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# Joining the Conversation: Law Library Research Assistant Programs and Current Criticisms of Legal Education

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**Joining the Conversation:  
Law Library Research Assistant Programs  
and Current Criticisms of Legal Education**

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**Shortened Version of the Title:**

Research Assistant Programs and Legal Education

**Abstract**

Law libraries should play a greater role in addressing the current crisis in legal education. Proponents for educational reform often view libraries as a vehicle for cost savings, while overlooking the ability of libraries to train students in the skills and competencies that are essential for the practice of law. Libraries' research assistant programs can be particularly effective in imparting workplace values and lawyering skills beyond the traditional law school curriculum. This article encourages libraries to build on the strengths of their research assistant programs as a substantive way to equip law students with essential skills for today's legal marketplace.

# **Joining the Conversation: Law Library Research Assistant Programs and Current Criticisms of Legal Education**

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## INTRODUCTION

Legal education is under siege. Critics inside and outside the academy have identified a host of problems with the current state of legal education:<sup>1</sup> rising tuition costs, unsustainable student debt loads, decreasing student applications, gamesmanship relating to law school rankings and law graduates' employment rate data, and the failure to adequately equip law students for a contracting and changing legal job market.<sup>2</sup> These factors are frequently identified

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<sup>1</sup> See e.g. Brian Z. Tamanaha, *Failing Law Schools* (U. Chi. Press 2012); Paul Campos, *Don't Go to Law School (Unless)* (CreateSpace Indep. Publg. Platform 2012); Richard Susskind, *The End of Lawyers?* (rev. ed., Oxford U. Press 2010); Thomas D. Morgan, *The Vanishing American Lawyer* (Oxford U. Press 2010).

<sup>2</sup> See Tamanaha, *supra* n. 1, at ix–x; Campos, *supra* n. 1, at xii–xiv, 1–7; Deborah L. Rhode, *Legal Education: Rethinking the Problem, Reimagining the Reforms*, 40 Pepp. L. Rev. 437, 437–38 (2013); Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. Times A1 (Jan. 31, 2013).

at the core of this “existential crisis for legal education.”<sup>3</sup> Many have proposed ways to address the various problems, such as eliminating the third year of law school or devoting it exclusively to experiential learning,<sup>4</sup> creating law firms or solo practitioner incubators within law schools,<sup>5</sup> instituting apprenticeship or residency programs similar to those in the medical field,<sup>6</sup> developing L.L.M. programs and certificate programs for law students or non-lawyers seeking legal training in specific areas,<sup>7</sup> designing distance learning programs,<sup>8</sup> and calling for revisions to the American Bar Association (ABA)’s accreditation standards to give law schools more flexibility to tailor their programs to the needs of the legal market.<sup>9</sup>

Within this larger discussion, very few proponents for reform have considered the role that academic law libraries can play in improving the state of legal education. Such proponents typically mention law libraries in passing, viewing them only as a source for cost savings if the ABA lowers the

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<sup>3</sup> John J. Farmer Jr., *To Practice Law, Apprentice First*, N.Y. Times A17 (Feb. 18, 2013).

<sup>4</sup> See Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility after Two Years of Law School*, 15 N.Y.U. J. Legis. & Pub. Policy 599 (2012); Morgan, *supra* n. 1, at 214; Rhode, *supra* n. 2, at 456–57.

<sup>5</sup> See Bradley T. Borden & Robert J. Rhee, *The Law School Firm*, 63 S.C. L. Rev. 1 (2011); Karen Sloan, *Incubators Give Birth to Flocks of Solo Practitioners*, 34 Natl. L.J. 11 (Sept. 5, 2011).

<sup>6</sup> See Farmer, *supra* n. 3; Tamanaha, *supra* n. 1, at 175; Owen Praskievicz & Christina Thomas, *20 Most Innovative Law Schools*, 22 Natl. Jurist 28, 30 (Sept. 2012) (“A handful of schools are mimicking the training hallmarks of medical school, including mandatory clinic participation and externships, where students shadow practicing attorneys.”)

<sup>7</sup> See Morgan, *supra* n. 1, at 213; Elizabeth Chambliss, *Two Questions for Law Schools about the Future Boundaries of the Legal Profession*, 36 J. Leg. Prof. 329, 345–46 (2012); see also Tamanaha, *supra* n. 1, at 64 (discussing how law schools utilize L.L.M. programs to increase enrollments and generate revenue).

<sup>8</sup> See Morgan, *supra* n. 1, at 205–06; Praskievicz & Thomas, *supra* n. 6, at 28.

<sup>9</sup> See Tamanaha, *supra* n. 1, at 172–74; Rhode, *supra* n. 2, at 447–48.

accreditation standards relating to law library collections.<sup>10</sup> Law libraries have much more to offer. They have a long history of equipping law students with research skills necessary for the practice of law,<sup>11</sup> which they can draw on during this time that demands more emphasis on law students' practical skills and

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<sup>10</sup> See Tamanaha, *supra* n. 1, at 173 (“The entire set of rules relating to the law library must be deleted. These rules require law schools to maintain unnecessarily expensive library collections and a large support staff; the book-on-the-shelf library is virtually obsolete in the electronic information age.”); Debra Cassens Weiss, ABA J. Daily News, *Two-Year Law School Was a Good Idea in 1970, and It’s a Good Idea Now, Prof Tells ABA Task Force*, <http://www.abajournal.com/news/article/two-year-law-school-was-a-good-idea-in-1970-and-its-a-good-idea-now> (Feb. 9, 2013, 8:36 p.m. CDT) (describing Associate Dean Luke Bierman’s testimony at hearing sponsored by the ABA Task Force on the Future of Legal Education: “Law school accreditation standards need to be relaxed, he said, to allow for more experiential learning. Now law schools are hampered by limits on adjunct faculty and library requirements that no longer make sense, he said.”) The Council of the Section of Legal Education and Admissions to the Bar has preliminarily approved changes to Chapters 6 (“Library and Information Resources”) and 7 (“Facilities”) of the ABA Standards and Rules of Procedure for Approval of Law Schools that take steps in this suggested direction. See Memo. from the ABA Sec. of Leg. Educ. & Admis. to B. to Interested Persons and Entities, *Comprehensive Review of the ABA Standards for Approval of Law School Matters for Notice and Comment* (Feb. 22, 2013) (available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/20130222\\_notice\\_and\\_comment\\_standards\\_chs\\_6\\_7.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20130222_notice_and_comment_standards_chs_6_7.authcheckdam.pdf)); Mark Hansen, *A Slightly Faster Track: Legal Ed Section Takes Steps to Speed up Review of Accreditation Standards*, 99 ABA J. 60, 60–61 (Feb. 2013). The ABA Task Force on the Future of Legal Education also appears open to such reforms to the ABA Standards, but it does not promote eliminating prescriptions in the standards as a stand-alone solution. See ABA Task Force on the Future of Leg. Educ., *Working Paper* 18 (ABA, Aug. 1, 2013) (available at [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/taskforce\\_comments/aba\\_task\\_force\\_working\\_paper\\_august\\_2013.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/taskforce_comments/aba_task_force_working_paper_august_2013.authcheckdam.pdf)) (“The Task Force has concluded that, while removing certain prescriptions in the ABA Standards and elsewhere could be beneficial as to cost and market orientation, many such changes would have to be coupled with other methods that non-coercively move law schools or other actors toward achieving the desired outcomes or benefits.”)

