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Kendra Hollern
Valdosta State University, kahinton@valdosta.edu

Howard S. Carrier
James Madison University, carriehs@jmu.edu

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The Effects of Library Instruction on the Legal Information Research Skills of Students Enrolled in a Legal Assistant Studies Program

By Kendra A. Hollern and Howard S. Carrier

The profession of “paralegal” or “legal assistant” has become a fixture within attorneys’ offices since the mid-twentieth century. Gerry Beyer, Professor of Law at Texas Tech University School of Law, and Kerri Griffin, Associate Attorney at the Blum Firm, recently summarized the entrenchment of this relatively new profession and the value placed upon it by attorneys: “The employment of legal assistants, paralegals, and similar personnel by the legal community has rapidly gained momentum since the 1960s. The legal community promptly recognized the benefits of paralegals and began to define and organize the emerging profession” (2012, 1).

The specific duties undertaken by paralegals in their working lives are varied, ranging from secretarial and administrative duties to legal drafting and research (Berry 2008). The research element of a paralegal’s professional job description indicates that information literacy should be an integral part of the education received by future paralegals or legal assistants as they progress through an appropriate preparatory program, prior to seeking employment within a law firm.

This paper reports on the provision and assessment of relevant information literacy instruction in the context of LEAS 3200, an online class focusing on legal research, taken by legal assistant studies students at Valdosta State University (VSU) in the fall semester of 2012. This research project was completed in accordance with a research protocol exemption granted by VSU’s Institutional Review Board

(IRB-02874-2012) on October 22, 2012, and the findings of the research are disseminated in this paper under the terms of that same protocol exemption.

About the Legal Assistant Studies Program and LEAS 3200

The Legal Assistant Studies Program at VSU represents a mix of undergraduate and professional school education. It is designed to enable students to enter the workforce as paralegals/legal assistants upon graduation. According to the Bureau of Labor Statistics (2013), the job outlook for this profession “is expected to grow 17% from 2012 to 2022, faster than the average for all occupations” (Job Outlook sec.). The American Bar Association’s (2014) definition of a paralegal/legal assistant is: “a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity, and who performs specifically delegated substantive legal work for which a lawyer is responsible” (What is a Paralegal? sec.). According to O*Net (2010), paralegals “assist lawyers by investigating facts, preparing legal documents, or researching legal precedent” and “conduct research to support a legal proceeding, to formulate a defense, or to initiate legal action” (Introduction sec.). Therefore, an important skill for a paralegal/legal assistant is the ability to conduct legal research as assigned by a supervising attorney. Paralegals must be able to access the appropriate materials and apply critical thinking to the task assigned. Paralegals

must produce quality legal memoranda, pleadings, and briefs, which are fully supported by the research they have conducted. Thus, students training to be paralegals need to demonstrate the skills of critical thinking, active learning, and writing, as well as judgment and decision making (O*Net 2010). The students should hone the following abilities: oral comprehension and expression, written comprehension and expression, information ordering, category flexibility, as well as deductive reasoning (O*Net 2010). One of the most important skills is a student's ability to update and use relevant information (O*Net 2010). This all translates into a need for VSU students to be adequately prepared, in order to succeed in their professional careers.

At VSU, an important course in helping legal assistant studies students develop their critical thinking and active learning skills is Legal Research I (LEAS 3200). LEAS 3200 is the first of a two-part legal research and writing course sequence required at VSU. Students are required to have taken Introduction to legal assistant studies prior to enrolling in this course; therefore, students should already have been exposed to the topics addressed in LEAS 3200. Students registered in the course are upper division legal assistant studies majors and minors. Some students will continue on to become paralegals; others may pursue law school or other graduate school education. All are VSU students, but not all are physically located on VSU's campus. Students range from traditional to non-traditional/adult learners.

LEAS 3200 is designed to be a study of legal research methods that utilize both state and federal sources. Students should develop the skills necessary to not only locate but also to analyze appellate court opinions, state and federal legislation, administrative regulations, and relevant secondary sources. By the end of the semester, students should be proficient in the following skills: recognition and analysis of legal issues; use of primary and secondary legal sources (traditional and online sources); use of

Cite Check or Shepard's to update case law (traditional and online sources); and preparation of clear, concise, and well-organized legal memoranda.

This study examines the effectiveness of teaching legal research in the online environment. LEAS 3200 was offered in an online format for the first time in fall 2012. Assignments in LEAS 3200 were designed to represent real-world applications of the course materials. On a weekly basis, students were given projects to complete that would illustrate their mastery of the module materials. Students were given reading assignments, as well as access to chapter PowerPoint slides, as aids in understanding. Additionally, students were actively involved in discussion boards that helped them practice the skills required in effective and efficient legal research and writing. The online course was taught in an eight-week format. The textbook for the course was *Legal Research, Analysis, and Writing* (4th Edition) by Joann Banker Hames and Yvonne Ekern and published by Prentice Hall Pearson (2011). Synchronous and asynchronous information literacy instruction was provided to the online students.

Literature Review: Information Literacy, Paralegals, and Legal Assistant Studies

Information Literacy Instruction and Traditional Legal (Law School) Education Compared to Paralegal Education.

The fact that student proficiency in accessing and using legal materials can be improved by the provision of effective library instruction has long been recognized—at least such a conclusion can reasonably be drawn when consulting the literature concerning juris doctor (JD) candidates enrolled in the law schools of American universities. Writing in 1975, Sandra Sadow and Benjamin Beede note, “at present, in the vast majority of law schools, there is at least a minimum program of library instruction” (27). Robin K. Mills (1977), a law librarian and

assistant professor at the University of South Carolina, reports the apparent difficulties experienced by new lawyers in using a law library and conducting legal research and states a need for proposals to further address this problem (347). The literature of the 1980s, 1990s, and early 2000s demonstrates an ongoing interest in the development and refinement of information literacy instruction for the benefit of law students (see Carlson, Calvert, and McConkey 1981; Millican and Wallace 1992; Hemmens 2000). By 2011, Matthew C. Cordon, Associate Director of the Law Library at Baylor Law School, concludes that the teaching of legal research in American law schools had evolved to a point whereby, "during law school, [law students] can come closer to mastering the skill of legal research than any other skill" (395).

