7 introduces the concept of the reflective research trail. Although discussed there within the context of assessment, research trails can be used as a learning activity. For example, after an information finding exercise students may use their personal research trails as a vehicle for group discussion on what they found were the most effective strategies and methods for tracing relevant information.

The practical requirements

Consider whether the teaching method is feasible given the physical environment (the room and its location), the time available (both for preparation and teaching), materials and equipment.

Which teaching method should I use?

Table 6, adapted from *Train the Trainer: Practical Skills that Work* (Human Resource Development Press, 1997) sets out the advantages and disadvantages of a range of teaching methods. Consider each method in turn alongside the learning outcomes, the characteristics of the learners and the practical requirements of the session.

How do I plan activities from the learning outcomes?

Ensure when planning learning activities for a lesson that they are aligned with the learning outcomes. Illustration 2 may be of assistance.

Instruction can be provided by means of lectures, small group teaching or e-learning. Lectures typically involve one person, sometimes a team of people, presenting information to a group of at least 20 people, and the students adopting a passive role (listening, looking, note-taking).

Small group teaching is a generic term for tutorials, seminars, and small problem-solving classes. In the context of information literacy the small group method used most often will probably be the workshop, where there may be a mixture of teaching methods: teacher presentation, small group work, whole group discussion. Workshops are better undertaken with groups of less than 20 students and should be interactive, where students undertake practical work, discussion or exercises.

The size of group to which legal research skills teaching is to be given may be determined by the School. However, if discretion to choose the size of group is given to you, the following table, taken from observation over a period of years, will assist in determining the most appropriate group size for the session:

3-6 people   everyone speaks
7-10 people   almost everyone speaks. Quieter people say less. One or two may not speak at all
11-18 people   5 or 6 speak a lot, 3 or 4 join in occasionally
19-30 people   3 or 4 people dominate
30+ people   little participation possible

TABLE 6: Various teaching methods, advantages and disadvantages

Reprinted from *Train the Trainer: Practical Skills that Work* by Ittner and Douds, copyright © 1997. Reprinted by permission of the publisher, HRD Press, Amherst, MA, (800) 822-2801, www.hrdpress.com.

METHOD	ADVANTAGES	DRAWBACKS
Trainer presentation	Keeps group together and on the same point;	Can be dull if used too long without learner participation;
	Time control is easier;	Retention is limited;
	Useful for large group size (more than 20).	Difficult to gauge if people are learning.
Structured exercise	Aids retention;	Requires preparation time;
	Allows practice of new skills in a controlled environment;	May be difficult to tailor to all learners' situations;
	Learner actively involved.	Needs sufficient class time for exercise completion and feedback.
Reading	Materials can be retained for later use;	Can be boring if used too long without interruption;
	Ensures consistency of information;	Learners read at different paces and this may be inaccessible to some disabled students;
	Saves time (learners can read faster than teachers can talk).	Difficult to gauge if people are learning.
Case study	Requires active learner involvement;	Information must be precise and kept up-to-date;
	Can simulate performance required after teaching;	Needs sufficient class time for earners to complete the case;
	Learning can be observed.	Learners can become too interested in the case content.
Group discussion	Keeps learners interested and involved;	Learning points can be confusing and lost;
	Learner resources can be discovered and shared;	A few learners may dominate the discussion;
	Learning can be observed.	Time control is more difficult.

ILLUSTRATION 2: Lesson planning template

Taken from *Lesson Planning for Teachers* by Peter D John, 1993, and reprinted by permission of the Continuum International Publishing Group, New York.

Lesson Topic: Group:		Date: Time/Period:
Lesson outcomes 1 2 3 4 5	Time	Activities / Strategies 1 2 3 4 5
Resources: Tasks: Evaluation:		

3   Standard lesson structures

Lesson structure for a lecture

Typically, a lecture takes the following format.

Beginning   attract attention, explain topic benefits to audience, draw attention to the learning outcomes, outline talk, set out any ground rules (whether you expect students to take notes, when to ask questions etc.)

Middle   the substance of the topic, ask audience questions to keep attention and carry discussion forward

End   summarise main points

Questions   ask for questions from audience

▸   Lectures may be given by one person or more, using a team approach. Short contributions by a number of lecturers can help to sustain student interest.
▸   The lecture may be divided into sections, some in semi-darkness when appropriate teaching aids such as PowerPoint are used, and other parts in light conditions. Ensure lighting levels are sufficient to allow students to make notes or read a handout. Do not lecture for 50 minutes in low light level, sleep-inducing conditions.
▸   If questions are invited they will usually be taken formally at appropriate points in the session.

Various techniques can be used to make lectures more interactive. An example is the use of one or more 'discussion spots' or 'buzz groups' within the presentation. The lecturer sets a topic for discussion, displays it on a PowerPoint slide and asks students to discuss it with their neighbours for a few minutes. It is usually best not to give students any notice of the topic to be discussed, so do not include it in the lesson plan or the handout. Then the lecturer seeks comments or answers on the problem from the class. Examples include: selecting relevant keywords or search terms to research a specific problem; identifying the types, advantages and disadvantages of paper and electronic sources to use to research a given topic. After two or three minutes ask the class for contributions and write up the responses for all to see and continue a question and answer session with the class on the results.

Lesson structures for small group teaching

Small group work should mean 'hands-on' experience for students. The opportunity should be taken to include as many types of learning experience as possible. Remember that evidence suggests that the span of attention of a student drops markedly after 20 minutes.
Remember also that when a teacher is monitoring student progress in undertaking a supervised exercise or answering a student query, the learning process is assisted by the instructor turning the query back on the student using open questions beginning "How, What, When, Why, Where", to encourage the student to arrive at the answer through his/her own thought rather than the instructor providing the answer immediately.

The decision about which of the models illustrated below you should use will be influenced by the factors set out in section 2, above, and the extent to which the particular database or source is intuitive.

Here are some examples of different ways of structuring a 50 minute workshop session:

Model 1: Demonstration

0-20 minutes: demonstration by instructor of how to use a source employing different teaching aids such as live searches, PowerPoint, OHPs, video etc. - students observe and follow handout. Split the class into sub-groups

20-45 minutes: students practise skills by answering exercise questions included in the handout. Instructor walks round observing progress, giving assistance and answering queries

45-50 minutes: instructor checks student answers either by asking each sub-group to report their findings or by the instructor reading out the answers and sub-groups checking against theirs. Instructor sums up.

▸ Very useful model for complex paper-based sources
▸ Students get a picture of the complete process before starting to use the source/s
▸ Students learn from interaction within the sub-group.

The tutor notes for a 'demonstration' class on the use of paper sources of information are provided in illustration 3.

ILLUSTRATION 3: Example of part of instructor's notes, style 1

CARDIFF BVC 2004-2005

LEGAL RESEARCH   SGS 5

DATABASE SEARCHING SKILLS

TUTOR NOTES

Bring:
Handout 1 (database comparison checklist) and Handout 2 (exercises)

Spare copies of database guides

Register

Set up projector

Introduction
Distribute both handouts; check if have own copies of database guides and, if not, distribute.

Aims of session *(from lesson plan)*
Global question to check who is already familiar with each database: LexisNexis, Westlaw, Lawtel – note that they will use different techniques and different parts of the databases than what they will have used in previous law studies. Note comparative nature of session and the importance of knowing the *content* and *functionality* of each, rather than just the mechanistic aspect of *how* to search.

Refer to Handout 1 – draw attention to pros and cons of each database.

Refer to Handout 2 and exercise 1, for discussion.

Use global questionning to develop construction of search and arrive at choice of keywords and using AND, OR, truncation.

Cliff and property and (slip! or subsid!) and duty of care

Demonstrations (from 15 min until 30 min)
(using projector)

1   LexisNexis Professional
Log in – can check ATHENS passwords if they need.

Default is Newspaper Database – ask why lawyers might find such a database essential.
(latest legal developments, Government plans for reform, newspaper law reports etc.)

UK Cases – type in search string developed by class for question for discussion from handout

Case 7 of 24: Holbeck Hall Hotel v Scarborough BC [2000] 2 All ER 705

Etc., Etc.,

Model 2: Discovery technique

0-5 minutes: introduction by instructor to purpose of lesson and the source, noting that the handout includes detailed instructions on the use of the source/s with exercise questions to answer. Split class into pairs or sub-groups

5-45 minutes: students learn skills of use by following instructions and undertaking exercises and explore - instructor remains on hand to assist with queries and monitor progress

45-50 minutes: instructor checks answers with class, either by asking each sub-group for responses to the questions or by reading out the answers which the students check against theirs. Instructor sums up.

▸ Use only where 'how to use' instructions included within handout are clear, unambiguous and uncomplicated
▸ Participants learn at their own speed and from interaction within the sub-group
▸ Suitable for PC and other rooms without teaching aids
▸ Useful where giving instruction in several different yet broadly related sources
▸ From an instructor's point of view considerable time has to be spent on perfecting the handout. Very little verbal instruction is undertaken at the session itself.

This model can be used very effectively for a two hour class where up to four different paper sources are featured; for example, where techniques in the use of various case law sources of value to vocational course students need to be mastered, using Halsbury's Laws, Current Law, Current Law Case Citator, quantum cases in Kemp & Kemp.

0-10 minutes: introduction by instructor to purpose of lesson and the paper sources, noting that the handout includes detailed instructions on the use of the source/s with exercise questions to answer. Split class into sub-groups of up to 4 students. Each group is given a different source to begin with.

10-35 minutes

35-60 minutes

60-85 minutes

85-110 minutes   students learn skills of use by following instructions and undertaking exercises - instructor 'works the tables', circulating to assist with queries, monitoring progress and checking answers. At the end of each 25 minute segment students exchange paper materials so that by 110 minutes they have undertaken exercises in all four sets of materials.

110-120 minutes: Instructor sums up.

Model 3: Lecture/workshop

0-15 minutes: instructor discusses first part of topic; students split into sub groups for exercises.

15-25 minutes: students undertake exercise.

25-35 minutes: instructor introduces second part of topic.

35-45 minutes: students undertake second exercise.

45-50 minutes: instructor sums up.

▸ Suitable where there is considerable background information to impart before students can undertake practice exercises
▸ Depends on tight control of the session to ensure explanations and exercises do not over-run.

Model 4: Guided searching

This can take two forms:

Simultaneous searching

0-35 minutes: instructor demonstrates database or application. The students follow each step of the demonstration on their own terminal.

35-50 minutes: students undertake exercise to practise skills.

Demonstration/practice cycle

0-10 minutes: instructor introduces topic and demonstrates first technique (for example logging onto the database and doing a simple search).

10-20 minutes: students undertake exercise which uses the technique, using the written instructions provided. Instructor checks progress and answers queries.

20-25 minutes: instructor demonstrates a second technique (for example narrowing the search or other searching techniques).

25-35 minutes: students undertake exercise which uses the technique, using the written instructions provided. Instructor checks progress and answers queries.

35-40 minutes: instructor demonstrates final techniques (for example saving or printing and exiting).

40-48 minutes: students undertake exercise.

48-50 minutes: instructor sums up.

▸ Session works best if most students are at a similar knowledge level
▸ These methods may provide the opportunities to give the greatest quantity of information.

But:

▸ Teaching assistants required to monitor students' progress during simultaneous searching method (do not attempt a step-by-step simultaneous searching demonstration without assistance!)
▸ Success of session can be adversely affected by a small number of students who experience technical difficulties or are at a very different knowledge level from the majority.

Model 5: the workbook/online tutorial technique

0-5 minutes: Instructor introduces topic.
5-45 minutes: students follow detailed instructions in workbook or online tutorial and undertake exercises.
45-50 minutes: instructor sums up.

This model

▸ Requires that considerable time is spent developing the workbook or online tutorial checking that instructions cannot be misunderstood and that there have been no changes to the network or the database between the instructions and exercises being devised and the lesson taking place

▸ Is not staff intensive at the time of delivery - only one instructor is required

▸ Allows students to work at their own pace

▸ Provides students with a permanent record of techniques for use outside the lesson

▸ Provides a fall-back position should the network go down or a technical failure occur with the database - students can follow the workbook or online tutorial in their own time.

But

▸ Since students are merely following key-stroke instructions this model can result in mere surface learning ('how to jump through hoops') rather than providing a context which will lead to deep learning and permanent understanding.

ILLUSTRATION 4: Extract from a workbook for use with an electronic database

Using Current Legal Information (CLI) CD

2   Getting started

2.1   Getting to CLI

In the instructions which follow, the actions you should undertake are printed in normal typeface, *explanatory material is in italic typeface.*

Log on using your login name and your personal password.

If there are any network messages (white type on a blue screen) please read them quickly then press Esc (top left corner of the keyboard).

2.2   How to check that the toolbelt shows text

The top of the screen will have two ribbons of information running left to right. The upper one is a standard Windows ribbon with File, Edit, View etc. The lower one is called a Toolbelt and is special to CLI. The Toolbelt may show information in one of three ways: buttons with just text, the first having the word Query or buttons with pictures, the first one will be a magnifying glass or buttons showing text and pictures together. The purpose of each button is most clearly communicated by means of text - the pictures or icons are unhelpful.

If CLI has loaded on your machine showing pictures rather than text, follow the instructions below.

If text is given on the Toolbelt, skip the instructions below and go to heading 2.3 in this workshop guide.

Click on File

Click on Preferences

Using the mouse, move the arrow on the screen to the bottom of the Preferences dialogue box and click on the button marked Toolbelt

Click on the option Text in the Display box

Click on OK

Click on OK in the Preferences dialogue box

You should now have text on the buttons. You may need to re-set the preferences each time you start up the CLI database.

2.3   Entering the database
The first screen of CLI you have reached comprises four button bars, the top three of which will lead you to different discs in the database.

Now, to open the CLI databases

Illustration 4 shows a portion of a workbook I devised some years ago to teach students how to use Current Legal Information (CLI). Points to note are that

▶ instructions to do things are given in ordinary typeface

▶ explanations are given in italic typeface

▶ exercise questions are included in the body of the workbook with answers provided but on the back page

▶ when compiling the exercises choose topics (or cases or statutes) which students have just tackled or are about to tackle in their studies - consult teaching colleagues for ideas on these

▶ immediately before the 'how to log out' section of the workbook, an instruction is inserted (for the benefit of the quicker students) to try some searches for material on topics they are studying in other parts of the law programme at the moment. This encourages students to self-explore and use spare time in the lesson wisely.

Some readers may consider that the type of 'stroke by stroke' workbook reproduced in illustration 4 contains too much written material and too many instructions. Users do not want to sit at a terminal and read, they wish to use the equipment and learn. The criticism is well made and supported by psychological research, the results of which have been summarised by Carroll (1997) and developed into the minimalist approach to training design. His work contains some draft examples of instruction in this manner, employing symbols and page design to convey information and instructions. Colleagues at Cardiff University Library Service employ the principles of the minimalist approach in a workbook on how to use a word processing package.

Other considerations

Whichever model is used:

▶ **Manage the teaching experience** - it is important to clearly define periods of instruction, exercise and discussion and set the rules for each. During periods of instruction, students are expected to listen and not use the PCs. In turn, do not talk to the class as a whole during exercise times. Clearly define the end of the exercise period; ensure you have gained everybody's attention before recommencing instruction.

▶ **Sharing PCs** - The nature of the learning experience can be altered by whether students share two to a terminal or each have their own. The speed of the network or the size of the class can dictate this. Where learning computer techniques or screen layout are important, try to ensure one student per terminal. When teaching search technique, it may be useful for students to discuss the choice of keywords and connectors and sharing terminals can encourage this.

▶ **Handouts** - must be available in all sessions. Refer to them regularly throughout the session.

▶ **Teaching assistants** - must be briefed with the nature of the session and their role prior to the session.

▶ **Passwords** – For databases not accessible via Athens it may be advisable to obtain guest log-ins.

▶ **Fall-back position** - consider alternative methods of instruction should the network or database fail.

An 'embedded' research workshop

This model has been used successfully at Cardiff where the principles of information literacy have been embedded within a first year module called Legal Foundations. Prior to this two hour workshop, held in a PC terminal room, students attend a large group demonstration of a database and three two-hour seminars on legal analysis and reasoning. The legal research skills element focuses on students gaining skills to enable them to correctly identify and use appropriate paper and electronic sources for the next stage of the module: legal presentation skills. In the next stage the information sought and uncovered in the research workshop is used to develop the skills of writing the law and for advocacy and oral presentation. A recent topic on which students researched was 'the current role of juries in criminal trials and the arguments for and against their

ILLUSTRATION 5: Extract from a handout to accompany a workshop on developing a research strategy and finding information on offences triable either way.

CARDIFF UNIVERSITY: LEGAL FOUNDATIONS
LEGAL RESEARCH SKILLS 2
<u>**Developing a research strategy**</u>

EXERCISES

1. What recommendations does Justice for All, the White Paper presented in 2002, make in regard to the right of a person to elect trial by jury for either-way offences?

Hints

▸ *The Government's Directgov site provides an A-Z directory of government departments. The report is available on the Home Office web site.*

2. Find the full text of the 1998 consultation paper Determining Mode of Trial in Either-Way Cases.

Hints

▸ *This report is also available on the Home Office web site.*

3. The report of the Royal Commission on Criminal Justice chaired by Viscount Runciman of Doxford was published in 1993, but is not available in full text on the Web. Where can you find a copy to look at? What recommendations does it make in regard to the right to elect trial by jury for either-way offences?

4. Use Legal Journals Index on Westlaw to find journal articles discussing any proposed changes to the right to elect trial by jury for either-way offences. Which articles look the most relevant? Check Voyager to see whether they are available in the Law Library.

Hints

▸ *Run up a second copy of Internet Explorer to access Voyager. This way you can easily move between Voyager and Westlaw when checking which of the journals are available in the library.*
▸ *Voyager will indicate which journal titles are in the library and, under Holdings Summary, which volumes are available. It does not include the details of the articles inside the journals.*
▸ *To search for a journal, type in the first few words of the journal title and then click on Journal Title from the Search in: box.*

5. In recent years there have been two Mode of Trial Bills to amend the procedure for determining the mode of trial for offences triable either way. Use Lawtel to find the full text of Bills. The Explanatory Notes to the Bill will give you background information. Make a note of the dates of their readings in Parliament

Hints

▸ *You will need an ATHENS password to access Lawtel. You will also use this password if you want to search Westlaw or LexisNexis Professional when you are away from the University.*
▸ *You need to note down the dates of the readings in the Lords and Commons to help you find the Hansard debates in exercise 6.*

6. Look for debates on the Bills in Hansard. This will give you more information on why the Government wanted to introduce the reforms and why the Lords objected to the proposals.

Hints

▸ *You can reach Hansard via the Databases page on the Information Resources for Law.*
▸ *Use the links to the web site for the House of Commons debates or House of Lords debates.*
▸ *The simplest way to find the debates on the Bills is to click on the appropriate Session and then date.*
▸ *Focus on the second and third readings, since the first reading is a formal stage and will not provide useful debate.*

7. Look in newspapers for discussion on proposals to reform of the right to trial by jury in either-way offences. You can search for newspaper comment on LexisNexis Professional.

Hints

▸ *Access LexisNexis Professional via the Databases page on the Information Resources for Law.*
▸ *LexisNexis Professional is a huge database, including UK case law and legislation.*
▸ *The newspaper index on LexisNexis Professional includes the full text of UK national and local newspapers since the early 1990s. It is updated daily.*
▸ *You can avoid being swamped by articles from local newspapers by selecting UK National Newspapers from the Source drop-down box.*

8. Where else might you find useful information for your research?

_____

In the **final part of the session**, in your teams, agree each team member's research task in preparation for next week's seminar.

use.' So, the information uncovered in the research workshop is re-purposed and employed within other parts of the module.

Before tackling the research questions, the tutor discusses by means of a question and answer session, rather than a formal presentation, how to develop a research strategy.

The questions researched by students in the workshop are reproduced in Illustration 5. Note a) that the questions are concerned with both paper and electronic sources – the source in question 3 is not available in electronic form; b) how students are led towards but not given the whole route to the sources they ought to consult.

While researching these questions students are required to build a research trail (see Chapter 7 on assessment for further information on their value in teaching information literacy), so that they have a record of bibliographical information on the resources visited, and some brief analytical comments on their content. This can be achieved either by running Word and copy/paste from the sources uncovered with additional, personal evaluative comments or by making handwritten notes. The trails and notes will form the basis for analytical discussions with fellow students and tutors in subsequent seminars.

0-15 minutes:	through question and answer with the whole group the tutor introduces the concept of a research strategy.
15-110 minutes:	students follow instructions on question sheet, trace, briefly evaluate and note details of relevant materials for further analysis and evaluation in subsequent seminars.
110-120 minutes:	tutor sums up.

This model
▸ requires that the legal research skills element is embedded and integrated within the rest of the curriculum
▸ is not staff intensive at the time of delivery - only one tutor is required
▸ requires students to think about and evaluate, not merely find, sources and information
▸ allows students to work at their own pace
▸ provides students with a research trail and information which can be repurposed elsewhere within the module.

4   Workbooks as a substitute for small group tuition

When and how to use workbooks

Workbooks combine instructions with exercises, to test student understanding of the techniques described. They may be used by students in either one of two ways: a) within timetabled classes where students write down the research steps they have followed in answering the questions set or, b) where students undertake exercises in their own time. Workbooks used in the latter way are a valuable alternative method of legal research skills instruction where there are

large numbers of students following the same course
limited numbers of copies of the paper publications featured in the legal research skills course
limited slots in the timetable
limited numbers of suitable rooms available for small group work
limited numbers of staff available to give instruction.

