



Memorandum

To: LibraryCo Inc. Board of Directors
From: Martha Foote, Board General Manager
Date: June 27, 2013
Re.: Results of Canadian Law School Survey

I. Introduction and Survey Goals

From May 27 to June 14, 2013, LibraryCo administered a survey questionnaire to the 22 law school library directors in Canada. Participants received two reminders about the survey. 12 respondents completed the survey for a response rate of 54%. This is a very good response rate for an external survey, particularly since the target group is not a LibraryCo stakeholder. For example, the 2006 survey conducted for LibraryCo by The Strategic Counsel of practising lawyers in Ontario had a response rate of just under 15%.

The goal of the survey was to learn how legal research is taught in law schools and how students conduct legal research today. LibraryCo recognizes that research methods have changed greatly since the adoption of computer-assisted legal research. The information gathered from this survey will be applied to one of the strategic goals identified in LibraryCo's 2012-2014 business plan, namely to design and deliver services, based on objective research, to all lawyers regardless of geographic location.

II. Executive Summary

- The research shows that the teaching of legal research is well entrenched in Canadian law schools. Nearly all schools have a mandatory first-year course, and some offer upper-year elective courses as well.

The survey did not measure the amount of time spent on legal research in the first year course (as opposed to legal writing, for example). Nor did it gauge student interest in the course material and how they apply what they have learned in their other law school courses.

- The courses are taught in the traditional in-class method with most using the traditional grading system.
- Practitioner input into formal instruction in legal research is very low.
- Student reliance on secondary sources is middling. There was a difference of opinion among respondents about whether students venture beyond case books to seek secondary materials.
- Westlaw Canada is slightly preferred over LexisNexis Quicklaw as a source of Canadian case law, but many respondents said that it there was no strong preference either way.
- CanLII's content is improving and it is becoming a research tool of choice for law students who seek primary source law.

- The future of print is unclear. Many respondents said they believe print will still have a future in the legal research process. Technology, cost and publisher plans are the three main factors that will determine whether print declines.

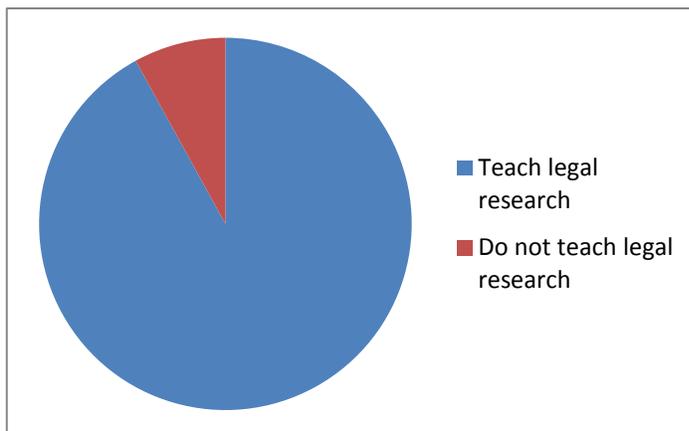
This research is supported by my conversations with the two new law schools in Canada. They continue to maintain some print collections although both are striving to emphasize and promote electronic resources.

- Electronic legal research in Canada is strong and constantly improving. The key strengths are primary source law and noting-up tools.
- Secondary sources, particularly e-books, are the key weakness in electronic legal research.
- Use of academic law libraries is slowly declining.
- Respondents were asked to envision the law library of 2025. They foresaw heavier reliance on digitized resources. Print will move toward obsolescence, although it may not be eliminated by 2025. Law libraries will evolve with this change as physical library space is reduced.

III. Summary of responses

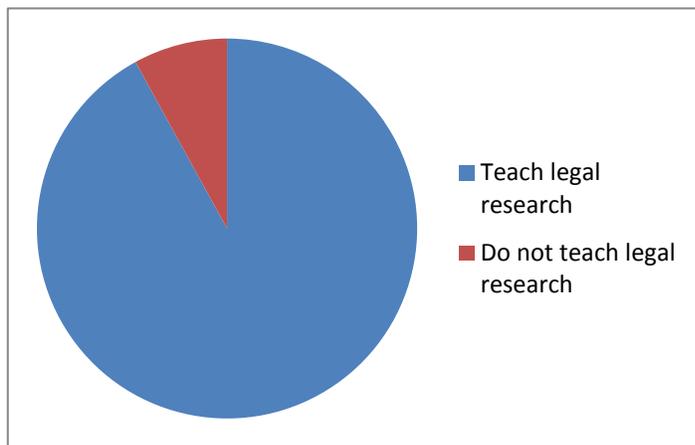
1 & 2. Does your law school teach a course or courses in legal research? If yes, is/are the course(s) mandatory?