In contrast to the amount of literature concerning law students, there is a dearth of writing that discusses information literacy instruction for paralegal students. This is problematic. The complexity of legal materials is obviously not diminished because they are to be used by undergraduate legal assistant studies/paralegal students, as opposed to graduate, JD-seeking students. Additionally, the undergraduate status of legal assistant studies/paralegal students suggests a need for different pedagogies than those recognized by the existing literature as being effective in providing legal research instruction to graduate-level law students.

The Impact of Internet Search Engines on Information Seeking by Students.

The expression "Google generation" appeared in the library and information science literature during the first decade of the twenty-first century (Rowlands et al. 2008). In broad terms, it can be applied to any person who has not experienced conducting research prior to the existence and availability of Google. The Google generation now makes up much of the current student body of American colleges and

universities. The concern has become whether this Google generation is wanting in its approach to information literacy (Thornton 2010). Has the ease of acquiring information via the Internet replaced traditional library research, and what are the implications of this for students enrolled in legal assistant studies research classes?

It is important to understand how students in the Google generation approach research for their academic classes. There is a split in the literature on the prevalence of using Internet search engines as a starting point by students, once students have been tasked with a research assignment. Griffiths and Brophy (2005) focus on web searching behavior by undergraduate students in the United Kingdom. Their results indicate that "45% of students used Google as their first port of call when locating information" (545). Furthermore, the use of academic resources was low. The results also indicate that students found it difficult to locate appropriate information and were "confused as to the meaning of quality when it [came] to assessing academic resources," (551) particularly online academic resources. The authors went further to deduce that "students may trade quality of results for [less] effort and time spent searching" (550).

Alison Head (2007) examines how American undergraduate students conducted academic research. She conducted her study in three phases: student discussion groups, content analysis, and, finally, student surveys. The results found that "most students were confused by what college-level research entails" (under "Students' challenges and obstacles"). Furthermore, Head reports that students found accessing resources, as well as the overwhelming amount of resources available, challenging when completing their research assignments. Students suffered from their own procrastination and only spent between one to five hours on their research tasks, days before the assignment was due. One of the biggest challenges reported in this study was the

students' belief that they did not have enough information from their professors to begin the assignment, thus hindering their ability to gauge what the professor wanted in terms of results. However, these students found that the library resources helpful and were not as reliant upon Internet search engines as had been found in previous studies. Similar to the students in the United Kingdom, these students also experienced problems in assessing the quality of resources they found on the Internet (Head 2007).

The two studies previously discussed beg the question: are students information illiterate, or are they lazy? This specific question was addressed by Christen Thompson (2003). Thompson specifically began looking at whether college students were information literate. Reviewing the literature at the time, Thompson deduced that it may not be the Internet that causes the students to conduct poor research; rather, it is the students' inability to judge the quality of information found on the Internet. However, students consistently rated their ability to evaluate web page content as high, and their top criteria consisted of "ease of access" (Van Scoyoc and Cason 2006, 49). Therefore, students must not only be taught how to find information on the Internet but how to evaluate that information (Thompson 2003). This is where academic faculty and librarians must come together to develop effective instruction to "help guide students' information seeking habits . . . as well as managing the impact of the Internet on society" (267).

The generational issues of contemporary undergraduate legal assistant studies students and graduate law students are the same; both sets of students are dominated by members of the Google generation, and the prevailing issue is students' ability to properly find and analyze information (Belijaars 2009). Law students, not unlike undergraduate students, overestimate their writing and research skills (Gallacher 2007). Keefe (2005) adds, "the Internet has

made it so easy to *find* information that students often do not know how to *search* for it" (123). It has been suggested that deficiencies in information literacy need to be addressed before law students enter law school, at the undergraduate level (Gallacher 2007). Thus, students need to be introduced to information in a variety of different formats: print and proprietary commercial databases, as well as free Internet sources (Keefe 2005). More importantly, students need to be taught to discern when it is appropriate to use each type of format to accomplish a particular research task. Hence, law librarians should play a stronger role in the teaching of legal research skills (Keefe 2005).

Paralegal Information Literacy in the Workplace.

The business community is increasingly asking for their new hires to be information literate, and good writing skills are one of the most important skills new hires should possess (Katz, Haras, and Blaszczyński 2010). Thus, "information literacy skills should contribute to crafting clear and effective memos, composing presentations that persuade effectively, and developing analytic reports that summarize information in a way that supports decision making" (139). This particular study examined two questions, one of which is most relevant in this context: "Does information literacy skill correlate with business writing skills?" (139). The researchers utilized an undergraduate business communications class for assessment. The results indicate that those students who possessed stronger information literacy skills produced better "emails, memos, and technical reports—the tasks that make up the business communications course grade" (143–44). Therefore, tailoring instruction to increase information literacy is necessary to better prepare students for the working world.

As established, information literacy is crucial in paralegal careers. The law office is much like the business enterprise as a learning

organization. Paralegals/legal assistants are encouraged to think critically and share knowledge through legal research and drafting skills. However, it seems Google is being used in the context of legal research, not just by paralegals but by new lawyers as well (Choolhun 2009). Google is being used as a research tool due to its ease of use. Legal databases are not as intuitive to use, and the user may have to put information into several boxes (Choolhun 2009). When conducting legal research using legal databases, it can be commonplace to get zero results, but that is not so with Google (Choolhun 2009). Students need suitable instruction in order to gain the ability to use legal databases with the ease and confidence with which they use Google and similar Internet search engines.

Delivering Library Instruction to LEAS 3200 Students

As LEAS 3200 was delivered in an online format, it was decided that library instruction should principally be delivered asynchronously by means of narrated, screen-capture videos. These were created using Camtasia and were uploaded as MP4 files to the course management system used for the delivery of LEAS 3200. Students were advised that the MP4 videos would readily play in commonly available players, such as Windows Media Player. In total, four videos were uploaded. The first video simply introduced the homepage of the Odum Library at VSU and provided instruction in how to access Odum Library-licensed databases. The second video introduced students to searching for case law and accessing the full text of judgments. The third video provided instruction in using federal and state codes and locating the full text of federal and state statutes. The fourth video focused upon secondary, scholarly legal resources, such as law review articles. The asynchronous (video) instruction was supplemented by asynchronous discussion boards in which a reference librarian acted as an embedded librarian for the class. Additionally, students were given the

opportunity to chat in real time with the reference librarian in two scheduled synchronous chat sessions. At students' request, two additional synchronous chat sessions were scheduled. One was with the course instructor solely; both the reference librarian and the course instructor attended the second.