Workbooks take a considerable time to prepare, especially to check that none of the instructions can be misinterpreted and that the wording of the exercise questions is not ambiguous. However, their advantages are that they

▸ can be used by any number of students - the only constraint is the general availability of materials and equipment you may be requiring them to use
▸ can be delivered with a minimum of staff input
▸ require most time to be spent in devising the workbook which can take place in the 'relative quiet' of a vacation
▸ may not require access to any teaching accommodation
▸ allow individual students to work at their own pace and in their own time - learning is not confined to class contact
▸ provide a permanent record of techniques of value as a reference source throughout and after the course of study
▸ encourage the development in students of time management skills.

Using workbooks on LPC and BVC courses

Illustrations 6, 7 and 8 show parts of a take-away workbook successfully used with Legal Practice Course students Cardiff University. A similar workbook is also used with Bar Vocational Course students not as a take-away but within timetabled lessons.

Points to note:
▸ the introduction to the workbook (Illustration 6) sets out the timetable for the use of the workbook, and how answers are to be set out - for professional law courses this introduces students to the concept of the research trail
▸ each part of the workbook dealing with a different type of source is clearly structured so that section A reviews a range of similar paper sources, section B provides detailed instructions on how to use the sources efficiently and effectively and, finally, section C sets out exercises questions (see Illustration 6)
▸ each section of instruction is clearly structured – paragraph numbering should be used as well as bullet points and indents (Illustration 7)
▸ the exercise questions are set out with adequate space beneath them for students to write in their research trails and answers (reduced somewhat in Illustration 8 to fit the publication page)
▸ ideally, the instruction section can be bound or stapled together as one unit and the answer book as a separate unit, so that students hand in only the answer book for marking but retain the instruction unit for continued use in their studies.

At one time nearly 200 students use the workbooks over a period of a few weeks, so that 'pressure at the shelves' is lessened. The workbook is handed out at the end of a lecture and students are allowed between two and four weeks, depending on the content of the workbook, to complete the questions. At the end of this time, a small group session is held at which the tutor seeks verbal responses to the exercise questions from individuals in turn, developing a discussion on the research techniques employed and the answers reported. It is very important that immediately prior to this small group session the tutor checks all the answers in the library to ensure that the information students provide is up to date. Experience shows that some students fail to correctly and fully use up-dating services or publications with cumulative supplements. The workbooks are then collected in for marking and returned to students a few weeks later, together with a set of model answers compiled by the tutor (see chapter 7, section 6 and illustration 22 for more on the use of model answers). Student feedback is very positive.

It is important to emphasise that teaching and support staff must be involved in the planning of a workbook, although only one or perhaps two people may be directly involved in writing it. Further, careful attention must be paid to creating in students the right attitude to using the workbook; it is vital to:

ILLUSTRATION 6: Extract from the introduction to a workbook on the use of paper sources of legal information

INTRODUCTION
Purpose of the workbook
This is the first of two workbooks which form an integral part of the Practical Legal Research course of the LPC. Its aim is to provide you with a portfolio of basic research skills and techniques for use with paper sources of legal information, together with practice questions and exercises for re-inforcement. Electronic sources of legal information will be covered in four small group sessions and the skills, techniques and exercises are included in separate handouts which you will given at those sessions.

Workbook 1 is supplemented by several short videos on legal research skills which you will be shown early in the course.

Structure of the workbook
The workbook is divided into six parts, each covering a different type of legal source:

> aids to finding and using legal information
> keeping up to date with legal developments
> statutes
> case law
> encyclopedias and practice books
> commentary on the law

Each part is sub-divided into three sections:

> Section A: a general review of the paper sources you will find within the University library service and in a typical firm's library;

> Section B: detailed descriptions of how to use a selection of those paper sources efficiently and effectively;

> Section C: **exercise questions for you to complete before the PLR lesson in Week 7, the week beginning 27th October.** During that small group session you will be asked to discuss the techniques you used to answer the questions and any insights gained or search tips you discovered which will be of use to other students. At the end of the lesson you will hand in your workbook for it to be reviewed by the tutor.

The research you undertake in connection with the workbook will not count towards your assessment in PLR. However, the workbook will be used by tutors to assist in determining instances where assessed work is of borderline standard.

If you are having difficulty using the workbook or answering the exercises contact Peter Clinch, the tutor for the course (e-mail: clinchpc@cf), or any member of LPL or Law Library staff. Peter is based in the main Law Library which is in the Arts and Social Studies Library Building, across the road junction from the Centre for Professional Legal Studies.

How to present your answers
You will discover that legal research for practice can be a complex and time-consuming task. You may need to consult several complex encyclopedias and your research may be interrupted by other tasks, appointments or Court business.

To overcome these potential difficulties it is important to be logical and organised in the way you note down your progress and the products of research. You must compile a research trail. The purposes of this device are to:
> enable you to pick up uncompleted research and complete it with the minimum of extra effort;
> create a clear audit trail should you need to check at a later stage in a matter, where and how you obtained information.

Please **use and show** this technique when answering the questions in this workbook, so that tutors can help with your research technique. Also use and show the technique in practice and assessed legal research work, again so that tutors can advise on your technique. However, when you go out into practice use your research trail as a personal working document for your eyes and assistance only.

Here is an example of a research trail for a question about who is responsible for replacing 30 mile per hour speed limit signs damaged in a road accident in which your client was involved.

Answer: local authority
Research trail:
Halsbury's Laws of England
General index: no entry for signs
> Road sign
>> speed restrictions **37**, 492
or
> Limit
>> signs for indicating **37**, 492

Volume 37 at para 492
Road Traffic Regulation Act 1984 s85(2)
> answer: local authority

Cumulative supplement
Amended by New Roads & Street Works Act 1991 s168(1) (2) Sch 8 Pt II para 62, in volume 20, of the Current Statutes Service, title Highways, Streets and Bridges. At p644 words: "which is not a trunk road" omitted.
Also words "the prescribed" repealed by Road Traffic Act 1991. Act reproduced in Current Statutes Service volume 37.

Noter-up: No changes.

▸ integrate the workbook with the rest of the legal research course
▸ include some form of review or feedback session or even modest assessment to ensure
students are motivated to complete the workbooks and that there is an opportunity to
comment on their performance, correcting errors or misconceptions and highlighting
instances of good research technique.

ILLUSTRATION 7: Extract from the instruction section of a workbook for use with paper sources of legal information

7   FINDING CASES ON QUANTUM OF DAMAGES
The key fact to bear in mind is that the majority of the decisions of use when preparing or advising on claims are <u>unreported</u> cases; that is, they are brief notes of decisions of the lowest courts submitted by counsel involved, to any one of a variety of different publications and databases. These notes are sometimes referred to as 'ex relatione' or 'ex rel' cases. Note that since each publication or database depends on individual barristers submitting notes, the cases contained in each source can be quite different!

There are five, major paper-based sources for information on quantum:

Guidelines for the Assessment of General Damages in Personal Injury Cases (better known as JSB Guidelines) – the official source but not updated between editions;
Kemp & Kemp: The Quantum of Damages – generally acknowledged as the most comprehensive source for unreported decisions <u>but</u> can be subject to delays in reporting the latest notes of cases;
Current Law Monthly Digest Quantum Table – best used to identify the very latest decisions;
Halsbury's Laws, Monthly Review – similar to Current Law but drawing on a different set of contributors;
Butterworths Personal Injury Service – best for information and cases on PI <u>procedure</u> rather than quantum.

7.1 Guidelines for the Assessment of General Damages in Personal Injury Cases (better known as JSB Guidelines)
A slim book published at irregular intervals setting out the Judicial Studies Board Guidelines on awards. To trace the guideline award for a particular injury, use either the contents list at the front or the index at the back.

Important note: Although these are the official guidelines they are not updated between editions to take account of inflation. For the same figures re-calculated to take account of inflation, use Kemp & Kemp.

7.2   Kemp and Kemp: The Quantum of Damages
Structure of the publication
4 volume loose-leaf encyclopedia plus newsletter called "Quantum" issued 6 times a year.

How to use
For a subject search
Index (a subject index, filed at the back of volume 1) part and paragraph number of main work then check Quantum for latest developments (since the volumes of the encyclopedia are updated about every 4 months, you need check only the last 4 to 6 months issues of Quantum).

<u>Important:</u> For any case found in the main volumes you will need to update the size of award, to take account of inflation, using the Table of Awards given after the JSB Guidelines at the front of each part of the work.

ILLUSTRATION 8: Extract from the exercises section of a workbook for use with paper sources of legal information

Section 3 – Using JSB Guidelines, Kemp & Kemp, Current Law and Halsbury's Laws Monthly Review

For information on how to use the JSB Guidelines, Kemp & Kemp, Current Law and Halsbury's Laws Monthly Review, see section 7 of the preceding instructions.

3.1 What is the appropriate JSB bracket for the moderate neck and moderate back injuries suffered by Anne Andersen, the case study used for OPW LGS1 and DRF LGS1?

3.2 Can you find any cases in Kemp & Kemp similar in seriousness to the moderate back injury suffered by Anne Andersen, the proposed claimant in OPW LGS1? Ensure you check the Table of Awards to find the amount of award updated to take account of inflation.

3.3 Can you find any cases in Current Law and Halsbury's Laws Monthly Review similar in seriousness to the injury suffered by Anne Andersen, the proposed claimant in OPW LGS1?

ANSWERS
Question 3.1

Question 3.2

Question 3.3
Current Law:

Halsbury's Laws Monthly Review:

RESEARCH TRAIL
Question 3.1

Question 3.2

Question 3.3
Current Law:

Halsbury's Laws Monthly Review:

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5 Summary

The three key considerations to take into account when planning a teaching session have been discussed. A number of 'off the peg' standard lesson structures have been described along with the advantages and disadvantages of each. An example of embedding legal research with the law curriculum has been presented. In the next chapter the planning, design and use of lesson materials and teaching aids to support lesson activities is discussed.

Lesson materials and teaching aids

1   Introduction

This chapter provides information on the materials you need to produce when planning and designing a lecture or training session and the teaching aids which support your teaching strategy and assist learning. There are four sections to this chapter:

> lesson plans
> instructors' notes
> handouts and,
> guidelines on using teaching aids.

Since the terminology is not employed consistently in the education world a brief explanation is required: lesson plans, setting out the learning outcomes for a lesson, are sometimes referred to as class objectives; the materials referred to here as instructors' notes are sometimes referred to by teachers as lesson plans.

It always takes longer than expected for a tutor to create lesson materials. The time involved in the preparation of a new lesson may frequently be about five times the amount of time spent delivering the training. Even when a course has been run before, the ratio will be about 2:1, to allow for lesson materials to be checked and updated - an essential task, especially with electronic sources (CD and internet) which, in comparison with paper sources, change far more frequently in the way they present information or permit searching.

2   Lesson plans

Purpose

▶   A lesson plan sets out the objectives or learning outcomes and content of the session **for the benefit of the student**. When it is distributed before the lesson it can be an effective tool in managing student expectations and helping their preparation for the lesson.

▶   They are extremely useful for sessions in which students are required to undertake supervised activities but can also be appropriate for lectures to focus and give direction to the presentation.

▶   Together with instructor notes they should help a colleague deliver a session in your place should the need arise.

▶   Lesson plans are particularly important for sessions in which PowerPoint is not the main teaching medium. This is because the opening slides of a PowerPoint presentation should include the main elements of a lesson plan, in particular a statement of the learning outcomes and an outline of the content and any activities. It is standard practice for students to be given a handout of the slide presentation.

Layout and content

As a matter of good practice, a lesson plan ought to comprise the following six elements:

1.   identification of the teaching or service department from which the lesson plan has originated – when sessions are embedded within a teaching module you may be required to follow the house style (if any) adopted by the School;

2.   the course of study, the location of the particular lesson within it (if appropriate) and the title of the lesson;

3. learning outcomes stated in student centred terms - the outcomes must be a clear, precise statement of what the student will be able to do at the end of the lesson. In theory, there are three parts to a learning outcome:

    3.1. Task or Activity

    This should be an observable action stated in active terms such as to "list, identify, state, select, write, demonstrate, explain, search, distinguish between". Avoid passive terms such as "understand, appreciate".

    3.2. Conditions

    These state the conditions under which the task will be carried out, such as the range of problems to solve, the tools or equipment to be used, any special aids or manuals provided, environmental conditions. In the context of legal research skills training it may be inappropriate to set conditions to the activities.

    3.3 Standards of performance

    These state the standard of performance that the student must achieve. They can be of three main types: accuracy, speed, quality. These must be measurable. Examples include: 'without error' or 'within ten minutes' or 'in a coherent and well organised fashion'.

4. Details of pre-lesson reading or other preparation. This is an optional element.

5. A description of all the activities which will take place in the lesson, especially noting those to be undertaken by the student. It is good practice to include information on whether or not the activities will be assessed. Including a statement about how and where help on the tasks can be obtained outside the lesson is helpful to students.

6. The name of the person who prepared the lesson plan and the date of preparation.

Some institutions have devised templates for the design, layout and presentation of lesson plans so that a "corporate image" is presented to students.

Many of the points mentioned above are illustrated in the example lesson plan (Illustration 9), which I used for several years for a free-standing workshop included in a number of legal research courses for undergraduate and postgraduate students at Cardiff University.

ILLUSTRATION 9: Sample Lesson Plan

C A R D I F F   U N I V E R S I T Y   L I B R A R I E S

LLB: LEGAL SKILLS MODULE

TUTORIAL 4

Using Journal Indexes and Finding Commentary on the Law

OUTCOMES

At the end of this tutorial you will be able to:

1   explain the value of indexing services

2   use Legal Journals Index to find commentary on a subject, legislation and cases

3   state the two reasons for the need to acknowledge adequately the sources used when writing essays

4   correctly apply the Cardiff Law School requirements for the compilation of reference lists and bibliographies.

PREPARATION

You are required to read Using a Law Library, Peter Clinch (2nd ed. Blackstone Press, 2001), pages 157-169.

ACTIVITY

Following instruction in the use of the LJI database, you will undertake supervised exercises. This will be followed by instruction on how to acknowledge material you cite in written work. At the end of the tutorial you will be given further exercises to complete in your own time and to be handed in at the next tutorial. None of the exercises will be assessed.

If you are having difficulty with any aspect of this training, you are encouraged to seek the help of library staff at the Law Library information desk.

Peter Clinch
Information Specialist - Law
September 1999

ILLUSTRATION 10: Sample Lesson Plan for embedded course

C A R D I F F   U N I V E R S I T Y   L I B R A R I E S

LLB: FOUNDATIONS OF ENGLISH LAW

RESEARCHING LEGAL QUESTIONS

OBJECTIVES

At the end of this lecture you will be able to:

1   identify the range of information sources relevant to your research and recognise their relative authority;

2   select appropriate information sources to find information to contextualise a cited case;

3   demonstrate an understanding of the legislative process and the value of different types of official and unofficial information created within and following that process.

REQUIRED READING IN PREPARATION

Using a Law Library. Peter Clinch (2nd ed. Blackstone Press, 2001) pages 28-42, 175-187.

LINKAGE

This lecture links back to the Westlaw lecture on 22nd November (week 8) and will equip you with knowledge and skills to undertake effective research of a number of law databases in the workshop (weeks 10 and 11), culminating in the exercises on judicial reform and the preparation of an assessed case-note in Term 2.

Prepared by Peter Clinch
Information Specialist - Law
September 2004

Where the principles of information literacy have been incorporated within legal research skills training and there is linkage between the content of the knowledge (law) and skill (research) lessons, a lesson plan similar to that in Illustration 10 is more appropriate. The structure of the lesson plan is much the same but an important added element is the section on linkage and re-purposing of the information, which shows how the lesson content is directly connected to those around it and leads through to an assessed piece of work.

It is essential to bear in mind the general duties of educational institutions to comply with the requirements of the Special Educational Needs and Disability Act 2001 (SENDA), which forms Part IV of the Disability Discrimination Act 1995 (DDA). The Act places a general duty on all educational institutions to make reasonable adjustments so that disabled learners are not put at a substantial disadvantage. For example, dyslexic and visually impaired learners may benefit from the following measures:

Prepare the lesson plan using at least 14 point Arial font

Use bold text for headings and avoid faint text at all times

Avoid excessive use of capitalisation, underlining and italicisation

Leave plenty of space between blocks of text

Left justify text and leave the right margin jagged

Use matt finished paper in cream or pastel colours.

Distribution

Where possible, lesson plans should be distributed before the lesson. In their comprehensive and authoritative guide to making the curriculum accessible to students with disabilities, Doyle and Robson (2002) maintain that all students will ultimately benefit when not only lecture lesson plans but also handouts and OHPs are provided in advance. When students are required to undertake preparatory reading it is obviously essential for lesson plans to be distributed in adequate time prior to the lesson. There are several ways of achieving this:

▶ by handing out all the lesson plans at the start of the legal research skills course
▶ by handing out next week's lesson plan at the end of the previous lesson
▶ by arranging with administrative staff for lesson plans to be available for collection at the relevant school office
▶ by placing the lesson plan either on a shared network drive or e-learning software such as Blackboard or WebCT.

3   Instructors' notes

Purpose

Instructors' notes provide a practical framework and aide-memoire for lectures and training sessions. They are for the benefit of the instructor. They should include two elements:

▶ information on the lesson content (i.e. the core points including examples to be used in the demonstrations)
▶ information on the process by which that content is to be delivered; for example, is the content to be delivered only by the instructor (instructor-led learning) or through the instructor asking the group lots of questions and developing the content through the responses (student-focused learning). Will the questions be put to the whole group (global questioning) or to named individuals in turn (specific questioning)?

The notes must be simple and clear enough for another person to be able to use them in lesson delivery, should you be absent or you are sharing the teaching load with others. The notes will also provide you with a reminder of the structure and content of the session when reviewing your teaching in preparation for the following academic year.

Layout and content

The precise format and design of instructors' notes inevitably depend on the nature of the session and the preferences of individuals. When using PowerPoint, instructors' notes may be added to each individual slide and printed off using the Notes Pages output format. Much of the following advice applies to instructors' notes in both PowerPoint and conventional formats. Here are some suggestions for the headings to be incorporated:

Course title (e.g. LLB, 1st Year)
Lesson title
Date and Time of Session (if applicable)
Location of session (if applicable)
A "You will need" checklist of requirements. Examples include:
     handouts
     the equipment that needs to be set up
     evaluation sheets (if applicable)
     any other special instructions
Sub-headings together with timing guidelines
At the end of the document:
     the initials of the document's author
     the Filename given to the document
     the date of the last revision of the document

If the session is to be delivered by staff other than the person who devised the training session, it is helpful if information on the 'process' is summarised after the "You will need" section. In addition, more detailed directions to the tutor can be included at appropriate points in the content part of the instructors' notes.

The style in which instructors' notes are written will affect the trainer's ability to read and deliver them. One way of assessing whether your notes are sufficiently clear and intelligible is to ask a colleague to read them and consider whether they would be able to deliver the session from your notes. On courses where a team of tutors give legal research skills instruction, "product testing" of notes before they are used in class is essential. The following style guidelines, based on experience, are suggested:

> Use a large font (i.e. minimum 14 point).
> Leave substantial amounts of "white space" on individual pages.
> Embolden headings.
> Embolden or italicise points you wish to emphasise.
> Use bullet points to clearly group together points within individual sections.
> Use colour to highlight points if you find this helpful.

The layout of instructors' notes is a matter for personal preference unless the institution has adopted standards. Illustration 3 is an example I have frequently used for legal research sessions. For economy in the production of this book, the font size in Illustrations 3 and 11 has been reduced below the 14 point recommended. Another style (Illustration 11) used at Cardiff by my colleagues in the University Libraries employs a two column format, with notes of what the tutor is to *say* in the left hand column and notes on what the tutor is to *do* in the right hand column.

ILLUSTRATION 11: Example of part of instructor's notes, style 2

LLM (Medical Aspects of Legal Practice) 2004-2005
Tutorial 1
Basic sources of English law

Instructors' Notes

You will need

> 1. To have checked that the Data Projector is on and PowerPoint is set up and running correctly
> 2. To ensure students sit where PowerPoint is visible
> 4. Spare copies of the Lesson Plan
> 5. Lecture hand-out
> 6. Copies of any Act, SI, issue of *All E R*, *WLR*, copy of *Raistrick*

1. Introduction + aims of session	**0-5 minutes**
Introduce yourself	*Show PowerPoint slide1*
	Refer student to the lesson plans
Introduce the session by referring the students to the lesson plan they have already received.	
Explain more fully the aims and objectives of the session and relate them both:	
1. to the content of the session.	
2. to individual pieces of coursework they will late have to do	
e.g. coursework, research for dissertation	
2. Structure of domestic English law sources	**5 - 15 minutes**
▸ Explain what handout includes	*Give out sources handout*
▸ Explain how handout can be used	
▸ Show Diagram 1	*Show PowerPoint slide 2*
▸ Explain definition of primary and secondary sources.	
▸ First, going to take you through the printed sources of law made by Parliament	*Show PowerPoint slide 3*

This format is very useful if the tutor is using a computer presentation and/or other equipment and requires clear instruction on when to switch between aids or which image to show in connection with a particular stage in the discussion.

4   Handouts

Purpose

Handouts are used principally to reduce the amount of time students spend copying notes or diagrams from a board or screen.
Handouts can be used in a variety of ways:

> directly related to the lesson content e.g. a PowerPoint generated handout of a slide presentation
>
> as an information sheet - presenting complex, rare or hard to find information
>
> as a reading list
>
> as a worksheet/job sheet/operation sheet/quizsheet/proforma/workbook (to be filled in by the student as the lesson progresses)
>
> as a practical guide to using a particular resource e.g. a database guide
>
> as a permanent source of reference.