<sup>11</sup> See Joyce Manna Janto & Lucinda D. Harrison-Cox, *Teaching Legal Research: Past and Present*, 84 L. Lib. J. 281 (1992); Duncan Alford, *The Development of the Skills Curriculum in Law Schools: Lessons for Directors of Academic Law Libraries*, 28 Leg. Ref. Servs. Q. 301, 306 (2009) (noting “librarians’ long dominance of legal research instruction”); see also Vicenç Feliú & Helen Frazer, *Outcomes Assessment and Legal Research Pedagogy*, 31 Leg. Ref. Servs. Q. 184, 196 (2012) (“Law librarians are uniquely qualified as experts in both information science and law to identify legal research learning objectives and to assess student outcomes. They have a breadth and depth of knowledge about research resources and methods beyond that of most legal practitioners.”)

competency in certain areas.<sup>12</sup> In particular, law library research assistant programs may serve as a vehicle through which law students receive not only training in legal research skills, but hands-on experience they need for the legal market they face today.

The concept of law library research assistant programs is not a new one,<sup>13</sup> and many law libraries utilize research assistants in some form or another.<sup>14</sup> In light of the current crisis in legal education, law libraries should draw on the strengths of such programs and actively seek ways to improve and refine them as tools for equipping law students with the skills they need in today's legal marketplace. To better understand the desired skills, this article will begin with a brief review of previous calls for increased skills training and the integration of certain competencies in law school education. The article will then discuss some of the key strengths of law library research assistant programs, using the experiences at the William S. Boyd School of Law as a point of reference. It will also examine the costs and challenges that can threaten the usefulness of such programs and cause them to fall short of their potential. In the end, this article

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<sup>12</sup> See *infra* nn. 15–38 and accompanying text.

<sup>13</sup> See e.g. Darcy Kirk & Barbara Rainwater, *The Research Assistant Pool in the Law Library*, 6 Trends L. Lib. Mgt. & Tech. 4 (1994); Harriet Richman & Steve Windsor, *Faculty Services: Librarian-Supervised Students as Research Assistants in the Law Library*, 91 L. Lib. J. 279 (1999); Jon S. Schultz, *The Faculty Services Department: Fine-Tuning the Research Engine*, 83 L. Lib. J. 771 (1991).

<sup>14</sup> See Linda Karr O'Connor, Jennifer Loope Selby & Barbara H. Garavaglia, Conference Presentation, *Law Library Research Assistant Programs: Two Different Models*, Am. Assn. L. Libs. Annual Meeting, Boston, Mass. July 23, 2012 (audio recording available at AALL2go, <http://aall.sclivelearningcenter.com>) (comparing and contrasting commonly used models of law library research assistant programs).

will encourage law libraries to consider how their research assistant programs can play a greater role in the important debates surrounding legal education today.

#### DEVELOPING PRACTICAL SKILLS AND LEGAL COMPETENCIES

To fully appreciate the potential of law library research assistant programs to equip students with essential skills, it is necessary to have some understanding of the targeted skills and competencies. Calls for law schools to emphasize practical skills is not a recent phenomenon,<sup>15</sup> and in the past few decades there have been several published reports focusing on the state of legal education.<sup>16</sup> Among such reports, the MacCrate Report<sup>17</sup> and the Carnegie Report<sup>18</sup> have garnered significant attention among legal educators.<sup>19</sup> The MacCrate Report identified ten “fundamental lawyering skills”: (i) Problem Solving, (ii) Legal

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<sup>15</sup> See ABA Comm. on Prof. Educ. Continuum, *Twenty Years After the MacCrate Report: A Review of the Current State of the Legal Education Continuum and the Challenges Facing the Academy, Bar, and Judiciary* 1 (ABA Mar. 20, 2013) (“[T]here is once again a public perception of a problematic gap between legal education and legal practice.”); Karen Sloan, *Reality’s Knocking: The Ivory Tower Gives Way to the Real World’s Demands*, 32 Natl. L.J. 1 (Sept. 7, 2009).

<sup>16</sup> See Alford, *supra* n. 11, at 304. There have also been “an impressive set of conferences, colloquia, alliances and law school-specific curricular changes” since the *Carnegie Report* was published in 2007. ABA Comm. on Prof. Educ. Continuum, *supra* n. 15, at 16. For brief descriptions of them, see *id.* at 16–23.

<sup>17</sup> ABA Sec. of Leg. Educ. & Admis. to B., *Legal Education and Professional Development — An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA 1992) [hereinafter *MacCrate Report*].

<sup>18</sup> William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass/Wiley 2007) [hereinafter *Carnegie Report*].

<sup>19</sup> For more detailed discussions of the *MacCrate Report* and the *Carnegie Report* as they relate to legal research skills, see Dennis Kim-Prieto, *The Road Not Yet Taken: How Law Student Information Literacy Standards Address Identified Issues in Legal Research Education and Training*, 103 L. Lib. J. 605, 611–14 (2011), Alford, *supra* n. 11, at 304–306, and Yasmin Sokkar Harker, *“Information Is Cheap, but Meaning Is Expensive”: Building Analytical Skill into Legal Research Instruction*, 105 L. Lib. J. 79, 81 (2013). For a critical perspective on both reports, see Morgan, *supra* n. 1, at 200–04.



Analysis and Reasoning, (iii) Legal Research, (iv) Factual Investigation, (v) Communication, (vi) Counseling, (vii) Negotiation, (viii) Litigation and Alternative Dispute-Resolution Procedures, (ix) Organizing and Management of Legal Work, and (x) Recognizing and Resolving Ethical Dilemmas.<sup>20</sup> Even with a very conservative assessment, one can see the role that law library research assistant programs play in developing at least three of the skills: (i) legal research, (i) factual investigation, and (iii) communication. The MacCrate Report described primary legal texts, secondary legal materials, and sources of ethical obligations of lawyers as “fundamental tools of legal research,” and stated that “a lawyer should be generally familiar with the nature of the tool, its likely location in a law library, and the ways in which the tool is used.”<sup>21</sup> The MacCrate Report also called for lawyers to be familiar with the “skills, concepts, and process involved in determining whether factual investigation is needed, planning an investigation, implementing an investigative strategy, organizing information in an accessible form, deciding whether to conclude the investigation, and evaluating the information that has been gathered.”<sup>22</sup> With respect to communication skills, the MacCrate Report did not distinguish between oral and written forms, and it included an understanding of legal citation requirements among the “specialized

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<sup>20</sup> *MacCrate Report*, *supra* n. 17, at 138–40.

