Five Flippin’ Good Reasons to Flip Your Legal Research Class

By Leslie Taylor

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Introduction

Team work. Interactive. Hands on. Engaging. Fun. These are some of the words used by students to describe their experience in a first year legal research and writing course I co-taught at Queen’s University Faculty of Law in the fall of 2014.

When I first started teaching the course in 2009, my teaching approach primarily involved giving lectures. I was comfortable lecturing, but I recognized that it was a challenge to keep the students’ attention using this method of instruction. In the fall of 2014, my co-instructor and I tried flipping several of our classes to see what difference it would make in terms of student engagement. We were happy to discover that flipping classes not only resulted in increased levels of student engagement, but also led to several other benefits.

The flipped classroom is a teaching model that reverses what typically happens in class and outside of class. In this model, students are first exposed to the material outside of class, typically in the form of video-lectures, tutorials or podcasts, and then class time is used to engage students in learning activities such as problem solving, discussion, and analysis. The use of the flipped classroom model has expanded rapidly in the post-secondary sector over the past several years. A recent survey of educators found that more than two-thirds of respondents had tried flipping an activity, class, or course, and planned to do it again.1 The flipped model is also beginning to appear in law school classrooms. Several law professors and LRW librarians and professors have reported flipping their law classes with positive results.2

Since first flipping my own class in 2014, I have come to believe that the flipped model should be the standard approach to teaching legal research to first year JD students. The flipped model addresses common challenges that instructors face when attempting to design and deliver effective legal research instruction. Drawing on my own experience and from the literature, I have identified five key reasons for flipping a legal research class, which I will describe below.

One: Increase Student Engagement

Student engagement refers to the “degree of attention, curiosity, interest, optimism, and passion that students show when they are learning or being taught.”3 Student engagement, an

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objective for many instructors, has been shown to be linked to improved learning results.4

Student engagement can be difficult to achieve in a first year legal research class for a variety of reasons. First, introductory legal research classes tend to occur in the first year of the JD program, before most students have had the opportunity to work in a legal setting. As a result, students tend to underestimate the importance of legal research in the workplace and lack an appreciation for how legal research skills can be applied. Second, as members of the digital generation, many first year law students have “misplaced confidence in their research skills and grossly underestimate the uniqueness and complexities of legal research.”5

Believing their research skills are already top-notch, many first year law students mistakenly think that a legal research course is unnecessary. Compounding this is the fact that in many law schools, legal research and writing courses are not given much prominence by the faculty, and tend to be under-resourced and understaffed.6

Given that legal research instructors face these barriers to student engagement, it is especially important for them to think carefully about which teaching methods to use. The flipped classroom, with its emphasis on online learning before class and active learning during class, has been shown to be a highly effective method for engaging students. For example, a study conducted at the University of British Columbia compared two sections of a Physics course: one taught by lecture and the other as a flipped classroom. The study found that student attendance in the flipped section of a large physics course increased by 20 percent and that student engagement, as measured by four trained observers, increased by 40 percent.7

My experience has been consistent with the research findings: I noticed a marked improvement in student engagement after adopting the flipped model in my own legal research class. My biggest success in increasing student engagement came when I used the flipped classroom to teach legal citation. Prior to adopting the flipped classroom model, I had delivered legal citation instruction in a traditional lecture-style format. During this lecture, the students’ attention usually waned after only a few minutes and by the expressions on their faces I could tell most of them found the lecture extraordinarily dull. The year that I adopted the flipped classroom model, things dramatically changed. I gave the students an online tutorial on the rules of legal citation, which they were required to complete before coming to class. This tutorial included a multiple-choice quiz which they could take to test their understanding of the rules. In class, I took up the answers to the multiple-choice quiz from the online tutorial, and gave a brief lecture reviewing some of the more difficult citation rules. For the remaining class time, I handed out citation problems for the students to work on in groups while I roamed the room providing guidance and answering questions. During this class, the students were more positive and alert than in the past, and there were more questions and class discussion. Afterwards, students told me they really enjoyed the class. On the anonymous post-class evaluations, students noted that the class was interesting, engaging, and fun. This was a marked improvement from the students’ reactions to the class when I taught it in a strictly lecture-style mode.