Whatever type of handout is used, it should be well structured, well designed and checked rigorously for errors. It is good practice to get a colleague to check it too.
It is good practice to make handouts interactive by providing space for annotation and to inform students that they will find it useful to annotate the information as the session progresses.

Layout and content

The layout and content of a handout is very much a matter for the individual tutor to decide. However, in legal research skills training, especially where students are trying to master how to use a complex paper publication, a step by step guide included in the handout, similar to the example in illustration 12, has proved popular with students. The example fulfils criteria numbers one, two, four and six in the list above.

When students are learning to use an electronic database, it is useful to provide them with a handout which incorporates computer screen or PowerPoint images in reduced size, leaving space around the images for students to write notes. Illustration 13 is an example of a handout with screen images to the left and space for student notes to the right.

As a matter of good practice, a handout ought to include the following information:
1   identification that it has been prepared by a particular teaching or service department – when sessions are embedded within a teaching module you may be required to follow the house style (if any) adopted by the School;
2   the course of study, the location of the particular lesson within it (where appropriate) and the title of the lesson;
3   the name of the person who prepared the handout and the date of preparation.

There are generally accepted guidelines on creating documents in a clear and easy to read format. The guidelines help to ensure that documents are generally accessible to students, some of whom may have a disability.

A well designed handout will:
▶   be typed
▶   use headings and page numbering consistently
▶   use bullet points rather than continuous prose
▶   make good use of white space
▶   use at least 12point font

ILLUSTRATION 12: Example of part of a handout

8   ATKIN'S COURT FORMS (often referred to simply as 'Atkins')

Atkin's reprints court forms and procedural documents used in civil proceedings. It also provides commentary and checklists for practice and procedure.

Structure of the publication

Three units: main work in 41 volumes, loose-leaf service binder, consolidated index volume issued annually.

Each main volume is divided into a number of subject groups or **Titles**.

Within each **Title** there are two or three **Parts**, as appropriate:

Practice: an explanation of the courts and their practice and procedure on the topic;

Procedural tables: set out step by step procedures to be followed in an action - only printed in titles devoted to a particular course of proceedings;

Forms: reprints of the relevant forms and precedents used before, at the commencement, throughout and following actions.

The loose-leaf binder contains a noter-up with details of developments since each main volume was published. Each main volume is replaced at intervals (which can be as long as 5 or 10 years) by a new volume including all the relevant, recent material from the Service binder.

The Consolidated Index (a subject index) is issued annually.

How to use

Three step search: annual consolidated index ⇒ main volume ⇒ Service binder

Note:

Since January 2000 a new system of indexing has been introduced. It applies to main volumes issued since that date.

In the subject index and contents, pre-2000 volumes are indexed by volume number in bold type and a page number without [ ] referring to preliminary notes, and page numbers within square brackets [ ] referring to forms. For example:

DISTRESS

community charge, **15** 222 [262]

means, notes on distress actions to recover community charge debts are in volume 15 at page 222; forms relating to the action are in volume 15 at page 262.

Post-2000 volumes are indexed simply by volume in bold type and a paragraph number in [ ] brackets. For example:

MONEY

judgment

foreign currency, in, **27** [357]

If the re-issued volume has appeared after the annual index has been published, the references in the annual index will not lead to the correct material in the main volume. In that case, use the index at the back of the new main volume to find where the material required has been relocated.

Checklist - Forms and Precedents

Can you use the printed sources in the library to:

☐   find forms or precedents relating to court procedure in such topics as personal injury actions, landlord and tenant, family law?

ILLUSTRATION 13: Part of a handout for use by students during a PowerPoint presentation

| **Screen** | **Notes** |

Legal Research Collection:
standard legal research and reference works
the Halsbury's publications
Current Law
Directories of law organisations
English and law dictionaries

Also law bibliographies

The shelves are arranged in subject order in a
classified sequence.

Central Collection [the area behind the Issue desk] contains

copies of books in greatest demand from recommended
reading lists

Complete sets of:
Law Commission Consultation Papers
Law Commission Reports

Selected:
Acts
Command Papers
Bills of Parliament.

Official publications collection includes

Hansard (Parliamentary debates)
Government publications
Parliamentary papers
Reports of Select Committees
Royal Commission Reports
Official publications not published by the
Stationery Office.

- ▶ use sans serif font e.g. Arial
- ▶ keep lines left justified with a ragged right edge
- ▶ avoid excessive use of CAPITALISATION and Underlining
- ▶ avoid use of *italics or text at an angle*
- ▶ leave plenty of space between columns of text
- ▶ avoid starting a sentence at the end of a line
- ▶ be printed on cream or pastel coloured paper – white paper can create glare
- ▶ avoid using glossy paper
- ▶ provide information in alternative formats: disk, large print, on the intranet.

As noted above, Doyle and Robson (2002), writing about the needs of students with disabilities, maintain that all students will ultimately benefit when not only lecture lesson plans but also handouts and OHPs are provided in advance. They go on to say (page 22): 'Photocopying up handouts from A4 to A3 to enlarge the text is unsatisfactory as it is unwieldy – try to stick to an enlarged font size of A4 paper'.

If the handout provides students with information on how to perform a task, it is good practice to test the instructions with colleagues to ensure the information is clear and correct. This is especially

important if the tutor has decided to use the workbook method of instruction (discussed in chapter 4), where students are required to complete the workbook in their own time. It can be very difficult to communicate corrections to the workbook once it has been issued, even with the use of university e-mail accounts which some students access infrequently. The tutor may not be meeting students in a classroom setting for many weeks. Some students will become de-motivated if mistakes are frequent and cause them to waste time.

Rather than re-inventing the wheel, it may be worth taking a look at the web site of the LawPaths project (http://library.kent.ac.uk/library/lawpaths/default.htm). It has developed a resource bank of materials to support learning and teaching in legal information research skills. The materials are based on best practice and include guides, tutorials, workbooks and other materials. They have been developed by librarians, legal academics and publishers in a form which can be re-used and customised by other institutions.

5 Teaching aids

Teaching aids support the lesson plan and assist learning. In a legal research skills context, teaching aids use the senses of hearing (through audio tapes, CDs) and sight (through visual aids such as handouts, worksheets/books, overhead transparencies, videotapes and PowerPoint). Research indicates that whilst only about 12% of what we learn comes from hearing, 75% comes from what we see.

The range of teaching aids includes:

White boards	Slides
Flip charts	Blackboard or WebCT
Diagrams	PowerPoint
Pictures	Video-cassettes/DVDs
Overhead transparencies	Audio-cassettes

When designing the structure and content of a lesson remember to consider all the activities in the lesson and all the possible means of assisting learning. A very effective lesson I have devised on how to use the paper version of Halsbury's Laws of England, involves the use of a handout, a commercially available videotape and overhead transparencies. Using a variety of teaching aids helps to maintain student interest.

Preparation

A well designed aid should:
▶ promote perception
▶ promote understanding
▶ help reinforce the spoken word
▶ aid memory retention through repetition - but repetition through a different medium
▶ motivate and arouse interest through requiring students to use different senses to learn
▶ make effective use of the teaching time available to learn.

Visual aids should be:
▶ simple - do not crowd information onto the page or screen
▶ to the point, and well related to the lesson plan
▶ interesting and attractive.

Checklist of good practice for the preparation of overhead transparencies

Remember that overheads should not transmit all the information students need but be a basis for reminding you of the main points of your presentation and aid students in structuring their notes:

▸ keep design and layout simple – use no more than 6 bullet points
▸ use one topic for each transparency
▸ use a main heading and sub-headings
▸ use simple words or keywords rather than sentences
▸ use upper and lower case
▸ use a 'sans serif' font such as Arial or Comic Sans – they are easier to read
▸ keep lines left justified with a ragged right edge
▸ if you are using colour do not use yellow or light green – they do not show well at the back of a large lecture theatre
▸ use wider spacing between sentences and paragraphs
▸ depending on the size of the room in which you will be using the transparency, the type size should be at least 18 point, preferably 24 point, and some commentators even recommend 30 point
▸ use no more than two font sizes
▸ avoid acronyms and abbreviations
▸ limit use of punctuation marks.

For students with dyslexia, colour visual impairments and other visual difficulties there are further recommendations:

▸ be aware of background and foreground colour combinations as some are very difficult to distinguish for those with visual impairments
▸ do not use colour to convey meaning as some students may have visual difficulties e.g. colour blindness for red and green
▸ for students with dyslexia ensure that the layout of each slide is easy to understand if inserting a diagram, graph, complex table etc.

Checklist of good practice for the preparation of PowerPoint presentations

PowerPoint is an extremely popular presentation package and an alternative to using overhead transparencies for the production of interesting and visually attractive presentations. There is a temptation to use PowerPoint just because it exists. Refrain, for technology should not drive the selection of the teaching aid, but the particular teaching aid should be chosen according to its fitness for purpose in that particular teaching situation.

The main advantage in using PowerPoint is the flexibility, both in terms of the content of the presentation and the way in which the information is displayed. Graphs, drawings, tables and organisational charts make your presentation more interesting but as a general rule, keep presentations simple and clear. PowerPoint, like overhead transparencies, is most effectively used to emphasise the main points you wish to make. Many of the guidelines relevant to PowerPoint presentations are similar to those used in preparing overhead transparencies; here are additional points to remember:

▸ limit the number of slides, e.g. no more than 12 for a ten minute presentation
▸ ensure text contrasts with the background but avoid patterned backgrounds
▸ if you are using pictures, charts, tables and diagrams, ensure you are complying with copyright law
▸ standardise position, colours and styles
▸ use only one or two animation or transition effects.

In legal research skills teaching PowerPoint can be used to display screens captured from an electronic database, to illustrate how a search of the database is conducted. It is very useful to have

prepared beforehand a PowerPoint presentation of an internet database to show, should there be a technical problem with accessing the web site in the lesson. The advantage of a PowerPoint presentation over a live database demonstration is that

▸ the sequence of database screens can be interspersed with summary screens listing, for example: search steps, and

▸ it is less susceptible to last minute technical difficulties or unexpected events which can befall and ruin a live demonstration.

The disadvantage of a PowerPoint presentation is that

▸ the tutor cannot interact with the database to illustrate points raised by students, and

▸ the presentation will usually need to be loaded onto a PC with a hard drive or a networked PC, since captured database screens take up a large amount of disk space and will be slow to load from a floppy disk. PowerPoint can take up to a minute to load a presentation. It is therefore recommended that wherever possible the file is opened in the Viewer before the lesson commences.

If PowerPoint handouts are offered in advance of the presentation, it is good practice to put the material on the web for students to download. But, if there are many slides remember the cost to the student in printing them off.

Data projectors

Some lecture theatres and even tutorial rooms now have ceiling mounted projectors connected to a control desk situated near where the lecturer usually stands. This type of projector produces a clearer and stronger image and the integration of the control equipment, which can include a video player as well as a computer, makes it easier to use than separate units: an OHP, a PC and LCD panel.

Data projectors are often found in IT training rooms linked to a 'master' PC. Increasingly, they are being fitted in ordinary small group teaching rooms. There are now portable data projectors which can be plugged into the back of an ordinary PC. Data projectors make possible the projection of data from video, CD, PowerPoint and the internet. Some teaching and training rooms are equipped with touch sensitive screens so that the projected display can be controlled by the tutor simply by touching a keyboard projected onto the edge of the projection screen.

The main tip about data projectors is that they usually require several minutes to warm up before they are ready to display images. Always set them up before beginning the class.

LCD panels

This aid has been largely superseded by data projectors. But, since many smaller teaching and training rooms may not be fitted with data projectors, the following guidance is provided. A Liquid Crystal Display (LCD) panel connected to a PC and placed on an overhead projector, will enable you to project computer generated images onto a display screen for the whole class to read. To be effective, LCDs usually need to be placed on an overhead projector which contains a very much more powerful lamp than is available in the usual type of projector. Even with a powerful lamp some LCDs do not produce a very sharp or clear image in a large lecture theatre. This is particularly noticeable if the image is from a computer database screen containing subtle shades of colour, lacking great contrast, which blur or disappear when viewed at a distance. Further, there is quite an art to arranging all the cables and connections between the various pieces of equipment to ensure they can be used safely.

Videotapes

As with any teaching aid it is important to make adequate preparation:

▸ devise an appropriate spoken introduction explaining why you are going to show the videotape to the class

- give clear instructions as to what activities you expect students to be doing while the tape is running - should they make notes or should they concentrate on listening and watching
- discover if a student manual is supplied with the videotape and which can be copied and distributed to students to form as a permanent record of the instruction provided on the tape – this good practice for students with disabilities
- set up the equipment before the lesson and run the tape so that the "lead" into the beginning of the instruction is as short as possible and the class (and tutor) are not left wondering whether the tape is going to play
- before the lesson check that sound and vision levels are adequate at the back of the room.

After showing a videotape it is always beneficial to students if simple exercises are set which require them to use the skills demonstrated. If the videotape has described how to use a particularly complex publication, optimum student learning is achieved if the videotape is shown at a small group session, and the class is required to undertake exercises in using the publication immediately after the screening, to practice the skills shown. Further, at the end of the lesson more complex exercises may be set for students to undertake in their own time, without the aid or assistance of a tutor. Ideally, the answers should be collected in at the next lesson and marked by the tutor.

There are very few videotapes relevant to legal research skills training. The reason may lay in the fact that law libraries, publications and databases change in small details and sometimes in more obvious ways with such rapidity that the huge investment in making a videotape introduction cannot be recouped through sufficient sales. Videotape is also a linear learning tool in which the viewer is passive. The advent of electronic learning (see chapter 6) offers the opportunity for the student to interact with the medium which has advantages over video.

However, where a tutor-led approach to learning is desired, the use of video provides an alternative medium for learning and can add variety to a presentation, saving a great deal of tutor effort, especially if the principles of library or database use have to be repeated to many groups over a short period of time.

I am aware of the following videotapes:
- A guide to legal materials - 2 x 20 minute VHS tapes made by Sheffield University Television (1995). A print version of the script is supplied but no student or tutor manuals. I have found the tapes suitable for introducing law undergraduates to a wide range of legal sources both paper and electronic, though the second programme tends to cover too many sources in the time available.
- How to use Current Law - 1 x 12 minute VHS tape made by Sweet and Maxwell (1994). Includes a student manual which can be copied and used as an aide-memoire after the showing, and four worksheets of questions for students to research to help re-inforce the instruction. A well planned and visually attractive video suitable for undergraduates (but best used in the second or third phase of legal research skills instruction) and postgraduates. Although Current Law is now available electronically, the details of what it contains and the principles of when to use the source remain valid.
- Using Halsbury's Laws - 1 x 12 minute VHS tape made by the University of Central Lancashire (1993). Includes a student manual which can be copied for and followed by students when viewing the tape, and tutor's notes on how to use the video as part of student instruction. I have used the video to train postgraduate vocational course students (LPC) and newly appointed law librarians. Although Halsbury's is available as an electronic source: Halsbury's Laws Direct, the details of what the paper version contains and when to use it remain valid – especially since the electronic version does not have a subject index to browse.

Preparing the room and equipment

Before the lesson - preferably hours or days before the lesson:
- check the accommodation to make best use of what has been allocated to you;
move tables, chairs and equipment to support your students' learning - ensure everyone will

be able to see/hear the aids you intend to use. Go to the back of the room and get a student's eye view of the aids. If the room arrangement is not satisfactory, you may need to ask students to move so that they can see/hear the aids when you use them. Remember, that if yours is not the next teaching session in that room, to re-arrange the room to the layout in which you found it.

‣ ensure lighting or blackout arrangements are satisfactory, but also ensure that lighting in the darkened room is still adequate for note-taking.

‣ check how to make the room as quiet and yet adequately ventilated as possible.

‣ if you are going to write on a white board or flip chart, practice how large and neatly you have to make the writing for it to be seen clearly at the back of the room. Go to the back and check.

‣ familiarise yourself with the equipment you intend using and how it is operated. Check that the overhead projector, Liquid Crystal Display (LCD), data projector, video playback equipment and PC, if used, work and are set up so that cables are not a hazard to you or the students.

‣ check that the display can be seen from the back of the room - go to the back and check.

‣ if you are using an OHP, check that the image is properly focused:
   a) that it is sharp over the whole area of the screen, by adjusting the height or direction of the mirror above the transparency;
   b) that there is no "halo effect", a circle of colours at the edge of the image, by adjusting the wheel at the side of the projector box (on some models only);
   c) that there is no "keystone effect", the image at the top of the screen is wider than at the bottom. This can be cured by slanting the screen away from the wall at its top and ensuring that the light beam projected is at right angles to the screen;

‣ check the suitability of network access (if used) and equipment proposed for the lesson.

‣ if you are using the internet, check that the web pages you wish to use display properly. Run these before the start of your lecture to facilitate quicker access.

‣ practise delivering at least a portion of your lecture. It is important to get a feel for the dynamics and atmosphere of the space.

‣ check that microphones are working properly – this is important in large lecture theatres. Try to gauge the extent to which you will need to project your voice. Ideally, get a colleague to sit at the back of the lecture theatre to comment on your audibility.

‣ decide where you will position any handouts which you might want to distribute at the start of a session. Many lecture theatres have two entrances so you might want to consider placing handouts in separate areas.

To enable a student who lip reads to fully participate in a small group lesson, arrange the seating in a semi-circle so that the student can see everyone's face.

During the lesson:

‣ check that students can see/hear the aids; if they cannot, alter the seating arrangements - DO NOT plough on with the class regardless; you will lose student interest;

‣ ensure you do not block students' view of visual aids; stand to one side of the white board or the overhead projector

‣ give students a chance to read the image on the screen before you talk about it

‣ include copies of transparencies or screen images in the student handout (see Illustration 13) and refer students to them - suggest they make notes on the copies;

‣ when showing information on a projection screen, talk to the students NOT the screen.

When using an OHP projector:

‣ use a pointer placed on the transparency rather than pointing to the screen - laying an ordinary ball point pen on top of the transparency, with the tip pointing to the text you wish to draw to students' attention, is entirely adequate

‣ select the transparency display technique most appropriate to the information it displays - either reveal all the information on the transparency at one go or use a slow reveal technique, with a piece of paper or card laid across the transparency, uncovering each line of information only as you speak about it.

To enable a student who lip reads to fully take part in the lesson, always face the whole group so that the student can see your face. Also, in a small group lesson, only allow one individual to talk at any one time. Repeat what the student has said. Use a flipchart or whiteboard to note key points in the discussion. For the benefit of blind or visually impaired students ask anyone who speaks to introduce themselves, including yourself.

6   Summary

The design and use of lesson plans, instructor's notes and handouts has been described. The preparation of a range of teaching aids to generally accepted standards of good practice has been explained. In the next chapter the use of the virtual learning environment (VLE) to teach legal research skills is discussed. Whilst the use of VLE in universities is increasing, many of the general principles of design used for conventional lessons, materials and teaching aids carry over into the design of a good legal research course delivered through the medium of the VLE.

Using the virtual learning environment

1   Introduction

This chapter looks at the advantages and possible disadvantages of using Virtual Learning Environments. It examines some of the theories of e-learning and how the technology can be most effectively applied. It also sets out the different tools available and their respective contribution to the process of acquiring legal research skills. The evaluation of a VLE course is considered. Digital copyright and how to share learning materials with other institutions are discussed.

2   Understanding the terminology and thinking about the technology

Key definitions

As Table 7 shows, there are many definitions of the term VLE and some interpretations are wider than the conventional view.

TABLE 7: Key definitions relating to Virtual Learning Environments	
VLE (Virtual Learning Environment)	'A Virtual Learning Environment is a collection of integrated tools enabling the management of online learning, providing a delivery mechanism, student tracking, assessment and access to resources'. (JISC 2005)
Quizzes/ Tests - CAL(Computer Assisted Learning)	Usually taken to mean exercises which are completed and answered online. Sometimes the answers appear after the individual questions, other examples give a score at the end of the completed exercise. Feedback is provided as an on-screen explanation of why a particular answer is incorrect or insufficient, an invitation to try again and/or a direction to the specific area of the course materials for further study on the particular point in question.
Asynchronous communication. Discussion Boards/ Bulletin Boards	Use of online discussion facilities to conduct a debate on a particular topic, set by the teacher. Students can contribute whenever they happen to sign in, within a defined period of time, typically 1 or 2 weeks.
Synchronous communication	Chat-room facility to take the place of a face to face meeting. Contribution is properly speaking in real time between two or more students online at the same time.
Learning/knowledge objects.	"Knowledge objects are discrete items that can be integrated into lessons: for example a text, graphic, audio, video, or interactive file. Learning Objects are more highly developed, consisting of discrete lessons, learning units or courses." (Anderson & Elloumi 2004).
Multimedia tutorial	Electronic format which includes some or all of the following: video clips, webcasts, audio presentation.

Some general words of advice:

It is important when embarking on VLE design not to work in isolation. Hopefully yours will not be the first successful use of VLE technology within your institution.

▶ find out before you start what policies and strategies already exist for designing, delivering and evaluating?

▶ is there a partnership between academics, IT, library, and educationalists already existing? You may need to look outside the law faculty for this.

▶ has the VLE been used in the delivery of other modules within the law course?

▶ consider what you know about e-learning. Much of the pedagogy which underlies successful e-learning can also be applied to VLE use.

▶ think about your learning objectives before the content, otherwise you must ask yourself the question, why use a VLE at all?

It may be that not all the elements of VLE are appropriate for the outcomes you have identified. Use of the technology just for the sake of it will be easily apparent to students, leading to a failure to participate. It will also tend to alienate academic staff as well.