<sup>21</sup> *Id.* at 159.

<sup>22</sup> *Id.* at 163.

requirements for effective communications in the legal context.”<sup>23</sup> Research assistants strengthen these critical skills each time they encounter research problems that require strategizing and forming a research plan (“factual investigation”), locating relevant statutes, cases, periodicals, or treatises (“legal research”), providing written or verbal updates to a law librarian, and summarizing the findings in proper Bluebook or ALWD format (“communication”).

The Carnegie Report largely omitted any discussion of legal research skills,<sup>24</sup> but it proposed a framework of three apprenticeships: (i) the cognitive apprenticeship, (ii) the expert practice apprenticeship, and (iii) the apprenticeship of identity and purpose.<sup>25</sup> As will be described in greater detail below, law librarians often incorporate into their research assistant programs aspects of traditional classroom instruction (part of the “cognitive apprenticeship”<sup>26</sup>), actual experience with the hands-on, day-to-day process of creating and refining legal work product (part of the “expert practice apprenticeship”<sup>27</sup>), and exposure to the legal profession’s standards by sharing librarian and law faculty approaches to legal research challenges and ethical issues, such as confidentiality and

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<sup>23</sup> *Id.* at 172–76.

<sup>24</sup> See Alford, *supra* n. 11, at 306; Kim-Prieto, *supra* n. 19, at 614.

<sup>25</sup> See *Carnegie Report*, *supra* n. 18, at 28; Morgan, *supra* n. 1, at 202; Alford, *supra* n. 11, at 305; Kim-Prieto, *supra* n. 19, at 614.

<sup>26</sup> See *Carnegie Report*, *supra* n. 18, at 63.

<sup>27</sup> *Id.* at 96–100.

plagiarism, that may arise in the course of their work (part of the “apprenticeship of identity and purpose”<sup>28</sup>).

More recently, critics and scholars have shifted their attention to a study by Professors Marjorie M. Shultz and Sheldon Zedeck that described “26 factors conducive to lawyering effectiveness.”<sup>29</sup> In their study, Professors Schultz and Zedeck sought to, among other things, remedy what they found lacking in the MacCrate Report and other similar reports – namely, the reports’ failure to devise methods for measuring the skills described in such reports.<sup>30</sup>

While the primary purpose of the study was to show the need and opportunity for a broader approach in making law school admission determinations,<sup>31</sup> Professors Schultz and Zedeck also succeeded in highlighting critical factors that may not be receiving the attention they deserve in legal education today.<sup>32</sup> They identified the following 26 lawyer effectiveness factors through their extensive empirical study:

Analysis and Reasoning  
Creativity/Innovation  
Problem Solving  
Practical Judgment  
Researching the Law  
Fact Finding  
Questioning and Interviewing

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<sup>28</sup> *Id.* at 28.

<sup>29</sup> Marjorie Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admissions Decisions*, 36 L. & Soc. Inquiry 620 (2011).

<sup>30</sup> *Id.* at 624–25, 628.

<sup>31</sup> *Id.* at 621.

<sup>32</sup> See William D. Henderson, *A Blueprint for Change*, 40 Pepp. L. Rev. 461, 500–01 (2013).

Influencing and Advocating  
Writing  
Speaking  
Listening  
Strategic Planning  
Organizing and Managing One's Own Work  
Organizing and Managing Others (Staff/Colleagues)  
Negotiation Skills  
Able to See the World Through the Eyes of Others  
Networking and Business Development  
Providing Advice & Counsel & Building  
Relationships with Clients  
Developing Relationships within the Legal  
Profession  
Evaluation, Development, and Mentoring  
Passion and Engagement  
Diligence  
Integrity/Honesty  
Stress Management  
Community Involvement and Service  
Self-Development<sup>33</sup>

Scholars have already started exploring ways to integrate and map these lawyer effectiveness factors, or variations thereof, onto a law school curriculum.<sup>34</sup>

The American Association of Law Libraries (AALL) has also contributed to the “lively discussion among members of the legal academy and the practicing bar about the research competency of law school graduates” by approving its own set of Legal Research Competencies and Standards for Law Student Information

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<sup>33</sup> Shultz & Zedeck, *supra* n. 29, at 630.

<sup>34</sup> See e.g. Nancy B. Rapoport, *Rethinking U.S. Legal Education: No More “Same Old, Same Old,”* 45 Conn. L. Rev. 1409, 1416–27 (2013) (suggesting which of the Schultz-Zedek lawyer effectiveness factors would fit best for each year of law school); Henderson, *supra* n. 32, at 495–503 (outlining a five-step process for creating a “competency-based curriculum”).

Literacy.<sup>35</sup> The AALL competencies and standards set forth five main principles, which were derived from the Association of College and Research Libraries (ACRL) Information Literacy Standards<sup>36</sup>:

Principle I: A successful legal researcher possesses fundamental research skills.

Principle II: A successful legal researcher gathers information through effective and efficient research strategies.

Principle III: A successful legal researcher critically evaluates information.

Principle IV: A successful legal researcher applies information effectively to resolve a specific issue or need.

Principle V: A successful legal researcher distinguishes between ethical and unethical uses of information, and understands the legal issues associated with the discovery, use, or application of information.<sup>37</sup>

AALL is now taking steps to advocate the research competencies among members of the legal academy.<sup>38</sup>

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<sup>35</sup> Am. Assn. L. Libs., *AALL Legal Research Competencies and Standards for Law Student Information Literacy*, <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-lawstu.html> (July 2012).

<sup>36</sup> *See id.*

<sup>37</sup> *Id.*

<sup>38</sup> *See* Am. Assn. L. Libs., *AALL Report to the Council of the ABA Section on Legal Education and Admissions to the Bar*, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/August%202012%20Council%20Open%20Session%20Materials/2012\\_august\\_aall\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/August%202012%20Council%20Open%20Session%20Materials/2012_august_aall_report.authcheckdam.pdf) (July 2012).

Despite their different focuses, all of these reports, studies, and standards establish that the ability to conduct legal research in a true practice setting is an important factor for law graduate success. The section that follows will describe how research assistant programs model “researching the law” and many of the other lawyer effectiveness factors on a daily basis.

