The Benefits of Hands-On Exercises for Initial Lexis and Westlaw Training

BY DON ARNDT

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Anyone who has taught Lexis® and Westlaw® to law students knows how challenging this training can be. Last fall I developed several hands-on exercises for use in the basic Lexis and Westlaw classes for 1-Ls that my assistant and I taught at the University of Toledo. Over an eight-week period, from September to November, we offered about 100 small-group, one-hour sessions in the library's computer lab. We taught two weeks on Westlaw, two weeks on Lexis, two more weeks on Westlaw, and then two more weeks on Lexis. Each two-week evolution had about 25 sessions. Each student got "four bites at the apple": two on Lexis and two on Westlaw. Each librarian taught about 50 sessions, overall. The goal was to help students better learn research skills. An active learning approach got the students' hands busy and brains engaged right off the bat, and kept them busy and engaged the whole way through.

This was a bit of a departure from anything I've done or seen in computer-assisted legal research (CALR) instruction. Whether taught by librarians or vendor representatives, the usual method is a lecture and demonstration with some hands-on component, e.g., "type this in" or "everyone click on this now." The problem with that method is that it creates a passive, disengaged state of mind in the students. One way this lack of engagement can be measured is by standing in the back of the lab and counting the number of students checking e-mail, instant-messaging their friends, or reading something else online while the class is taking

place. Not only that, most of the students who *are* trying to keep up with what's going on *don't get it*. It doesn't matter how many pearls of wisdom are dropping from the instructor's mouth if a large percentage of the class isn't getting it, either because their minds are somewhere else, or because they're being left behind in the wake of the instructor's brilliance. Either way, lack of engagement means lack of learning. Furthermore, I saw from the glazed donuts in the students' eyes that we were killing the natural enthusiasm that they brought with them to the training. Every new crop of 1-Ls *can't wait* to get their hands on Lexis and Westlaw, and there we were snuffing out that enthusiasm by boring them to death with a lot of talk and rote repetition.

So it occurred to me to try it a new way. Actually, it occurred to me during the Shepard's®-in-print classes that I put on in late August and early September. The first session went abysmally as I showed the students how to Shepardize® and was overwhelmed with the vibes from them that this was about as exciting as watching paint dry. In the next class I changed my tack. I put the whole batch of *Shepard's Northeastern Reporter Citations* on a book truck and wheeled it into the stacks to the *North Eastern Reporter*®, with the students in tow. When we got there, I said to them, "Pick a case, any case. Good. Now Shepardize it." What a difference: instant attention; instant engagement. I helped them through it, but this time with their complete attention. A few weeks later, as students showed up in the computer lab for the CALR classes, my plan was in place: I handed them their passwords, the exercise handouts, and some vendor guides and goodies, and said, "Pick a computer and get started on the exercise. Work at your own pace and I'll be around to help you." Nine times out of 10 the response was "Cool!" Virtually all of them enjoyed the challenge. Very few students, the 10 percent who were used to being spoon-fed and liked it, found this approach uncomfortable. In short, it was a huge success. Even 2-Ls and 3-Ls, working at spare computers

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in the lab during various sessions, told me they wished they'd been taught this way. Here's the secret though: the instructor is still absolutely engaged in teaching, just in a different way—a much harder way, actually, from the instructor's perspective. For this to work, you have to rove around the lab being a coach, a guide, a snoop even. You can tell them to ask questions when they're confused, but few of them will do so for fear of looking stupid in front of their peers. The difference between this approach and a tutorial or self-paced workbook approach is that instructor involvement is not just a good idea, it's required. Without instructor intervention, most of the students will plow right along through the exercise, not really understanding what they're doing and not getting much out of it. So you have to circulate among them and ask them questions individually while looking at their screens and their worksheets. "How did you get this result?" "Is there a better database you could have chosen?" "Is there a more effective way to construct that search?" "Why do you suppose you got more hits this time?" That's what causes the teachable moments to appear. That's also why it's more challenging for the instructor: instead of letting one pearl of wisdom drop from your mouth on everyone at once, you have to help students, one by one, see the pearl for themselves. Try to keep it light and fun so it's not too Socratic and intimidating. It's exhausting, but well worth the effort in terms of results because the students are much more likely to eventually understand and search strategically.

