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Teaching Advanced Legal Research in a Flipped Classroom

By Laurel E. Davis, Mary Ann Neary, and Susan E. Vaughn

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Why use the flipped classroom approach for Advanced Legal Research?

Legal Information Librarians at Boston College Law School contribute to the practical skills curriculum by teaching semester-long courses in legal research. Course offerings range from Advanced Legal Research (ALR) to practice-specific courses.¹ Discussions of legal research methods and instructional approaches figure in our department meetings regularly. Our teaching strategies evolve constantly as practical skills and simulations become more predominant in our instructional focus. We follow the Carnegie Report's mandate that "[L]earning happens best when an expert is able to model performance in such a way that the learner can imitate the performance while the expert provides feedback to guide the learner in making the activity his or her own."²

We entered a new phase in our efforts to promote active learning by adopting the flipped classroom approach for ALR in academic year 2012-2013.

¹ The practice-specific courses, offered for two credits, are Bankruptcy Law Research, Environmental Law Research, Immigration Law Research, Insurance and Civil Litigation Research, International Legal Research, Intellectual Property Law Research, Research for Criminal Law Practitioners, Securities Law Research, and Tax Law Research. Advanced Legal Research is a three-credit course.

² William M. Sullivan et al., Carnegie Foundation for the Advancement of Teaching, *Educating Lawyers: Preparation for the Profession of Law* (2007) at 26.

Through the flipped classroom model, ALR students were introduced to course content prior to gathering in the classroom, thereby freeing classroom time for hands-on legal research exercises. The pre-class exposure to course content took a variety of forms: watching a prerecorded brief video lecture/explanation prepared by the instructor and responding to embedded questions; completing a lesson from the Center for Computer-Assisted Legal Instruction (CALI); reading background material and applying the content by taking an online quiz; and working through a sample research problem. The active learning aspect of the flipped classroom resonated with us because we have long recognized the need for hands-on learning in ALR to promote solid skills acquisition by students. We supported students' varied learning styles by incorporating print, audio, and video components. Students had the opportunity to replay and reread content, a feature they appreciated—particularly those with English as a second language.

How we flipped the classroom

The first step to implementing the flipped classroom model involves creating the content for students to view prior to class. This pre-class content replicates what students would receive during a lecture in a traditional classroom model. Though we did assign some readings and an occasional CALI lesson, we preferred to deliver this material using videos we created. The basic process began with making a narrated video lecture using screencasting software such as Jing, Snagit, or Camtasia (see sidebar).

“The active learning aspect of the flipped classroom resonated with us because we have long recognized the need for hands-on learning in ALR ...”

Screencasting Software

Jing (TechSmith)

- Free
- Limited to 5 minutes
- No ability to edit videos
- No ability to annotate videos
- Saves in .swf file format, so best shared via screencast.com

Snagit (TechSmith)

- Licensed
- No time limit
- No ability to edit videos
- No ability to annotate videos
- Saves in MP4 format, so easy to download locally or share via screencast.com or YouTube

Camtasia (TechSmith)

- Licensed
- No time limit
- Saves in MP4 format, so easy to download locally or share via screencast.com or YouTube
- Rich options to edit and annotate videos

Screencast-O-Matic

- Free download or launch from browser without install
- 15 minute video limit
- Saves in MP4 format, so easy to download locally or share via Screencast-O-Matic or YouTube
- Pro version (\$15/yr) includes additional tools, such as basic editing

Note: There are applications available for screencasting from your tablet. For example, Explain Everything (\$2.99) and ScreenChomp (free) are two options available for the iPad[®].

The general goal was to keep videos under ten minutes, so students could watch in digestible portions. If a given topic required more time, we preferred to break the topic into separate videos. A script or an outline of the topic helped the

video creation process run much more smoothly than creating a video on the fly, as there were fewer pauses and mistakes. Plus, a script (even a loose one) curbed the tendency to ramble or go off on tangents. As Josh Corbat of TeachThought notes, it is easier than one might think to condense a live lecture into a much shorter video, because the instructor does not face the typical classroom interruptions,³ and can move at a quicker pace because students can rewind and replay if they are confused or miss an important point.

Once we created the video, we did some basic editing, if necessary. Generally speaking, we abided by the philosophy that perfect is the enemy of the good. Therefore, we left in minor stumbles over words, short pauses, or basic corrections. When we did realize we said something incorrect or misleading, instead of starting over, we learned to keep the video capture running and restate that portion correctly. Then it was a relatively simple matter to go back and cut out the original error using editing software like Camtasia or a free download product such as Avidemux.