#### BUILDING ON THE STRENGTHS OF LAW LIBRARY RESEARCH ASSISTANT PROGRAMS

Law library research assistant programs vary in their size, scope, and administration.<sup>39</sup> They may be separate from a law school’s research assistant program for law faculty or they may be administered together.<sup>40</sup> Research assistant programs are also aligned with different faculty services models used in law libraries, such as the faculty services librarian model, the liaison model, and various combinations thereof.<sup>41</sup> Regardless of the model, the essential ingredients are the same: law faculty members, research requests, law librarians, and research assistants. These are the building blocks required to establish a research assistant program. While it is possible to glean insights by speaking in

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<sup>39</sup> See Karr O’Connor et al., *supra* n. 14 (comparing the University of Michigan’s law library research assistant program with six students to UCLA’s program that, at times, has up to 70 students).

<sup>40</sup> See Simon Canick, *Library Services for the Self-Interested Law School: Enhancing the Visibility of Faculty Scholarship*, 105 L. Lib. J. 175, 178 n. 17 (2013) (discussing administrative options when “comprehensive oversight of law school RAs” is possible and when it is not).

<sup>41</sup> See Academic L. Libs. Spec. Interest Sec. (ALL-SIS), *Faculty Services Toolkit* §1, at 1–4, <http://www.aallnet.org/sis/allsis/committees/faculty/index.asp> (accessed July 3, 2013) (password required) (discussing existing models of faculty services programs); Matthew J. Wright, *Survey on Law Library Liaison Services*, 14 AALL Publication Series No. 56, at 12 (2007) (describing the faculty services librarian model where faculty requests are directed to a single librarian).

generalities about such programs, it is often more helpful for illustration purposes to ground the discussion in the experiences and context of a particular research assistant program.<sup>42</sup> Accordingly, for the purpose of highlighting the strengths and weaknesses of research assistant programs, we will refer to the experience at the Wiener-Rogers Law Library at the William S. Boyd School of Law at the University of Nevada, Las Vegas.

The Wiener-Rogers Law Library currently has in place a faculty liaison program. Law librarians are assigned to faculty members, ranging from five to fifteen faculty members (depending on faculty library usage and scholarly productivity), and they serve as that faculty member's primary contact with the library. The librarians respond to research requests that range from simple document delivery requests to complex research tasks, such as fifty-state surveys, extensive case law research, the identification of relevant interdisciplinary and social science resources, empirical research designs, or other large projects that can take months, or sometimes years, to complete. To assist with such research, the law library employs five to nine law students as paid library research assistants who are typically in their second or third year of law school. The students work between ten and twenty hours per week during the school year, and can work up to forty hours per week during the summer.

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<sup>42</sup> See e.g. Karr O'Connor et al., *supra* n. 14 (describing the law library research assistant programs at UCLA and the University of Michigan to discuss research assistant models generally); Schultz, *supra* n. 13 (describing experiences at the University of Houston to discuss faculty services departments generally).

Research assistants are initially hired and trained by the Head of Research and Curriculum Services. The training consists of a one-hour session that touches on time sheets, project tracking, book and laptop check-outs, and other administrative details. More importantly, it introduces students to research goals and resources they will use frequently in their research. Special attention is given to resources that may not be covered in first-year legal research courses, such as the various social science databases available through the law library and the main campus library. They are also introduced to library research guides and various current awareness services.

While the substance of the research is the priority, significant emphasis is also placed on the form in which research assistants present their research. Research assistants are provided templates of emails, memoranda, tables of contents, and cover pages to give them a basis for delivering their research in a clean and consistent manner. They receive practical keyboard shortcuts to assist them with the Bluebook formatting of their assignments. Preferred document formats and naming conventions for articles and cases are discussed, as well as faculty preferences for print or electronic resources. The training is reinforced and repeated frequently with the instructions given for each new assignment and the suggestions and feedback that follow the completion of an assignment. Research assistants are also invited to hear database vendors present their latest



products, which provides research assistants with additional training and increases their familiarity with legal research databases.

Requests from law faculty members are filtered through the librarians to the research assistants. Direct contact between the faculty and the student is the exception. Librarians bear the ultimate responsibility for the work product and review the research assistant's work before it is sent to the faculty member. Typically one research assistant is assigned to each law librarian, and there is a pool of two or three research assistants who are on hand to assist with the shifting workloads of the law librarians and provide help on larger, long-term projects. Faculty members may also hire their own research assistants, but many rely primarily on the faculty liaison program for their research assistance.

#### EQUIPPING STUDENTS

Thomas D. Morgan, author of *The Vanishing American Lawyer*, suggests that part of the law school experience should include “exposure to the broad category of skills a lawyer uses to get things done.”<sup>43</sup> Law library research assistants gain such exposure in the assignments they complete each week. While the library is not a law firm, the research assistant program at UNLV (and other schools with a similar model) could be compared to the general structure of many law firms. The faculty members play the role of partners, librarians are the senior associates, and the students are the first-year associates. Research assistants are

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<sup>43</sup> Morgan, *supra* n. 1, at 210.

asked to tackle assignments and work through group dynamics that are not foreign to law firm hallways.<sup>44</sup> They are expected to conduct substantive research, synthesize their findings, and present a polished and professional work product. They often prepare binders of materials for faculty that are not unlike the binders that accompany the closing of a corporate transaction. For larger projects, research assistants may be assigned individual tasks and asked to coordinate with other research assistants to complete the project and report on their progress to the law librarian and, at times, to the faculty members themselves. Junior partners in law firms give such progress reports to senior associates and partners on a daily basis.

Critics of legal education may challenge the assertion that faculty projects are valuable endeavors, approximating true legal work.<sup>45</sup> They are more likely to

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<sup>44</sup> See Suzanne E. Rowe, *Effective Research Assistance and Scholarly Production in Legal Writing*, 3 J. ALWD 192, 197 (2006) (describing similar experiences among a group of legal writing faculty and a team of research assistants—“The RAs also appreciated the variety of assignments and the opportunity to work with several faculty members. One commented that this experience was more like working in a firm than an RA position with one professor.”) Increasing the opportunities for students to experience such working environments in research assistant programs may help legal educators respond to those who question “whether the current educational model prepares students to operate in the collaborative, cross-discipline, problem-solving mode that is experienced in practice.” ABA Comm. on Prof. Educ. Continuum, *supra* n. 15, at 10.