92% of respondents said their law schools have a course or courses in legal research. The first year course is mandatory in all cases. Upper year courses, where available, are electives. One person noted that their law school's first year legal research course covers a variety of areas including legal research, but that legal research does not take up the majority of the course time.



3. Is/are the course(s) graded or pass/fail?

91% of respondents said that the courses are graded, with the remainder being pass/fail.

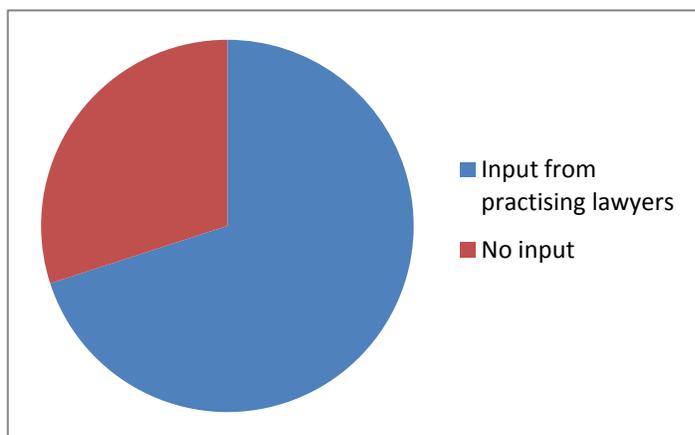


4. How is/are the legal research course(s) taught?

All courses are taught in-class rather than online only or self-study.

5. Does the course curriculum have input from practising lawyers?

70% of respondents reported that there is no input in the course curriculum from practising lawyers. Those respondents who replied that their courses have input from practising lawyers said that it is limited to the mooted component, a few lawyers who come to the first class to impress upon students the importance of legal research skills, or practitioners who teach sections of the course.



6. Would you be willing to share the current course syllabus with LibraryCo?

73% were willing to share their course syllabus with LibraryCo and a few have already done so. I am in the process of gathering the remaining syllabi and will provide them to the Board once I have them in hand.

7. Please indicate the division of course time between electronic and paper resources.

While the emphasis is heavily on electronic resources, most courses include a print component. It focuses on reference sources including *Halsbury's Laws of Canada* and the *Canadian Abridgment*. These tools began as print publications and the electronic versions are based on the print.

8. If your law school does not teach a course on legal research, are there any formal or informal programs at your law school for developing students' legal research skills?

Respondents noted additional resources, including optional sessions offered by the law library, a requirement that students write a major research paper before graduation and courses offered on additional topics as required.

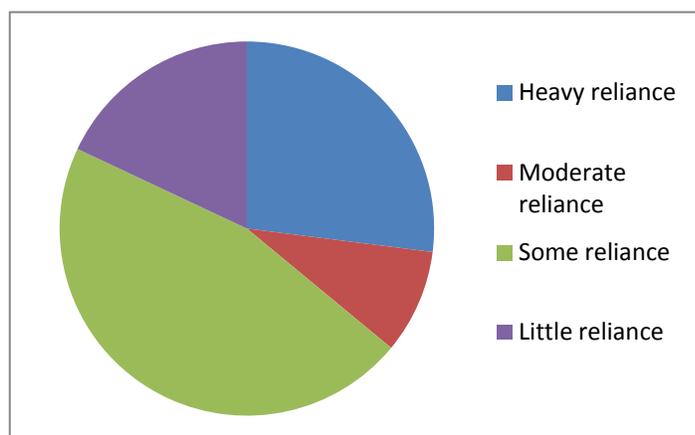
9. Which electronic services do students prefer when seeking case law?

There was no clear consensus. The majority of respondents said that usage is difficult to measure but indicated a slight inclination toward Westlaw Canada. Most respondents did not differentiate between case law research and other types of research (legislative, secondary sources, etc.), although LibraryCo's question was specific to case law. Three respondents noted the growing popularity of CanLII, with one pointing out that CanLII is best used for case law and legislation while LexisNexis Quicklaw and Westlaw Canada are preferred for comprehensive research.

"Each service is used a lot by all students. Some prefer one over the other but no clear "winner"."

10. What reliance do law students place on secondary sources (textbooks, looseleaf services, periodicals, etc.)?

Most respondents (46%) reported some reliance on secondary sources. 27% reported heavy reliance, 18% reported little reliance and 9% reported moderate reliance. No one reported no reliance on secondary sources.



"Students love their casebooks but are hesitant to venture further into the great sea of legal literature."

