Scardamaglia, Amanda (2014). The importance of enhancing the research skills of business law students: Promoting information literacy and guarding against infobesity

Originally published, Australian Law Librarian Journal, (article in press)


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The Importance of Enhancing the Research Skills of Business Law Students: A Pathway from Infobesity to Information Literacy

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The significance of improving the legal research skills of law students is widely accepted by those in the academe, capturing the attention of many teaching and learning scholars. By comparison, the importance of enhancing the research skills of business law students studying outside the realms of a law school, has not received the same kind of attention, and is an area of scholarship that is largely underdeveloped. This is notwithstanding the fact that such skills are just as imperative and transferrable for business law students as they are for law students, in ensuring graduates acquire the generic attributes required to enhance their employability and make meaningful contributions to advancing the national economy and the wider society. Furthermore, in the current information age, the need to enhance the research skills of business law students has never been more apparent – in promoting information literacy and guarding against infobesity and its effects. As such, this article posits that it is time that lawyers teaching in the field give more consideration to designing and developing business law curricula to this end. In doing so, it is necessary to firstly touch on the concept of infobesity and how it threatens to produce a generation of information illiterate individuals before considering how enhancing the legal research skills of business law students fits into the equation.

Infobesity, a term initially coined by Alan Toffler in the 1970s, has in more recent times, come to be used more widely to refer to the sensory overload caused by the overabundance in and overindulgence of information. The phenomenon arises from the fact that today, there is a plethora of accessible information, which is both cheap to produce and consume. But just like fast food, low quality, high quantity information can be unhealthy.

The dangers associated with infobesity are obvious, in terms of information authenticity, validity and reliability. More tangibly, the oversupply of information and infobesity is bad for business. This is because, as Toff foreshadowed in his now prophetic work, when faced with information overload, decision makers do not have the cognitive capacity to process it and ‘... can no longer make the reasonably correct assessment on which rational behaviour is dependant.’ Indeed, some have described infobesity as the ‘enemy of good decision making’ because it clogs up the arteries of business, slowing reaction time and making it more difficult for enterprise to decide and deliver efficiently and effectively.

The current state of affairs is patently problematic and poses some significant challenges ahead, especially for those involved in business for the reasons outlined above, but also for graduates about to embark on a career in the business world. Infobesity is similarly problematic for society more generally, as the ‘[s]heer abundance of information and

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technology will not in and of itself create more informed citizens.\textsuperscript{4} At least not ‘… without a complementary understanding and capacity to use information effectively.’\textsuperscript{5}

In response, there has been a renewed and special focus on information literacy, particularly by tertiary institutions intent on providing students with the skills necessary to navigate through the labyrinth of information that is thrust upon them – so they are able to identify, locate, evaluate, organise and effectively use information to address and help resolve personal, job related and broader societal issues and problems. This is evident in the entrenching of information literacy in the learning objectives of university curriculum and in the description of graduate attributes adopted by universities Australia wide.

So what is information literacy and what does an information literate individual look like? According to the \textit{Australian and New Zealand Information Literacy Framework}, information literate individuals will exhibit the following qualities:\textsuperscript{6}

- Recognise a need for information.
- Determine the extent of information needed.
- Access information efficiently.
- Critically evaluate information and its sources.
- Classify, store and manipulate and redraft information collected or generated.
- Incorporate selected information into their knowledge base.
- Use information effectively to learn, create new knowledge, solve problems and make decisions.
- Understand economic, legal, social, political and cultural issues in the use of information.
- Access and use information ethically and legally.
- Use information and knowledge for participative citizenship and social responsibility.
- Experience information literacy as part of independent learning and lifelong learning.

Clearly, the promotion of research skills in university curricula is critical in advancing information literacy in graduates, arming them with the tools and systems needed to locate, evaluate and manage information effectively to construct new knowledge, thereby addressing some of the ills that infobesity presents. There are a number of reasons for this. Firstly, the promotion of research skills, based on principles of information literacy, engenders personal empowerment as it ‘… allows people to verify or refute expert opinion and to become independent seekers of truth.’\textsuperscript{7} Furthermore, the advancement of research skills is also an important part in the process of promoting life-long learning such that students

\[\text{… know how to learn because they know how knowledge is organised, how to find information, and how to use information in such a way that others can learn from them. They are prepared for lifelong learning, because they can always find the information for any task or decision at hand.}\textsuperscript{8}\]

\textsuperscript{4} Alan Bundy (ed), \textit{Australian and New Zealand Information Literacy Framework: Principles, Standards and Practice} (Australian and New Zealand Institute for Information Literacy, 2\textsuperscript{nd} ed, 2004) 3.
\textsuperscript{5} Ibid.
\textsuperscript{6} Ibid 3-4.
Now, while much has been written on the importance of legal research skills for law students (and how to improve such skills with new and innovative modes of delivery and practice),9 little attention has been paid to the importance of developing such skills in business law students, studying law outside a designated law school. This is both from a pedagogical perspective, but also from law educators themselves in designing and delivering business law curriculum with research-based learning activities and assessment tasks.