Evaluating the Effectiveness of the Library Instruction

Methodology

The researchers devised a quiz and circulated it to students prior to library instruction taking place. This instrument (hereinafter referred to as the "pre-test") sought to ascertain students' level of confidence in their own abilities to locate legal information. For this self-evaluation element of the pre-test, the Research Readiness Self-Assessment interactive tool developed by Central Michigan University was used as a template (for more on this assessment see Ivanitskaya, Laus, and Casey 2004). The pre-test also contained questions investigating the students' ability to find primary and secondary legal sources and also to interpret and evaluate those sources (full text of the pre-test appears in appendix A). Content analysis of student responses to the pre-test was undertaken by means of the codification of data. Data coding provided a score for each pre-test question response, with zero being the lowest possible score for each question; each student's answers to the multiple choice questions posed by the pre-test were also recorded within the data collection instrument. Each student received four scores for the pre-test, coded as follows:

- SE score = total score for self-evaluation question responses
- FS score = total score for finding legal sources questions
- IE score = total score for interpreting and evaluating legal sources questions
- Quiz score = FS + IE scores

Library instruction commenced as soon as student responses to the pre-test had been collected by the course instructor. Thereafter, the course instructor issued an assignment (hereinafter referred to as the “post-test”; assignment from Hames and Ekern 2011, 142), which required students to locate provisions of the *United States Code*. The assignment was graded by the course instructor.

Toward the end of the eight-week semester, the students were given a final self-evaluation quiz (full text of the self-evaluation quiz appears in appendix B). It was very similar in structure and design to the pre-test. The purposes of this exercise were to determine whether the students believed their legal research skills had increased by the end of the course and after the library instruction videos, and to provide students with the opportunity to have another attempt at answering the legal research questions contained within the pre-test, subsequent to library instruction having taken place.

Results

Pre-test:

Responses to the pre-test were returned by fifteen students (a response rate of 88 percent). The course instructor redacted personal, identifying information from completed assignments and substituted a unique identifier in place of the original personal information. For the purposes of content analysis, the fifteen completed assignments were identified thus: A17, B16, C15, D14, E13, F12, G11, H10, I9, J8, K7, L6, M5, N4, and P2. Hence, for the purposes of data analysis, each unique identifier referred to an individual student, as the same unique identifiers were applied to both pre-test and

post-test assignments following the redacting of personal, identifying information.

Pre-test data revealed that students with higher levels of confidence in their own ability to find legal information tended to perform worse when tasked with locating legal information. Figure 1 shows SE (self-evaluation) and quiz scores for each of the fifteen respondents.

Similarly, the pre-test data revealed that students with high levels of confidence in their own research and information literacy abilities performed poorly when tasked with interpreting and evaluating legal information. Question nine of the pre-test sought to measure student ability in terms of statutory interpretation, and question ten investigated the students’ understanding of secondary legal sources. The combined answers to questions nine and ten generated an IE (interpretation and evaluation abilities) score for each student. Figure 2 charts the IE score for each student in conjunction with their SE (self-evaluation) score.

Given the nature of the post-test assignment, which required students to locate provisions of the *United States Code*, particular scrutiny was applied to question seven of the pre-test assignment, which had asked students to identify a citation for a provision of a state code. It is noticeable that of the nine students who received a score of zero for their question seven response, seven of those students reported high SE scores in excess of twenty-five (SE scores for all fifteen students ranged from eight to thirty-six, with six students reporting SE scores lower than twenty-five). In contrast, four of the six students who received a score of ten for their response to question seven reported a SE score lower than twenty-five. Figure 3 illustrates these results.

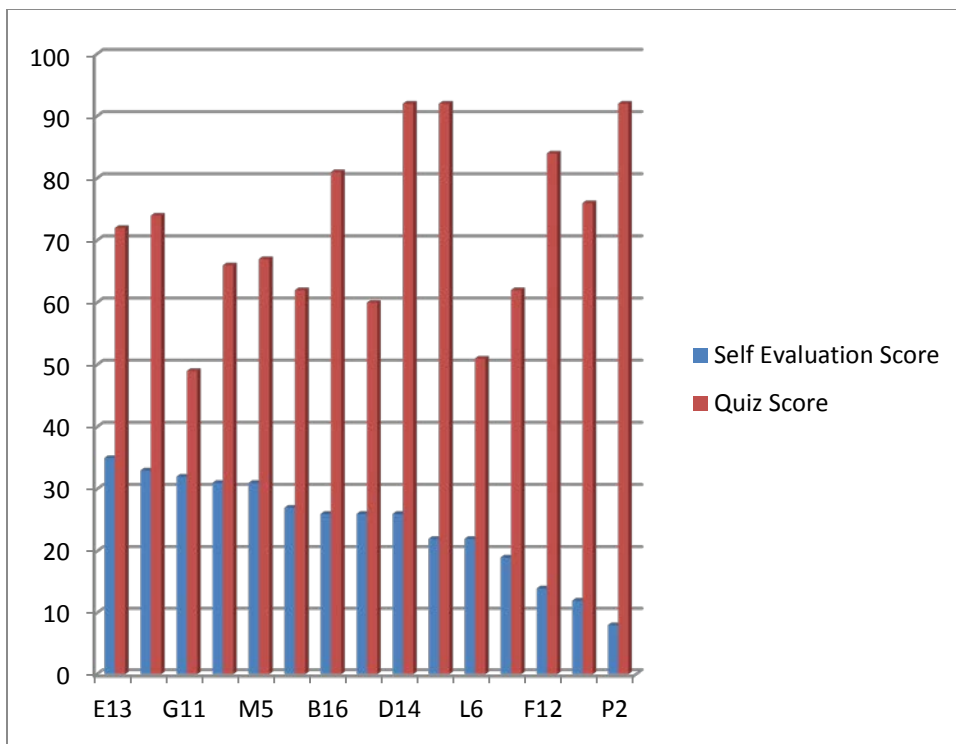


Figure 1: A comparison of Self-Evaluation score (each student's confidence in his or her own research ability) compared with Quiz score (each student's actual attainment in a research related exercise).