<sup>45</sup> See e.g. Campos, *supra* n. 1, at 9 (“Law schools are full of lawyer-academics who are neither lawyers nor academics.”); Tamanaha, *supra* n. 1, at 55 (noting complaint that legal scholarship “has become utterly detached from the law”); see also Harry T. Edwards, *The Growing Disjunction between Legal Education and the Legal Profession*, 91 Mich. L. Rev. 34, 42 (1992) (lamenting the “clear decline in the volume of ‘practical’ scholarship published by law professors.”)

see such efforts as training for academics, rather than training for lawyers.<sup>46</sup> Even assuming, *arguendo*, that a faculty member's final product is not relevant to legal practitioners, this does not diminish the value of the research assistant's work in locating cases, statutes, and secondary authorities for the article and presenting them in a professional manner. Legal research skills and competencies can still be honed in such circumstances. Furthermore, legal research assistant work is real work with real world consequences for the student, the librarian, and the faculty member who ultimately receives the research; it is not a pretend exercise in legal research. In this way, it more closely resembles the true training for lawyers that Professor Tamanaha describes:

The best way to learn how to practice law is to actually do it. Lawyers learn by being given tasks, struggling to do them, watching others around them, and learning from mistakes. No amount of classroom learning, skills training, and simulations can substitute for the real thing . . . .<sup>47</sup>

The daily routine and repetition of tackling new research projects gives students the opportunity to further develop and put into practice the skills they have learned in their legal research courses. Skills they hone as research assistants serve them well in writing student notes, seminar papers, and may even inspire them to enter the write-on competition for a law journal. They have the

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<sup>46</sup> See Tamanaha, *supra* n. 1, at 54 (“Law students attend law school to learn how to become lawyers. Law professors are academics. The interests of the two main constituents of law schools are at odds owing to this difference in orientation.”)

<sup>47</sup> Tamanaha, *supra* n. 1, at 172.

opportunity to get hands-on experience with legal research questions and databases that may not appear in traditional legal research courses. They are exposed to areas and interactions of the law that do not receive in-depth coverage in law school classes and which they may never have known existed.<sup>48</sup> This exposure provides them with knowledge they can use in solving problems and seeing the world through others' eyes.<sup>49</sup> Students also benefit from "[t]he opportunity to work with several faculty members in varied subject areas, the possibility of one's name being mentioned in a faculty member's book or article, and the cultivation of prospective references for legal employment."<sup>50</sup> These can be significant advantages in the current legal job market, particularly for those students who are not law journal staffers and whose work would not appear in a law journal otherwise.

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<sup>48</sup> See Mark E. Wojcik, *Should You Be a Faculty Research Assistant?*, 36 *Student Law* 35, 35 (Sept. 2007) (highlighting the role research assistants play in supporting the work of law faculty, which is often "on the most cutting-edge legal issues you can imagine.")

<sup>49</sup> See Shultz & Zedeck, *supra* n. 29, at 630 (lawyer effectiveness factors of "problem solving" and "able to see the world through the eyes of others").

<sup>50</sup> Schultz, *supra* n. 13, at 772-73; see also Wojcik, *supra* n. 48, at 35 (emphasizing the opportunities for research assistants to "get a great reference" and how important references are in "almost any kind of legal employment.") At least one legal scholar has expressed the concern that clinical courses may pigeonhole students into substantive areas of the law based on the type of clinical course they choose. See Deborah J. Merritt, Law School Cafe Blog, *An Employment Puzzle*, <http://www.lawschoolcafe.org/thread/an-employment-puzzle/> (June 18, 2013, 10:24 p.m.) ("If a student chooses experiential work in entertainment law and intellectual property, does the student diminish her prospects of finding work in banking or family law? Does working in the Black Lung Legal Clinic create a black mark against a student applying to work later for corporate clients?") A research assistant program that ensures that students work on projects from various law faculty members on substantively different topics may be able to avoid such concerns.

In addition to faculty projects, law library research assistants may participate in various library projects.<sup>51</sup> Some library projects require a significant use of technology, which is increasingly important to the practice of law. Research assistants at the Wiener-Rogers Law Library have assisted in the filming and production of a law student orientation film, created digital displays for the library's circulation desk and documentary film collection, gathered images for law faculty PowerPoint presentations, taken photographs for faculty newsletters, and uploaded articles to the law school's digital repository, Scholarly Commons @ UNLV Law. Technology is driving many of the structural changes that are transforming the legal marketplace,<sup>52</sup> and law librarians are in a position to understand and incorporate many of the new technologies in their daily work. AALL Past President Jean Wenger and Executive Director Kate Hagan brought this to the attention of the ABA Task Force on the Future of Legal Education.<sup>53</sup> They stated, "Librarians have technology skills and the ability to learn new skills and teach them to students. Librarians also teach students the principles behind

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<sup>51</sup> For a listing of traditional library projects for research assistants, see Schultz, *supra* n. 13, at 774 ("In addition to conducting biographical and bibliographic searches for faculty committees, research assistants can help produce library publications for the faculty, such as acquisitions lists or title pages services, provide newspaper clipping services, monitor cases and statutes, and maintain and update bibliographies.")

<sup>52</sup> See Susskind, *supra* n. 1, at 1; Morgan, *supra* n. 1, at 91–98; Campos, *supra* n. 1, at 3–4; Tamanaha, *supra* n. 1, at 168–71.

<sup>53</sup> Am. Assn. L. Libs., *Comments to ABA Task Force on the Future of Legal Education*, <http://www.aallnet.org/main-menu/Leadership-Governance/committee/cmte-final-reports/2012-2013/flertf.pdf> (Feb. 6, 2013).

information and technology to enable them to adapt to future changes.”<sup>54</sup> While some of this teaching can take place in legal research courses, the best opportunities for hands-on experience and guidance in such technologies occur through law library research assistant programs.

As long as they are currently enrolled as law students, the law library research assistants at UNLV are not limited in the number of semesters they may serve as research assistants. Students who have served a year or longer typically experience tremendous improvement in their legal research skills as a result of the one-on-one instruction and the variety of projects they have encountered, but research assistants who have served for only a semester still benefit from their time.<sup>55</sup> In fact, there are law libraries that allow research assistants to only work a semester or two in order to maximize the number of students who can have such an experience.<sup>56</sup> Some law schools offer stipends and tuition waivers to research assistants to attract strong candidates and emphasize the importance of the work.<sup>57</sup> At UNLV, there is a relatively constant turnover rate that occurs naturally. Students graduate, leave to pursue summer clerkships and other job opportunities,

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<sup>54</sup> *Id.*

<sup>55</sup> See Schultz, *supra* n. 13, at 773 (“Those who are hired become the best research assistants in the law school because of the attention they receive from their lawyer-librarian supervisor. Faculty often refer the difficult tasks to the faculty services department when their regular research assistants do not have the necessary background or experience.”)

<sup>56</sup> See ALL-SIS Faculty Servs. Comm., *Minutes from AALL 2011 Faculty Services Round Table*, <http://www.aallnet.org/sis/allsis/committees/faculty/roundtables/aall2011-roundtables.pdf> (June 25, 2011) (“One library uses a two semester cap on working in the library.”)