Before you start to write your multimedia tutorial or online quiz make sure you have taken account of all the legal aspects (copyright, disability compliance, quality assurance standards.) Also look for any rules for internal compatibility and plan for UK interoperability standards such as SCORM (Shareable Courseware Object Reference Model) and LOM (Learning Object Metadata). If this sounds daunting, be encouraged by Jane Secker's assertion (Secker, 2004) that 'most of these terms are really just long words for very simple concepts….if you can learn the Dewey Decimal Classification and MARC then you are well on your way!' Ensuring that your learning objects conform to these standards means that they can be used with another VLE other than the one you are working on. If you need to make a business case for spending time on development, the potential to sell on your legal research tutorial could be valuable.

Do not underestimate the time it will take to develop some of the elements and do not expect, necessarily, to get it right first time out. Although the most time-consuming work is undoubtedly the initial development, experienced practitioners in this field estimate that an online tutorial will last only as long as the delivery time of the module itself. In other words, you will always need to update not just the law but the design. Student feedback is invaluable, as is a review of the pedagogic outcomes and both of these should be planned for at the start.

If you have never undertaken any VLE or e-learning yourself it can be very instructional to enrol on a course if the opportunity exists. It is much easier to understand how students will react to the legal research module by seeing what it is like to be on the receiving end. Consider using asynchronous communication tools (online discussion facilities) for library staff discussions and ensure that you are 'enrolled' on any law courses in your institutions which are already using the VLE.

If you are in a pioneering position – nobody else has made serious use of the VLE beyond the basic 'document deposit' - then look for other enthusiasts, get the support of someone on the teaching faculty and publish an online tutorial on your VLE as a first step. You will not, however, be able to do this indefinitely and sooner or later will need senior level support. Students will only undertake a very limited amount of optional work. If your legal research module is to be a serious asset to the law department it will need to be formally integrated into the rest of the course. However, if you do succeed in this you will very quickly be recognised as a champion of VLE throughout your institution and consequently be in much demand!

Functions/features of different VLEs

Of the proprietary VLE systems on the market, there are a few which currently dominate – Learnwise, LotusNotes, Blackboard, and WebCT. For consistency we have used WebCT terminology throughout. Some institutions run more than one VLE (in which case usually Blackboard and WebCT.) NB Blackboard purchased WebCT during Autumn 2005. It remains to be seen what effect, if any, this has on the two VLE systems. In any case you will need to know which functions they offer as these differ slightly between the two. This information should be readily available to you internally but if yours is the first application of the technology there are various useful websites which outline the features clearly [see Chapter 9, Further Reading].

Differences between VLEs and other forms of e-learning

One of the most significant differences between an interactive CD-ROM module and VLE delivery is the added element of communication.

▸   tutors communicate with individual students or a group of students
▸   students communicate in a virtual class-room (chat rooms/synchronous) or in online group work over a period of time (discussion boards/asynchronous) or with their tutors (e-mail)

All participants should be able to feel that they are studying as part of a group, not working in isolation and without support.

Another important difference is the ability with VLEs to track the progress of an individual student or to see how the understanding of a group of students is developing. The Law Society is keen to see how much use students make of e-learning and apart from quizzes being completed and submitted for marking the stand-alone CD has no tracking functionality.

Common features of VLEs

'Quizzes'/Tests - CAL (Computer Assisted Learning)
Unlike the CD-ROM standalone version, using a VLE enables the teacher to link to the institute's moderating system for grades/marks to be officially accumulated. Typically a quiz will be used to find out how much of a large group session (lecture or online tutorial) a student has understood. A decision needs to be taken whether to restrict students to a single attempt, a small number of attempts or unlimited practice.

Asynchronous communication.   Discussion Boards/Bulletin Boards
The discussion is private to the group which has been pre-defined (often the small group which students are enrolled in for the duration of their course.) There are various methods by which contribution can be assessed (see below).

Synchronous communication
Chat-room facility to take the place of a face to face meeting. Contribution is properly speaking in real time between two or more students online at the same time. The debate may resume at any time but this form of communication tends to be less formal and non-assessed.

Learning/knowledge objects
A knowledge object might be a video clip from a speech. It could become a learning object by adding a lesson to the video clip. The learning object can be catalogued so that it may subsequently be retrieved and repurposed in different contexts.

Multimedia tutorial
Links to relevant databases or other information resources are usually included. A section of the primary text may appear on the screen alongside a webcast – for example a section of an Act. These are not by themselves VLE delivery, only if they are accessible over the web. Otherwise they are used as standalone CDs.

3   Summary of models of e-learning and teaching

Just as there are different recognised preferences in learning styles so there is more than one approach to e-learning and teaching.

- student centred learning
- blended learning
- social learning.

Student centred learning

Beyond involving students teaching themselves, this method aims to approach learning tasks from the standpoint of the student and with definite outcomes in mind. E-learning serves this aim by providing a variety of tasks to undertake and by allowing students to repeat elements at their own pace and as often as they need.

There is evidence that the most effective arrangement of the different elements is "show – tell – do" (Maharg, 2003) Another way of describing this, as expressed by Galison (Fahy, 2004) is "moving from declarative knowledge (knowing something is true/theoretical knowledge), through procedural knowledge (knowing how an activity is performed) to craft knowledge" (being able to perform a procedure/use knowledge with expert proficiency). To give an example of this:

- present an example of a report for a client or principal based on a trainee's legal research findings (SHOW)
- explain how the research was conducted via key words, using quality legal information sources and correct updating procedures (TELL)
- set a research task for the students to do themselves (DO).

This practice is found in face to face learning but applying this rule to VLE teaching has the added benefit of independence of time and space and, perhaps more significantly, the possibility for instant feedback.

Blended learning

Since the pioneering days of e-learning and subsequent research into effectiveness, it has become recognised that virtual classrooms on their own are not a sufficient substitute for small group and one-to-one teaching. Blended learning is generally understood to mean a mixture of self-led, on-screen activities and live seminars or workshops. (At the Glasgow Graduate School of Law multimedia tutorials have replaced all large lecture sessions but the staff resource thus freed up has been re-deployed to offer additional 'clinic' sessions to students.) In particular, undertaking quizzes to confirm that they understand a point of law before discussing it in a group encourages students to come effectively prepared for active contribution. Evidence from focus groups is that undergraduate and graduate students (as opposed to post-research students or those already qualified in another profession) are reluctant to take on the whole responsibility for their own learning. Face to face tuition enables them to share this with a tutor.

Social learning

As discussed in chapter 2, students need to do some of their learning as a group. Concepts are more easily explored by discussing with others and even the least competitive will feel more secure if they can measure their knowledge and understanding against that of the rest of the group. Distance learning students will often be apprehensive about attending their first study day – "Will the other students be much cleverer than I am?" "Will I make a fool of myself if I ask a question?" However, they also look forward to meeting their fellow students and are likely to cite this as one of the chief benefits of the day. Electronic Bulletin Boards work well if they are used to build on this meeting but if the participants have never met face to face it can be a barrier to participation. "You

can't join forces with somebody you don't know, haven't met, haven't had coffee with…" (Herman, 2004). There are exceptions, such as the 'Law in a Box' service produced by Semple Piggot Rochez (**http://www.lawinabox.net**) to support their online LLB programme. Arguably students on purely distance courses have made a decision to forgo the element of social learning for reasons relating to their personal circumstances.

In addition to interacting with other students, there is also the need to meet the teacher. Research in the United States (Gilliver et al, 1998) has found that it is important for the tutors to show that they are interested in and capable of motivating learners. The tutor who sets the discussion task should 'appear' early on in the online discussion. 'Presence' establishes that this is like being in class, that there is a wise guide and an official purpose. The worth of the exercise is established from the outset. Terry Anderson of Athabasca University, Canada, has constructed a model (see Diagram 2) which illustrates how teacher and student interact with each other and with content in the specific context of online learning.

DIAGRAM 2

Model illustrating the two major modes of online learning.

Reproduced from Anderson, T. and Elloumi, F.(eds.)Theory and Practice of Online Learning (2004) Athabasca University. (Copyright Creative Commons)
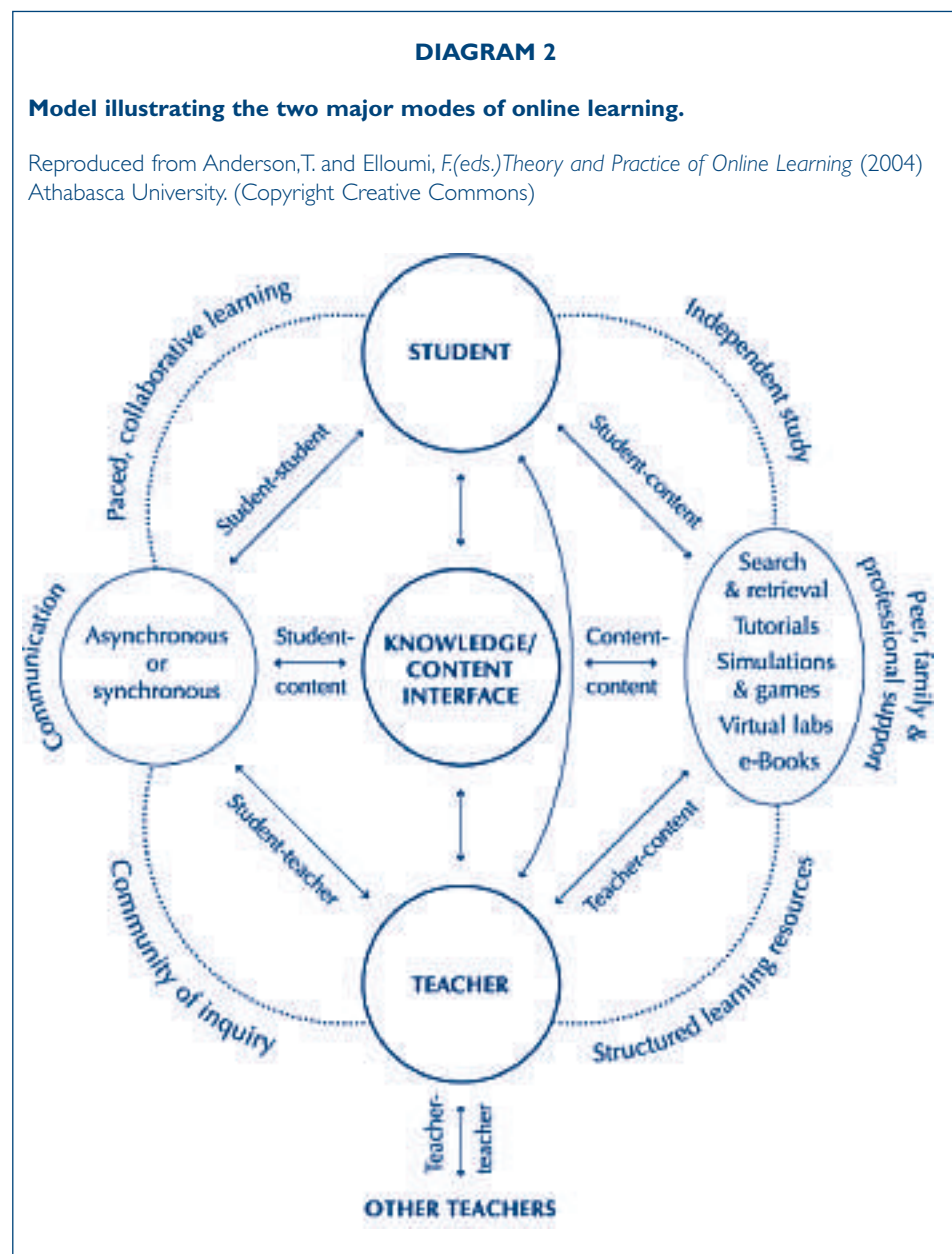
Different styles of learning

In addition to the different models of teaching, students' preferred ways of learning can also be broadly categorised into different types. Honey and Mumford identified these as activist, reflector, theorist and pragmatist. What follows is paraphrased from an HBC article by Helen Bouchami (Bouchami, 2002) and a similar interpretation on the All Ways Learning site (**http://www.allwayslearning.org.uk**):

▶ activist - Learns by doing. Activists like to learn by experience and are keen to have a go at something in order to improve their knowledge.
▶ reflector – Learns by observing and thinking. Reflectors prefer to gather views and information from several sources and consider carefully before coming to any conclusions
▶ theorist – Learns by constructing theories. Theorists think problems through logically, step-by-step, then organise their conclusions into a theory
▶ pragmatist – Learns by trying out ideas. Pragmatists tend to take what they know and try it out in new situations.

Different types of tasks will suit these differences in learning styles –see table 8.

TABLE 8: Learning styles		
Learning Style:	**Learns by:**	**Responds to:**
Activist	doing, hands on	▶ Practical questions ▶ Searching catalogue ▶ Locating books on reading list ▶ Problem solving
Reflector	thinking about task in hand	▶ Reading content modules ▶ Posting comments on bulletin boards ▶ Module handouts ▶ Thinking tasks through ▶ Background reading ▶ Observing demonstrations or worked examples
Theorist	understanding clear objectives and background information	▶ Aims and objectives ▶ Bullet points ▶ Summaries of information ▶ Handouts ▶ Introduction sections ▶ Clear structure ▶ Forum for questions
Pragmatist	proven techniques and practical examples	▶ Quick start search guides ▶ Worked through examples ▶ Practical tasks and using skills

Use of multimedia in e-learning

Certain principles have been put forward by Mayer (Fahy, 2004) regarding effective use of multimedia (see Diagram 3). Briefly they relate to:

▶ combination of words and graphics
▶ relative positioning on the page
▶ value of using the spoken word over text
▶ human limitations when processing multimedia information.

When designing multimedia units for e-learning (i.e. a replacement for face to face teaching, rather than an additional classroom-aid) these principles, based on Mayer's own ongoing research, are important to take note of.

DIAGRAM 3

Mayer's seven principles governing effective use of multimedia.
Reproduced from Anderson, T. and Elloumi, F. (eds.) *Theory and Practice of Online Learning* (2004) Athabasca University. (Copyright Creative Commons)

NB page references are to the original publication by R.E. Mayer (2001) *Multimedia learning*. New York: Cambridge University Press.

1. *Multimedia principle:* Students learn better from words and graphics or pictures than from words alone (p. 68).
2. *Spatial contiguity principle:* Students learn better when corresponding words and pictures are presented near rather than far from each other on the page or screen.
3. *Temporal contiguity principle:* Students learn better when corresponding words and pictures are presented simultaneously rather than successively.
4. *Coherence principle:* Students learn better when extraneous words, pictures, and sounds are excluded rather than included (p. 117).
5. *Modality principle:* Students learn better from animation and audible narration than from animation and on-screen text (p. 135).
6. *Redundancy principle:* People have only limited capacity to process visual and auditory material presented simultaneously (p. 152); therefore, students learn better from animation and narration than from a combination of animation, generation, and onscreen text (p. 153).
7. *Individual differences principle:* Design effects are stronger for low-knowledge learners than for high-knowledge learners, and for high-spatial-ability learners than for low-spatial-ability learners (p. 184). (Spatial ability *is* the ability mentally to generate, maintain, and manipulate visual images, see p. 172.)

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4 Advantages and disadvantages of using VLE for teaching and training

Advantages

Accessibility

The accessibility of the course is improved for students with special needs, and for distance learning and part-time students. It can also make a difference to students in any category who learn best by being able to watch a video, or by interacting in a virtual environment instead of in the classroom, or by repeating their learning process at their own pace.

Diversity issues include:
▸ range of learning preferences
▸ range of abilities
▸ revision function (at your own pace)
▸ availability of the course outside office hours (students in paid employment/caring for children or other dependants).

Disability/special needs issues include:
▸ available in variety of formats/customisable
▸ no need to take notes (NB auditory impairment will require script or subtitles for video elements)
▸ available outside office hours (disabled students may need the assistance of a carer who works during the day)
▸ electronic communication is particularly assistive for profoundly deaf students.

Interactivity

There is much evidence to show that students benefit from actively engaging with their course (Anderson and Elloumi, 2004). More specifically the advantages relate to feedback, practice and customisation.

Instant feedback
▸ progress
▸ no time lag between completion and marking
▸ correcting straight away.

Practice
▸ 'doing' aids learning
▸ self-directed
▸ self-paced.

Customisation
▸ personalised study area

Communication

This is the element that marks out the VLE from other forms of e-learning and helps the student to feel part of a learning community. The areas in which this is most effective are assessment, discussion boards, ad hoc instructions and 'stop press' items, and the facility to extend the module beyond the first few induction weeks of the first term. In detail:

Summative Assessment
▸ makes the legal research tutorial an integral part of the course
▸ creates a dynamic (changing) student profile
▸ makes the activities compulsory
▸ provides students with the all-important 'pay back'.

Bulletin boards
▸ can be used as a forum for evaluating sources
▸ provide opportunities for staff to support distance learners
▸ contribute to the overall learning outcome i.e. group work which counts
▸ offer improvement over e-mail in terms of threaded discussions.

Instructions, updates, alerts, current awareness
▸ add immediacy and dynamism
▸ indicate the presence of the teacher.

Continuum planning consisting of:
1. further modules after first term induction
2. practice and revision throughout the course
3. a structured programme.

All three are underpinned by seamless integration of resources and multimedia functionality.

Seamless integration - practical advantages
▸ allows uninterrupted learning (the student does not have to break off to fetch a book or look for a password)
▸ book is never 'off the shelf' (being used by another reader, sent for binding, missing or mis-shelved).

Seamless integration - academic advantages
▸ ensures the correct source is used
▸ minimises the risk of plagiarism as a result of a PC being logged in and left unattended
▸ encourages concentrated working
▸ allows student to select sources (using JustCite™) promoting awareness of the strengths and weaknesses of different databases

- allows 'push' technology for selected databases selected
- promotes use of free quality web services (BAILII, HMSO, EUR-Lex)
- can incorporate digitised collection of off-prints
- highlights and utilises electronic versions of practitioner works.

Multimedia functionality
- provides dynamism
- facilitates delivery to many by a few
- allows repeat/slow speed facility
- allows pictorial representation
- can be used to teach legal research in hard-copy reference books where it is important to recognise the various component parts (c.f. IOLIS CD-ROM workbook on Using a Law Library).

Disadvantages

- difficult to change/update (unless you have an accompanying content management system)
- requires access to PC
- hard to take account of whatever hardware the students have to work with off-campus
- webcasts received over the Web require a fast modem and/or considerable band-width (may prefer to issue these tutorials as CDs or offer them as an alternative)
- e-learning itself is not yet in line with established study patterns (for example Bulletin Boards are unfamiliar as a way of learning)
- more difficult to 'sell on' any part of a VLE course unless it is SCORM compliant
- less opportunity for independent searching and serendipity
- reduces face to face contact.

5   When to use a VLE

The key to creating a successful VLE module is identifying a clear need for legal research training to be delivered online. If no clear need for change in current teaching practice or improved learning outcomes exists, effectiveness of an online course will be limited.

1. Legal research training materials can be delivered online in a number of ways: design a complete online tutorial to replace elements of traditional legal research classroom teaching
2. create small sections of content to embed into existing online tutorials already delivered by the law department
3. approach academic staff to link a resource area in their existing online module. This area could include links to your library website, relevant databases, online reading lists or electronic versions of help sheets or search guides.

If the opportunity to create a complete online tutorial does not exist, options two and three will involve the law library in your institution's VLE and may lead the way to the creation of a complete module in the future.

Common reasons for creating online tutorials include:
- **Time**
  Since the boom of electronic resources in the mid 1990s, law librarians spend an increasing amount of time training students. Often facilities do not exist for large group sessions incorporating practical elements, and therefore the same session must be repeated a number of times. Using VLE technology, physical training hours will be reduced

▸ **Increase in distance learning, mature and part-time students**
The changing demography of the student population means an increasing proportion of students must combine work, family life and study. Studying off campus at a time suitable to their personal need will be advantageous

▸ **Expanding student numbers**
Many law libraries employ either one librarian or a small team to run the information service. Due to rising student numbers, staff skills are in high demand. Online delivery of legal research training will alleviate pressure on staff time

▸ **Environment**
Space may be an issue in your institution, and the facilities may not exist to deliver hands-on training to large numbers of students simultaneously. An online course would resolve this issue.

Before creating a virtual course or course materials, assess existing teaching materials for their suitability for inclusion in an online course. Adapting existing materials saves time, as you need not 'reinvent the wheel'.

To help structure and plan your course design, ask yourself the questions set out in table 9.

TABLE 9: Questions to ask when designing a VLE	
Question	**Example**
Who is the module for?	What is the experience level of the target audience? What course are the students taking?
What is the course aim and learning objectives?	For example: ▸ to increase awareness of specific subject databases ▸ to instruct students on paper based research
What VLE functions will be used to achieve the aim and objectives?	▸ content modules ▸ formal assessment ▸ completion of quiz ▸ self tests ▸ group research activity using VLE discussion technology
Will the module be optional to support class work, or fully embedded into the teaching curriculum? If the module is to be part of the curriculum, how will students' progress with the module be tracked and learning assessed?	Make contact with relevant academic tutors to raise awareness of module or to discuss how to fully embed the tutorial ▸ release of further module sections after activities completed ▸ evaluation of skills using online quiz
Who will be responsible for designing course material?	If you are the course designer: ▸ can you accommodate the work load in the time scale? ▸ will your daily duties have to be reorganised? ▸ has funding secured for extra time taken by the project?
Does the designated course designer require training in using VLE software?	▸ find out if your organisation runs introductory courses using your VLE. ▸ VLE software now includes editor functions for developing content pages therefore advanced hypertext mark up language (HTML) knowledge is not required. ▸ basic skills in VLE navigation and knowledge of editing functions will help.