4 Id.


8 Bart, supra note 1.
Two: Put Research Skills into Practice

Common sense tells us that the best way to learn a new skill is through practice. In my own experience, one of the greatest challenges in teaching legal research is finding time during class to let students actually practice doing legal research.

The flipped classroom directly addresses the lack of skills practice by freeing up face-to-face class time that was previously used for lecturing. Lectures that address basic knowledge acquisition (e.g., the features of different legal secondary sources) and comprehension (e.g., how statutes are organized) are at the very bottom of Bloom’s Taxonomy of Educational Objectives. This kind of information can be absorbed by students just as readily outside of class on their own as during class time. Consequently, Lihosit and Larrington recommend moving lectures that address lower levels of learning into videos that students are assigned to view before coming to class, and freeing up face-to-face class time for students to engage in activities that enable them to reach higher levels of cognitive learning.

Instructors who have flipped their classes report that doing so has meant more class time for skills development. For example, when the flipped classroom model was implemented in the Pharmacy program at the Pacific University of Oregon, instructors found that the model “enhanced student knowledge, skills, and retention, and reinforced essential real-world skills for clinical application.” When William Slomanson, a law professor at Thomas Jefferson School of Law, flipped his civil procedure class, it allowed him more time in the classroom to address skills that students would need in practice.

Using the same approach in my own legal research class, I too was able to free up class time for practical skills application. For example, in my secondary sources class, I moved the factual information that I had traditionally delivered in a lecture—descriptions of secondary sources, as well as instructions on how to use them—to an online tutorial that students viewed before coming to class. During the face-to-face portion of class, I put the students into small groups and gave them an exercise containing a fact-scenario with questions that required them to use the secondary sources they had learned about online. In this exercise, not only were students required to use secondary sources to look up the answers to substantive questions about the law (application), they were also required to compare the effectiveness of different secondary sources for answering different types of questions (analysis), and to determine which sources were superior (evaluation). When I reviewed the students’ written work at the end of class, it was clear that they had not only absorbed the information contained in the online tutorial but had also applied that knowledge to answer the questions in the fact scenario exercise.

Three: Create Opportunities for Formative Assessment

Formative assessment refers to a wide variety of methods that instructors use to conduct in-process evaluations of student comprehension, learning, and academic progress during a lesson, unit, or course. It differs from summative assessment, which is used to evaluate student learning progress and achievement at the conclusion of a specific instructional period. Formative assessment is an integral component of effective teaching because it allows instructors to improve instruction while it is happening and provide students with the opportunity to correct misunderstandings while there is still time.

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9 Lihosit & Larrington, supra note 2, at 4. Bloom’s Taxonomy is a classification system used to define and distinguish different levels of human cognition. It is used by educators to develop assessments, curriculum, and instructional methods. The taxonomy divides learning activities into six categories, listed in order of increasing sophistication—Knowledge, Comprehension, Application, Analysis, Synthesis, and Evaluation, id. at 3-4. In the flipped classroom, face-to-face time is used to engage students in learning activities at the higher levels of the taxonomy, id. at 4.

10 Id. at 4.


12 Slomanson, supra note 2, at 100.


14 Id.
happening and provide students with the opportunity to correct misunderstandings while there is still time (before summative, graded evaluations take place). Law school courses in general suffer from a lack of formative assessment opportunities. Based on a variety of published materials, one of the bitterest complaints of first-year law students is the almost complete lack of feedback from professors on student progress in first year courses. First-year substantive law classes tend to be structured around the 100 percent or near 100 percent final exam, with few opportunities for students to check their progress or understanding of the material during the semester. Students have rated the lack of feedback as the most stressful aspect of law school, above the Socratic Method, the difficulty of learning the subject matter, and financial stressors. First-year students in particular can feel this lack acutely, when they have no knowledge as to their standing in the course.

Conversely, the benefits of providing more opportunities for formative assessment in a flipped classroom are two-fold. First, students have multiple chances to measure their understanding of the material and to make adjustments. As Catherine Lemmer points out, “students who have multiple formative assessment opportunities will generally master the material and perform better in the final analysis.” Second, the opportunity to have feedback from the instructor before writing a final exam or assignment may help lower anxiety levels, particularly among students who are anxious to know where they stand in the course.