Teaching law to non-law students in business schools is not uncommon. It is particularly common for students completing an undergraduate accounting degree. The rationale being that students who undertake business or commercial orientated law subjects such as contract law, corporations law and marketing law will go on to be well rounded graduates. Moreover, in the business world, business law is seen as an essential area of study, since the knowledge of the law is an important aspect of business decision making.10 The argument being that to be effective in business and enterprise, graduates must have a basic understanding of the legal system and how it can impact on business and business decision making.

Now there is a natural logic to the conventionally held view that legal research is an integral part of legal education and an essential skill for law students, with legal educators striving for continual improvement in this regard.11 Much of this stems from the recognition that legal education must be practically structured and oriented around ‘… what lawyers need to be able to do, rather than ‘…what lawyers need to know…’12 And legal research is a big part of what lawyers do.

For graduates going into practice, legal research skills are vital in helping lawyers find, understand and apply the law and achieve the best result for their client. This is crucial in a world where students are faced with vast quantities of information in which they need to be able to find meaning. Legal research skills are also an important mechanism for encouraging critical, analytical thinking, necessary traits of a successful lawyer.13 As a consequence, some consider legal research to be the foundation for almost everything done by practising solicitors, such that ‘[n]o matter the field of specialization, and whether in the role of adviser or advocate, lawyers must learn the appropriate law and apply it to specific circumstances.’14

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13 Harker, above n 9.
14 Ibid 81.
Legal research skills are also pertinent for those legal graduates who go on to pursue a career outside practice, whether that career is in business, politics, government or academia. This is because such graduates must “… emerge from school adequately prepared to become society’s leaders, counsellors and problem solvers. They must be capable of working in a complex, internationalised legal community in which law is constantly changing and the demands … are ever-increasing.”\(^\text{15}\) In this way, legal research skills which promote information literacy, are relatively generic and transferrable across disciplines. Indeed, this was recognised by the authors of the text *Finding Out: Information Literacy for the 21st Century*, which was written with the following intention:

> … to enhance your ability to use information in work, in study, and in your everyday life. The skills which we focus are transferrable. You will be able to use and adapt them in areas of study, apply them in your workplace and use them in areas of your daily life.\(^\text{16}\)

As such, legal research skills are just as imperative for law students as they are business law students, who also need to be able to do, and not just know. Business law students, like law students must have well-developed analytical skills in order to find information that is pertinent to the problems they face in order to become competent researchers in today’s information-rich environment. That is, they must also be information literate. In fact, many educators insist that success in modern business demands effective information literacy.\(^\text{17}\)

Educators teaching business law therefore need to pay greater attention to the enhancement of legal research skills as a means of promoting information literacy. One way of doing this is to develop students’ analytical skills by asking them to participate in learning activities that encourage metacognition about processes that are critical to information seeking.\(^\text{18}\)

Some academics have sought to do just that, and have written about incorporating assessment items into the business law curriculum with the purpose of entrenching research skills and embedding information literacy.\(^\text{19}\) Some have even drawn of their own experience in order to provide a sample course assignment for business law students, with the objective of developing legal research skills, enhancing critical thinking skills and oral presentation skills while at the same time, encouraging collaboration among students.\(^\text{20}\)

Academics teaching in this space should take note of these experiences and incorporate more research-based assessment items into their teaching, something that has traditionally been lacking in the curriculum. This makes sense – if one accepts that students need to learn how to research to be information literate, and according to Paul Ramsden, assessment drives learning.\(^\text{21}\) Thus, it is time for legal educators to shine a light on this subject of neglect. Failure to respond and guard against the looming epidemic that is infobesity could be catastrophic for Australian business and innovation.

\(^{15}\) O’Brien and Littrich, above n 9, 62.


\(^{17}\) See for example Brett Freudenberg and Many Lupton, Empowerment for Lifelong Learning: Embedding Information Literacy into the Business Curriculum, ETL Conference (2004) Logan Campus, Griffith University.

\(^{18}\) Harker, above n 9.