Points to consider

- is there a need for an online course?
- can existing training materials be adapted?
- who will create the course?
- does the course designer need training in skills for using VLE technology?

Actions

- estimate the time needed to create the course, materials and to review and evaluate the end product
- allow extra time for possible slippage
- check if your institution runs introduction to VLE or design courses
- join any internal institutional VLE design discussion lists
- discuss proposals with academic staff
- talk to other staff members within your institution who have experience of creating modules and materials for best practice guidance
- if the opportunity exists, participate in an online course yourself to understand the students perception of online tutorials. Experience using a variety of VLE tools such as asynchronous communication tools for online discussion
- produce a project plan.

6   Effective material design and development

When designing VLE materials, it is important that you do not work in isolation. The key to designing effective online courses and materials is collaboration.

Get support from an academic, programme leader or department head for the project and raise awareness of the project. Enthusiastic academic staff may be willing to help review or advise on appropriate content, and ensure that pedagogic considerations are included. Having support and input from the department will help acceptance and integration of the new training tool into the academic programme and raise staff awareness of the project.

Training sessions can often be designed based on what librarians *believe* individuals should know rather then what the audience *needs* to know. Where possible, with the approval of the department, research the requirements of your target audience:

- talk directly to individuals currently receiving legal research training to assess their learning needs
- discuss target audience needs with academic staff
- run a skills audit with existing legal research students. Skills audits can be conducted via paper-based surveys during class time, or using survey function software available in most VLE packages.

Discussing training needs and learning outcomes with staff will ensure the development of tailor made materials which enhance user-learning.

Holding regular review meetings with tutors ought to encourage academic staff to promote the resource. It may also help to embed the training technology in teaching modules in the future.

Design tips

These include:

- divide course materials into clearly defined sections to create a user-friendly learning environment
- include an introductory information section to introduce and summarise the course. Provide details on:
    - course aims and objectives
    - navigating course and sections
    - approximate time taken to complete the tutorial
    - module timetable
    - deadline information for activities (if appropriate)
    - contact details for help and assistance
- include navigational instructions on each content page
- create master templates for pages of content, saving time and ensuring a uniform approach to page design. Standardise design for page format, icons, font colour and headings ensuring a consistent layout
- balance pages of content with text, images and space. Too much text is time consuming to scroll through and concentration is easily lost
- no more than two screens of text should be used on any one page
- link resources, such as your library website to content pages. New web pages can therefore be accessed directly, without manually loading a second web browser window. Loading additional browser windows can be confusing for students who may only have basic technology skills
- check links to external resources regularly. External web links can disappear without warning causing frustration if resources are inaccessible. Regular resources checks can be performed manually or by purchasing link checking software such as Netmechanic
- relate materials and activities, such as search strategies and examples, to other subject modules or to current study topics, to retain students' interest
- online materials in a VLE must comply with disability access guidelines as a requirement of the Special Educational Needs and Disability Act 2001 (SENDA). Check your institution for in-house guidelines on producing accessible web materials. External bodies such as Netskills run courses in accessible web design.

Actions

- write specific aim and learning objectives to structure your course and materials
- review evaluation forms from previous legal research skills training as they can provide valuable information on content to include
- check sources such as Lawpaths or INFORMs for materials that can be adapted for use in your online course
- allow time for materials to be proof-read and tested. Reviewing online materials and gathering feedback from academics, students and library staff will increase effectiveness of the end product, and enhance collaborative relations between librarian and department
- technology and software for VLEs are continually developing. Each online module must be reviewed after use. Any necessary adjustments and improvements must be made before the next course cycle.

Effective legal research activities in VLE

Anything that involves a student performing a task is an activity in a VLE. Activities can include:

- opening documents
- downloading worksheets
- accessing web resources via links in content pages
- completing self-tests
- participating in online discussions
- posting questions and answers on a bulletin board
- taking online quizzes and receiving immediate feedback
- submitting assignments to the virtual environment.

Illustration 14 sets out a number of legal research activities in a VLE devised for students at Manchester Metropolitan University.

ILLUSTRATION 14: Effective legal research activities in a VLE, includes case studies from Manchester Metropolitan University (MMU)

▸ First year LLB undergraduate law students must download and complete a workbook covering library orientation and basic case locating tasks as part of their Legal Learning and Skills module. Answers must be submitted to the MMU VLE using quiz technology. Students receive immediate feedback and can assess their learning. This module was created by a law lecturer in collaboration with Library staff. Effective liaison ensured that suitable information skills questions and activities in the module were included.

▸ Legal Practice Course (LPC) students work through guided interactive tutorials, created using INFORMs technology, to find information in legal databases. Content modules include self test functions so students can assess their progress. Once all tutorials are completed, a quiz created using the VLE quiz tool must be taken. Students scoring over fifty per cent are able to download the Practical Legal Research (PLR) formal assessment using the assessment function. Completed assignments are submitted onto the VLE by a specified deadline. Restrictions are put into place using assessment settings to ensure no late submissions.

▸ This has huge benefits for part time LPC students who no longer have to submit their work on campus. This module, PoLeR (Practical Online Legal Electronic Research) was developed by Law Library staff at MMU. It is an integral part of the academic PLR module. The School of Law academic team have full access and input into the development and review of the module. A tutor for LPC PLR stated that since the inception of PoLeR in 1998, the first time pass rate for PLR has risen from 75% to 95%.

▸ First year undergraduates at MMU participate in a subject tailored InfoSkills for Law online module. Adapted from the generic University Library InfoSkills Project, the online module is designed for students to learn about library services and legal research. Activities include self tests on catalogue searching and evaluating websites for credible sources. Websites are accessed using direct links from content module pages. Users must complete a quiz at the end of the module to assess learning and course success.

If you include activities in your virtual learning environment, ensure they are:

▸ **Interactive:** Interactivity increases learning and knowledge retention compared with knowledge gained through passive reading or listening

▸ **Relevant:** Out of context activities leave users feeling frustrated and negative about the virtual learning experience.

Different VLE software packages generally include the following activity tools, for full definitions of each tool please see earlier 'key definitions' section:

▸ **Content module**: basic document pages for text, images, audio or video clips, graphs, charts and diagrams

▸ **Communication**: bulletin boards, asynchronous discussion technology for online 'chat', calendar, whiteboard and e-mail

▸ **Assessment**: self tests, online quizzes, automatically marked and with immediate feedback to students, and assignment upload facilities

▸ **Student area**: virtual space for individuals or groups to conduct joint project work. The functions in this area can vary depending on VLE software. Most allow creation of homepages to list current projects and link to web sites. Tools for taking notes online whilst studying a virtual course also exist

▸ **Other activity technology**: embedding web links to be opened on content pages and linking to interactive tutorial technology such as INFORMs.

Using a combination of relevant activities will make the material appeal to the four learning styles: activist, reflector, theorist and pragmatist.

TABLE 10: Examples of legal based VLE activities	
Activity	**Example**
Self test	Students asked to compare two websites for authority and answer self test questions to assess own learning.
	Log onto databases and locate materials. Self test function used as prelim assessment before formative quiz. Tutorials and quiz must be re-sat if appropriate score not achieved.
Quiz	A fifteen question quiz of short and multiple choice answers to assess knowledge gained through undertaking module.
	Downloaded work book to be completed using legal paper resources, submit answers online via multiple choice quiz.
Assignment	Legal Practice Course (LPC) students download Practical Legal Research formal assessment from VLE, complete assignment and submit assignment online.
Online Discussion	Chat room software used to run virtual office enquiry sessions to enable course participants to contact the Law Librarian for assistance
Discussion/Bulletin Board	Bar Vocational Course (BVC) students post Practical Legal Research module queries onto WebCT for tutors and/or the Librarian to respond
Video Clip	Short introductory video into paper based legal research
Audio Clip	Navigation information for location of legal materials in the Library
Web links	Follow web links to external resources such as SOSIG external gateway, locate information. Answer questions in content module using radio button questions to gain instant feedback
Interactive tutorials	Use INFORMs technology to create interactive live tutorials on accessing and navigating legal databases.

1. Groups of individuals are easily alienated from training sessions as trainers often design material and activities which appeal to their own personal learning style.
   Table 10 lists appropriate activities for individual learning styles which can be included to create an effective legal research learning environment for all personal learning styles. A balance between materials and activities for all styles can be hard to achieve in traditional teaching environments; using a virtual classroom, however, means a range of resources and activities can be incorporated into one training package, appealing to all learning styles [see Table 8 above].
2. Balancing reading text online with interactive activities can help motivation and improve learning.
3. Consider each of the four different individual learning styles when creating materials.

Points to consider

▶ ensure that online courses include content pages of text to communicate relevant information
▶ relevant examples and activities must be included to illustrate points
▶ using a variety of activity functions will enhance the effectiveness of the VLE as a teaching tool
▶ activities must be accompanied by clear instructions and guidelines
▶ use a combination of activities to achieve learning objectives. This will appeal to all personal learning styles, enhancing individual learning capability

- do not include an activity solely to make use of a VLE function
- discussion software, such as chat room technology, may not be appropriate for legal research training.

Effective delivery of a virtual course

The success of delivery of a virtual legal research methods course is subject to three factors.

1. Introducing students to the module
2. Creating effective support mechanisms
3. Avoiding pitfalls which cause frustration.

Introducing students to the module

The methods used to introduce students to a virtual tutorial will depend on the size of your group, and whether the tutorial is embedded in an academic module:

- For online courses not running as part of a teaching course, consider undertaking a marketing campaign to promote the tutorial. Example marketing techniques are:
  - promoting the module via introductory lectures, course committees, and student liaison groups
  - displaying posters on notice boards
  - sending an all-student e-mail with details of the service
  - linking the module to the library website with details of guest password access
  - issuing flyers with access instructions at library help points
- For online tutorials running as part of an academic module with a large student cohort, run an introductory demonstration. These lectures can take place independently, as part of the normal academic course, or in the last few minutes of a timetable lecture. It is helpful if the academic is present, as this highlights the importance of the tutorial to students
- If facilities exist, and it is practicable, run computer drop-in sessions for smaller groups. Introduce students to the VLE, giving them the opportunity to start the module, working through with staff present to assist with any queries
- A legal research tutorial may be the first encounter many students have with a VLE, especially if this is the first course of its kind within your institution. Show how to access the module, navigate the course whilst pointing out key features, and advise students of the timetable. If students are expected to participate in online discussion or post bulletins on discussion boards, you should discuss VLE written communication etiquette.

Practical sessions can be useful to solve access, technical or password problems. Students often feel more comfortable asking questions in a face to face setting than seeking help remotely. Participants can experience frustration if they have access problems once they are away from the institution. Practical sessions ensure that students have a 'kick start' with the module.

Always provide students with supporting handouts detailing:

- course aim and objectives
- activity timetable
- deadlines
- getting assistance
- screen shots of access pages and activities
- details of any additional software that may be needed, such as Adobe Acrobat Reader©, and details of where to obtain software if necessary
- include a troubleshooting section and solutions. For example, some VLE functions are affected by anti-internet pop-up box software. If this software is enabled, quiz and assignment pages may not load.

Effective support mechanisms

▸ **Run drop-in sessions.** Practical drop in sessions help resolve course access or navigation queries. Sessions should be student focused, not tutor led. Students should have the opportunity to ask questions and have guaranteed access to computer facilities. For stand alone legal research tutorials not embedded in courses, advertising drop in sessions will promote the resource

▸ **Inform library helpdesk staff that the module is running**. Staff may get asked VLE related questions and need to know where to direct students for further help. If appropriate, train helpdesk staff in log in procedures and basic navigation

▸ **Inform academic staff of module progress and deadlines**. Academics are the best vehicle for promoting an online course to students. Encouragement and endorsement from academic staff will emphasis the module's importance

▸ **Run a 'virtual office'** using discussion room VLE technology or set up a discussion bulletin board where queries can be posted. This is useful for part time or distance learning students who may not be able to come to campus for guidance. If you are running a virtual office or drop in session, check timetables to avoid clashes with teaching sessions

▸ **Send a reminder e-mail** to participants near deadlines, reminding them to complete tasks and activities

▸ **Set interim deadlines**. Deadlines encourage students to complete the module. Set a date, for example, by which all users must have logged on to the course. This ensures that all password and access problems have been resolved way before the final deadline, and students are encouraged to complete the course early in the timetable

▸ **Stagger release of module sections**. This is useful if a course is large and embedded into the teaching programme. Students will not feel overwhelmed by the size of an online tutorial if the release of sections is staged. It can be linked to the completion of tasks. This can be a useful tool if the course is compulsory and needs monitoring to ensure all students complete each section.

Avoiding pitfalls

You need to be prepared for students not to use your online tutorial. This can often be the case if a module is optional. Although the resources contained in it are informative and useful, students often cite lack of time and pressure from compulsory assignments as reasons for not using additional resources to improve their skills.

The best way to promote a skills module is through enthusiastic academic staff raising the profile of the course with students. If it is not possible to connect your online course to a teaching module within the department, promote the course to students during your teaching sessions, at help points and through marketing within the department or library.

A common complaint from students studying online legal research tutorials as part of an academic module is that the course does not contribute towards their final module mark. Students feel frustrated that time has been taken away from studying for formal assignments. This can cause negativity, demotivation and non-completion of the tutorial. If the law department agrees, the most successful way to motivate students is to connect the module and activities to the release of coursework.

Ways of connecting legal research tutorials to coursework include:

▸ linking completion of an online quiz to the release of formal assessment details

▸ linking successful submission of an assessment online to automatic release of the next classroom based tutorial discussion paper

▸ protecting areas such as quizzes or assignments with passwords. Set VLE software to release the password to students who have completed a previous task or achieved an acceptable grade for an activity

▸ requiring students to download quiz submission and feedback from VLE to submit as part of a work portfolio.

Actions

▸ Send a welcome e-mail to students to remind them to complete the module, test login procedures and confirm deadlines

▸ This demonstrates that you are approachable and gives students a reference point in case help is needed. (Smith and Rose, 2003)

▸ Create guest passwords to access the course. If participants experience access problems, guest IDs can be issued whilst access issues are resolved. This will lessen the frustration felt by users if problems occur with technology. This works well for online modules released at the start an academic year should delays in network or VLE password allocation be experienced

▸ If a VLE course includes questions related to web resources or legal databases, either in self-tests or via quizzes, the answers may alter when resources are updated, so regularly check that answers are still valid. Answers automatically marked as incorrect will cause frustration if participants continually get questions wrong when using the correct methodology

▸ Allow students access to the skills module for a full academic year, so that they can refer back to it if necessary

▸ Ensure accessibility guidelines have been met for visually or mobility impaired students

▸ Use VLE tracking facilities to monitor student progress and check that deadlines are met. If the module is optional, tracking information can be useful to monitor student take up

▸ Change access words for any password protected areas regularly. This prevents sharing of passwords between students

▸ Individuals often over estimate their ability and skip sections of courses. Linking sections together using passwords released after the completion of preliminary tasks will prevent this (Piccolli, Ahmed and Ives, 2001)

▸ For an example of a worked course delivery see table 11.

TABLE 11: Case study of VLE Course Delivery Basic Legal Information Skills Course for 160 full time Graduate Diploma in Law students.	
Activity	**Delivery Method & Deadline**
Introduction to module	Lecture hall introduction to VLE and key module areas. Support handouts with screen shots provided.
Informal drop in sessions in computer lab	Run over 2 hour period at the end of week one. Opportunity for students to ask questions and ensure access to computers to start module.
Virtual Office	Not run for full time students. Included in part time and distance learning modes of Basic Legal Information Skills only.
Logging on to VLE	By end of week one of module.
Completion of content modules, self tests, interactive tutorials and compulsory VLE module evaluation form	One month after introduction.
Submission of the formative quiz using legal databases	Quiz only accessible after evaluation form completed and available until a specified date. Quiz feedback available immediately.
Completion of the Additional Legal Subject (ALS) options choice	Choice question only released if student scores over 50 per cent in the quiz.
Completion of the ALS quiz	Relevant quiz released to students depending on result of ALS options choice activity. Quiz feedback available immediately.

7 Effective assessment design for VLE courses

There are two assessment methods within a VLE:

Formative

- self-tests
- participating in online discussion
- posting discussion contributions to a bulletin board

Formative assessments are designed for participants to assess their own learning test results and are not recorded on the VLE tracking system. Participation in discussion can be adapted to form part of a formal assessment. Students could be asked, for example, to post contributions or participate in online discussion. These activities however, do not give immediate feedback on student performance. Tutor feedback can be provided at a later date and forwarded to a student using the private message function in the VLE e-mail facility.

Summative

- online quiz
- assessment functions

Summative assessment areas can be used by participants to submit coursework online. Submitting online is helpful for part time or distance learning students who may find it difficult to visit campus. Tutors can mark the work and post grade information onto the VLE system. The quiz function can also be used for formative assessment.

The different types of quizzes that can be used for both formative and summative assessment are:

- multiple choice
- multiple answer
- select all the statements which support a premise
- fill in the blanks
- true/false
- match words from two different columns
- ordering – put steps of a task in the correct sequence
- drag and drop

Please note that there may be potential disability (SENDA compliance) issues with drag and drop to do with use of a mouse. You may need to think about key-stroke alternatives.

It is important to collaborate with academic departments if your VLE module includes any form of assessment. As discussed earlier, including assessments linked to coursework or the taught module will motivate students to complete the course. The best outcome is for research skills training to be fully embedded into the curriculum design and be assessed equally alongside other academic work.

If an assessment or quiz score is not contributing to a final module qualification, the VLE system can be set to release their practical legal research assignment, course work group details or an options choice form, for example, on completion of the online tasks. Releasing information in this fashion encourages students to complete all online tasks.

Executing assessment

With large groups, summative assessment using online quizzes can be problematic. Students completing the assessment remotely may collaborate and share information. Test results will therefore not provide an accurate picture of student learning.

Where the results of an online quiz are to contribute to a student's final module mark, and if facilities exist, use computer rooms to run a test session. Enforcing examination conditions ensures all participants complete the test at the same time and venue, thus reducing collaboration. This does, however, defeat the main benefits of VLE technology, as virtual activities are designed to be flexible, completed at any time or place.

Coventry University (CITE) experienced problems using quiz software for formal assessment due to large student numbers. Students conferred whilst completing their formal assessment quiz off campus. As a result, exam conditions were put in place in computer rooms and a number of formal assessment sessions were run. The quiz itself was password protected, and when each examination had begun, the password was changed so students outside the room could not access the quiz early. Coventry University also set up a bank of questions for each quiz so that random questions on similar themes were delivered to individual students. Therefore students sitting next to each other did not receive the same questions. This can be time consuming to set up, but effective if the quiz function is being used for formal assessment. (Patalong, 2003).

It is also possible to allow students either a single or number of attempts to complete their online assessment activities. Giving more then one chance for example, individuals can take responsibility for their own learning, repeating sections of the course and quiz to improve their knowledge and score.

Single attempt
- Allows tutors/subject heads to gauge the effectiveness of the large group session

Two attempts
- Suits the learning outcome if a skill is being taught, while minimising the random effect of guessing or students 'sharing' answers

Unlimited attempts
- More suited to additional practice facility not linked to summative assessment

Actions

- carry out assessment of student progress in order to monitor students' skills levels and the effectiveness of a VLE module as a learning tool. Self assessment in an online course allows participants to monitor their own progress as independent learners
- work closely with the department if formal assessment is included
- formulate strategies to minimise conferring
- if writing informal quizzes, liaise with academic staff to ensure that questions test skills at an appropriate level
- limit questions in an online quiz to between twelve and fifteen, as long quizzes can be demotivating. If more questions are needed, create two or more quizzes
- set up an evaluation survey using quiz technology to assess the success of each module, student feedback can help improve your module each year
- as part of any quiz instructions, inform students that the VLE technology will only recognise quiz answers as correct if they are typed exactly as inputted by the quiz author. Student frustration will be reduced if they are able to assume that a question is correct even if answers are spelt incorrectly or use of the wrong case has marked answers incorrectly
- test scores and course assignments are essential to assess effectiveness of the course content.

8   Course evaluation

Obtaining feedback on your online course from students is essential. It is important to remember that you will not get your VLE tutorial perfectly right the first time you deliver it to students. Feedback will help you develop and improve your module each year. Positive feedback can be used to further promote your module to academic staff.

Some ways to evaluate your course are:

▸ include an online evaluation form in your module. If possible make the form compulsory. This can be done by linking the completion of an evaluation form to the progression to a quiz coursework section or the release of another module section

▸ face-to-face. Ask academic tutors to leave time at the end of a lecture for students to complete a paper evaluation form.

E-mailing an evaluation form to students is possible. However compulsory, online forms and paper forms filled out in face-to-face situations are the most effective ways to guarantee module evaluation.

Illustration 15 is a questionnaire survey of student VLE usage designed by David Battersby, College of Law.

Students often comment positively on the following areas, which should be kept in mind when designing materials:

▸ Clear instructions
▸ Accessibility
▸ User-friendliness
▸ Easy navigation
▸ Concise

▸ Self test questions
▸ Interactivity
▸ Ability to practise
▸ Accessible from off campus
▸ Clarity of explanation

Comments that aid course development

Constructive comments allow you to develop your online module to meet student needs effectively. Actual feedback comments that have led to changes in VLE course layout and design include the length of a tutorial being too long. The time taken for courses to be completed can be shortened by reviewing course content, removing repetition and condensing information. Remember that there will always be some negative comments, as you will never create a course which suits everyone. There may be comments from frustrated students who experienced technology failure, or problems with their home computers, which are beyond the course designer's control.