While instructors can provide formative assessments to their students with or without flipping their classes, the flipped model has the added advantage of containing multiple opportunities both online and in person to provide feedback to students.

While legal research courses generally do not follow the 100 percent final exam model found in many substantive law courses, there is still room for legal research instructors to provide more opportunities for formative assessment. When I originally taught my legal research course, students were required to hand in their first graded law school assignment within the first few weeks of class. The course was short—eight weeks—and because I was delivering the material primarily via lecture, it was difficult to give the students any formative feedback before they had to hand in this assignment. Not surprisingly, many students exhibited a high level of anxiety while they were working on this assignment as demonstrated by the high number of emails and visits to my office.

The flipped classroom model can address this problem through the opportunities it creates for formative assessment and feedback. When Lemmer flipped her legal research class, she intentionally built in two opportunities for formative assessment: she provided feedback on the opportunity that the flipped class afforded to provide feedback online by inserting multiple-choice questions at the end of the online tutorials. On the post-class evaluations, students said they appreciated the online feedback and found it improved their grasp of the material.

In my own flipped classes, I took advantage of the opportunity that the flipped class afforded to provide feedback online by inserting multiple-choice questions at the end of the online tutorials. On the post-class evaluations, students said they appreciated the online feedback and found it improved their grasp of the material.

Four: Reach a Wider Range of Students

Law professors often complain about having to “teach to the middle.” Believing they cannot...
simultaneously serve the needs of every student in their class, especially those at the top and the bottom, they try to target their lecture to the “mythical swath that supposedly lies somewhere in the middle” of the class.21 The problem with this approach is that it is very challenging in a traditional lecture to know who is actually following along and who is struggling or bored. In reality, each student is going to catch on to some concepts more easily than others, and this will vary from student to student depending on their particular set of skills and life experiences. This problem is compounded in a legal research class because first year JD students have a wide range of research skills and experiences.

Several aspects of the flipped classroom allow legal research instructors to reach a wider range of students. First, by using videos, podcasts, or online tutorials to deliver content, students can take in the content at their own pace, stopping to pause and rewind as many times as they need to. Alex Berrio Matamoros reported that students liked the recordings because “they could rewatch my approach to conducting legal research until they fully understood the benefits of that approach.”22 In my own flipped class, students also appreciated being able to rewatch the videos when working on assignments. This was particularly true of the videos that demonstrated search techniques for various legal databases.

Secondly, by moving some of the lecture content outside of class, freed-up class time can be used to give individualized attention to students and tailor instruction based on individual student needs. This is one of the key benefits of the flipped classroom: it allows all students in the class to learn at their own pace.23 Catherine Lemmer reports that while roaming the classroom, she was able to spend time reviewing different concepts with smaller groups of students without delaying those students who understood and were ready to move on.24 Matamoros notes that he was able to challenge students on the other end of the spectrum who were able to quickly grasp the concepts by including one or two more difficult problems at the end of each problem exercise. In both of these examples, the flipped classroom allowed legal research instructors to provide individualized instruction to a wider range of students.

Five: Encourage the Development of ‘Soft’ Skills

A host of changes to the legal industry over the past several years have forced lawyers to rethink the skills that are needed for a successful practice. According to Ann-Maree David, CEO of the Queensland College of Law, it is no longer sufficient for lawyers to bring just their legal expertise to the table.25 Lawyers must also “be able to build rapport with all manner of clients, both personally and on a corporate level. A whole suite of additional skills is important in modern practice.”26 These additional skills are the general set of skills that influence how people interact, such as interpersonal communication, relationship building, leadership, collaborative teamwork, and service orientation—what many people call “soft” skills.27 Law schools are not well-known for developing soft skills in their students. Many law schools remain focused on the “hard” skills such as knowledge of the law, legal analysis, research, writing, and drafting.28