Sometimes a more complex topic required the creation of multiple videos. For example, for a statutory research class, we might have a short video explaining how statutes are published chronologically as session laws, then in subject-based codes, and how those two interact. It would probably include a basic discussion of the Statutes at Large and the U.S. Code and their state equivalents, and the difference between annotated and unannotated codes and official and unofficial codes. We would then have other short videos on topics such as finding statutes on Lexis[®] and Westlaw[®] using free alternatives like FDsys, Cornell's LII, and state legislature websites; and updating.

The next step involved delivering the videos to the students. This could be as simple as uploading the video to YouTube and sharing the link with the class or as involved as using a more robust platform designed for flipped classroom use. One effective approach we've used is to create a class

³ Josh Corbat, *6 Steps to a Flipped Classroom*, TeachThought (August 1, 2013, 6:06 p.m.), <http://www.teachthought.com/trends/flipped-classroom-trends/6-steps-to-a-flipped-classroom/>

preparation document containing links to the assigned YouTube videos. This document would include the associated questions for each video, which students would complete and submit prior to class. Other tools for flipping the classroom (see sidebar) allow the instructor to not only share videos but also to incorporate quizzes, solicit comments, and provide links to helpful resources. Requiring students to watch the video(s), complete a quiz, and either submit a comment or respond to a classmate's question ensures that they think critically about the video content.

When creating quizzes to accompany videos, we recommend using open-ended questions, as opposed to solely multiple-choice, as it requires students to formulate a response (with multiple-choice questions, they can guess until landing on the correct answer). Rich platforms like TED-Ed also allow instructors to add links to other helpful resources and create discussion forums. Requiring students to comment on resources and contribute to the discussion forum leads to deeper and more meaningful engagement with the material.

Platform information

YouTube:

- Post videos to YouTube
- Embed link on class preparation document with associated questions

TED-Ed:

- Free educational website
- Students must register for TED-Ed account
- Easy integration with YouTube
- Upload own video from YouTube or use an existing video
- Set to public or private
- Instructor can supply links to helpful websites
- Quizzes attached to lesson (multiple-choice and open-ended)
- Students can comment on lesson
- Instructor can track whether a student has completed the lesson
- No way to group lessons together for a class

Sophia:

- Free educational website
- Designed for K-12 education
- Upload video file from computer
- Quizzes attached to lesson (multiple-choice only; must post at least four questions)
- Instructor can supply links and upload other content, such as PowerPoint® presentations
- Can create playlists with multiple lessons

Thus, by the time students entered the classroom, they had watched the videos, completed a quiz, and further engaged with the materials by exploring additional resources and submitting comments. They had the basic tools to do the hands-on exercise component of the flipped classroom model. Before jumping into the research problems in class, we quickly recapped the major concepts and addressed any student questions. This process sometimes involved instructor-led demonstrations, particularly with more complicated concepts like updating statutes to track any proposed legislation. However, the bulk of the class involved the students working on research exercises.

Some exercises are more “find and retrieval” based, simply to give students a level of comfort in navigating databases and using sources. However, because more class time was available, students could tackle more involved hypotheticals, thereby creating a deeper context for their research. For example, a statutory research class might implicate a variety of tasks: examining a complex fact pattern and determining applicable statutes; making use of secondary sources to flesh out complicated statutory language; identifying interpretive case law using annotations in a statutory code; figuring out what version of a statute applies and accessing historical versions when appropriate; and tracking relevant proposed legislation.

“In this manner, students replicated what attorneys do, both in the sense of working with a fact pattern and collaborating with colleagues to find a solution.”

Layered problems like this work best when students work in groups.⁴ We encouraged the groups to take a few minutes to think about the problem before beginning the actual research—to issue-spot and think about what types of primary legal authority might be implicated and what types of secondary sources might be helpful for locating it. We created a research template to guide students in this process. We circulated around the classroom and ensured that students were on the right track, pointing out mistakes and missteps and offering suggestions when they were stuck.

In this manner, students replicated what attorneys do, both in the sense of working with a fact pattern and collaborating with colleagues to find a solution. This presented an ideal opportunity for peer instruction as group members reminded each other of what they learned in the video and in past classes. Once they all worked through the problem, one group would demonstrate their process for the rest of the class. This creates further conversation and collaboration as other groups offered alternatives or suggested shortcuts. Instructors reinforced concepts during student presentations and offered guidance on additional steps/resources.

Some topics involved a short follow-up assignment to solidify what students learned through the video content and the in-class research exercises. This reinforcement ensured that they were comfortable working with the material without instructor guidance. Additionally, we revisited the research skills throughout the semester. For example, basic statutory research skills were built upon during classes on legislative history and constitutional research. The flipped classroom allowed us to build toward more complex research simulations later in the semester. A typical research simulation might implicate overlapping jurisdictions, statutes, regulations, and agency decisions, requiring students to synthesize the skills they gained throughout the semester.

