Taking the Show on the Road: Teaching Legal Research in Poland

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Taking the Show on

Participating in a teaching assignment away from home provides an opportunity to view the U.S. legal system and legal education through a new lens

by Stephen Young
the Road

For most law librarians, the opportunity for work-related travel is usually limited to the occasional conference or workshop. Once in a while, we might be invited to visit another library or give a talk at a professional meeting, but these trips are few and far between and, more often than not, of a local nature.

While very inviting, the thought of spending a week teaching legal research in a beautiful old city in Eastern Europe is just not that realistic. However, one such opportunity is provided to the law librarians at the Catholic University of America in Washington, D.C., by the American Law Program at the Jagiellonian University in Kraków, Poland.

The Structure of the Program

The American Law Program is a project jointly sponsored by the Jagiellonian University (JU) Faculty of Law and Administration and the Catholic University of America (CUA) Columbus School of Law. An agreement between the two schools establishing the program was signed in June 2000, and five months later the program began in earnest when the first CUA professor headed off to Kraków to teach.

The primary goal of the American Law Program is to provide Jagiellonian law students and graduate students enrolled in the CUA-JU LLM program with a basic understanding of the essential substantive and procedural elements of the U.S. legal system. Students who complete the program also develop an understanding of the nature, status, and control of the legal profession in the United States and experience the way that law is taught in U.S. law schools.

The program also enriches the faculty members of both law schools by providing them with opportunities to share ideas, develop a greater understanding of different legal systems, and engage in cooperative scholarly research.

Admission to the program is open to registered law students of the Jagiellonian University upon completion of a competitive entrance examination. All classes are taught in English; therefore, proficiency in the language must be displayed prior to enrollment. Although enrolled in a law school, the majority of Jagiellonian students would be considered undergraduates in the United States.

At the end of the program, the students receive a certificate indicating their successful participation in the program. There are also a few graduate students in the program pursuing a course of studies leading to an LLM degree. By participating in the American Law Program, these students receive additional credit toward their final degree. During this past year, a total of 62 regular law students and LLM students participated in the program.

In its inaugural year, the program offered six courses, including introductory courses to American Business Law, American Private Law, and the American Legal Profession. Through the years, the program slowly expanded, and by its fifth year, recognizing that a gap in the curriculum existed, the program directors inserted a course on American Legal Research. The research course has been a permanent feature of the program since its initial inclusion in October 2004.

Today the program consists of eight courses, each usually taught over a five or 10-day period in Kraków by faculty from The Catholic University of America Columbus School of Law. Many of the courses are scheduled for quieter times in the academic calendar or are taught by faculty who are on sabbatical.

Once the decision was made to incorporate legal research into the curriculum, the next issue for the program was determining who was going to teach this component. The CUA Law School currently employs a number of legal research and writing instructors who teach the first-year program and a handful of the upper-class courses. Library staff members are also employed to teach some of the upper-class research and writing courses and have been used to teach various components of the first-year program from time to time.

The eventual choice was to allow the law library staff, beginning with the library director, the opportunity to develop a syllabus and teach the course in Kraków. Since 2004, one member of the Judge Kathryn J. DuFour Law Library has been selected each year to participate in the program. The selection process is based on a combination of seniority and availability.

Creating a Course

Developing a course on American Legal Research for foreign law students is a task more and more law librarians are confronting, particularly if they work at institutions that offer large LLM programs; this was a topic of discussion during the 2006 Academic Law Librarians Special Interest Section Roundtable in St. Louis. However, in most instances, these courses are taught at an American law school with ready access to a law library and all its resources. The problem facing the library staff of the American Law Program was the almost complete lack of available print resources in Kraków. To overcome this obstacle and, therefore, needed to emphasize the use of electronic resources.

The structure of the course provided additional limitations. A five-day course split between...
two weeks—three days of teaching one week, two days the following week—necessitated a syllabus designed to reflect this staggered structure. Each day required two and a half hours of instruction in the late afternoon.

As anyone who has ever taught legal research knows, it is difficult to maintain students' interest in the topic much beyond an hour or so, particularly when the class is scheduled later in the day.

As a component of the American Law Program, the course on American Legal Research serves two important functions: first, it provides the best—and perhaps only—opportunity in the entire program for the students to receive basic overviews of the American legal system and the structure of a common law jurisdiction. Second, it equips students with the skills necessary to identify and associate sources discussed in the substantive and procedural components of the program. There is perhaps a third, more administrative function that the course serves: basic instruction in the use of TWEN, the course management software adopted by program faculty.

Each year, the librarian assigned to teach the American Legal Research course has total control over the syllabus and subject matter to be taught within the parameters of the course. However, geographical location does play a role as it necessitates an emphasis on the structure of the legal system—in particular, the role played by case law in a common law jurisdiction.

The assignment of a text is also limited by the availability of resources. Fortunately, at the request of the CUA law library director, the library at the Jagiellonian University maintains a large number of copies of Roy Mersky and Donald Dunn's *Legal Research Illustrated*. This text was chosen due to its highly visual format, which provides a substitute for the lack of primary and secondary resources on site. Additional handouts and guides are shipped out ahead of time and serve to augment the program’s presentations and assigned reading.

