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Two Educator Perspectives on Legal Research Methods

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China *Continued*

Hainan, and the gleaming metropolis of Shanghai. We've lived with a countryside family in a home with no heat, no indoor plumbing and a detached kitchen with a straw-fed cooking stove. In rural areas especially we were watched intently and followed closely by jaw-dropped locals who had never seen foreigners up close. Everywhere we went we were warmly welcomed and generously fed.

What is it like living and working in a communist country? China is a land of contradictions: a socialist state run by a communist party with an emerging market economy. People's everyday lives are focused on everyday things, earning a living and enjoying life. They are interested in politics and angry about official corruption but avoid criticism of the Party, some due to fear, others out of a fierce loyalty to country and a distrust of Western views. In a developing nation of 1.3 billion and limited resources there is a high premium on survival. Pedestrians are moving targets for automobiles on city streets, and on sidewalks, where a honk that you're about to be run over is courtesy enough. Pushing and shoving and queue-jumping

offend only foreigners. And yet you will be hosted elaborately at meals and nearly escorted to your doorstep on your departure. It is these contradictions that baffle and intrigue outsiders, perhaps the yin and yang of Chinese philosophy in practice.

What do I bring back to my paralegal program and students from this journey? Just like the contradictions of China, our world is both big and small at the same time. Chinese students are fascinated by things Western, but cautious about what they adopt. They have a keen curiosity about American students and what they think of China and the Chinese. I tell them, unfortunately, that most of my students don't even think about China, much less have preconceived notions. I hope my American students will join these Chinese young people who are developing into global citizens.

Teaching in China is not for everyone. Financially, it would have been nearly impossible without my college's sabbatical funding for 2/3 of my regular salary, plus my BFSU pay. Living in China requires a great deal of flexibility and a high threshold for frustration, as the legacy of decades of state control still persists in government

institutions, including the university. But these "problems" are also a part of the charm, allowing me to live a life so unlike anything I have known. For those who are ready for it, it is an adventure not to be missed. ■

Ted Maloney is the founding director and full-time tenured faculty member of the ABA-approved Skagit Valley College Paralegal Program, in Mount Vernon, Washington. He is a past chair of the Washington State Bar Association's Legal Assistants Committee, and has served on the Board of Directors of the American Association for Paralegal Education (AAfPE). Ted graduated from the University of Notre Dame Law School in 1978. He practiced law in Washington for 18 years, primarily representing Indian tribal governments in federal and tribal courts. In Spring 2002 he completed a 3-month sabbatical tour of Western and Eastern Europe, studying political and legal institutions. Besides paralegal classes, Ted teaches courses on government and international relations at Skagit. He is just returning from two years as Skagit's exchange faculty in China at Beijing Foreign Studies University, where he taught in the School of Law and School of International Relations and Diplomacy.

Two Educator Perspectives on Legal Research Methods

LAPTOP OR LIBRARY? CHOOSE YOUR LEGAL RESEARCH WEAPON

Ellen Boegel, St. John's University

According to ABA Guidelines for the Approval of Paralegal Education Programs (G-601G and J) ABA-approved programs must provide access to both print and

electronic resources, and teach both traditional and electronic research methods. Individual professors teaching various courses, however, may exercise discretion when determining whether to emphasize print or electronic research. My preference is for electronic research.

Employment Opportunities

Employers for whom my students will work have stopped keeping books. Storage and maintenance of print resources are expensive; electronic resources are current and portable. Growing public

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access and the variety of proprietary payment plans have increased the flexibility and reduced the cost of computer-assisted legal research. Most small firms keep updated print copies of frequently used statutes, regulations, and reference books, but they do not keep case reporters, full federal and state statutory volumes or digests. A student must know how to research using electronic resources because print resources are not available.

Student Preferences

Students are more comfortable using computers than they are using books. Students like completing assignments any time, any day, from any location. Electronic research allows a student with a wireless laptop to research from the beach while on spring break, or, more realistically, while on their lunch break at a nearby coffeehouse. Libraries have limited hours and a fixed location. Libraries also have only one copy of most materials. Students are frustrated when a necessary book is in use, misshelved, damaged or stolen.

Availability of Electronic Resources

Students need not have access to

Lexis or Westlaw to conduct electronic legal research. Numerous free and reliable websites contain case law databases and useful search engines. The Oklahoma State Court Network, <http://www.oscn.net/applications/oscn/search.asp?simple=true>, for example, provides an extensive searchable database of all Oklahoma state legal materials and some Utah, Wyoming, and federal materials. The website even offers a free "citationize" feature that performs a cite checking function similar to Keycite or Shepard's. The New York State Court website, www.courts.state.ny.us/reporter, allows users to access and search Westlaw's database of New York cases. The California Court website provides similar access to its cases via the LexisNexis database, <http://www.lexisnexis.com/clients/CACourts/>.