21 Slomanson, supra note 2, at 96.


23 The Flipped Class: Formative Assessment, EDUCORIA (Nov. 18, 2014), https://www.youtube.com/watch?v=mxsZMcL2dJQ.

24 Lemmer, supra note 18, at 486.


26 Id.


28 George, supra note 27.

“Many law schools remain focused on the 'hard' skills such as knowledge of the law, legal analysis, research, writing, and drafting. However, law schools are coming under increasing pressure to address the soft skills gap.”
However, law schools are coming under increasing pressure to address the soft skills gap.29 Experts have suggested various ways that this problem can be addressed, for example by redeveloping the law school curriculum to incorporate deliberate building blocks of skill sets,30 and by expanding clinical educational opportunities.31 Others suggest the use of alternative teaching models, such as the flipped classroom, to supplement or even replace traditional lectures and the Socratic Method.32

Flipped classes, with their emphasis on team-work and learning from peers, have been shown to provide opportunities for soft skills development in other disciplines. A recent example can be found at the University of North Carolina at Chapel Hill, where instructors retooled a large introductory pharmacy class into a case-based course using a flipped classroom design. In this course, students participated in small group learning activities that included practicing patient assessment scenarios. The instructors intentionally used group work as a learning strategy to promote the development of communication skills and teamwork.33 After the redesign of this class, student pharmacists reported that "the course developed their verbal communication skills and their ability to effectively work as a team member; both of which are essential skills for future pharmacists."34

Legal research instructors who have flipped their classes have reported similar results. For example, in Lemmer’s legal research class, the students worked together in groups on research assignments that mimicked a real-life legal work environment. She observed that when working in these groups, students were willing to help their teammates understand the research process and were more motivated to learn and to take responsibility for their own learning.35 She concluded that flipped classes that use group work have the potential to develop “the interpersonal, strong problem-solving, organization, communication, leadership, and team-building skills that lawyers use but that are not often taught in law schools.”36 In my own legal research class, students frequently noted that working together in small groups on in-class assignments was both enjoyable and beneficial to their learning.

While not the only method for teaching soft skills to law students, the flipped classroom holds the promise of being one of the ways that law schools and legal research instructors can address the soft skills gap in legal education.

Limitations

While I’ve focused on the advantages of the flipped classroom, it is important to acknowledge its limitations. Several writers note that one of the main challenges of applying the flipped class design lies in the amount of time and effort that it takes to plan and create the content.37 For example, instructors must be able to find or create suitable online content for students to view or listen to before coming to class. In addition, instructors must plan appropriate learning activities to occupy the newly freed up in-class time. There are a number

29 Nancy B. Rapoport, Rethinking U.S. Legal Education: No More “Same Old, Same Old,” 45 Conn. L. Rev. 1411, 1412 (2012-2013).

30 Id. at 1414.


32 Rapoport, supra note 29, at 1421.


34 Id. at 7.

35 Lemmer, supra note 18, at 483.

36 Id.

37 Guyer, supra note 5, at 178; Lemmer, supra note 18, at 489; and Matamoros, supra note 22, at 19.
of excellent articles written on the topic of how to plan and design a flipped classroom. Designing an effective flipped class takes time, and as a result instructors may need to rearrange some of their work priorities. Consequently, it is important for instructors to make sure they have support from their faculty and that the extra time and effort they put into the course will be acknowledged.

In addition, those who are new to the flipped classroom model may find some of the technical requirements daunting. Fortunately there are many software programs available that can satisfy a range of skill levels. Lihosit and Larrington do a wonderful job of describing the screencast programs that are available and making recommendations based on variables such as cost, features, and learning curve. There are also a number of free online tutorials that demonstrate how to create podcasts and screencasts. In addition, there may be educational developers or e-learning specialists who can provide support at the host institution where the instructor works.

Conclusion
Legal research instructors can do a great deal to ensure that their classes are engaging, practical, and fun. Rather than lecturing about legal research, they can actively engage students in the process of conducting legal research in class. In addition, instead of “teaching to the middle,” they can engage students and provide them with individualized instruction and formative feedback. Moreover, they can develop soft skills in law students by giving them opportunities to collaborate in class. The flipped classroom makes all of these things possible. While the transition to implementing the flipped classroom model requires additional time and work, the rewards for both students and instructors are well worth the effort.