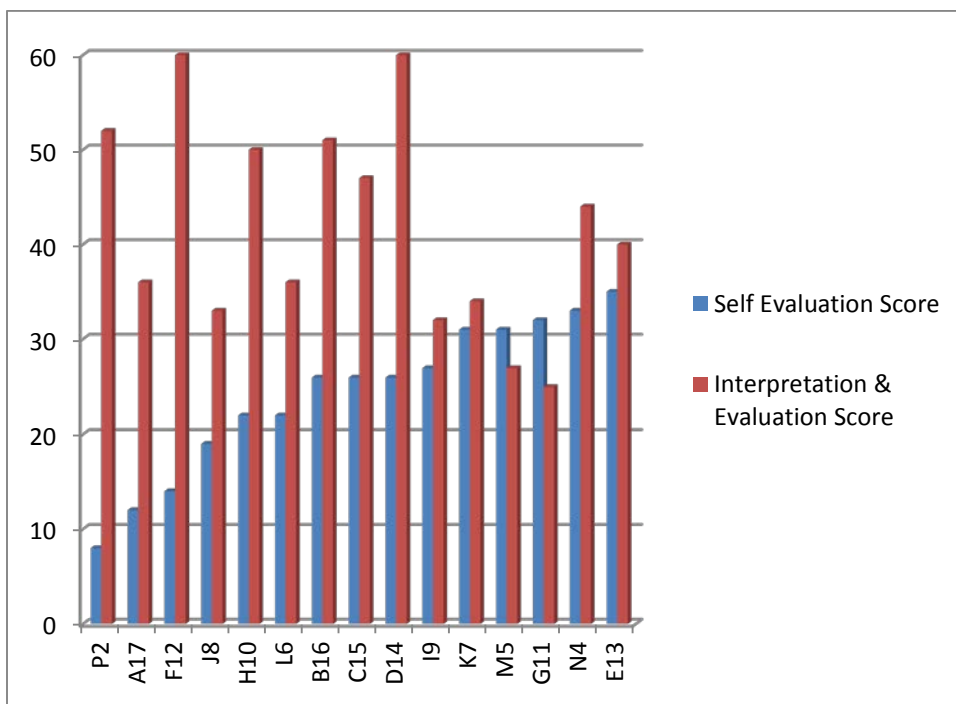


Figure 2. A comparison of Self-Evaluation score (each student's confidence in his or her own research ability) compared with IE score (ability to interpret and evaluate primary and secondary legal materials).

Eight of the nine students who received a score of zero for their response to question seven of the pre-test selected answer “c” of the question’s five possible answers. Answer “c,” an incorrect answer to question seven, is an answer that can only be arrived at by means of a simple Google search. Using the citation from the *Official Code of Georgia Annotated* § 17-4-

20 (2010), which was included in question seven, as the subject of a simple Google search, an early result points to the case of *Kline v. KDB, Inc.*, 295 Ga. App. 789. Hence, it is reasonable to assume that students who selected answer “c” as their response to question seven arrived at this incorrect response by means of a simple Google search.

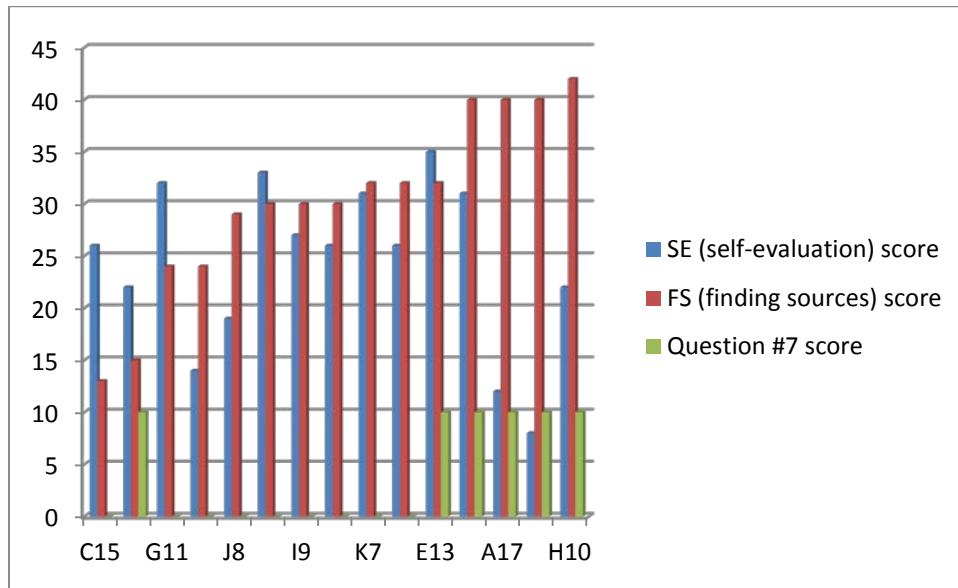


Figure 3: Self-evaluation (SE) score for each student charted against FS (demonstrated ability to find sources) score and Question #7 (ability to identify the provision of a code) score – (Note: incorrect, low-scoring answers to Question #7 were likely arrived at through simple Google searching).

Post-test:

The students were given an assignment out of *Legal Research, Analysis, and Writing* by Joanne Hames and Yvonne Ekern (2011). They had one week to complete the assignment. This assignment was distributed to the students approximately one week after the library instruction video “Codes, Statutes, Constitutions” was posted and available for viewing.

The first part of the assignment dealt with finding three particular sections of the *United States Code* (18 U.S.C. §6002, 2 U.S.C. §192, 11 U.S.C. §541) and summarizing those sections in

their own words. The majority of students did find the appropriate code and summarized it in their own words. There was one student (Q1) who clearly only briefly read the beginning of 11 U.S.C. § 541 but did not summarize adequately.

The second part of the assignment dealt with using the *United States Code* to answer certain fact-based questions. The students were also required to cite the source of their answer. The purpose behind the assignment was to determine whether the students could adequately search the *United States Code* on a particular topic. The seven subsections covered a large range of issues of federal law—from attorney fees in copyright infringement cases,

to when a failure to pay child support becomes a federal crime. The final question dealt with finding the Home Health Care and Alzheimer Disease Amendment of 1990. The students were required to state where in the *United States Code* they had found this statute. They were also supposed to state whether or not the law was public or private and how they had determined that fact.