ILLUSTRATION 15: Example of a questionnaire for a survey of student VLE usage.

Example kindly supplied by David Battersby, Information Assistant at the College of Law, studying by distance learning for a masters degree in Information and Library Management at Northumbria University (*reproduced with kind permission of Northumbria University*).

Learning law using the Blackboard VLE: your opinions

This questionnaire should take no more than 10 minutes to complete.

Part 1: General Details

In this first section, please tell us a little about your background.

1.   What kind of course are you following?

☐ Full-time GDL   ☐ Full-time LPC   ☐ Weekend LPC

---

2.   *Are you?*

☐   Male   ☐   Female

3.   *What is your age range?*

☐   Under 30   ☐   30-45   ☐   Over 45

Part 2: Previous experience of IT and computers

Please give an overview of your previous experience of, and attitude towards, information technology and computers.

4.   *Which of the following statements expresses most closely your experience of the use of IT and computers?*

☐   I have plenty of experience and feel very confident using them

☐   I have some experience and feel fairly confident using them

☐   I have limited experience and am not very confident using them

☐   I have little or no experience and do not feel at all confident using them

5.   *Before you came to the College of Law, had you been on a course that involved learning by means of a VLE?*

☐   Yes   ☐   No

6.   *At the start of the course, did you receive any induction in using Blackboard?*

☐   Yes   ☐   No

If you answered *yes* to question 6, please give details of the induction you received in the box below:

Regardless of whether you answered *yes* or *no* to question 6, in the box below please indicate any form of Blackboard-related training you would have liked to have received, but did *not*:

7. *Which of the following statements comes nearest to your opinion of Blackboard?*

☐ I find learning using Blackboard very useful

☐ I find learning using Blackboard fairly useful

☐ I do not find learning using Blackboard useful

8. *How often do you use Blackboard?*

☐ More than once a day

☐ About once a day

☐ 2-3 times a week

☐ About once a week

☐ Less than once a week

Part 3: Blackboard as a means of communication

It is often said that the principal benefit of the VLE is that it incorporates the ability to communicate, for example with your tutors and other students. Do you use Blackboard for any of the following communication purposes? For each one that you use, please indicate if you find it satisfactory for the purpose.

9. *Sending e-mails to tutors and other members of staff*

Do you use it for this purpose?　☐ Yes　☐ No

If yes, do you find it satisfactory?　☐ Yes　☐ No

10. *Sending e-mails to other students*

Do you use it for this purpose?　☐ Yes　☐ No

If yes, do you find it satisfactory?　☐ Yes　☐ No

11. *Participating in group discussions*

Do you use it for this purpose?　☐ Yes　☐ No

If yes, do you find it satisfactory?　☐ Yes　☐ No

12. *Reading announcements whether sent to all students or only to students in your group*

Do you use it for this purpose?　☐ Yes　☐ No

If yes, do you find it satisfactory?　☐ Yes　☐ No

If you can think of any ways in which the communication aspects of Blackboard might be improved, please write them in the box below:

In addition to using Blackboard to communicate with tutors and fellow students, you can also (for example using CAL exercises) interact with the system itself. Please give your views on this below:

13.   How do you feel about the time schedule in which you must perform exercises? Which of these statements comes closest to your views?

☐ They help me to get work done on time

☐ The scheduled completion times are too short and can be stressful

☐ The completion times do not greatly affect me

14.   Some exercises allow you to receive an instant result. Do you find this helps to build your self-confidence?

☐ Yes   ☐ No

Part 4: The flexibility of the VLE

A second benefit claimed for the VLE is its flexibility, which allows learners to organise their learning in a way that suits them.

15.   Which of the following statements is closest to your own opinion?

☐ The flexible nature of Blackboard allows me to organise my work to suit my style of learning

☐ Blackboard allows me to organise some of my work to suit my style of learning, but this is often not possible

☐ Blackboard allows me to organise little or none of my work to suit my style of learning

If there are any additional comments you would like to make about adapting Blackboard to your own study style- or being unable to do so- please put them in the box:

Part 5: Ease of access to the VLE

A third benefit of the VLE is often thought to be that it is easy to access and makes course material easily accessible. In this section please indicate how easily you can access Blackboard and whether you find the material you can access helpful or not.

16.   Do you have access to a PC outside college?

☐ Always or often   ☐ Occasionally   ☐ Never

17.   Can you always find a PC in College to work on?

☐ Always or often   ☐ Usually   ☐ Seldom or never

18. *Various kinds of course material are available via Blackboard. Which of these statements comes closest to how you feel about this?*

☐ Having the documents available is extremely useful

☐ Having the documents available is fairly useful

☐ I would prefer to have hard copy documents given out in class

☐ I find it difficult to access documents via Blackboard

☐ I can access documents, but they are inconvenient to print

Part 6: Possible future developments

Here are some additional features that may at some future date be incorporated into the Blackboard system. For each one, please indicate whether you would find it very helpful, fairly helpful or not really helpful.

19. *The ability to browse the library's catalogue of books from any PC anywhere*

☐ Very helpful   ☐ Fairly helpful   ☐ Not helpful

20. *The ability to reserve books and check your current loans from any PC anywhere*

☐ Very helpful   ☐ Fairly helpful   ☐ Not helpful

An interactive, online comprehensive guide to using Blackboard

☐ Very helpful   ☐ Fairly helpful   ☐ Not helpful

Are there any other features you would find helpful if they were incorporated into Blackboard? If so, please list them in the box below:

Thank you for taking the time to fill out this questionnaire. You do not have to put your name in the box below, but if you do you will be entered in the survey respondents' prize draw. This is just my way of thanking you for your help with this project. Any comments you make will be treated by me in the strictest of confidence, regardless of whether you leave your name or not.

Name: ....

If you'd like to volunteer to be interviewed, and get the chance to express your feelings and ideas on Blackboard in greater depth, please contact xxxxxx:[*email address*]or phone xxxxx xxxxxxxx.

9   Implications for tutors, library and IT staff

Teamwork

As stated at the beginning of this chapter, tutors, library staff (both subject librarian and more general library staff) and IT personnel need to work as a team to produce successful courses in VLE. No one role has all the necessary expertise and "…specific skills are needed to develop learning materials within a VLE. An understanding of the learning process and of how teaching materials used in workshops need to be translated into true learning materials is essential for the success of the module" [LiLo project delivering training on Blackboard to library staff]. Moreover, courses developed in isolation are less likely to have the support and recognition necessary from the top.

Technical support

The extent to which your IT department is involved depends very much on the structures and roles within your particular institution. If you have access to a learning technologist your task will be a great deal easier. If not, you may be working with a specialist inside the library department. As was found with the LiLo project (LibLearn Online) "Specific technical skills for seemingly simple things like creating a banner for the module, also needed to be developed or more often, help sought from more able colleagues!" (Bent & Purcell, 2004). At the very least there may be support implications for your IT department, especially as the initial legal research training is likely to be very soon after the students arrive and while they are still relatively new to your network. How much support is traditionally given to students working from home? Is there a single help-desk through which all information enquiries are fed or are there separate routes for 'IT' and 'Library', and possibly a further administrator for your VLE?

If you are intending to use multi-media this can be done very informally by using library staff and a digital camcorder. (A good example of this is described in a paper by Claire Tylee (Tylee, 2005) on a project carried out at UWE (University of the West of England, Bristol.) This approach has the advantage that it is one less department to work with and therefore allows for more flexibility. On the other hand, it could be more time-consuming and if there is a multi-media production team available (with a suitable time-slot in their schedule) their experience could make a valuable contribution.

Time-frame

A realistic time-frame for development should be agreed in advance with all members of the team, some of whom will have differing time-constraints external to the project. With specific regard to legal research, it is also advisable to liaise with the key legal publishers to find out if any important changes to either content or platform are on the horizon. However, if you have a 'window of opportunity' to contribute to the overall course design it may be better not to wait. If your first attempt is successful in terms of student acceptance and learning outcomes you are likely to be asked to work on a second edition for the following year.

It is almost impossible to be prescriptive on the amount of staff time it will take to develop a legal research training module – it depends on the complexity of what you intend to produce, the level of expertise and experience available and the extent of existing materials which can be adapted or 're-purposed'. However, there are some examples on which to base a rough estimate.
An online legal tutorial developed at the University of the West of England used 6 months x 0.5 of a dedicated technician's time.

At another institution, the standard time for the completed production of a multimedia tutorial is 11.5 working days. This however assumes a dedicated professional film crew, experienced media developers and a team of expert writers. The content development aspect of a legal research multimedia tutorial (writing the story boards and filming the webcast) is estimated to take 6.5 working days.

If you are intending to integrate your quizzes into the assessment system you'll need to consult the relevant course or module leader at the earliest stage for consent and adhere to the assessment regulations of your institution.

Points to consider:

▶ materials/learning objects/methodology/technical framework/software should be re-usable
▶ continuity needs to be planned into the project (in case key personnel leave)
▶ wireless technology may have an impact in the near future
▶ academic staff may need to 'start again' with their approach to the subject
▶ dividing lines – who does what? – are not always clear
▶ several revisions are likely – 'do not expect to get it right first time'

10 Digital copyright

Managing digital rights

Digital copyright is in some ways easier to manage than hard-copy since you are almost certain to be seeking permission for any third party materials you use, possibly direct from the copyright holders. Notable exceptions are Crown Copyright documents and European documents from sites such as EUR-Lex for which the permission is clearly laid out on the relevant websites.

All copyright materials used should either have a link to a permission statement, or an indication that this has been reproduced with kind permission of the publisher somewhere in the document. HERON (Higher Education Resources ON demand) will do this for you – (see below)

The conditions under which the documents will be reproduced and the number of users will form part of the agreement in advance and it is good advice to anticipate future growth in students numbers and courses so that frequent re-negotiations are avoided.

It is also important to know whether your multi-media tutorial in legal research will eventually be offered for sale as even the 'free to reproduce' materials will require a licence for commercial use. Here are some of the more detailed points to bear in mind in relation to copyright:

It is essential to get agreement at managerial level that copyright checks are part of the protocol for producing VLE courses (unless a specific guardian of copyright, other than yourself, exists within your institution with a mandate to take care of this.) All staff should be instructed to co-operate. If you find yourself policing copyright for more than just the VLE course you have developed this can be very helpful for other course designers but bear in mind that for you it can be a very time-consuming task. Aim to establish procedures for staff to follow for themselves.

Create a template for staff to submit (preferably direct to copyright owner/website owner) – see illustration 16 for an example.

Keep a log of all permissions. For example set up a table summarising date, who obtained from, any terms and conditions, duration of the permission, any specified acknowledgement wording – cut and paste relevant e-mails. Update regularly and circulate to course designers, programme heads, learning technology/print and design unit.

▶ provides for a legal audit of permissions
▶ minimises duplication
▶ allows for easy extension of permission
▶ records evidence which will persist beyond the individuals who sought and granted the permission

ILLUSTRATION 16: Digital copyright templates and examples
Both examples are reproduced with the kind permission of the College of Law.
Example 1: Seeking permission to deep-link to a website (template):

Dear Webmaster[name if given on website]

RE: Your web-page [url] _____

xxxxxx University/College would like to include a link to your site in our course [title]_____ for our students. This course will be posted on our password-protected virtual learning environment for students to access off-campus as well as internally. We hope you will give us permission. A link directly to the page itself would be most useful but if you would prefer us to link only to your home- page please let us know.

XXXXXX University/College is a public, government-supported, non-profit-making education institution / private educational charity. There are around XXXXXX students currently enrolled on this particular course.

Thank you for your consideration.

Example 2: Seeking permission to reproduce a document electronically (example from the College of Law)

TO: DATE:

FROM: TEL EXT:

RE: Copyright permission

Dear Rights Holder/Website owner

The College of Law of England and Wales is an educational institution with charitable status, delivering approved post-graduate courses in law and legal practice.

We are asking permission to reproduce the following from your website/database* in our student materials.

....

The number of students involved is likely to be around:..

Name of course and year of operation: ....

The method of reproduction is: digital copy for producing paper copies of course manuals/ digital copy for inclusion in our student materials via the Virtual Learning Environment (Blackboard™)and hard-copy version. The VLE is password- protected.*

We would, of course, include permission statements wherever possible and all sources will be given due acknowledgement.

Signed:

....

Course designer/ College copyright advisor

Date:

Alternatives to individual permission agreements

Here is a selection:

HE institutions, as well as FE, can make use of the HERON (Higher Education Resources ON demand) service. **http://www.heron.ingenta.com/.** Heron is a division of Ingenta.

Also see the page on digital licensing for HE on the Copyright Licensing Agency website: **http://www.cla.co.uk/licensing/he/he_digitisation_user.html.** This gives details of a scheme similar to the old CLARCs clearance scheme for hard-copy photocopying. There is no fee to join, but once signed up an institution can broker their digital copyright requests (either relating to scanned copies of paper or born -digital versions) via the CLA. A price is obtained and if you agree to the fee the transaction proceeds. Some publishers (for example OUP) will only deal with educational copyright in this way.

Note that there is a digital licence similar to the paper CLA licence for FE institutions but it is estimated that the corresponding licence for HE institutions will not be available until at least 2006. You may be able to obtain a blanket permission to include materials in your VLE from the providers of the legal databases which you subscribe to. It is in their interest to promote their databases directly to students but they will want guarantees of attribution and reassurance of security measures to exclude students from outside your institution or from groups not covered by your subscription.

Further tips:
- include permission to reproduce in the VLE when negotiating contracts with database providers
- use price rises to negotiate for the right to include in VLE courses

Newspaper articles and images

Check whether your institution has a licence from the Newspaper Licensing Agency
- does it include digitisation?
- does it include local newspapers?

(Both of these are usually at extra cost.) Photographs are not included in the NLA licence.

There are 2 important resources of educational images:
- Education Image Gallery from ED*i* NA services **http://www.edina.ac.uk/eig/access/**
- SCRAN (Scottish Cultural Resources Access Network) **http://www.scran.ac.uk**

SCRAN provides access to "over 300,000 copyright cleared images movies and sounds from museums, galleries, archives and the media." It can be used as a substitute for clip art - or for particular learning applications. ED*i* NA comprises "Thousands of images from the world-famous Getty Archives, available for download."

If your institution uses the Athens system of authentication you may find either or both of these listed on your Athens page.

11 Sharing learning materials with other institutions

Intellectual property and 'ownership'

Apart from the partnerships which already exist (see the UKCLE or Higher Education Academy websites for details) if you are considering tapping into the work of another institution or, having completed your legal research tutorial, are approached by someone else with a request to share, here are a few points to consider:

Intellectual property

▸ This will tend to belong to the institution for whom the course developer(s) worked at the time.

▸ Established partnerships with other educational institutions may allow for sharing of materials or, at least, expertise.

Customisation and branding

▸ Students choose their College or University usually with great deliberation, especially at the post-graduate level and expect their learning materials to have been developed from in-house expertise.

Re-purposing

▸ If you decide to use a generically developed framework, such as INFORMs, bear in mind that you will need continued support for this and are therefore dependent on a third party. However, given the pace of design in legal courses, and periodic changes in database interfaces, chances are you will need to revise your e-tutorial in any case.

Joining communities of practice

Finally, and not least, we would recommend that you join the Lawpaths community of practice [See Chapter 9, Further Reading]. This was launched, after a preparatory project to gather all existing resources in the area of online legal education, in 2005. The Lawpaths project itself, managed by Sarah Carter at the University of Kent, was established with the remit of providing 'a resource bank of customisable legal information skills materials, based on best practice'. The aim of establishing the community of practice is to provide continuity as well as growth and development. Joining this group will not only enable you to share materials which have already been developed, but once you are hooked on this method of course delivery you will be able to add your own observations and experiences.

12 Summary

The decision whether to use a VLE for the delivery of legal research skills teaching should be taken only after considering whether a partnership of support exists between academics, IT and library staff. Although there are parallels with the pedagogy of learning in a conventional environment, the electronic environment is developing its own distinct e-learning theory. VLEs should be used to deliver legal research skills teaching only when there is a clear need for use of the medium. The design, development and delivery of VLE learning modules and materials have similar foundations to those discussed in chapters 4 and 5; but, the opportunities of the technology pose challenges which need to be recognised and addressed for user learning to be maximised. Effective support mechanisms need to be devised to ensure access and navigation queries can be resolved otherwise the learning experience will become negative. A variety of assessment tools may be used within VLEs but must be administered within the institution's assessment regulations. This point will be developed more fully within chapter 7. Evaluate the course you have built – this is discussed in greater depth in chapter 8. Do not try to re-invent the wheel – partnerships within UK higher education already exist allowing VLE developers to tap into the work of others legitimately.

Assessment

1   Introduction

Assessment is an integral element in the student learning process. In this chapter the purposes, types and principles of assessment are discussed. Finally, ways of identifying and combating plagiarism and collaboration between students are discussed.

2   The purpose of assessment

Assessment can serve many purposes, some of which are:
- Judging mastery of essential skills and knowledge
- Measuring improvement over time
- Diagnosing student difficulties
- Providing feedback to students
- Evaluating the effectiveness of the course
- Motivating students to study.

There is a wide range of assessment methods available. Most achieve only one or a limited number of the above purposes. It is important that the method chosen is appropriate to the purpose.

3   Definitions

Assessments are of two broad kinds: formative and summative.

A formative assessment is a piece of work to obtain an estimate of achievement and used to help the learning process. It is often in the form of coursework and always includes an opportunity for discussion and/or feedback on performance between the student and the tutor. A formative assessment is for the benefit of the student in terms of guiding their study.

A summative assessment is a piece of work, usually an end of course assessment, producing a measure which sums up a student's achievement and serves no other purpose than as a description of what has been achieved. Such an assessment contributes to decisions on the student's future.

However, formative and summative assessments are really the ends of a continuum, along which the two types of assessment may merge.

4   Integration with other law subjects

As was discussed in chapter 3, total integration of legal research skills within the rest of the law programme is the ideal. In my experience, in both undergraduate and postgraduate programmes, integration of assessments in legal research is closest where the choice of topics on which the assessment is based, is related to work in other knowledge areas. It is also found where the principles of information literacy have been incorporated within the learning and assessment outcomes for the course.

It is valuable, especially in vocational courses, to attempt to reproduce the conditions a trainee will find when in practice, and set legal research assessments in subjects totally unrelated to any work the student may have attempted in both their undergraduate or postgraduate studies. Examples of appropriate problems can be found in areas of law such as medical negligence, trade marks, commercial mortgages and local authority administrative law.

It is important that in the marking scheme a specific allocation is made for performance in the three elements of legal research skills: problem identification and analysis, information search and retrieval, and effective communication of the results. Otherwise, assessment of the skill becomes submerged within assessment of the knowledge of the law.

If the research skills mark forms a percentage of the overall mark for a piece of work, it is theoretically possible in order for a student to pass the assessment, to require them to pass both the legal research element and the knowledge element. In practice this is not recommended as it presents problems for markers should a student clearly pass either the skill or the knowledge component but fail the other - what is their overall grade: pass or fail? Keep the marking scheme simple.

Another variation which should be avoided is to simultaneously set two or more pieces of legal research as counting towards a single assessment. This might be thought educationally sound in that it provides an opportunity to test the application of the skill in several different knowledge areas. The problem comes at the marking stage: if a student is weak or very weak, even to the point of a fail, in one piece of work, how does that affect the overall assessment mark. Can the other, stronger piece of work compensate?

In vocational courses it is usual to link assessment of the skill to one of the knowledge subjects. In the case of the Legal Practice Course the topic of the problem to be solved might be based in Business Law and Practice or Litigation. In the Bar Vocational Course the current Specification Guidelines (General Council of the Bar, 2004) treat legal research as pervasive. They require the skill to be separately assessed and, in addition, assessments of some other skills and the knowledge subjects must be designed to take into account students' competence in legal research. Several BVC Providers have chosen to couple the main legal research assessment to another skill, usually opinion writing. Another Provider has decided that the legal research assessment should stand alone.

A further aspect of the integration of assessment must be considered: if the legal research skills course has been taught through a partnership between staff of the teaching department and service departments (librarian and/or computer staff), then it follows that assessment should be a partnership also. There is perhaps less of a case for involving IT staff in the process than for involving library staff, since the competency of students in aspects taught by IT staff will be evidenced in the standard of presentation of written work. Increasingly, assessments and even exercises are required to be submitted in word processed form. The assessment of the standard of presentation ought to be within the capabilities of either library or teaching staff. However, the librarian can also provide particular input on the effectiveness and comprehensiveness of the research trail, the sources searched by the student, the currency of the information cited and the content and layout of the list of references at the end of the work.

5   Assessment and library resources

It is important that the person setting any form of assessment requiring the use of library resources carefully considers the likely impact of the cohort of students descending on a limited range or materials, suite of PCs or printing facilities. Competition at the shelves or in the PC area can be avoided if sufficient time is allocated for the research assessment.

On vocational courses, some tutors try to replicate the time pressure for legal research a trainee solicitor or pupil barrister may have to work under when eventually out in practice. I have come across time limits of just a few hours or a day within which students are expected to research a problem and submit a research trail. Students may be permitted several further days to write up the research findings into the form of a memorandum. As admirable as this mirror of practice might be, such an extreme form of time restriction can place a strain on limited library resources and should be employed only following the fullest discussions and closest collaboration between teaching and library staff.

6   The principles of assessment

Effective assessment depends on three principles: reliability, validity and explicitness.

Reliability refers to accuracy and repeatability of assessment. It is associated with the processes surrounding assessment from assessment planning through submission to marking and on to exam boards and transcripts.