39 Lihosit & Larrington, supra note 2, at 9-11.

40 Most screencast software programs provide free online tutorials that show you how to use their product. For example, I learned how to record and edit screencasts by watching the free tutorials provided by Camtasia, Camtasia Studio 8 Tutorials, Techsmith (Jan. 7, 2016), https://www.techsmith.com/tutorial-camtasia-8.html. In addition, a plethora of homemade tutorials on screencasting and podcasting can be found by searching YouTube.
Problem
Anna recently moved into an apartment building in downtown Kingston. A few days after moving in, Anna knocked on her neighbour’s door to introduce herself. When her neighbour, Betty opened her door, her dog rushed out into the hallway barking and wagging its tail. Anna reached down to pet the dog, and the dog lunged at her, causing Anna to fall backwards and break her wrist. Anna is now suing Betty for injuries caused by the dog. Can Betty be held legally responsible?

Part I—Sources that explain the law

1. Carefully consider the facts of this scenario and any possible legal issues. What are some of the preliminary keywords or phrases you could use to begin your search?

2. Log in to WestlawNext and try entering a natural language search query into the search box (using some of the keywords and phrases you came up with in question 1).
   a. Record your natural language search query below.
   b. Briefly describe the content of the first page of search results.
   c. How relevant do you think these results are in relation to the problem above?

3. In WestlawNext, click on the link to the Canadian Encyclopedic Digest (CED). Browse the table of contents and skim any sections that you think may be relevant.
   a. Based on your skimming of the material in the CED, identify the subject heading, sub-heading(s), and specific paragraph number of the text which is MOST relevant to the legal issue at hand.
   b. Write down the names and citations of any potentially relevant cases and/or acts that are cited in the footnotes.
   c. Is there any information in this section of the CED that will guide you to related cases in the Canadian Abridgment Case Digests?

4. How did the results of the natural language search differ from what you were able to find by browsing the table of contents of the CED? Did you learn anything new by browsing the table of contents that you did not learn from the results of the natural language search?

5. Can you find any other secondary sources in the Law Library that address the legal issue presented in this problem? Provide the citation and call number for any book(s) you find, as well as the page number(s) where this issue is addressed.

6. Give a complete clear & succinct legal definition for the term ‘scienter’. Name the source(s) that you used.

Part II—Sources that locate the law

The Canadian Abridgment Case Digests

1. In WestlawNext, click on the link to the Canadian Abridgment Digests. Using the information you recorded in question 3 as well as your keywords and phrases, browse through the Table of Contents until you find the Abridgment subject title that is most relevant to your topic. Record the subject title below.

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1 Some of the ideas for this exercise were borrowed Maureen Fitzgerald’s book, Legal Problem Solving: Reasoning, Research and Writing, 6th ed (Markham, Ont: LexisNexis, 2013). Additionally, Cristia Bracci, co-instructor for the course, helped to adapt this assignment.
2. Continue browsing the Canadian Abridgment table of contents until you find the subheading(s) that you think is most relevant to your legal issue. You may have to click through several levels of subheadings to get down to the desired level of specificity. Write down the full Canadian Abridgment classification number(s) for the subheading(s) that you have identified.

3. Betty says that Anna provoked the dog by clapping her hands together and yelling the dog’s name. Using the “search within result” function, can you identify any additional cases in the Canadian Abridgment from Ontario that deal with the question of contributory negligence? Write down the name and citation of those cases.

**Noting-Up a Case**

1. Choose one of the cases that you have cited above. In WestlawNext, note up the case using KeyCite.

   a. Write down the name of the case you have chosen.
   
   b. Has this case ever been appealed to a higher court?
   
   c. Have any subsequent cases followed, distinguished, considered or overturned this decision?

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**Micro Essay: Digital Natives**

**Legal Research Novices**

Law students today are digital natives, but most are legal research novices. The task of teaching them legal research is similar to the task of teaching English majors legal writing—students are comfortable with tools employed to perform the relevant task, yet unfamiliar with other critical aspects of the task. Students need instruction on sources available, the weight of sources, where sources can best be accessed, and strategies for conducting effective legal research. Practicing research is also important. Build a bridge between existing skills and the skills needed for legal research, and encourage skill transfer and new information acquisition.

Mary Garvey Algero, Associate Dean of Faculty Development and Academic Affairs and Warren E. Mouledoux Distinguished Professor of Law, Loyola University New Orleans College of Law, New Orleans, La.