Responses to the post-test assignment were returned by thirteen students (a response rate of 72 percent). No student got all seven subsections (a-g) correct. Of the fifteen students who submitted the assignment, there were only two students (I9 and P2) who appeared to have utilized the appropriate methods to find the answers to the questions. Although they did not get a perfect score, their answers were by far the most appropriate in terms of finding the right code sections and applying the right analysis. One student (L6) did not complete the second part of the assignment, so those results are unknown.

Of the remaining students, the following students cited case law in their answers: B16, C15, G11, K7, D12, Q1, and F12. The following students cited www.law.cornell.edu or www.findlaw.com in their answers: B16, C15, M5, and N4. Some students (E13 and H10) were suspected of having used simple Google searching, based upon the quality of their overall answers. It is suspected that all of the above mentioned students used Google at some point in their assignments to find the answers to their questions, as opposed to using the methods taught via the class materials (the library instruction videos).

It is also suspected that two students (D14 and F12) colluded in order to complete the assignment. Although the answers to the questions should be similar, the wording of their analyses was far too similar to have been coincidental. There was a statement on the assignment as follows: "The work turned in must be a reflection of your own efforts. This is

not a group project. The purpose of the exercise is to help you better understand your skill level in finding legal information." Their results may need to be re-evaluated to determine whose skill it was in finding the legal information.

When looking at individual questions, it appears that subsection (a) was the one that caused students the greatest difficulty. This question asked: "Can a television news crew accompany and tape a search made by a federal law enforcement officer who is searching pursuant to a warrant?" Based on the answers given, it appears that most of the students used a Google search to find the answer. Some got the answer technically right (yes versus no) but not the right code section. Some cited statutory law. Some cited nothing.

Additionally, subsection (g) also gave some students trouble. This question dealt with finding the Home Health Care and Alzheimer Disease Amendment of 1990. Again, it is believed that most of the students used a simple Google search to find that law. Some students did get it correct, but most had the wrong code section. Furthermore, many of the students appeared to struggle in determining whether or not the law was public or private.

Of the six students who received a score of ten for their response to pre-test question seven, two (A17 and J8) failed to return a post-test assignment to the course instructor, and another (respondent L6) submitted an incomplete post-test assignment, resulting in a low total post-test score of ten. The remaining three students with a score of ten for pre-test question seven recorded moderately high scores on the post-test assignment, with student E13 achieving a post-test score of twenty-six, student M5 achieving a post-test score of twenty-five, and student P2 achieving a post-test score of twenty-seven. The post-test mean score (excluding non-respondents) was 23.46. Figure 4 charts pre-test SE, FS, question seven, and post-test scores for all respondents.

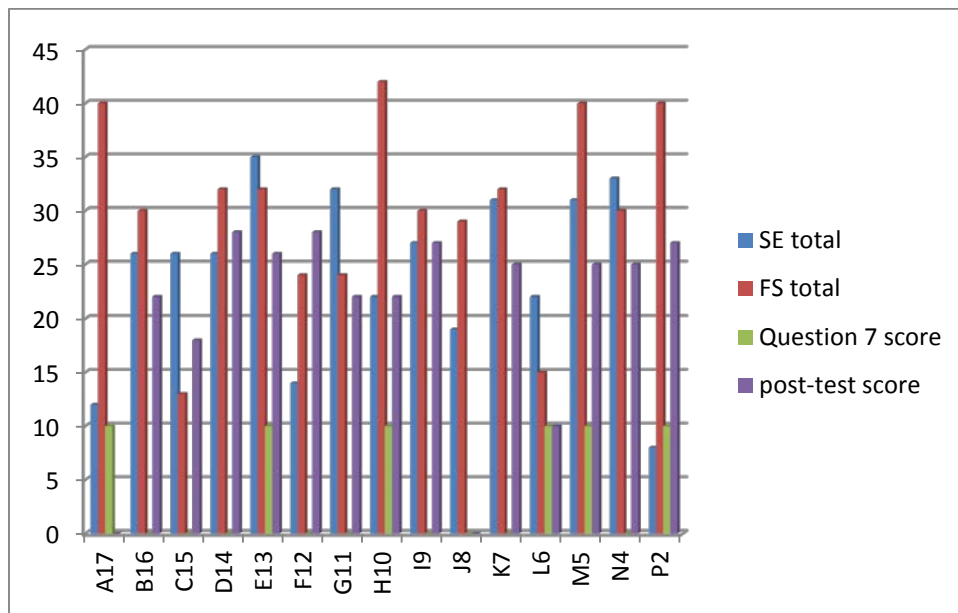


Figure 4: Self-evaluation score, "finding sources" score, score for Question #7 (pre-test), and post-test score for each student.

Final self-evaluation:

Toward the end of the semester, and subsequent to the post-test assignment, the students were asked to repeat the pre-test assignment; fifteen students submitted answers (a response rate of 88 percent). It is noticeable that students' confidence in their abilities to conduct legal research had substantially increased by the time they completed this final self-evaluation. Considering the population as a whole, the SE score total for the pre-test assignment was 364. The SE score total for the final self-evaluation assignment was 516 (an overall SE score increase of 41.8 percent). Additionally, it is noteworthy that only three students indicated a willingness to use a general Internet search engine (Google, Bing, or Yahoo!) when conducting legal research (J8, L6, P2).

Although the final self-evaluation revealed a substantial improvement in student research confidence over the initial pre-test assignment, improvements in student research skills were mixed. The final self-evaluation showed that all of the students now recognized that

Shepardizing is the appropriate method for checking whether or not a case is still good law. However, on the final self-evaluation quiz an additional question that required students to check which subsequent U.S. Supreme Court decisions had cited a particular case was very poorly answered by the students (only 20 percent of students were able to correctly identify the U.S. Supreme Court decisions in which the earlier case was cited). Responses to question seven of the pre-test (the question that required students to identify a provision of the *Official Code of Georgia Annotated*) were also disappointing. In responding to question three of the final self-evaluation, only 20 percent of students indicated a willingness to use a commonplace Internet search engine (Google, Bing, or Yahoo!) for legal research; 40 percent of students subsequently answered question seven incorrectly, with 83 percent of those incorrect respondents favoring the incorrect answer that could only realistically have been arrived at by means of a simple Google search.