I designed the exercise questions to accomplish several things:

• To start off relatively easy to get the students warmed up and then progress to more challenging scenarios. Another technique is to include a killer question or two to act as a "stone wall" to slow down the students who are racing through the exercise like it's the autobahn. The idea is to create teachable moments between the student and the

instructor, not to instill a "check in the box" mentality in the student. Avoid questions that are simply tutorial in nature.

• To cover a wide range of sources, so that students are exposed to the multitude of possibilities in each vendor's product and gain confidence in their ability to select the best database for a given problem: include state and federal law issues, judicial opinions, statutes, regulations, legislative history documents, newspapers, public records, law reviews, etc.

• To expose the students to a variety of the different tools each vendor provides, and to emphasize their commonalities as well as differences: pulling up documents by citation or party name, full-text keyword searching when you start with an idea rather than a specific citation, printing/downloading/e-mailing functions, directories and wizards, KeySearch® and Search Advisor, Focus and Locate, Shepard's and KeyCite®, natural language and terms and connectors, etc. Keep in mind that our goal was to establish basic concepts. At the University of Toledo, vendor representatives follow up with sessions on all their "bells and whistles" in the spring semester.

• To get the students accustomed to the various connectors and expanders available to them in these two very powerful products. Teaching students how to put together competent searches is more difficult with each passing year as students arrive with experience using Google and other Internet search engines, but little exposure to Boolean or proximity searching concepts. Getting students to kick the habit of using quotation marks to create a bound-phrase search for every problem was one of the biggest challenges I encountered.

In sum, I would recommend this approach to instructors who teach CALR with a caution that it

requires tremendous work. The students get a lot out of self-paced, instructor-involved training, but it is a challenge for instructors to keep up the energy and freshness necessary to do it right in every encounter with every student in every session. Because of the highly active nature of the class, a group size of 10 is about the most one instructor can handle. The more instructors, the better; each student gets more individualized attention. Six students per instructor is pretty much ideal. Our school's legal writing instructors were astonished at how effective this teaching method was and what a positive reaction the students had to it. The Student Bar Association president, a 3-L, shared with me that she overheard a group of 1-Ls talking about how great this experience was and how they were looking forward to the next session. (I swear I am not making this up.) One of our vendor representatives is considering modifying her approach to teaching her product after spending some time in our sessions, and one of our tenured faculty members even approached me to discuss ways of including more active learning techniques in his substantive law class after hearing about the success of this experiment. I'm convinced that this is the way to do it. Good luck and good teaching!

Westlaw 101
September 16–27, 2002

Preliminaries:
    Log on to the computer.

    Open a Web browser; go to http://www.lawschool.westlaw.com.

    Follow the instructions on your Westlaw password handout to register your new Westlaw password.
Find this document using only its citation: 190 F.Supp.2d 1040 (*Find* is a hint.) When you find it, write the name of the case.

    Using either the database **Directory** or the **Find a Database Wizard**, which Westlaw database

would you search to obtain the above case if you didn't already know its citation? (Hint: the opinion is from a federal district court sitting in Ohio.) Write the name of the database.

    In the database you've identified, there is a search box. *Using Terms and Connectors*, construct a search statement that will find that case. (Hint: the case has to do with this issue: Do you have a First Amendment right to walk barefoot into a public library?) (Another hint: look at the "Connectors/Expanders Reference List.") It may take several tries—use the "Edit Query" link to amend your search strategy. When you find one that works, write it down.

    KeyCite is the Westlaw answer to Shepard's. Does KeyCite show any potentially negative citing references for this case? If so, write them down.

    Let's say you wanted to **print** this case (by the way, DO NOT actually print this case). How would you go about it? (Hint: there's a right way and a wrong way.) Write down the right way.

    Could you **download** it to disk instead? Or **e-mail** it to yourself? How?

    Remember to **Sign Off** of Westlaw when you're done.

Lexis 101
October 1–11, 2002

Preliminaries:
    Log on to the computer.

    Open a Web browser; go to http://www.lawschool.Lexis.com.

    Follow the instructions on your Lexis password handout to register your new Lexis password.

    Get this document when you only know the names of the parties and the fact that it was a federal court of appeals opinion: **Lohr v.**

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Medtronic, Inc. When you find it, write the case's citation.

Now, **Shepardize** it on Lexis. Does Shepard's online show any potentially negative citing references for this case? If so, write one of them down.

Find a **law review article** on *libel and slander*. Write the article's citation.