Sample Assignment

A good assignment for a legal research course is to find a recent appellate court decision involving school district liability for playground injuries. Students use computer-assisted legal research, log on to an appropriate resource, select a database, type in a few keywords, school and playground for example, and wait a few seconds for the results. This

assignment, including log on time to my school's LexisNexis Academic Universe account, took me under two minutes. It took approximately the same time using New York's free search engine.

In contrast, students using traditional research methods must travel to the library, find the appropriate digest series, locate the correct volume, wait until other students given the same assignment are finished with it, flip pages until an appropriate reference is found, write down the case citation, locate the appropriate reporter, and then wait until other students are finished with the volume to read the case. Using print resources, the school playground liability assignment, minus waiting time, took me 17 minutes to complete.

An added bonus to electronic research is that assignments can be given in a computer classroom so the professor can monitor each student's progress and offer assistance when necessary. This ensures that the student who submits the research results actually conducted the research. I teach my students how to use print resources to perform legal research because I must, but my preference, and theirs, is to perform tasks as they would in a law office, electronically.

BOOK AND PRINT VERSUS SCREEN AND TYPE

Marissa J. Moran, *New York City College of Technology*

The world of research, in general, and legal research, specifically, is

big enough to allow for both the traditional method of manual book research and electronic research to co-exist.

We must, as educators, encourage and guide our students in their

use of technology for legal research just as we do with the manual method of research. For the most part, our students have grown up with technology and are quite comfortable relying

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upon it to assist them in finding necessary information on virtually any topic. However, as with any method of research, students must be cautioned about limitations they may encounter.

Remember in law school, the countless frustrating hours spent in the library looking for missing case books or incorrectly filed/shelved books or finding the book only to discover that the case you needed had been carefully carved out of the book. Due to computerized research, such issues should no longer occur and these problems associated with legal research resolved. If we were keeping score, that would be one point for electronic research.

Finding information quickly is great, however, the source or authority for such information must be scrutinized, and more so with electronic resources. One need only think of disclaimers surrounding websites or posts — “we are not responsible for the content/information provided by the author ...” Although there is the promise of speed, time and labor must be spent formulating accurate search queries before embarking on electronic research, as the acronym GIGO (Garbage In, Garbage Out) reminds us. What this speed should provide is more time to devote to analysis and actual legal writing. Although owning personal computers has become commonplace, not every student owns one, let alone a laptop. That’s one point for technology and two points for traditional research.

Reading from a screen may save time and paper by allowing the viewer a quick read and turn-around response. However, with longer documents, such as cases and the legislative history that accompanies statutory law, a hard copy is easier to work from. When asked to review a book proposal, you may provide the commentary via the computer; but it is a hard copy you read from when you review a chapter. Law publishers realize the benefits of both tradition and technology, and so should we. Score one for traditional research.

Depending upon where your students work most likely will determine which method of research they utilize. Cost considerations are always a factor and whether it is economically prudent to conduct electronic or manual research may depend on how quickly and accurately the student researcher obtains the desired result. Printed materials and updates are costly and may be outdated before they even hit the shelves. With electronic research there is sometimes a miscommunication of rushed information or a too quick perusal of the latest updates which sacrifices analysis.

It would seem wise then for our students to have knowledge as to how to perform manual and electronic research, and be articulate and demonstrate the reasons why, if given a choice, computerized research may be a more efficient use of their time. No matter where your students may work, at the very least, if they are knowledgeable in electronic research, it should be the research

of choice when finding the most up-to-date law. So as to scoring, it’s a draw, but let’s not keep score.

As educators preparing our students for the 21st century practice of law, we need to be responsible with the knowledge and type of skills we teach. By empowering students with both traditional research and electronic research skills we will enable them to have options to enhance their abilities with the best that both worlds of research have to offer. ■

Ellen K. Boegel teaches basic and advanced legal research and writing at the Staten Island Campus of St. John's University. She is the Assistant Director of the Legal Studies Program. She holds a J.D. from The George Washington University and has written on legal citation and church/state issues.

Marissa J. Moran is an associate professor at New York City College of Technology (“City Tech”) in the Dept. of Law & Paralegal Studies. After graduating from law school, she clerked for the chief Federal Bankruptcy Judge in the Southern District of New York and later worked as an associate in the New York law firms Kaye, Scholer, Fierman, Hays & Handler and Emmet, Marvin & Martin. Marissa has served as chair of the Legislative Committee of City Tech’s governance body, chair of the Faculty-Student Disciplinary Committee, and has been a guest speaker and organizer of City Tech conferences cosponsored with the Brooklyn DA’s Office. She has three sons, James, JonPaul and Justin.