<sup>57</sup> See e.g. Ga. St. U. College of L., *Graduate Assistants*, [http://law.gsu.edu/faculty\\_and\\_staff/2972.html](http://law.gsu.edu/faculty_and_staff/2972.html) (accessed July 3, 2013) (describing stipends and tuition waivers available to law student research assistants).

or become busy with their obligations to a law journal or other law school organization. The students who remain provide a consistency to the program, and they are often the most reliable research assistants for large projects. They also provide an additional source of informal training for new research assistants to ease their transition into the program.<sup>58</sup>

Library research assistant programs offer a unique opportunity to equip law students with skills that meet the new demands of the legal marketplace. This, in itself, is a powerful incentive for law libraries to reconfigure and fortify their research assistant programs. In this difficult climate, however, additional arguments may be necessary to establish the value and viability of any increased investment in research assistant programs. The sections that follow touch on two additional arguments; they describe how research assistant programs can benefit law faculty members and raise the overall level of library services.

#### SERVING FACULTY

One of the main benefits faculty members receive from law library research assistant programs is an additional layer of review for their work.<sup>59</sup> Rather than receiving research findings directly from a research assistant, they receive a more polished product from a professional law librarian. No matter how stellar the research assistant may be, research almost always benefits from another

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<sup>58</sup> See Richman & Windsor, *supra* n. 13, at 286.

<sup>59</sup> Schultz, *supra* n. 13, at 771 (“Librarian supervision of faculty research assistants facilitates training, quality control, and professional backup for these researchers.”)

set of more experienced eyes. This is particularly true in cases where a law librarian has worked extensively with a faculty member for a number of years and has a better understanding of the general subject area in which the faculty member works (and knows which research materials have been provided to the faculty member previously). Even in those instances where the substance of the research may be exactly what the faculty member requested, the form in which the research is presented may often be improved. Students do not always remember, or have sufficient time, to follow guidance on file formats or naming conventions. A librarian who can mold a research assistant's work into a clean, finished product saves faculty members' time and allows them to focus on the substance of the research, rather than be distracted by its form.

A library research assistant program also benefits faculty members who do not have the time, interest, or expertise to teach the most effective research methods or demonstrate the newest databases and resources.<sup>60</sup> Such faculty members may find that they get more useful research materials through the law library research assistant program than they would if they had hired and supervised their own research assistant.<sup>61</sup>

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<sup>60</sup> See Richman & Windsor, *supra* n. 13, at 284.

<sup>61</sup> *Id.* One law library received the following feedback from a law faculty member: "I am never going to hire another RA. I'll just use yours." Kirk & Rainwater, *supra* n. 13, at 5.



Having a team of library research assistants also expands the amount of research service that a library can provide its faculty.<sup>62</sup> This is particularly true in libraries with smaller staffs or those that have only one librarian dedicated to faculty services.<sup>63</sup> Multiple projects can receive attention simultaneously, which produces faster turn-around time for faculty requests. When the law librarian gets pulled away from a project to attend to library administrative duties, teaching duties, or other more time-sensitive projects, the research on other projects can continue.

A law library that provides faculty research services through a research assistant program may also benefit faculty by freeing up some, or all, of a faculty member's law school expense account that the faculty member might otherwise use to hire his or her own research assistant.<sup>64</sup> This gives faculty members the flexibility to attend additional conferences in a year or to get even more research done if they choose to hire a personal research assistant for additional projects. There will certainly be critics who argue that funds spent on law library research assistant programs are simply more unnecessary expenditures attributable to the

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<sup>62</sup> See Schultz, *supra* n. 13, at 772.

<sup>63</sup> See Richman & Windsor, *supra* n. 13, at 282 (observing how librarians at some libraries have difficulty finding sufficient time of their own to complete large research projects for law faculty).

<sup>64</sup> See e.g. Canick, *supra* n. 40, at 178 n. 17 (describing the potential financial benefits and incentives created through "an arrangement with the law school administration whereby RAs from the library's pool do not count against professors' discretionary accounts").

excessive emphasis on legal scholarship at most law schools.<sup>65</sup> However, such programs can provide a greater return on a law school's investment by creating an avenue for training students in critical skills and allocating resources devoted to legal scholarship and research assistants in a more cost-effective manner.<sup>66</sup>

### IMPROVING LAW LIBRARY SERVICES

A strong research assistant program can also benefit the work and perception of the law library in many ways. In our experience, law faculty are very appreciative of the assistance provided through the research assistant program, and the research requests they send to the law librarians provide interesting and challenging work for librarians and research assistants alike. Regardless of the particular form of faculty services a law library provides, a strong research assistant program can be adapted to that form and help ease the burden of faculty requests on individual law librarians.

Research assistants can also help raise the level and quality of research that is provided to faculty. Librarians are challenged to articulate research strategies, suggest databases, and coordinate the workflow for multiple projects. Just as a senior law firm partner may look to a first-year associate for guidance on the latest update to the Uniform Commercial Code or help with the newest legal

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<sup>65</sup> See Tamanaha, *supra* n. 1, at 61, 126–27 (discussing the “cost of the legal scholarship frenzy,” the “substantial sum” spent on research support, and the burden students bear through the higher tuition rates that result).

<sup>66</sup> See Kirk & Rainwater, *supra* n. 13, at 4 (describing how law library research assistant program was offered as a viable solution for cutting costs and utilizing monies allocated for research assistants more efficiently).

or social networking technology, law librarians can learn from the research assistants they employ. In approaching a legal research problem, law librarians and faculty members draw on their own individual research styles. Adding research assistants to the equation increases the diversity of perspectives. It enables, for example, a faculty member who relies solely on one legal research database to gain exposure to the relevant resources available in other databases.

Research assistants may provide skills that a library or librarian is currently lacking. For example, one of the research assistants at the Boyd School of Law was also an adjunct in the film department at UNLV. At the same time he was growing into one of the strongest researchers, he was helping the law library develop a short film about the library for 1L orientation. Other research assistants have contributed knowledge from a course they have taken or a paper they have recently written, providing background and familiarity with topics that the law librarian may not have encountered in some time.<sup>67</sup> Research assistants have also made suggestions on ways to improve the research presentation to faculty members, from numbering files on digital flash drives to the tables of contents used for binders of print materials. Law librarians or law faculty who employ just one research assistant can receive such benefits, but hiring a team of research assistants opens up even greater possibilities for finding research assistants whose

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<sup>67</sup> See Schultz, *supra* n. 13, at 772–73.

strengths and interests fill specific faculty and library needs at a given time.<sup>68</sup> A research assistant with an interest in bankruptcy law may be assigned to a librarian who does research for a bankruptcy law professor. A research assistant with an understanding of statistical methods could consult on an empirical research project. The possibilities are endless.