Validity refers to whether the assessment assesses what it is supposed to. It is associated with alignment of assessment to learning outcomes, range and volume of assessment.

Explicitness refers to the clarity of assessment to all involved in the process. It is associated with the quality, quantity and timeliness of information given to staff and students regarding assessment.

Reliability – marking

Ideally, assessed work and exercises should be marked by the library staff who set them and undertaken in co-operation with relevant academic staff. Markers should discuss and agree their approach before commencing any marking.

A key component of assessment is consistency of marking. This process is assisted by setting down the criteria for marking and using a standard marking sheet. There are several different designs for the marking sheet.

An unstructured marking sheet (illustration 17) provides the marker with an opportunity for free comment but can lead to 'impressionistic marking'. Additionally, it may not adequately address the principle of validity in assessment by not explicitly 'linking back' to the learning outcomes for the course. However, it may be the best sheet to use when marking reflective or essay type of work.

A semi-structured scheme (illustrations 18 and 19) sets out the criteria a marker should observe. It is important to ensure that the criteria are being allocated and employed effectively. The two examples show different ways of presenting this. The latter is based on the actual learning outcomes for the LPC Practical Legal Research module.

ILLUSTRATION 17: Example an unstructured marking sheet

Practice Assessment - Autumn 1995

Marking Sheet

Name: Andrew N Other

Cohort / Group: A5

A   Planning of the research

Objectives of the research identified and evidence of some thoughtful planning. However, the value of news and international sources overlooked.

B   Implementation of the research

Good use of most sources drawing out information relevant to the solution of the problem. But, some of the most recent developments have been overlooked - query, through lack of skill in using paper supplements and electronic sources containing latest information.

C   Presentation of results

Poor structure and layout; example in model answer not followed. Little use of headings or sub-headings. Different elements of answer jumbled together and lacking a clearly flagged conclusion. This contrasts with the well laid out and documented bibliography.

Overall Assessment: Borderline Pass

Marked by: Peter Clinch

ILLUSTRATION 18: Example of a semi-structured marking scheme

Information Skills Exercise - Autumn 2005

Marking Sheet

Name:

Cohort / Group:

A   Planning of the research
Objectives clearly stated/poorly stated/not stated

Research plan clearly stated/adequately stated/not stated

B   Implementation of the research
Appropriate sources consulted/inappropriate sources consulted

Research up-to-date/not up-to-date

Interpretation of sources good/adequate/poor

C   Presentation of results
Good structure/adequate structure/poor structure

Conclusions clearly stated/adequately stated/poorly stated

Fluent style/adequate style/poorly expressed

Beautifully presented/adequately presented/poorly presented

Word-processing excellent/satisfactory/poor

Appropriate length/too long/too short

Bibliography correctly referenced/incorrectly referenced

Missing detail =

Major references omitted =

Overall Assessment:

Marked by:

ILLUSTRATION 19: Example of a semi-structured marking scheme
(reproduced with the permission of Pat Brand, Centre for Professional Legal Studies, Cardiff Law School)

Cardiff Law School LPC 2002/2003 Practical Legal Research skills guide	Criteria Comments	Comments
Planning	1 Establish the objectives of the client 2 Identify the facts relevant to those objectives 3 From those facts identify the relevant areas of law	
Implementation	4 Identify and correctly state the effect of any relevant primary or secondary legislation 5 Identify and correctly state the effect of any relevant cases, identifying any cases under appeal 6 Select comment, opinion and guidance from journals, encyclopaedias, textbooks or other relevant publications, acknowledging the use of all such sources	
Advice and other requirements	7 Relate the legal principles to the facts and draw appropriate conclusions 8 Present the results of research in a clear, logically structured way, using correct spelling, grammar and punctuation and giving advice where appropriate 9 Provide a bibliography of all sources used as authority for your answer 10 Provide a research trail showing the electronic and/or paper sources consulted, even if not relied upon	
General comments		

ILLUSTRATION 20: Example of a structured marking scheme for students reflections of their research trail

Research Trail - Autumn 2004
Marking Sheet
Name:

Cohort / Group:

1   Bibliographic list (20 marks)   **Score:**
Comprehensive?
Follows School code of citation practice?

2   Search process (15 marks)   **Score:**
Appropriate?
Logical?

3   Keywords (15 marks)   **Score:**
Appropriate?
Appreciation of heirarchies?

4   Reflection (24 marks)
Critical? Logically reasoned? Persuasive?
4.1   Relevance (6 marks)   **Score:**

4.2   Reliability (6 marks)   **Score:**

4.3   Authority (6 marks)   **Score:**

4.4   Objectivity (6 marks)   **Score:**

5   What learnt from exercise? (10 marks)   **Score:**

6   Layout and style of responses (16 marks)   **Score:**
Logical and attractive layout?
Fluent and grammatical style?
Accurate spelling and punctuation?

Total score:
Total score as percentage: **Score as classification of degree:**

70%+ First; 60%-69% II 1; 50%-59%: II 2; 45%-49% III; 40%-44%: Pass; 0%-39%: Fail.
Marked by:

ILLUSTRATION 21: Example of part of the markers' notes for a basic law library use exercise

LEGAL RESEARCH SKILLS: LAW LIBRARY EXERCISE

Answers and Tutor's Notes

Marking scheme: twenty questions, one mark for each correct answer. Half marks for incomplete, partly correct answers at your discretion.

2   Find a copy of the Criminal Attempts Act 1981. a) What was the precise date on which it came into force? b) Give the section and sub-section number of the Act in which this commencement information is printed.

a)   27th August 1981.

b)   Section 11 (1).

[**Note**: some students will give the date of Royal Assent: 27th July 1981, or merely quote s11(1) " shall come into force at the expiry of the period of one month beginning with the day on which it is passed." without working out the date - both answers are wrong.].

3.   Give the names of parties in the following six citations:

         [**Note**: this question tests student ability to

         (i) identify what each citation abbreviation means;

         (ii) find the appropriate law report in the library;

         (iii) copy information accurately.

You will find that some students cannot correctly copy the spelling of a person's name, from a book to their answer sheet - you may wish to comment on this either on the answer sheet or at the review session].

a)   1987 3 All E.R. 717 re D (a minor)

[**Note**: in tutorial you may wish to discuss the different styles of cause, apart from the straight forward civil and criminal actions, a student will come across, such as judicial review ("ex parte"), Attorney General's References and ship names (e.g. The Wagon Mound));

b)   1969 2 A.C. 147   Anisminic Ltd v Foreign Compensation Commission and another

c)   1869 4 L.R.H.L. 82 McCormick v Grogan

[**Note**: To find this case name students have to find out what the citation abbreviation 'LRHL' stands for. Although it refers to a series not commonly used (the Law Reports English and Irish Appeal Cases) references are still made on reading lists to cases printed here. To discover what the abbreviation stands for students should have used either one of the source books noted at the foot of page 4 of the handout:

Raistrick's Index ... or Osborn's Concise Law Dictionary.

The abbreviation for Law Reports English and Irish Appeal Cases, is one of the few instances where the title on the spine/title page of the volume does not resemble the citation abbreviation and no amount of guessing will help!].

ILLUSTRATION 22: Extract from the model answers for the exercises featured in illustration 8

Section 3 – using JSB Guidelines and Kemp & Kemp

3.1 JSB Guidelines

ANSWER
JSB Guidelines
Page 30 Neck injuries b Moderate (i) 7,530 to £13,500
Page 26 Back injuries moderate ii) £6,750 to £15,050

RESEARCH TRAIL
Contents at front page vi Orthopaedic injuries, Neck injury p29-30; back p31-32
Or
Index at end of book: Neck injury p29-30

3.2 Kemp & Kemp

ANSWER
Volume 3   E3-030   1997 Hodges v Lambeth LBC PSLA £16,000 uplift £18,970

            E3-040   1999 Chappell v TDC Motor Factors £14,000 uplift £15,380

            E3-042   1997 Wilkie v Oxford Radcliffe Hospital NHS Trust, £12,500 uplift £14,820

Quantum Bulletin 2004, five parts to date, several quantums involving back injuries around £9,000 see: January 2004, Issue 1, page 7: Powell v Rees £9,500

RESEARCH TRAIL
Index at back of Volume 1
        Back injuries
                    case headnotes, E3-001 – E3-127

Sift through cases and identify E3-030, E3-040 and E3-042 as most relevant.

Go to front of Part E and check Table of Awards for both cases: E3-030: £18,970 as at Jan 2004; E3-040: £15,380; E3-042: £14,820.

Quantum Bulletin: scan recent issues: Jan 2004, page 7: Powell v Rees: £9,500.

3.3 Current Laws & Halsbury's Laws Monthly Review

ANSWER
Current Law:
Hall v Khan 1 December 2003, £8,000, 6 CL361
Rix v Somerset 30 May 2003, £7,500, 4 CL 362

Halsbury's Laws Monthly Review
Causton v Chambers 4 March 2004, £12,500, Monthly Review April 2004 04/740

RESEARCH TRAIL
Current Law
Quantum of Damages Table
Sift through entries and then read fuller note in April 2004 & June 2004 issues of Monthly Digest

Halsbury's Laws
Check Quantum of Damages Table in Cases section of Current Service Binder: Injury = Back. Causton v Chambers 04/740. Check fuller notes of cases in relevant Monthly Reviews.

A fully structured marking scheme (illustration 20) allocates a portion of marks to each of the criteria to be considered by the marker. It is important to ensure that the marks for each criterion are being allocated effectively. The example relates to the set of research trail questions shown in illustration 23.

Care should be taken with the semi-structured and structured schemes so as not to treat them as merely 'tick box' marking, but that qualitative matters such as, for example, 'coherency of argument' are fully considered.

Where an exercise requires one word or short answers, the marker should annotate incorrect answers with the correct response and include a note on the best method of achieving the correct answer. It is good practice to prepare marker's notes which set out the correct answers and provide information on how the correct answer has been obtained. Such notes will ensure consistency in the marking and annotation of student exercises, both for a single marker, and more especially, where several staff, working independently, are marking the same exercise. An example of such notes is given in Illustration 21. These have been used for several years by at least three markers marking over 350 scripts each year (the average annual first year intake to the LLB course at Cardiff University).

The Freedom of Information Act 2000 gives a general right of access to information held by public authorities. At some universities students have asked Schools to provide them with copies of assessments, feedback sheets and marking sheets used in conjunction with the assessment process. The request is usually prompted by a student considering the preparation of an appeal. Care should be taken in what markers write on any assessment related papers about the quality of the answer. Comments should be positive and give appropriate, constructive feedback.

Reliability – feedback

It is good practice to provide constructive feedback on student performance. In addition to marking, another means of providing feedback is for the tutor to prepare a model answer. For short answer exercises the model should cover the actual work set and is best distributed to students when their submissions are returned. Illustration 22 shows the set of model answers given to students when their workbooks on the material in illustrations 6 to 8 were returned.

For long answer exercises, where there may be several different yet equally correct ways of answering the question, a model exercise is best used as a pattern for what the tutor expects in terms of content and presentation. The model should be handed out before or at the same time as the exercise is set and, obviously, should be on a topic unrelated to the actual exercise.

Validity – forms of assessment

It is always good practice, but especially true where the principles of information literacy have been fully embedded within a course, to 'link back' the form and content of the assessment to the learning outcomes for the course as a whole. Often these will provide an indication of *which* activities a student should undertake and *how* they should be assessed.

There are several ways in which legal research skills may be assessed but it is important, as mentioned in the first section of this chapter, to ensure the method chosen suits the purpose of the assessment.

Assessment methods suitable for legal research include: computer-aided learning through, for example, a quiz at the end of an online tutorial, compilation of a case note (preferably on a recently decided case which has not been mentioned in textbooks yet), an essay on a topic of recent or current interest, compilation of a critical or annotated bibliography, compilation of a literature review, compilation of a portfolio of work with a critical commentary on the research skills developed and displayed, and finally, problem-based research by an individual or a group of students.

ILLUSTRATION 23: Example of a 'reflective' research trail
(reproduced with the permission of Jackie Davies, Cardiff Law School)

Research Trail

Autumn 2004

Students may complete this trail electronically but a PRINTED COPY must be submitted as the 'Research Trail' component of the essay.

You may present the information required in any way you choose but all the questions must be answered.

1 Provide a list with full bibliographical details of all the items you identified as being of potential relevance to the essay.

2 For each item, outline the steps you took to uncover relevant information and the keywords you used to find the information. Note any difficulties you faced in finding the information and the steps you took to overcome those difficulties.

3 Reflect on how useful you found each item listed in 1, above, according to each of these four criteria: relevance, reliability, authority and objectivity.

4 If you were to undertake a similar research exercise tomorrow, what would you do differently?

Most of these methods are well known and used, so in the following sections just three are described: problem-based research, the concept of the research trail (which can be attached to any form of written work), and group work.

Problem-based research: focused and unfocused problems

A legal research problem may be either focused or unfocused.

A focused problem contains a clearly expressed request for a particular piece of information, such as what is the penalty for a particular offence, the period of notice, the appropriate form, the relevant public organisation, the limitation period etc. More complex but still focused is the request for the authority of a well known piece of information, such as the drink-drive limit, that seat belts must be worn in motor vehicles, the minimum temperature for places of work. Generally speaking, a focused problem requires the student to classify the problem and commence a search through appropriate sources - the answer may be elusive but it will be factual and either right or wrong. Focused problems are best used in exercises when students are learning how to use a paper or electronic source for the first time. By keeping the law content simple students can concentrate on understanding and assimilating the complexities of learning a new skill. Virtually all the problems featured in the workbooks from which extracts have been taken in illustrations 4 and 6 to 8 are of the focused variety.

An unfocused problem is a better test of a lawyer's research skill. From a mass of information - some relevant, some irrelevant - the student lawyer has to recognise and select the significant facts to arrive at the legal issue/s. The appropriate legal rules need to be sought and applied to those facts to provide "advice" for the client. Unfocused problems can be devised to have definite and ascertainable answers, but in vocational courses especially, it is important to model the problems more closely on real life, with facts and issues for which, in part at least, there is no clear answer or

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ILLUSTRATION 24: Example of a 'process focused' research trail
(reproduced with the permission of Cathie Jackson, Information Services Division, Cardiff University)

Research Trail for Legal Research Assessment

The following suggested solution and outline of a research trail is correct as at 1 September 2004.

Question 1

Your client is a 63 year old man. He has been in dispute with his local authority in England over their refusal to issue him with a bus pass entitling him to concessionary fares. He says that, since 2002, they have been discriminating against him on grounds of sex as ladies of 63 living within the area were granted concessionary bus fares. Using *Halsbury's Statutes*:

a)   What is the law at present? What are the current statutory provisions governing this area of the law?
b)   Find a copy of the text of the most up to date Act relating to this issue.
c)   When and how did the most recent provisions come into force in England?

Answer

1a)   The authority is now obliged to give passes to both men and women who have attained the age of sixty years - Transport Act 1985 s 93 and Transport Act 2000 s 145 and s 146, all as amended by the Travel Concessions (Eligibility) Act 2002 s1.
1c)   In force in England as from 1st April 2003, by the Travel Concessions (Eligibility) Act 2002 (Commencement) (England) Order 2002 SI 2002/673.

Research trail

1a)   Using *Halsbury's Statutes* Tables of Statutes and Consolidated Index
        2003-2004
                        travel concession – see under passenger transport services

                        passenger transport services
                                elderly persons –
                                        travel concession, **38**, 680, 1424

Vol 38 page 680   Transport Act 1985 s 93 (7)(a) – persons who have attained pensionable age within the meaning given by the rules in para 1 of Sch 4 to the Pensions Act 1995. Section 93 commences on page 679.

Vol 38 page 1424   Transport Act 2000 s 145 (2) – authority must issue a permit to those who appear to the authority to be an elderly person. Definition of elderly person in s 146 (page 1425 and 1426) – a person who has attained pensionable age.

Cumulative Supplement 2003 Vol 38 pages 679 and 1425 notes that eligibility is extended to persons who have attained the age of sixty years, by virtue of the Travel Concessions (Eligibility) Act 2002 s1(1), vol 38, title Road Traffic.

Noter-Up – no change.

1b)   Cumulative Supplement noted that the Act was in vol 38, but the main volume is too old to contain a 2002 Act. Travel Concessions (Eligibility) Act 2002 is in the *Halsbury's Statutes* Current Statutes Service binder for volume 38, i.e. volume D.

The Act can also be found in *Current Law Statutes* 2002 Vol 1 c.4.

1c)   As above. Current Statutes Service binder D vol 38 page 1 notes under s 1 that commencement in England is from 1 April 2003 by the Travel Concessions (Eligibility) Act 2002 (Commencement) (England) Order 2002 SI 2002/673.

Alternative research trail:
Is it in Force? 2004 page 1466 notes the commencement order.

for which students need to identify which further and better particulars need to be obtained from the client.

Unfocused problems are suitable for assessed work, set after students have learnt basic search techniques and are ready to tackle problems similar to those they will face in legal practice.

Research trails

There are several types of research trail and they can be used equally well in all types of course: undergraduate, postgraduate and vocational. As far as the principles of information literacy are concerned, the type that fits the criteria best is the 'reflective' research trail. Ideally, the trail requires the student to compile reflections on the adequacy and usefulness of the sources consulted in the preparation of a piece of written work. It supplements and does not replace the list of references or bibliography at the end of the written work.

A typical research trail might require the student to set out the research plan or strategy they adopted, list the full bibliographic details of all the items identified as being relevant to the research (the list might include material not eventually cited in the written work), outline the steps taken to uncover the relevant information and list the keywords selected to find information. The final section of the research trail is the important part: students should be asked to reflect on how useful they found each item listed, according to various qualities such as relevance, reliability, authority and objectivity. Additionally, the trail might ask: 'if you were asked to undertake the research process again what might you change next time?' Illustration 23 shows an example of a 'reflective' research trail pro-forma issued to students. This type of Research Trail is appropriate for use in the early stages of a course of study, to awaken and develop critical thinking about sources.

Another form of research trail places less stress on 'reflection' but more on the student reporting on the process of selecting appropriate keywords and providing a 'step-by-step' account of how a particular database or paper publication was accessed and relevant information extracted. Illustration 24 is an example of a 'process focused' trail.

This type of research trail may be better suited to a point in a course where a student is required to simply focus on problem identification (selecting appropriate keywords) and correctly and accurately undertaking the research process in particular sources. It can be used with both focused and unfocused questions, though illustration 24 shows its use with the former.

Group work

In many institutions legal research exercises and formative assessments (see below) are designed for students to undertake working individually and to a relatively generous time limit (as compared with the pressures they will face in working life). At Cardiff, tutors and library staff teaching on the Legal Practice Course adopted an alternative approach involving group research and preparation of the answer to the formative assessment. Unfortunately, with a change in staff and the need to standardise assessment procedures across all subjects the innovation ceased, but a brief description is given here since some interest outside Cardiff was shown in the experiment.

For several years in the late 1990s, the whole cohort of 128 Legal Practice Course students was divided into small groups of no more than six students. Each group was allocated a problem from a selection of three and required to research it and present a response in the form of a legal memorandum to the partner of a law firm together with a letter of advice to the client. Each group was allocated just three weekdays from receiving the instructions to submitting the practice responses, while other coursework and teaching continued as normal. Groups received instructions staggered over a 10 day period to avoid competition at the shelves and computer terminals. In addition, each group was warned not to communicate with any other. As well as the responses outlined, each group was required to prepare a report describing the operation of the group and appraising their success in meeting the goals set. The report covered topics such as how many

meetings took place, what was decided, how tasks were allocated and to whom, details of the research trails, the sources searched and the results obtained, the time spent on the practice assessment, as well as reflections on whether they would approach the research in a different manner next time.

After the legal skills tutor and the librarian responsible for instruction in legal research skills had marked the student responses, students were timetabled to attend viva-voce examinations, two groups at a time. The tutor and librarian then questioned the groups on their work, highlighting good practice and drawing out points which would assist students in improving their performance. Student reaction to the experiment was very positive: they said they:

▶ found the strict and short time limits a challenge but appreciated the experience of working to conditions similar to those found in practice;
▶ learnt more about the conduct of legal research by working as a group and learning from one another than if they had had to work individually;
▶ found the group viva-voce examination a more valuable experience than the usual pattern of individual feedback given on the course.
▶ appreciated learning of the variety of approaches, research trails and sources used by other groups;
▶ understood better how groups do (and occasionally do not) function effectively.

Tutors' reaction was positive also, as it enabled them to
▶ test if students really understood the law and advice they had written;
▶ clarify or explain general misunderstandings and concerns amongst students.

Since group assessment is not a possibility under existing Law Society LPC Specifications, the summative assessment which was set after the formative followed the traditional pattern: students working individually and to a 2 or 3 week deadline.

Formative assessments

It is valuable to both tutors and students to provide an opportunity when students can undertake a formative assessment. The purpose of the formative is to expose students to the type of problem they will face in the summative assessment (the work which will count towards their passing or failing the course), to provide both tutors and students with a measure of student progress towards the goal of passing the course and an opportunity to give and receive feedback on performance.

Formative assessments have been employed on the LPC and BVC at Cardiff University for a number of years and have proved valuable. They usually take the same form as the summative assessment: LPC students are issued with a memorandum from a partner in a fictitious law firm, giving details of an interview which has taken place with a client or a message received from a client. The partner requests the trainee to undertake research on the problem and provide advice. A typical example is shown in illustration 25, used in 1996 just following the long delayed implementation of an EC Directive relevant to the answer. The trainee's response has to be in the form of a legal memorandum.