Discussion

Looking at the overall responses on the final self-evaluation, it appeared as though the students were still lacking a good foundation in legal terminology. This was despite the fact that part of their online class instruction dealt with the use of legal dictionaries and thesauri to define legal terms. The students still seemed to find it difficult to read and analyze legal material, and it is apparent that, as demonstrated in the existing research on information literacy, the results are not unusual. The online students in LEAS 3200 seemed to fit in with their face-to-face counterparts described in Alison Head's (2007) paper, in terms of lacking the skill to determine the nature and extent of information needed and lacking the ability to evaluate and critically incorporate selected information into their knowledge base. Further study evidently needs to be done on *how* students attempt to evaluate and critically use the information they find in their legal research. These are skills that are essential for a paralegal to possess, if he or she is to be able to complete legal research assignments.

However, there seemed to be some improvement in students' ability to identify provisions of the *Georgia State Code*. In the pre-test, six out of fifteen students (40 percent) were able to correctly identify the correct answer on that question. In the final self-evaluation, nine out of fifteen (60 percent) identified it correctly. Despite the library instruction and class assignments/discussions with feedback, it seemed that students still used Google to complete their legal research assignments. The only way five out of the six students who answered that particular question incorrectly could have reached their answer would have been through simple Google searching. "Googling" that provision of the *Georgia State Code* will cause the *Kline* case to appear in the top few results generated by the search. That said, what is also encouraging from the final self-evaluation is the fact that the

students learned the importance of being able to update case law. They all correctly identified the use of Shepard's citations in LexisNexis Academic as the preferred method of finding out if something is still "good law;" however, it was disheartening to see they did not seem to carry on the use of LexisNexis Academic to look up a Supreme Court case citation and correctly answer questions based on that citation.

While the students seemed to understand that they needed to use the proper legal research materials, they still seemed to gravitate towards free Internet search engines such as Google. Why this is occurring in the specialized area of legal research is unknown. It could be hypothesized that although these students do understand that they are doing legal research, their mindset is still that of low-level literature searching. Coupled with this is the correlation between research confidence and research ability. In terms of both finding and evaluating sources, students with lower levels of confidence in their own abilities performed better than their more self-confident peers. This suggests that the more confident students either overestimated their own research abilities or underestimated the difficulty of finding and evaluating legal information. Based upon the continued use of Google to achieve and submit an incorrect answer to question seven, it appears likely that this unjustified self-confidence may stem from the erroneous belief that Google is an efficient and precise method for finding primary legal sources, coupled with an existing perception of being a proficient researcher based upon familiarity with Google.

Follow-up study needs to be done both in the face-to-face and online environments. Online courses are becoming an entrenched part of the educational landscape. Educators need to find the most effective ways to communicate information literacy (in any discipline) to students. In the case of this research, despite the provision of detailed information literacy instruction, it is evident that the message simply did not get through to many of the

students enrolled in the class. Why students should continue to feel confident in their ability to find and evaluate information using methods which have been shown to be substandard, subsequent to discussion and demonstration of more suitable and information literate techniques, is worthy of further investigation.

Interdisciplinary considerations

Research of this type has the potential to inform information literacy instruction in similar instances of professional education. Law is not alone in having two distinct sets of professionals (attorneys and legal assistants) working in tandem within the profession—the similarities between paralegals and physician assistants have been noted over the past few decades (see Haskell 1980). However, it is submitted that the most curious finding of this research—the willingness on the part of students to default to simple Google searching—is, perhaps, the most significant in terms of interdisciplinary relevance. If students favor basic Internet search engine searching in preference to complex searching in appropriate databases when researching in the technical area of law, and despite having received detailed instruction in how to use legal databases, will the temptation to revert to basic search strategies not be even stronger in areas of study where students regard themselves as having greater existing expertise or knowledge? This question is especially pertinent when one considers a significant finding of this research: self-confidence in the ability to find literature seemingly indicates a lower level of actual ability and a greater propensity for utilizing simple search techniques to find information. Simply put, there seems to be an inherent suggestion that students who regard themselves as very competent researchers may possess that belief based upon prior experiences with Google and by having a misplaced belief in Google's infallibility in correctly locating information sought. The choice to resort to Google, despite having received appropriate information literacy

instruction, is seemingly a cross-disciplinary question in need of further investigation.

Conclusions

In the early stages of the class that provided the venue for this research (LEAS 3200), students who had high levels of confidence in their ability to find legal sources tended to overestimate their existing skills and to perform worse when tasked with finding legal information than students who assessed their existing abilities more modestly. After library instruction had been provided, student confidence levels in their ability to conduct independent legal research increased dramatically; however, this increase in confidence was not matched by an increase in research competence. Although some core legal skills had been acquired by the research's population (notably the ability to Shepardize), other skills were not uniformly in evidence across the population (80 percent of students performed poorly in terms of their ability to identify whether a case had been cited in subsequent decisions).

Despite the provision of tailored, accessible library instruction supported by an embedded librarian, many students showed a preference for circumventing licensed databases when searching for legal information, relying instead on simple Google searching and open-access, commercial legal websites. Students in the course made periodic comments to the course instructor that they wanted a quicker way to do legal research. It appears that the students struggle to comprehend that legal research takes time and effort, and that using specific, licensed databases is the preferred method for locating accurate information, in spite of the extra labor involved. It appears that some students want to input a search term and get an automatic answer; they do not want to take the time to read cases or statutes to determine that answer—such is the appeal of Google and similar mainstream search engines. Further (qualitative) research is required to determine

why this preference exists in the case of legal assistant studies students. It is hoped that such research may then inform information literacy instruction in order to encourage students to favor accurate information seeking using library databases, in preference to keyword searching in Internet search engines—a process that invariably provides information that is deficient

in terms of fulfilling the research assignment with which students have been tasked.

Kendra A. Hollern is Assistant Professor of Political Science at Valdosta State University

Howard S. Carrier is Social Sciences Librarian, Assistant Professor at James Madison University

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APPENDIX A

LEAS 3200

Legal information literacy self-evaluation.