A thriving research assistant program also provides excellent public relations for the law library. Faculty members gain a better understanding of the services the library provides, and they appreciate the help they receive. As one law library director described it, “As faculty have more contacts with the library, the library becomes more important to them.”<sup>69</sup> Research assistants often become staunch advocates for the library and its resources, and other law students sometimes ask them research-related questions because of their research assistant experience. It is very rewarding to hear a law student explain to another student how they can best search for psychology articles through the main campus library’s social science databases, or hear them say that they have encouraged their law review staffers to come see the librarians because they are so helpful.<sup>70</sup>

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<sup>68</sup> See Richman & Windsor, *supra* n. 13, at 284; see also Rowe, *supra* n. 44, at 193 (“While many professors typically hire just one research assistant, the more productive ones hire a team. In choosing team members, try to consider the relative strengths of each and choose RAs who complement each other and you.”)

<sup>69</sup> Schultz, *supra* n. 13, at 774.

<sup>70</sup> Such conversations also help raise awareness among students of the library’s resources and services that are available to them. See ALL-SIS Task Force on Lib. Mktg. & Outreach, *White Paper on Library Marketing and Outreach* 16, <http://www.aallnet.org/sis/allsis/committees/marketingtf/whitepaper2013.pdf> (Feb. 1, 2013) (“One

When students and faculty members have positive experiences with the library, it provides incentives for them to use the library more and have a greater stake in decisions that impact the library's future.<sup>71</sup> In the era of budget cuts, a dynamic research assistant program can be a strong reminder to faculty and students of the important role that libraries can still play in legal education.<sup>72</sup>

#### COUNTING THE COSTS OF LAW LIBRARY RESEARCH ASSISTANT PROGRAMS

An effective research assistant program is not without its costs and drawbacks. It requires a significant financial investment by the library and/or the law school to pay each of the research assistants.<sup>73</sup> Law librarian time spent training and supervising research assistants is done at the expense of other library activities.<sup>74</sup> It may reduce the time available for classroom teaching, public reference services, librarian scholarship or outreach programs in the law school or in the local community.

As in other employment contexts, sometimes the investment in training and the administrative paperwork necessary to process a new hire does not pay off in terms of the student's productivity or the length of time they work as a research

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of the strongest marketing strategies available is your library's reputation as it is spread by word of mouth.")

<sup>71</sup> See ALL-SIS, *supra* n. 41, § 4, at 1 (describing the importance of marketing library services).

<sup>72</sup> See *id.*; see also Richman & Windsor, *supra* n. 13, at 284 (noting how some library functions may seem abstract to law faculty, but research assistants and faculty services librarians "illustrate a part of the law library in action").

<sup>73</sup> One law library director has argued that such investment "may be the best-spent dollars in the law school." Schultz, *supra* n. 13, at 771.

<sup>74</sup> See *id.* at 774 ("Supervision and training of research assistants is a big job, and it takes up a large portion of the faculty services librarian's time and thought.")

assistant.<sup>75</sup> Hiring an unproductive research assistant can often create more work for law librarians because they have to spend more time explaining assignments and reviewing (or in some cases, redoing) the work.<sup>76</sup> Some research assistants do not consider their position to be true legal work, so they may not put in the same level of effort as others.<sup>77</sup> Even research assistants who do take their work seriously and eventually become excellent researchers often do not begin that way. Some research assistants may work two weeks, while others may work two years. Constant turnover of research assistants can be a drain on law school resources, and the more research assistant positions a law library creates, the more likely that one or more of those positions will need to be filled in any given semester.<sup>78</sup> Each time there is a new opening a significant amount of time is often devoted to advertising the opening, interviewing and corresponding with applicants, coordinating human resources paperwork, finalizing a weekly schedule, and training the newly hired students.<sup>79</sup> While it is impossible to completely eliminate turnover and hiring research assistants from time to time who are not perfectly suited for the position, law libraries can reduce the

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<sup>75</sup> See Richman & Windsor, *supra* n. 13, at 280 (citing traditional reluctance of law libraries to hire students for positions of significant responsibility because of high turnover rates and the cost of “repeatedly training new students in the intricacies of a law library and its resources”).

<sup>76</sup> *Id.*

<sup>77</sup> See Wojcik, *supra* n. 48, at 37 (exhorting students considering research assistant positions to “[b]e responsible and “[t]reat it like the real job it is.”)

<sup>78</sup> See Schultz, *supra* n. 13, at 774 (“The larger the staff of research assistants, the greater the turnover; even a semester-based training and orientation schedule needs to be flexible.”)

<sup>79</sup> See Paul Sullivan, *Burnout and the High Cost of Turnover*, 92 Ill. B.J. 431, 431 (Aug. 2004); Socy. for Hum. Res. Mgt., *Cost of Turnover*, SHRM Briefly Stated ROI Series (Nov. 1, 2005).

frequency of such events by identifying the particular skills they seek in research assistants, refining the interview process, developing a training program that establishes clear expectations for new hires, finding challenging and interesting projects for them, praising their contributions, and providing guidance and feedback along the way to advance their development.<sup>80</sup>

Oddly enough, a successful research assistant program that generates a consistent flow of faculty requests and is highly regarded by law faculty may make the law library and its law librarians susceptible to certain trials and temptations that it might not otherwise face. A law faculty that generates a large number of research requests consistently throughout the year may present challenges for the library during those times when the law library finds itself with an insufficient number of research assistants or when no research assistants are available during finals periods. The increased research load on law librarians can be stressful and difficult during such times. This is not an insurmountable obstacle; it can be resolved through careful communication with faculty members and prioritization of the requests, but it takes time and relies on the abilities and

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<sup>80</sup> See generally Amy Gallo, Harv. Bus. Rev. Best Practices Blog, *How to Prevent Hiring Disasters*, <http://blogs.hbr.org/hmu/2010/05/how-to-prevent-hiring-disaster.html> (May 27, 2010, 11:49 a.m.); Claudio Fernández-Aráoz, Boris Groysberg & Nitin Nohria, *The Definitive Guide to Recruiting in Good Times and Bad*, 87 Harv. Bus. Rev. 74 (May 2009).

relationships of the law library director, the law librarian, and the faculty members to work things out.<sup>81</sup>

Law libraries who offer faculty research services through a research assistant program may also encounter on a greater scale the issue that arises for any library that offers faculty research: What types of projects are appropriate for law librarians and research assistants to do for faculty?<sup>82</sup> Law faculty may not be sure when they should direct particular requests to their administrative assistant, their personal research assistant, or to the law library. They may be even less certain when they know the law library has a team of research assistants available, as well. Law library directors and individual law librarians need to engage in what are sometimes difficult conversations with law faculty to define the boundaries of acceptable requests. Such discussions may take the form of library orientations for new faculty members, but they often arise on a project-by-project basis. Some libraries may decide that months-long projects or Bluebooking entire articles are tasks that are best-suited for research assistants hired by individual faculty members; other libraries may gladly offer their librarians and research assistants for such tasks.<sup>83</sup>

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<sup>81</sup> Some libraries may also have access to non-research assistant personnel, such as a library fellow or volunteer who is considering law librarianship, to assist with faculty projects during finals periods or breaks in the school year when students are not available. See Karr O'Connor et al., *supra* n. 14.