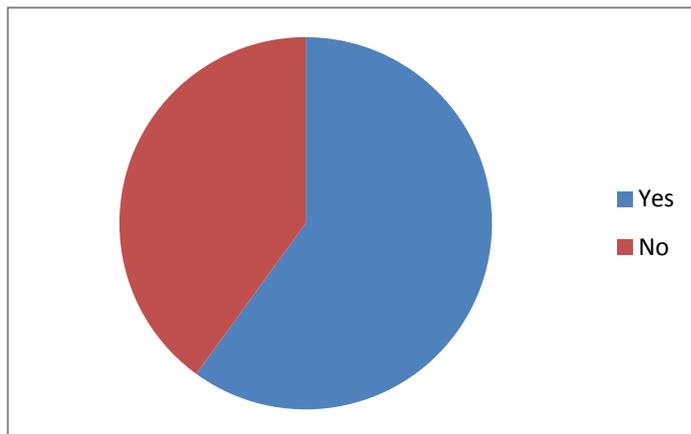
"They certainly do use secondary sources, either as tools to get case law and statutes or as authorities in their own right."

11. Do you foresee a time in the next 10 years when print will no longer form part of basic legal research?

Respondents were divided on this question. 60% said yes and 40% said no. Some respondents commented that it is difficult to predict that far ahead, particularly since the answer is dependent on what happens with technology. The decline of print will depend on factors that include the publishers, cost of electronic resources, functionality of online systems and whether they are set up for institutional (e.g. academic) access.

"Many of our online sources are merely scanned images from the original printed text, so students will always need to know how the print was originally organized, even to use the online."

"I think that for some aspects of legal research print will still be useful in 10 years."



12. What are the strengths of the current state of electronic legal research in Canada?

Respondents were positive about the state of electronic legal research in Canada. Several noted the strength of primary source law and the updating/noting-up tools. Other strengths included the constant updating of information, availability of periodical literature and laws of other jurisdictions and virtual access to the law. CanLII received positive reviews. One respondent commented on the wealth of digitized archival information.

"Free CanLII gets better and deeper each year."

"It's already the best LII in the world."

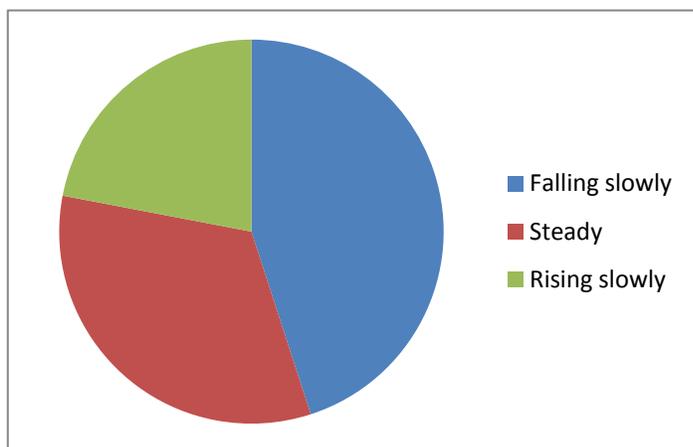
13. What are the weaknesses of the current state of electronic legal research in Canada?

Respondents said that the main weakness lies with secondary sources, particularly treatises. There are not enough treatises in electronic form. There were complaints about e-books, particularly restrictions on use, problems with the interfaces, cost and the fact that e-books are not always published at the same time as print editions. Respondents also noted the cost of electronic resources and that contract terms are often geared to practising lawyers and not to the academic world. One person noted what they called the Lexis/Westlaw "duopoly", which in their opinion has a "stranglehold" on the markets and keeps getting more expensive.

14. Are law library usage statistics over the past five years rising or falling?

45% of respondents reported that usage of the law library is falling slowly. 33% reported that it is steady, while 22% said it is rising slowly.

One respondent noted that much of the increase traffic is coming from what they called SNAILS – Students Not Actually in Law – who use the law library as a study hall. Another said that students spend a lot of time studying what is fed to them (e.g. casebooks, reading lists, course materials) but otherwise do little if any research; the exception is work required to write a major paper.



15. What do you imagine the law library of 2025 will look like?

Not surprisingly, this question elicited a variety of answers across the spectrum, with some respondents predicting exclusively digital libraries and others believing there is a future for print.

Predictions included increased digitization of legal materials, changing use of law library space to incorporate collaboration (group study, moot preparation, etc.), a move toward centralization at some universities (whereby the law collection would move to the main university library, leaving only a study hall in the law school) and discarding print or moving print materials to off-site storage. Students will be heavy users of electronic materials. Physical libraries will disappear and be replaced by study spaces with service points (which I took to mean either reference desks staffed by librarians or banks of computers).

One respondent noted that law is still very print-based. The Canadian market is smaller than those in the U.S. and the U.K. and change may take longer. (Based on my experiences as a law librarian, product development mostly takes place in the United States and it can be years before these new products are rolled out in Canada.) Libraries will be used for training and reference, and there will still be a role for librarians since lawyers will not have everything in their offices.

“New libraries at Osgoode, UBC and UofT all envision a balance between study spaces and collection spaces and continued use of both print and electronic materials.”

“The greatest need will be for highly-skilled professionals who teach.”