Name: _____

Directions:

This quiz is worth a maximum of 25 points (2.5 points per question). Answer each question to the best of your ability. It is being used to measure your amount of legal research knowledge so the class can be tailored to the overall needs of the students. You can bold or underline your answers. This is to be a reflection of your own effort. No outside assistance is necessary or allowed. See VSU policy on academic integrity and this course's policy.

Part A

1. On a scale of 0 (very poor) to 10 (excellent), how do you rate your current ability to find primary legal sources (such as statutes or cases), in a print or online format?

very poor 1 2 3 4 5 6 7 8 9 10 excellent

2. On a scale of 0 (very poor) to 10 (excellent), how do you rate your current ability to research a legal topic or problem, and locate reliable sources relevant to that topic?

very poor 1 2 3 4 5 6 7 8 9 10 excellent

3. When researching a legal topic, which resources are you likely to use in your search process? (Check all that apply):

- Print books or eBooks
- An internet search engine such as Google, Bing, or Yahoo!
- General library databases such as Academic Search Complete
- GALILEO Discover search (keyword search in GALILEO)
- Newspapers and magazines
- Specific library databases such as LexisNexis Academic
- Wikipedia

4. On a scale of 0 (not confident) to 10 (extremely confident), how confident do you feel about your ability to locate legal materials by citation?

not confident 1 2 3 4 5 6 7 8 9 10 very confident

5. On a scale of 0 (not confident) to 10 (extremely confident), how confident do you feel about your ability to locate secondary legal sources, such as scholarly articles on legal topics?

not confident 1 2 3 4 5 6 7 8 9 10 very confident

6. If asked to find a provision from the United States Code, which resources are you likely to use? (Check all that apply):

- GALILEO Discover search (keyword search in GALILEO)
- Wikipedia
- Cornell Legal Information Institute
- Specific library databases such as LexisNexis Academic
- An internet search engine such as Google, Bing, or Yahoo!
- Website of the Office of the Law Revision Counsel

Part B

7. Please select the description that best fits the following legal citation:

O.C.G.A. § 17-4-20 (2012)

- A citation for the case of *Kline v. KDB, Inc* (a case decided by the Court of Appeals of Georgia)
- A citation for an Executive Order issued by the Governor of Georgia
- A current provision of Georgia's state code
- A Georgia statute located in vol.17 of the print edition of *Georgia Laws*
- A legal news story from the *Atlanta Journal Constitution* published on 04/17/2012, appearing on page 20 of that newspaper
- A citation for a case heard by a United States District Court, Northern District of Georgia

8. To check whether or not a case is still good law, it is best to:

- Search within Law Review holdings in LexisNexis Academic, using the full case citation as a search term
- Search in the Legal Collection database, using the full case citation as a search term
- Search for the case in Google Scholar using the names of the defendant and the plaintiff
- Use the government website www.uscourts.gov/ to determine which court decided the case, and then search for the case at the webpage for the applicable court, using the full case citation as a search term
- Use the Shepard's Citations function in LexisNexis Academic
- Search the library database ProQuest Newspapers, using the full case citation as a search term, in order to find legal news stories relating to the case

9. The Federal Rules of Evidence are found within Title 18 of the U.S. Code.

Read: **Rule 404, Character Evidence ; Crimes or Other Acts** (printed below)

“(a) Character Evidence.

(1) *Prohibited Uses*. Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(2) *Exceptions for a Defendant or Victim in a Criminal Case*. The following exceptions apply in a criminal case:

(A) a defendant may offer evidence of the defendant’s pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it

...

(b) Crimes, Wrongs, or Other Acts.

(1) *Prohibited Uses*. Evidence of a crime, wrong, or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted Uses; Notice in a Criminal Case*. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:

(A) provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and

(B) do so before trial — or during trial if the court, for good cause, excuses lack of pretrial notice.”

Now read the following statements:

Statement X: “A defendant in a criminal case is unable to offer evidence of his good character, even if it is relevant to the offense with which he is charged.”

Statement Y: “Before his trial, a defendant in a criminal case can request notice of the prosecutor’s intention to offer evidence at trial that will tell the jury about previous bad acts the defendant has committed, if the prosecutor intends to use evidence of those acts to prove the defendant possessed a motive to commit the offense with which he is charged.”

Statement Z: “If a court admits evidence of a defendant in a criminal case relating to his own good character, then the prosecutor is also entitled to offer evidence that may disprove the defendant’s claims about his character.”

Which of the following assessments of these statements is correct?

- Only Statement Y is true
- Only Statement X is true
- Statement Y and Statement Z are both true

- Statement X and Statement Y are both true
- All of these Statements are true
- None of these Statements are true

10. Please look at the following three articles and then answer the questions that follow. Right click on the articles to open the hyperlink.

[Article A](#)

[Article B](#)

[Article C](#)

(a) Which article was published at the website of a national, daily newspaper?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

(b) Which article was published at an online legal news resource, of specific interest to attorneys and the legal community?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

(c) Which article discusses litigation related to alleged patent infringement?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

(d) Which article could be best described as a scholarly, secondary, legal source?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

(e) Which article would be the best source to use in a research paper examining intellectual property law?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

I SWEAR OR AFFIRM THAT I HAVE NEITHER GIVEN OR RECEIVED ANY HELP (FROM ANY PERSON OR AUTHORIZED SOURCE) IN THE PREPARATION OF MY ANSWERS TO THE MODULE ONE QUIZ FOR LEAS 3200.

STUDENT NUMBER

DATE

Appendix B

Legal information literacy self-evaluation after completing assignments for LEAS 3200.

Name: _____

Directions:

This quiz is worth a maximum of 25 points (2.5 points per question). Answer each question to the best of your ability. This quiz is very similar to the first one you took. It is being used as a measure of how your skills have grown. You can bold or underline your answers. This is to be a reflection of your own effort. See VSU policy on academic integrity and this course's policy.