Have we reduced or eliminated the traditional bibliographic instruction found in standard ALR classes due to the flipped model? By the end of the course, students have still received a fair amount of bibliographic instruction (“This is where U.S. statutes are published and how you can search for them”), but that component now comes largely through the videos and other pre-class preparation. The real focus in class now involves using that bibliographic knowledge in a way that contextualizes it as part of a more systematic legal research process. Knowing the tools, where to find them, and how to use them is one skill set. Being able to consistently and confidently parse through problems and attack them in a methodical, systematic manner is the logical continuation of that skill set. The flipped model allows instructors increased time and flexibility to address these more sophisticated skills, which are critical in today’s practice-ready environment for new law graduates.

Advantages to the flipped classroom in ALR

Some advantages to incorporating more hands-on research exercises in class are noted above. The most noticeable advantage to flipping the classroom was to shift our emphasis from gathering research sources to analyzing complex hypotheticals and crafting effective research strategies. Sarah Valentine, who promotes legal research as an essential practice skill, outlines an iterative process of legal research that requires “creating a research plan, researching, reflecting on what has been found, applying it to both the issue at hand and to the original research plan, and repeating the process as needed.”⁵ Spending more time outside of class covering the fundamental legal research sources and basic search strategies, such as finding statutes on Lexis or Westlaw, saved time spent in class on this iterative process, thus stimulating deeper student learning.

Another advantage to the flipped classroom model is that students are more engaged since they spend the majority of class time on hands-on legal research. After a short time playing with this model, we

⁴ Groups of three tend to work well, and a mixture of 2Ls and 3Ls within each group can be helpful.

⁵ Sarah Valentine, *Legal Research as a Fundamental Skill: A Lifeboat for Students and Law Schools*, 39 U. Balt. L. Rev. 173, 219 (2010).

noticed that students asked more complex questions than in past years. When given complicated research problems, they missed fewer important sources of authority and had a better sense of how all the pieces of legal authority fit together. Cindy Guyer, who has implemented an experiential-based legal research course for first year students at Gould School of Law, noted a very similar reaction with first-year students in her flipped legal research classroom. Guyer states that “[p]laying to learn via hypotheticals reinforces the entrepreneurial learner disposition of millennial students. They are provided greater context in which to learn and are becoming more active participants in their own learning.”⁶

This model also more closely replicates law firm work, as students have the opportunity to collaborate, ask questions, and work on simulated legal problems. Students who had difficulty with any concepts or research tasks could quickly get help by asking a group member or the instructor. Students reinforced their own learning by helping peers either through group work or by demonstrating skills to the entire class. Though not necessary to the flipped-classroom model, we used iPads[®] and an Apple TV[®] to demonstrate research skills on online platforms such as Lexis, Westlaw, or Bloomberg Law. Since we observed students solving problems, we could easily choose a student group to present their research process to the class, based on their finesse, creativity, and successful approach to a problem. Students gained experience with multiple platforms when class groups solved the same research problem using a variety of resources, such as locating compiled legislative history with Thomas, ProQuest, and HeinOnline. Each group outlined their approach and demonstrated how to tackle the problem using their assigned resource for the rest of the class. This approach maximized student participation with the added benefit of additional coverage of multiple research platforms and approaches to research problems.

Recording and posting lectures rather than delivering them in class provided additional advantages. We covered topics that we didn’t have time to discuss in detail during the semester, such as model laws. We could use this approach to cover multiple databases as well. For example, if we used Lexis or Westlaw Classic to answer a question involving court rules during class, we could demonstrate how to approach this same question using Lexis Advance, WestlawNext, or a court website in a supplemental video. Video lessons also allowed students to watch content at a time convenient for them and repeat content on demand if they were having trouble with a difficult concept or needed to review it later for help with other assignments. Students who missed class have the opportunity to watch the lesson and review the problems covered in class that day. By using a tool such as TED-Ed to host your videos, you can gauge student understanding with an accompanying assessment such as open-ended or multiple-choice questions, or a required discussion thread. The latter, particularly if you require students to post a comment or question, allows students who might be reluctant to talk in class an alternative avenue for participation. Additionally, “flipping” with videos allowed us to 1) create our own materials, 2) make sure those materials are extremely up-to-date, and 3) make the classroom preparation experience more dynamic and personal for our students.

How many times have you stood at the front of the class trying to judge by the look on your students’ faces if they are grasping the concept you are covering? The teacher was untethered from the podium in our flipped model. We were able to interact more with each student, observe any common areas of confusion, and quickly address these issues to broaden student understanding. We could judge student understanding of covered concepts and proficiency with assigned tools more accurately by observing students actually working with problems. All of these advantages resulted in students’ deeper learning of the overall research process.

“This model also more closely replicates law firm work, as students have the opportunity to collaborate, ask questions, and work on simulated legal problems.”

