Legal Research: A Final Response

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Our judgment is that, at this point, enough trees have given their lives to a discussion of this issue. We believe that the Wrens misunderstand what Professor Hicks meant by the "bibliographic method" and that they severely misinterpreted him, especially in their first article. By now we have discussed our differences enough and we simply recommend that interested readers read the original piece by Hicks in light of what has been written by the Wrens and us. As Gillette says, "You make the call."

As to the Wrens' "process-oriented" approach, we still contend that it does not offer the best means of instruction. There is a substantive theoretical content to legal research that includes a picture of the entire "juridical life" of society. Teaching about research tools within their context by explaining how they function makes the material both interesting and meaningful to law students.

As to the third area, the Wrens' criticism of our course in Advanced Legal Research, once again we simply disagree. In some ways, it is indeed aptly called "remedial" legal research, or at least the first part of the course is. We make the students come to grips with the material in a way that most American law schools would never allow them the time to do in their first year. We do not take the negative attitude towards first-year students that the Wrens attribute to us, but in the world in which we live, training during the second and third years can accomplish more. We would not cut the first-year students loose, we would just be sure that they understand that the five or six hours of research training they receive is a set of survival skills, not real legal research.

We try to infuse our Advanced Legal Research course with a bit of legal information theory. We disagree with the Wrens that pathfinders are merely detailed annotated bibliographies; they are often complex research tools that require students to articulate legal issues and research methods.

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At their best, pathfinders represent a much broader approach to specialized legal research than traditional tools do. At any rate, we have already described their makeup and function, and there is no need to reiterate all that here. The Wrens imply we are training 220 Boalt Hall students to be law librarians every year, but the experience of our students indicates that we make them better, more thoughtful lawyers and more effective researchers.

The heart of the matter is that we have a serious set of disagreements with the Wrens about how to best to teach legal research. We feel these differences have been set out at painstaking length in the three articles that comprise the series. We encourage those who are interested to go back and carefully read the articles and the underlying cited material.