On the BVC the request for research comes from the pupil master or pupil mistress and students have to respond in the form of a research memorandum. However, students are required to undertake the research against the clock (one day) and submit a research trail, outlining the sources used and the authorities which will be cited in the memorandum. Three or four days later, students are required to submit a research memorandum setting out their advice on the problem. If a student introduces into the memorandum material not mentioned in the research trail, it is ignored by the marker.

ILLUSTRATION 25: Example of a Legal Practice Course research problem

MEMORANDUM

To: Trainee Solicitor (Commercial Department)

From: Barry Welsh, Litigation Partner

Date   15 February 1996

We are acting for Fred Waterman (Managing Director of Bullnose Fastenings Ltd) on a private matter.

Fred is dissatisfied with the new yacht custom built for his personal use by Western Yachts Limited. He has given me a list of about 10 defects ranging from relatively minor to potentially serious faults, all of which we think can be substantiated. No actual damage has been caused; this is merely a claim for defective goods. An additional complaint is that the specifications for the yacht were changed without Fred's approval and for no apparent reason.

We have established that the contract was made on 1st March 1995 and the yacht was delivered and paid for in September 1995. Fred still has the yacht and intends to keep it but sue for damages in respect of the defects etc., although no proceedings have yet been issued.

The contract was apparently made on the terms and conditions attached (not included with this reprint); certainly Fred had seen them before he signed the order form although he says he did not read them.

In establishing our claim for breach of contract, I think clause 4 may cause us problems. Could you do some research and let me know whether you agree and, if so, on what grounds, if any, we may be able to attack this clause.

In addition, can we avoid the arbitration clause? Fred does not want to go to arbitration: he wants his day in court.

On both courses the formative assessments are marked under the same conditions as the summative assessment and students receive individual feedback. But for the formative assessment, unlike the summative assessment, students have their work returned with tutors' comments noted on them. In choosing topics for both formative and summative assessments every effort is made to select a problem in which the law has changed very recently, and a correct answer cannot be compiled solely by using textbooks but only by using paper current awareness and loose-leaf updating services or electronic databases, especially internet services which are updated daily. Six matters regularly dominate the feedback to students. A student response to the problem must be:

▸ compiled as a result of a wide ranging search of both paper and electronic sources - although students may believe to the contrary, the questions set cannot be answered as a result of using only one or two sources;
▸ checked to ensure it contains an up-to-date statement of the law;
▸ focused on the needs of the client (both expressed and implied);
▸ presented in a more condensed and highly structured form than the academic essay to which students are used;
▸ checked for spelling, grammar and punctuation;
▸ written in an appropriate and adequate English style.

The value of the formative assessment lay in acting as an important transition stage between the undergraduate, academic approach to legal research and the client based, practice approach.

Explicitness

It is good practice to provide students with the marking sheet and discuss its contents with them before the assessment is set to help them understand the criteria for the assessment and provide transparency to the assessment process.

7 Plagiarism and collaboration

Avoiding plagiarism

Plagiarism can range from omitting to use proper citation conventions to the wholesale "lifting" of material from the work of another author (who could be either a fellow student or the author of material in the public domain). The topic is comprehensively covered by Alison Bone in Plagiarism: a guide for law lecturers available on the UK Centre for Legal Education web site at http://www.ukcle.ac.uk/resources/plagiarism.html

Alison has also prepared a student guide: All my own work: Plagiarism and how to avoid it, also available on the UKCLE web site at http://www.ukcle.ac.uk/resources/plagiarism2.html

Warnings about plagiarism and the consequences of committing it ought to be included in the student handbook. Additionally, the handbook should set out the methods approved by the teaching department for the content and layout of citations, bibliographies and lists of references. The closest to an official handbook on law citation practice in the UK is the Oxford Standard Citation of Legal Authorities (http://denning.law.ox.ac.uk/published/oscola.shtml). It is a system of citation and presentational style for use in legal writing, covering abbreviation, punctuation, cross-referencing, the use of headings, and other topics. It was produced by the Oxford Law Faculty in consultation with leading academic law publishers and serves as the style guide for the Oxford University Commonwealth Law Journal, as well as for theses written in the Law Faculty.

Judging from the number of queries put by students to library staff just before the date of submission of either, their first coursework or their thesis / dissertation, some Universities appear not to make this information sufficiently comprehensive. Sometimes a tutor may either over-ride or simply be unaware of the guidance given students and require them to employ a citation style similar to "any of the major law journals, such as *Cambridge Law Journal*, *Law Quarterly Review* or *Modern Law Review*". This type of direction should be avoided for two reasons:

▶ each journal adopts a slightly different style in the content and layout of citations and the lists of references, so a comparison of the quality of the work of students is made more difficult;
▶ the "style sheets" or "notes for contributors" are not printed within the journals themselves. The student is left to work out from the footnotes and lists of references in the journal exactly what the conventions are, and devise, as best he/she can, what standards the journal is using and which should be applied to their work to be submitted to the tutor. It becomes a matter of hunt the most similar reference to the book, journal, official publication, etc. that the student wishes to cite.

Identifying plagiarism

The usual clue that material has been "lifted" from another source is a sudden change in the content and style of presentation. Suspicions are also raised if the content of the material is of quite a different quality to that submitted by the same student in past exercises and assessed work. Look particularly at the use of jargon, advanced vocabulary or sentence structure. Proving from where the material has been lifted is more difficult. The mushrooming number of web databases and sites, some of whose contents change rapidly, and the requirement that students search widely for information, mean that material could be copied from an obscure source without the marker being able to prove it.

Since 2001, the Joint Information Systems Committee (JISC) of the Higher Education Funding Councils has provided a Plagiarism Advisory Service (http://www.jiscpas.ac.uk/), designed to offer advice and guidance and to host the UK implementation of the US registered electronic detection service called Turnitin. The service was free to use initially but from 2005/2006 an institutional charge and membership applies.

Identifying collaboration

This difficulty in identifying plagiarism may be balanced by the ease with which it is now possible to identify collaborative work or copying amongst students, since an increasing number of pieces of student work must be submitted in word processed form. Similarities in formatting, details of punctuation and layout all point to one disc or file being the source for work submitted by several students individually. Detailed questioning of individual suspected students on the steps they personally followed in using a particular database or publication (why did you select it, which parts did you use, which search terms did you use, how was the information displayed on the screen, where are the volumes you consulted shelved in the library, which other sources are mentioned in the case/article/commentary you have cited etc. ...), plus a request to see any rough notes or research trails, usually uncovers evidence that only one student knows how the research was undertaken and the other/s are clueless.

If suspicions of collaboration between students have been raised but cannot be proved, one method of defeating future repetitions is to set each of the suspected students a completely different legal problem to research and write up.

To aid tracking plagiarism in theses or dissertations tutors should consult published lists. Index to Theses (available in paper and web formats) is the only comprehensive listing of theses accepted for higher degrees in Universities in Great Britain and Ireland and by the Council for National Academic Awards, since 1951. Dissertation Abstracts International (in paper form) or ProQuest Digital Dissertations (web format) lists doctoral theses accepted by over 400 United States and Canadian degree awarding institutions since 1861.

8   Summary

It is important to select the most appropriate method of assessment to match the purpose. Effective assessment depends on three principles: reliability, validity and explicitness. Research trails, particularly the reflective research trail, apply aspects of the experiential learning theory discussed in chapter 2 and lead to deep learning. One of the purposes of assessment is to evaluate the effectiveness of the course of study – a point explored in more detail in the next chapter.

Evaluation of the course

1   Introduction

Evaluation is an essential part of the teaching process. This chapter contains information on four of the main types of evaluation:

Refection and self evaluation
Student feedback
Views of tutors in the teaching school
Peer review of teaching

Purpose of evaluation

It is essential to gather information which will enable a teacher to assess the effectiveness of the instruction provided and learning achieved. This information must be fed into the evaluation process so that less successful aspects of the instruction are addressed and rectified. Also, where possible, successful aspects may be enhanced. Information to assist the process of evaluation may be obtained from four sources: reflection and self evaluation by the instructor, the opinions of people receiving the instruction, the views of tutors in the teaching school and the views of a colleague observing your teaching.

2   Types of evalauation

Reflection and self evaluation

Good teachers reflect on the effectiveness of their teaching. There are several ways to reflect on the success of a lesson. The process may be aided by making brief personal notes during or immediately after a session. Ask yourself the following questions:

What was the purpose of the instruction?
Did I have any particular concerns about the lesson before I delivered it?
Which parts of the lesson went well and why?
Which parts of the lesson did not go well and why?
Were the learning outcomes achieved?
Can I learn anything to ensure I improve my performance?

Alternatively, complete a form (Illustration 26), which is primarily designed for use by a colleague reviewing your teaching session (see peer review, below), but which may also be used as an aide-memoire for self-evaluation. Glance down the list and under each heading note down your strengths and weaknesses in the session you have just given.

The effectiveness of your teaching may be gauged in other ways over a longer period of time by, for example, monitoring student use or enquiries in the library about the paper or electronic sources in which you have provided instruction. If this informal feedback indicates that some students are having difficulties with the skills and techniques taught, you should take remedial action by offering 'follow up' sessions.

ILLUSTRATION 26: Example of a Peer Review of Teaching Form

Information Services
Peer Review of Teaching

Instructor:	
Course:	
Session title:	
Date and time:	

1 Session design:	appropriate learning outcomes appropriate learning activities structure content
2 Preparation:	handouts other teaching aids environment
3 Presentation: Introduction:	motivation & interest link & revision student preparation outcomes
Development:	logical presentation progression accuracy
Conclusion:	recapitulation summary
Student Participation	
4 Questioning:	frequency handling
5 Teaching Aids:	appropriateness & relevance quality control
6 Relationship with students:	encouragement enthusiasm
7 Manner & voice:	confidence business-like fair to all use of voice use of language
8 Effectiveness:	were the outcomes met ?
9 Marked strengths and weaknesses:	
10 General comments:	
Name of peer reviewer:	

Student feedback

This can be obtained by direct and indirect means. Direct means include administering a survey questionnaire or initiating a group discussion amongst students. Indirect means include noting non-verbal behaviour of students during the lesson, such as eye contact (or lack of), background chatter (or lack of), interest in asking or answering questions and then evaluating student performance in exercises and assessed work.

The administration of a questionnaire is one of the most widely used methods of collecting student feedback. Ideally, the questionnaire should cover all aspects of the design, delivery and assessment of the course of instruction. In practice, there is a need to keep the questionnaire sufficiently brief to elicit a high response rate. Where legal research skills instruction forms a part of a module, the student feedback questionnaire may be designed and administered by the teaching school. Where the instruction does not form part of a module, illustration 27 shows an example of a very simple questionnaire which has been used in Cardiff University Information Services for several years.

It is best if the questionnaire is administered at the end of the period of instruction, whether it is the end of a "one-off" session, or the last session in a series, and collected in before students leave the room. This will help to ensure that there is a high response rate and that the results provide a reliable picture of opinion.

A group discussion might be initiated at the end of the final session using open questions (How, What, When, Why) addressed to the whole group. The tutor should ensure that for consistency the same questions are put to every group following the course of instruction. Alternatively, you could request a tutor from the law school to elicit feedback in their next class.

If the feedback indicates students are having difficulties with the skills and techniques taught, you should take remedial action by offering "follow up" sessions.

Views of tutors in the School

The views of law school tutors will help you to evaluate the effectiveness of student learning. For example, the quality of student work will be formally and informally assessed by tutors. As a result, they will have formed views on how effectively the legal research skills have been met. Key indicators might be how well students have developed competencies in creating research strategies, uncovered the breadth and depth of appropriate material and avoided plagiarism.

Peer review of teaching

Feedback from colleagues may be informal or formal.

Informal feedback is provided when, for example, tutors or support staff assist in a session and are asked by the leading instructor (who may be a member either of the teaching school or the support service) after the session for comments on the tuition. Although such feedback is valuable it often does not permit the identification of particular strengths or weaknesses in a session in the same way as will be achieved by the use of formal techniques.

If peer review of teaching is employed the following elements of good practice may be followed. Formal feedback is elicited by staff sitting in on a teaching session given by a colleague and reviewing performance using a form such as that reproduced in illustration 26. The purpose is for the person giving the evaluation "to hold up a mirror" to the performance of the instructor being reviewed, so offering constructive and supportive comment, which will assist the instructor to identify strengths and weaknesses in their teaching technique.

The reviewer should sit at the back of the class and use the form as an aide-memoire of the aspects of instruction to watch for. Written comments should be made in the space at the right

ILLUSTRATION 27: Example of a simple Student Feedback Questionnaire

Information Services
[Title of Session]
Feedback Sheet

We would value your comments on the session today. The information you provide will be treated in confidence and will help us in planning future courses.

On a scale of 1 to 5 where 1 = poor and 5 = excellent, how would you rate:

	1	2	3	4	5
The way in which the information was presented					
The amount of information presented					
Usefulness of the handout					
Your confidence **before** the session in using the sources demonstrated					
Your confidence in using the sources **now**					

Any further comments about any aspect of the session:

Thank you for completing this questionnaire.

side of the page. Comments on every aspect of the presentation are not required but only on those aspects which the reviewer considers deserving identification. The reviewer ought to provide verbal feedback to the instructor as soon as practicable after the session. At the end of the feedback the reviewer should hand the original completed form to the instructor for him/her to retain as an aid to the development of their instructional skills. The review document is for the use of the instructor alone and no copies of the review form should be made. But, the benefit to the reviewer must be recognised also: through reviewing the work of others he/she may discover good ideas for teaching technique, which could be employed in his/her own instruction.

It is vital to the success of formal review that it is conducted in a constructive manner and in an atmosphere of mutual trust and confidentiality. No aspect of a review should be divulged to a third party by the reviewer.

In small group sessions, at the start of the lesson, the instructor should introduce the reviewer to the class and mention that his/her role is to review the performance of the instructor, not the students.

In an ideal world, every member of staff who takes an instructional session ought to be reviewed at least once every academic year, by a colleague who also teaches. The reviewer should be an experienced instructor. Teaching reviews can take place across subject boundaries, because it is the teaching technique, not the subject matter, which is the subject of the review.

Both lectures and small group work and at all levels of teaching may be reviewed.

Constructive feedback is valuable to assist reflection and can be a powerful learning tool both for those reviewed and the reviewer.

3   Summary

Course evaluation is an essential part of the teaching process. It may be achieved through any one or a combination of the following methods: the personal reflection and evaluation of the teacher, student feedback, the views of tutors in the teaching school or peer review by teaching colleagues. This latter is a sensitive area and must be conducted in a supportive environment of mutual trust and confidentiality. Evaluation should lead ultimately to improvement in the course and feed into a reconsideration of the ways in which the principles discussed in earlier chapters have been employed by the tutor in question.

Further Reading

Very little has been written specifically on the skill of teaching legal research. The select list of further reading below focuses on books which explore the instructional techniques already described, in more detail. Some books provide the theoretical and research basis upon which the techniques have been founded. The emphasis of the list is on sources which provide practical guidance, ideas and methods, not just theory.

Librarianship journals in the United Kingdom occasionally contain articles describing the legal research instructional programmes provided at particular Universities, colleges or in law practice. I have included a selection which provide information which may be of interest to those considering the development of a legal research skills course for the first time.

General guidance on the teaching process

Brown, George and Atkins, Madeline. (1990) *Effective teaching in higher education.* London: Routledge.

Outlines the results of recent research into teaching methods with practical guidance and ideas on how to put them into practice. Covers a range of learning situations including lectures and small group work. Aimed specifically at University and College level teaching.

Cannon, Robert and Newble, David. (2000) *A handbook for teachers in universities and colleges.* 4th edition. London: Kogan Page.

Practical explanations covering how to plan a course, prepare and use teaching materials and assess students' work. Frequent use of step-by-step explanations.

Davies, Ivor K. (1981) *Instructional technique.* London: McGraw-Hill.

Practical introduction to instructional techniques especially in the design and development of training programmes. The standard work on the subject.

Fry, Heather., Ketteridge, Steve and Marshall, Stephanie. (2003) *A handbook for teaching and learning in higher education.* 2nd edition. RoutledgeFalmer: London.
A book of readings intended for inexperienced teachers in HE.

John, Peter D. (1993) *Lesson planning for teachers.* New York: Cassell Educational.

Provides practical guidance based on theory especially in lesson design. Includes illustrations and practical examples.

Kyriacou, Chris. (1998) *Essential teaching skills.* 2nd edition. Cheltenham: Stanley Thornes.

Reviews the key skills in successful classroom practice. Although primarily for the secondary school teacher early chapters on planning and preparation are relevant.

Laurillard, Diana. (2002) *Rethinking university teaching: a framework for the effective use of educational technology.* 2nd edition. London: Routledge.

A thought provoking exploration of the potential of technological media to improve student learning and teaching efficiency.

Mager, Robert. (1990) *Making instruction work or skillbloomers.* London: Kogan Page.

Popular text on how to analyse, design and implement instruction. Although the book takes manufacturing industry training as its context, the principles can be applied in higher education.

Perrott, Elizabeth. (1983) *Effective teaching*. London: Longman.

Introduction to the basic techniques and procedures to help improve teaching skills. Aimed at primary and secondary school teachers but chapters on planning, presentation and communication are relevant in higher education.

Ramsden, Paul. (2003) *Learning to teach in higher education*. 2nd edition. London: Routledge.

Practical discussion aimed specifically at teaching undergraduates.

Designing lesson materials

Johnstone, Richard. (1996) *Printed teaching materials: a new approach for law teachers*. London: Cavendish.

Aims to provide law teachers with a way of thinking about appropriate ways of developing and using printed materials, together with examples of how this has been achieved with materials for both private study and classroom use.

Presentation skills

Kirkham, John. (1997) *Guidelines for effective presentations*. 2nd edition. Marlborough: Ramsbury Books.

Good, practical advice rather than theoretical analysis.

Bradbury, Andrew. (2000) *Effective presentation skills*. 2nd edition. London: Kogan Page.

Practical advice and tips.

Stott, Rebecca., Young, Tory and Bryan, Cordelia (eds) (2001) *Speaking your mind*. Harlow: Pearson Education.

Introduction to becoming aware of the audience and the context when speaking, with practical activities to develop these skills.

Questioning

Morgan, Norah and Saxton, Juliana. (1991) *Teaching, questioning and learning*. London: Routledge.

Provides help for teachers in developing their questioning skills as an aid to sharing the process of inquiry.

Virtual Learning Environments

Accessibility

ALERT (Accessibility in Learning Environments and Related Technologies) http://www.dur.ac.uk/alert

HEFCE project run jointly by Durham and Bournemouth Universities. Case studies include several law students.

University of Cambridge Computing Service. (2004) 'Accessibility information'. http://web-support.csx.cam.ac.uk.

Provides links to SENDA-related websites, accessibility related tools and other technical issues.

Doyle, C. and Robson, K. *Accessible curricula: good practice for all*.

A practical guide to the diversity aspects of course design. Section 7: Assistive technology pp.44-47 and Section 9: Web Accessibility pp.52-60 particularly apply to VLE design.

E-learning

LTSN Generic Centre (2003) e-Learning Series. York: LTSN

Mayer, R. (2001)*Multimedia learning*. New York: Cambridge University Press.

Mayer suggests seven principles based on his own research for example, Modality principle: students learn better from animation and audible narration than from animation and on-screen text (p.135)

Moallem, M. (2003) 'Applying learning styles in an online course', *Academic Exchange Quarterly*. 7(4) 209-215

UKCLE resource bank available at: http://www.unkcle.ac.uk/resourses/vles. UKCLE's teaching resource notes are compilations of the essential topics, practical tips, sources, assessment models and ICT considerations on an aspect of teaching.

Effective VLE use

Stiles, M. (1999) 'Effective learning and the virtual learning environment',
http://www.staffs.ac.uk/COSE/cose10/posnan.html

Case studies and templates

BEST guides and briefing papers. Available at
http://www.business.heacademy.ac.uk/publications/misc/guides/

LTSN Generic Centre. LEAP Case Studies published by the Higher Education Academy
http://www.heacademy.ac.uk

In particular see case studies 7 and13 relating to using discussion board activities in relation to teaching law.

INFORMS http://informs.hud.ac.uk/cgi-bin/informs.pl

InfoSkills http://www.library.mmu.ac.uk/info/infoskills.html

Lawpaths For further information about the Lawpaths User Community please see
http://library.kent.ac.uk/library/lawpaths/lislawletter.doc

Assessment

Anderson, T, 'Teaching and learning in an online learning context' in T. Anderson and F. Elloumi (eds.) *Theory and practice of online learning.* Athabasca University.

Terry Anderson examines in detail the work of both Susan Levine and Nada Dabbagh in relation to setting an assessment framework for bulletin board participation (asynchronous learning)

Digital copyright

Pedley, P (ed) (2005). *Managing digital rights: a practitioner's guide.* London: Facet Publishing.

This is a practical guide to the legal issues surrounding the use of content in digital form – such as how to manage copyright clearances, e-journal licensing agreements and DRM (Digital Rights Management) systems.

Technical standards and tools

CETIS (Centre for Educational Technology Interoperability Standards) http://www.cetis.ac.uk

Lewis, B and MacEntee, V and Youngs-Maher, P (2002) ''Software compare and contrast: Blackboard, WebCT and Lotus Notes a Panel Discussion''. *InSITE* June 2002 pp919-931

Netmechanic http://www.netmechanic.com/

University of Iowa (2004) ''Blackboard 6 and WebCT 4: What are their similarities? Their differences?'' *ITS Academic Technologies* December 3, 2003 available at:
http://courses.uiowa.edu/comparison/

Assessment

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