1. On a scale of 0 (very poor) to 10 (excellent), how do you now rate your current ability to find primary legal sources (such as statutes or cases), in a print or online format?

very poor 1 2 3 4 5 6 7 8 9 10 excellent

2. On a scale of 0 (very poor) to 10 (excellent), how do you now rate your current ability to research a legal topic or problem, and locate reliable sources relevant to that topic?

very poor 1 2 3 4 5 6 7 8 9 10 excellent

3. When researching a legal topic, which resources are you now likely to use in your search process? (Check all that apply):

- Print books or eBooks
- An internet search engine such as Google, Bing, or Yahoo!
- General library databases such as Academic Search Complete
- GALILEO Discover search (keyword search in GALILEO)
- Newspapers and magazines
- Specific library databases such as LexisNexis Academic
- Wikipedia

4. On a scale of 0 (not confident) to 10 (extremely confident), how confident do you now feel about your ability to locate legal materials by citation?

not confident 1 2 3 4 5 6 7 8 9 10 very confident

5. On a scale of 0 (not confident) to 10 (extremely confident), how confident do you now feel about your ability to locate secondary legal sources, such as scholarly articles on legal topics?

not confident 1 2 3 4 5 6 7 8 9 10 very confident

6.

a) **If asked to find a provision from the United States Code, which resources are you likely to use?**

(Check all that apply)

- GALILEO Discover search (keyword search in GALILEO)
- Wikipedia
- Cornell Legal Information Institute
- Specific library databases such as LexisNexis Academic
- An internet search engine such as Google, Bing, or Yahoo!
- Website of the Office of the Law Revision Counsel

b) **In one sentence, explain why you chose the resource(s) you selected:**

7.

a) **Please select the description that best fits the following legal citation:** (Check one answer only)

O.C.G.A. § 17-4-20 (2012)

- A citation for the case of *Kline v. KDB, Inc* (a case decided by the Court of Appeals of Georgia)
- A citation for an Executive Order issued by the Governor of Georgia
- A current provision of Georgia's state code
- A Georgia statute located in vol.17 of the print edition of *Georgia Laws*
- A legal news story from the *Atlanta Journal Constitution* published on 04/17/2012, appearing on page 20 of that newspaper
- A citation for a case heard by a United States District Court, Northern District of Georgia

b) **In one sentence, explain why you chose the answer you selected:**

c) **In one sentence, describe any research you undertook in order to answer this question:**

8.

a) **To check whether or not a case is still good law, it is best to:** (Check one answer only)

- Search within Law Review holdings in LexisNexis Academic, using the full case citation as a search term
- Search in the Legal Collection database, using the full case citation as a search term

- Search for the case in Google Scholar using the names of the defendant and the plaintiff
- Use the government website www.uscourts.gov/ to determine which court decided the case, and then search for the case at the webpage for the applicable court, using the full case citation as a search term
- Use the Shepard's Citations function in LexisNexis Academic
- Search the library database ProQuest Newspapers, using the full case citation as a search term, in order to find legal news stories relating to the case

b) In one sentence, explain why you chose the answer you selected:

9.

a) **551 U.S. 393** is the citation for a United States Supreme Court case. Please research this case and answer the questions that follow.

This case was subsequently cited in which of the following United States Supreme Court cases? (Check one answer only)

- Wilkie v. Robins; Davenport v. Washington Education Association; Brendlin v. California; Rita v. United States.*
- Tinker v. Des Moines Independent Community School District; Bethel School District no. 403 v. Fraser; Hazelwood School District v. Kuhlmeimer.*
- Brown v. Entertainment Merchants Association; Citizens United v. FEC; Stafford Unified School District #1 v. Redding; Pearson v. Callaghan.*
- Santa Fe Independent School District v. Doe; Goss v. Lopez; Zelma v. Simmons-Harris; Grutter v. Bollinger; New Jersey v. T.L.O.*
- The case was cited in all of these United States Supreme Court cases.
- The case was cited in none of these United States Supreme Court cases.

b) In one sentence, describe any research you undertook in order to answer this question:

10. The Federal Rules of Evidence are found within Title 18 of the U.S. Code.

Read: **Rule 404, Character Evidence ; Crimes or Other Acts** (printed below), and then answer the questions that follow.

“(a) Character Evidence.

(1) *Prohibited Uses.* Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(2) *Exceptions for a Defendant or Victim in a Criminal Case.* The following exceptions apply in a criminal case:

(A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it

...

(b) *Crimes, Wrongs, or Other Acts.*

(1) *Prohibited Uses.* Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted Uses; Notice in a Criminal Case.* This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:

(A) provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and

(B) do so before trial — or during trial if the court, for good cause, excuses lack of pretrial notice."

Now read the following statements:

Statement X: "A defendant in a criminal case is unable to offer evidence of his good character, even if it is relevant to the offense with which he is charged."

Statement Y: "Before his trial, a defendant in a criminal case can request notice of the prosecutor's intention to offer evidence at trial that will tell the jury about previous bad acts the defendant has committed, if the prosecutor intends to use evidence of those acts to prove the defendant possessed a motive to commit the offense with which he is charged."

Statement Z: "If a court admits evidence of a defendant in a criminal case relating to his own good character, then the prosecutor is also entitled to offer evidence that may disprove the defendant's claims about his character."

a) **Which of the following assessments of these statements is correct?** (*Check one answer only*)

- Only Statement Y is true
- Only Statement X is true
- Statement Y and Statement Z are both true
- Statement X and Statement Y are both true
- All of these Statements are true
- None of these Statements are true

b) Briefly explain your reasoning in arriving at the answer you selected:

11. Please look at the following three articles and then answer the questions that follow. Right click on the articles to open the hyperlink.

[Article A](#)

[Article B](#)

[Article C](#)

(a) Which article was published at the website of a national, daily newspaper?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

In one sentence, explain why you chose the answer you selected:

(b) Which article was published at an online legal news resource, of specific interest to attorneys and the legal community?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

In one sentence, explain why you chose the answer you selected:

(c) Which article discusses litigation related to alleged patent infringement?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

In one sentence, explain why you chose the answer you selected:

(d) Which article could be best described as a scholarly, secondary, legal source?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

In one sentence, explain why you chose the answer you selected:

(e) Which article would be the best source to use in a research paper examining intellectual property law?

- Article A
- Article B
- Article C
- All of these articles
- None of these articles

In one sentence, explain why you chose the answer you selected:

I SWEAR OR AFFIRM THAT I HAVE NEITHER GIVEN OR RECEIVED ANY HELP (FROM ANY PERSON OR AUTHORIZED SOURCE) IN THE PREPARATION OF MY ANSWERS TO THE MODULE SEVEN QUIZ FOR LEAS 3200.

STUDENT NUMBER

DATE