<sup>82</sup> See ALL-SIS, *supra* n. 41, § 3, at 1–15 (describing the range of library services that may be offered to law faculty).

<sup>83</sup> See Kirk & Rainwater, *supra* n. 13, at 4.



The lines between law librarian roles and research assistant roles may sometimes blur, particularly with a research assistant who excels in research work. Law librarians may be tempted to forego a review of the research assistant's work and instead opt to send the materials directly to the faculty member.<sup>84</sup> In some cases, the librarian may also be tempted to instruct the research assistant to correspond directly with a faculty member.<sup>85</sup> This opens the door to several potential problems: (i) it eliminates the research assistant's learning opportunities that would come from the librarian's guidance and feedback; (ii) it removes the benefit of the second level of review for the research; (iii) it invites the faculty member to view research assistants in the same way as librarians; and (iv) it may increase the likelihood of the faculty member inviting the research assistant to leave their position as a library research assistant to work solely on the faculty member's projects. When law faculty members begin to view research assistants and law librarians on equal footing, the reputation and effectiveness of the law library are diminished. Law librarians should constantly search for ways to add value to research assistant work product. The research that

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<sup>84</sup> Schultz, *supra* n. 13, at 772 ("Having a lawyer-librarian supervisor ensures that the research assistants have professional backup and quality control, and faculty members benefit from the supervising librarian's advice to research assistants and review of their work product.") This benefit is completely lost if the librarian acts as an email forwarding service instead of a supervisor.

<sup>85</sup> In programs where research assistants are hired to work specifically with a particular faculty member, such correspondence between the research assistant and the faculty member is obviously unavoidable. In such instances, the law library may need to be even more intentional about making opportunities to review and provide feedback on the student's work and checking with faculty members to ensure that they are pleased with the quality of the work.

law faculty receive should exceed what even the best second or third year law student can produce. It should bear the mark of a research professional. If it does not, the library would be better off hiring more research assistants and fewer law librarians, which in times of tight budgets, could be more than a fleeting concern.

Law librarian review and feedback is essential for law students to get the maximum educational benefit of the research assistant experience. Practical skills that are gained with little or no guidance may prove not to be very practical in the end. Law libraries with research assistant programs should monitor law librarian workloads and the flow of faculty requests to avoid putting law librarians in a position where they do not have time to meaningfully review each research assistant's work product. Undoubtedly, there are times when last-minute requests or an unexpected surge in requests may necessitate a lower level of instruction and review by librarians, but such times should be rare in an effective research assistant program.

When law librarians fail to serve as a funnel for faculty requests or the intermediary between the faculty member and the research assistant, it can often put the research assistant in an awkward position. If the faculty member contacts the research assistant directly by email outside of the research assistant's normal working hours or unknowingly requests something that is beyond the scope of the research assistant's duties, he or she may feel compelled to respond to the email or do the requested work out of respect for the faculty member and concern for

their reputation as a law student. Furthermore, it does not reflect well on the law library if the research assistant does not respond at all or if the law librarians do not know about a request the research assistant has handled (or how well the research assistant has handled it).

To fully participate in the reform effort in legal education, law library research assistant programs will not only need to preserve the layer of librarian supervision and review of research assistant work, but they will also need to find better, more formalized, processes to assess law students' progress on the necessary skills and competencies during their time as research assistants. It will also be important to create mechanisms to ensure that each student works on a variety of faculty projects that provide sufficient opportunities for growth in the core competencies. Some students cannot spend all of their time making copies of law review articles, while other students are immersed in research involving extensive reviews of primary and secondary authorities. It may be necessary to introduce aspects that more closely resemble classroom experiences in order to ensure that certain advanced legal research methods are explained to research assistants. Evaluating and refining the research assistant experience cannot occur without some expenditure of resources, so the size and scope must be tailored to the commitment and resources available. Fortunately, research assistant programs are quite scalable. Hiring one or two research assistants with a short training

program can eventually be expanded to a large team of research assistants who must attend a number of formal training sessions.<sup>86</sup>

## CONCLUSION

Despite their costs and challenges, law library research assistant programs should be included in the conversations about legal education reform. They have tremendous potential to help law graduates develop the skills and competencies they need to be successful practitioners, while simultaneously producing a tremendous amount of high quality research for law faculty. Proponents of reform in legal education may contend that law library research assistant programs will reach too few students—two percent of the students or less in most cases.<sup>87</sup> But, this is too narrow a view. There is not a single reform that will be the panacea for all that ails legal education. In fact, Professor William Henderson has suggested that reforming 12% of a law school curriculum might be a good starting point.<sup>88</sup> If a law library research assistant program can serve as an additional tool for such reforms, it would be a step in the right direction. Reforms

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<sup>86</sup> See e.g. Pappas L. Lib., Boston U. Sch. of L., *Summer Research Assistant Classes*, <http://www.bu.edu/law/library/classes/researchasst/classes.html> (accessed July 3, 2013) (listing schedule of classes for research assistant orientation program); Coleman Karesh L. Lib., U. South Carolina Sch. of Law, *Research Assistant Training Materials*, [http://www.law.sc.edu/library/research\\_aids/ra\\_training/](http://www.law.sc.edu/library/research_aids/ra_training/) (accessed July 3, 2013) (describing law library's "two-day concentrated training program").

<sup>87</sup> See e.g. Rhode, *supra* n. 2, at 448 (noting that most law school initiatives aimed at promoting practical skills have been "at the margins of the curriculum").

<sup>88</sup> See Henderson, *supra* n. 32, at 504.

will come in all shapes and sizes, and all tools available should be considered.<sup>89</sup>

Law library research assistant programs have proven their value in other difficult times,<sup>90</sup> and they should be considered now. They will not solve every problem, but they can help equip graduates with the necessary skills in this time of crisis.

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<sup>89</sup> See ABA Comm. on Prof. Educ. Continuum, *supra* n. 15, at 24 (declaring that “this [is] an especially propitious time to examine carefully what law schools do best and how they can do it better.”)

<sup>90</sup> See *e.g.* Schultz, *supra* n. 13, at 722. (describing how a “budget crunch” led to the creation of a research assistant program at a law library).