

Boulder Statement on Legal Research Education: Signature Pedagogy Statement

The second *Conference on Legal Information: Scholarship and Teaching* brought together legal research professionals at the University of Colorado Law School in Boulder, Colorado on July 8-10, 2010. The purposes of the Conference were to continue to foster legal information scholarship and to resume work on the development of a signature pedagogy for legal research education, in accord with the 2009 Boulder Statement on Legal Research Education. Participants at the 2010 Conference expanded upon the theoretical foundation of a signature pedagogy for legal research education, as expressed in the 2009 Boulder Statement, and now present this Signature Pedagogy Statement to define in more concrete terms the elements of a signature pedagogy.

Like the Boulder Statement on Legal Research Education, the Signature Pedagogy Statement is modeled on the analysis found in the Carnegie Foundation's *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007), generally referred to as the "Carnegie Report." The Signature Pedagogy Statement reflects, in particular, the application to legal research education of the characteristics identified for "Legal Education's Signature Pedagogy" as described in the Carnegie Report (pp. 50-59). Conference attendees found the Signature Pedagogy Statement to be an important and necessary step forward in the reformation of legal research instruction to better serve student needs and the realities of legal practice.

Using the Carnegie Report's analysis of a signature pedagogy, attendees at the *Conference on Legal Information* described the surface structure, deep structure, tacit structure, and shadow structure of a signature pedagogy of legal research education. The Carnegie report defines the surface structure as the features and behaviors of a pedagogy that are readily apparent. The deep structure comprises the underlying theories or models behind the surface structure. The tacit structure refers to the values modeled by the surface structure. The shadow structure is that which is missing or the values that are not engaged through the pedagogy. The four structures together describe the pedagogy.

The **Boulder Statement on Legal Research Education: Signature Pedagogy Statement** expresses an ideal pedagogy for legal research educators in the U.S. but does not prescribe specific teaching methods; those are described in other literatures. The Signature Pedagogy Statement is offered in the spirit of the ongoing process of improving the preparation of law students for their legal careers. Work in future Boulder Conferences will focus on implementation strategies for the Boulder Statement on Legal Research Education and the Signature Pedagogy Statement.

The Boulder Statement on Legal Research Education: Signature Pedagogy Statement

Surface Structure

We teach an intellectual process for the application of methods for legal research by:

- 1) Using a range of teaching methodologies and a mix of realistic problem types;
- 2) Showing the relationship of legal structure to legal tools and evaluating the appropriate use of those tools;
- 3) Inculcating the practice of iterative research strategies; and
- 4) Providing regular assessment.

Deep Structure

The surface structure above enables students to master analytic and metacognitive approaches to:

- 1) Find and evaluate sources in the context of the legal questions;
- 2) Determine legal context, access authority, and understand how what is found relates to the legal question; and
- 3) Synthesize knowledge of the legal resources and institutional structures to implement research design, and evaluate and communicate the results.

Tacit Structure

The surface structure models values, attitudes and norms of ethical professional behavior, including:

- 1) Professional duties, both while representing clients and researching for other purposes, which consist of, but are not limited to, accountability, honesty, thoroughness, cost- and time-effectiveness, and balancing competing duties; and
- 2) Professional development, which incorporates but is not limited to critical self-assessment and critical strategic thinking, self-directed lifelong learning, problem solving, and the management of uncertainty and ambiguity within the research process.

Shadow Structure

The surface structure can be limited because:

- 1) The curriculum often does not recognize legal research as a necessary, intellectual skill;
- 2) Legal research instruction is not appropriately integrated within the curriculum;
- 3) The academy often undervalues librarians as research experts and underutilizes them as research faculty; and
- 4) The legal education environment is necessarily a simulation, and is limited in its ability to provide a holistic context for client contact.

Attendees

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Brigham Young University

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Stephanie Davidson
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Kerry Fitz-Gerald
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Georgetown University

Nancy Johnson
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