What was the **public law** number of the act passed by Congress in 1975 to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of *environmental impact statements?* (Hint: check the federal session laws, not the current U.S. Code. The database is United States Statutes at Large.

I'll bet the EPA has plenty to say on the topic of environmental impact statements. In what *title* of the **CFR** are environmental protection regulations likely to be found?

Find a **case** from any jurisdiction having to do with **annoying** and **harassing electronic mail** messages. Using the e-mail option on Lexis, send it to Don Arndt (darndt@utnet.utoledo.edu).

Westlaw 102
October 14–25, 2002
Preliminaries:

Log on to the computer. Use a Web browser to go to http://www.lawschool.westlaw.com.

Using the Westlaw database **Directory**, choose the database for the *Washington Post.* Search for a news story from Friday, October 11, 2002, that shows the full text of the joint resolution approved that day by Congress, giving President Bush authorization to use military force against Iraq. What is the "short title" of that resolution?

Again using the **Directory**, choose the database for **annotated Ohio statutes**. Using terms and connectors, construct a search for a statute that addresses "financial responsibility" in the same sentence as "motor vehicles". How many hits did you get? _____ Now run that same search in the database for **unannotated Ohio statutes**. How many hits did you get this time? _____ What accounts for the difference?

Run a search in the **SCT** (Supreme Court cases after 1944) database for [race, racial, races, racist, or racially] within 2 words of [discriminate, discriminated, discriminates, discriminating, discriminatory, or discrimination]. Oh, and by the way, do it using only two terms and one connector. (Hint: think **root expander!**) Write down your search.

Use **Locate** to limit your search results to just those cases mentioning *private schools*. Write down the number of cases you found.

I can never remember how Justice O'Conn?r spells her last name. What is the **universal character** that you could plug into the spot between the n and the r to retrieve any letter?

Do you have a free speech right to play your music loudly? Use **KeySearch** to find a case that addresses the issue. How many hits did you get? _____ Write down one **Topic and Key Number** from a case you found that specifically mentions the issue: _____k_____. (Hint: use the term buttons at the bottom of the right-hand frame to quickly skim your search results looking for a relevant headnote in order to find the right topic and key number.) Now click on the **Edit Query** button that appears in the upper left-hand window. When you see the screen with the **Add search terms** (**optional**): box, click on the button that says **View/Edit Full Query**. Is the default topic and key number that appears in the search box the same one you chose from your

search results? If not, plug yours in and run the search again. How many hits do you get now?

Lexis 102
October 28–November 8, 2002
Preliminaries:

Log on to the computer and go to http://www.lawschool.Lexis.com.

Search for a **news article** in the *Washington Post* from Wednesday, October 16, 2002, that raises the question of whether using a military plane to go sniper-hunting in the Washington, D.C., area violates the Posse Comitatus Act (the 1878 law that bars the military from performing civilian law enforcement). What is the title of that article?

Find the **case** referred to at the end of the above article (there's not much to go on, but it's enough). When you've tracked it down, give its citation.

Shepardize the case you just found on Lexis. Does Shepard's online show any potentially negative citing references for this case? If so, write one of them down.

Find the Posse Comitatus Act in the **U.S.C.S.** Write down its citation. When was it most recently amended? What change to the statute was effected by that amendment?

Use **Focus** to see if there are any *judicial decisions* construing this statute to mean that an otherwise lawful search or seizure made by military personnel for domestic law enforcement purposes is unreasonable if made in violation of Posse Comitatus. (Hint: you may have to click on the *check-box* in the upper left-hand corner of the document before you click on *Focus*.) If you find such a case, write down its citation. Then click on its hypertext link to go to the full text of the case. Now scan through the **Core Concepts** to see if this court has further ruled that the use of military

personnel, planes, and cameras to fly surveillance does not violate the statute. Click on the *down-arrow* next to that core concept to go directly to the part of the opinion where that point is made. Lastly, **Shepardize** this case. Is it still good law?

Use **Search Advisor** to see if there are any articles in *military* law reviews on Posse Comitatus. How many hits did you get? Use **Focus** to narrow your results to just those articles that discuss whether Posse Comitatus applies to the Navy. (Hint: truncate the root of the word—nav!—in order to retrieve either Navy or naval and combine it in the same sentence as Posse Comitatus. Use the Term arrows to quickly browse.) Write down the pinpoint citation of an article where it indicates that Posse Comitatus does not apply to the Navy. ("Pinpoint" means including the specific page number where that point is indicated.)

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