A typical legal research course might consist of an introductory lecture that covers course administrative matters, an introduction to TWEN and structuring searches in commercial legal databases, and an overview of the American legal system. Additional classes focus on case law, statutes and the legislative process, administrative law, and secondary sources. Woven into these courses is discussion of both fee-based legal databases and how to successfully navigate the Internet to locate authoritative legal information. The course concludes with the administration of an exam a day or two after the final class. The grading of the exams is performed a
couple weeks later in Washington, D.C., by the librarian instructor using the Jagiellonian University’s grading policy.

While always a personal decision, the choice of pedagogical style in the classroom is inevitably dictated by the teaching environment, the students, and the subject matter. Although a lecture style is often employed during the early stages of this course, there is little doubt that the close confines of the classroom, combined with the enthusiasm and energy of the Polish students, encourages an active dialogue more characteristic of smaller seminars.

This engagement of the students can be heightened by sprinkling the content of the classes with cultural anecdotes related to the lives of U.S. law students. A few minutes spent discussing the summer associate culture, the prevalence and distraction of laptops in the American classroom, the national obsession with law school rankings, and many of the other things that occupy the lives of today’s American law students can create a more interesting context for further classroom discussion.

interaction beyond the usual classroom forum.

Prior to their arrival in Poland, instructors are asked to select films that either highlight a particular aspect of the American legal system or offer talking points for further classroom discussion. Accompanied by American-style popcorn and snacks, the films are shown to students in the evening immediately following classes.

This past year, the Jimmy Stewart classic, *Anatomy of a Murder*, was the feature presentation during the American Legal Research course. A brief cameo appearance by American Law Reports highlighted the tools used by attorneys in tracking down the one good case upon which the defense could be built. Following the showing, a number of students, the program director, and the librarian instructor headed to a nearby café to discuss the merits of the film.

*The Bluebook* rarely engenders excitement and enthusiasm among law students; however, a recent project at the Jagiellonian University School of Law to create an entry for Poland in the “Foreign Jurisdictions” section of the next edition did just that. A number of students formed a committee to compose the Polish entry and divided the various elements (cases, constitution, codes, etc.) among the group.

The librarian instructor for the American Legal Research course was a natural to act as an interim advisor to the project, given his familiarity with the use and application of *The Bluebook*. This advisory role involved both meetings outside of class hours and e-mail correspondence long after the course was finished and he had returned to Washington. However minor a role the instructor played in the project, there is little doubt that it was extremely rewarding to participate in the process of creating an entry in *The Bluebook* for such a major jurisdiction as Poland.

Additional opportunities for interaction with students and faculty are provided throughout the course. One day could include a luncheon with a prominent faculty member and a visit with one of the librarians at the university library’s impressive rare book collection; the next day might include a personal tour of the city by two of the law students, followed by dinner with the program director.

At each of these events, the conversation inevitably turns to comparing and contrasting law school life in Poland and the United States, and during this process ideas are shared and cultural stereotypes are shattered. One such stereotype is the role of the librarian in the law school: the Polish students traditionally view the librarian as the gatekeeper to information, someone who does little to facilitate access to information and is thought of more as a custodian of the collection. This course allows the students to see the librarian as an instructor and an active participant in the curriculum; hopefully by doing so it helps to dispel some of these traditional views.

**Kraków**

Although the American Law Program would be an enriching experience for a law librarian in any Polish school, there is no denying that hosting the program at the Jagiellonian University in Kraków dramatically enhances the experience. The city served as the capital of Poland for more than 500 years and was fortunate to be spared most of the destruction that befell many Polish cities during the Second World War.

Today, the old town is a UNESCO World Heritage site and serves as the cultural center of the country. The university dates back to 1364 and is considered one of the premier universities in Eastern Europe. The Faculty of Law and Administration,

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an original component of the university in 1364, is currently ranked as the top law school in the country.

Preparing for class in a cozy, candlelit café as snow gently falls on the cobblestone street outside is a world away from the usual pre-class rush to wrap things up at the reference desk while grabbing handouts from the photocopier. Following class, a more substantial bite to eat can be found in one of the many atmospheric cellar restaurants that populate the old town. At the end of the day, the walk to the University Guesthouse takes one back through the medieval Market Square and the distinctive 13th century Cloth Hall. In short, Kraków provides an environment conducive to the cultural immersion the program so readily promotes.

Not every law school offers an opportunity like the American Law Program; however, during our careers as law librarians, many of us are presented with the chance to participate in an assignment that allows us to break out of our day-to-day routine. Travel always encourages a sense of reflection, and in keeping with this tradition, the American Law Program provides a wonderful opportunity to view the U.S. legal system, American legal education, and the role played by law librarians through a different lens. Although participation in a program like the American Law Program presents its own challenges and inevitably requires additional effort, the result can be a cultural experience that is both personally and professionally rewarding.

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It is comforting to know that law librarians across the country have offered to help out and stand ready to assist, should the need arise.

Personally, in spite of my friends’ advice, I am satisfied to know that I have successfully coped with an evacuation of a city that saw nearly two million people leave during the course of a few days. After three months in the city, I can finally call myself a New Orleanian.

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