⁶ Cindy Guyer, *Experiential Learning: Context and Connections for Legal Research – A Case Study*, 32 *Legal Reference Services Quarterly* (forthcoming 2013) (manuscript at 32), available at <http://ssrn.com/abstract=2170086>.

Disadvantages to the flipped classroom approach and how to counteract these disadvantages

Broader coverage, more student involvement, a deeper level of understanding, and unchaining the instructor from the podium—there must be a hitch right? In our experience, there were also a number of disadvantages to flipping the classroom. Since we were creating video content for many classes, it was labor-intensive, especially for those not familiar with screencasting software. With time, we were able to refine our approach by trying the different tools mentioned in this article and getting familiar with the most helpful features. Also, depending on how we chose to deliver the content to the students, this process also involved creating new material such as an assessment to accompany the video. Another drawback is that some of the videos that you spent hours creating may have a short shelf life. For example, a general video on how statutes are published can be reused in a subsequent class, but a video on finding statutes on WestlawNext, Lexis Advance, Bloomberg Law, or Thomas may become dated quickly, due to the changes in the online platform or in the primary law affecting the hypothetical demonstrated.

Students might find the flipped classroom model unfamiliar, and therefore uncomfortable, if they are used to more traditional lecture classes. The flipped model requires weekly preparation work that often includes some form of completed assessment. This can give the impression that the course itself requires more work, even though the coursework is just spread more evenly throughout the semester. Students also are challenged in class to work with others in groups and to present their findings on a regular basis. Students may not have encountered this collaborative class environment previously in law school. There may be an initial resistance to the flipped classroom model but, in our admittedly limited sample, our surveys clearly demonstrate that students come to appreciate the advantages of this model.

We have mentioned some of the challenges of using new technology, but current tools might not present a perfect solution. For example, on

Sophia we can create a playlist that includes multiple topics related to statutory research, but there is no functionality to create open-ended questions. On TED-Ed there is a very useful assessment tool built in that allows the instructor to ask multiple-choice or open-ended questions and to post additional information, but there is (as yet) no ability to create playlists. So on TED-Ed we would have to provide students with separate links to each lesson dealing with statutory research. In our example above of a typical statutory research class, this would mean four separate Web links to different TED-Ed lessons. One issue we've encountered is with students saving their TED-Ed assessment responses. We've reported the issue to TED-Ed and hope it will be resolved. We are still looking for the perfect tool and hoping that the technology catches up to support our teaching approach.

This model also imposes a learning curve on the instructor, requiring the balancing of the hands-on work (namely group work, individual work, and group presentations) with traditional demonstrations and brief lectures. For example, how much time will be devoted to research simulations versus the discussion time needed to tie together the class preparation and in-class work? As with most new endeavors, these difficulties seemed to lessen with practice. Another question we have yet to explore is how the flipped classroom might work for students with learning disabilities. For example, will instructional videos on finding statutes on the Congress.gov website be more effective or less effective for a visually impaired student?

Some of the perceived disadvantages can be resolved with new technology or greater instructor expertise with the tools and the model generally. Student hesitation to embrace the flipped classroom can be assuaged by a full explanation of the model in the initial class meeting and by growing familiarity. In any case, for a course devoted to developing practical skills, the benefits of the flipped classroom outweighed any of the problems we have encountered to date.

“Broader coverage, more student involvement, a deeper level of understanding, and unchaining the instructor from the podium—there must be a hitch right?”

Moving forward with the flipped classroom

We are dedicated to continuing the flipped ALR classroom approach based on our experiences as instructors, course evaluation results, and student performance data from the past academic year. The increased instructor-student interaction, the students' collaboration, and their deeper understanding of legal research convinced us that this is the optimal approach to produce practice-ready students. In order to maximize our effectiveness and the level of instructor-student interaction in the classroom, we will be team-teaching ALR in pairs using the flipped classroom model for the next academic year. We will be documenting our experiences in order to refine our flipped classroom approach.

Our class preparation videos are posted on TED-Ed. For examples, take a look at two TED-Ed lessons (of five) that we assigned as preparation for our first secondary sources class:

Basic types of secondary sources: <http://ed.ted.com/on/W3lxvdOv>. Gives an example of a video that overlays a traditional PowerPoint presentation. Notice the associated quiz in the “Think” section and the additional resources in the “Dig Deeper” section. (Note: you must sign in to TED-Ed to see the accompanying quiz.)

This is an example of a more demonstration-based video:

Searching for secondary sources on Westlaw, Lexis & Bloomberg Law: <http://ed.ted.com/on/mXDKb7OV>. This video, the longest of the five videos assigned, also has an associated quiz.

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Another Perspective

Cindy Guyer, *Experiential Learning: Context and Connections for Legal Research—A Case Study* 32 *Legal Reference Services Q.* (forthcoming 2013), <http://ssrn.com/abstract=2170086>.