

Symposium: Back to the Future of Legal Research

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Teaching Research “Backwards”: Providing Context for Legal Research

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Marquette University Law School abandoned its stand-alone legal research course in favor of an integrated legal writing and research course in fall 2001.¹ All first-year students are now required to take two semesters of Legal Analysis, Writing, & Research.

When we structured our sections of the integrated courses,² we recognized that first-year students often struggle with understanding research skills, particularly in their first semester. We believe that at least part of the reason for that struggle is that the students lack context; they are unfamiliar with both the nature of legal issues and the “language of the law.” Accordingly, when we designed our sections of the integrated course, we tried to structure them in a way that would provide that “context” for learning.

To provide that context, we base our first-semester research assignments on two “closed-universe” writing assignments. The first problem is based on case law, and the second focuses on statutory law. Each sequence consists of a writing component and a related research component. We begin, however, not with the research, but with the closed-universe writing assignment. Students analyze the issue based on the authorities given to them; then, they write an interoffice memo. After they complete that memo, we begin research training. As the basis for that training, we use that same writing problem, but we set it in a new jurisdiction.

Each research assignment focuses on finding, reading, and updating the type of authorities that were part of the writing problem. We ask students to find, read, and update authorities using both print and electronic resources; their ultimate task is to write a short analysis comparing the law of the two jurisdictions. Because students are familiar with the nature of the issue and the “language of the law” from having written a memo on the issue, they are better able to understand the research task.

In the spring, we require students to write two trial court briefs. They research the issues independently for both briefs, but we provide some guidance in the form of a research report. By spring, students are familiar with the general “find, read, update” process, they have a basic understanding of the research tools, and they are more familiar with the “language of the law.” Accordingly, they are better able to implement the research process when asked to find authorities for their two trial brief assignments.

¹ All students are still required to complete Advanced Legal Research during the second or third year of law school.

² Marquette now has six full-time legal writing professors, though when we first structured the integrated course, we had only three: Alison, Jill, and Kathleen McManus. Each professor is free to structure his or her sections of the course; Alison and Jill have structured their sections using the approach described in this presentation since fall 2001.