Foreword

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“The teacher is of course an artist, but being an artist does not mean that he or she can make the profile, can shape the students. What the educator does in teaching is to make it possible for the students to become themselves.” Paulo Freire

For teachers in the legal research classroom, what might it look like to help students become themselves?

Critical reflection on the information world can be emancipatory for students and many legal research teachers have recognized this power. There is growing interest in incorporating critical pedagogy into their classrooms through critical legal research and critical legal information literacy, but the question remains: how does this work in the classroom?

This symposium is the result of dialogues and collaborations between three teacher/artists who strive to help students become themselves. It is the continuation of a dialogue that began at the 2022 American Association of Law Libraries (AALL) Annual Meeting during a panel titled “(Re)Searching for Justice: Teaching Critical and Alternative Legal Research to Aspiring Social Justice Lawyers” where the panelists sparked questions and conversations about the how and why of critical pedagogy and legal research. Nicholas Mignanelli reflected on the creation and implementation of his stand-alone legal research course that focused on critical legal research and critical information literacy. Courtney Selby discussed how, inspired by Mignanelli’s course, she infused her advanced legal research course with critical perspectives. Similarly inspired, Tanya Johnson described her own variation of Mignanelli’s course.

Their conversation surfaced questions like: how can a greater understanding of the social forces underpinning legal information enhance student learning? How do we grapple with Richard Delgado and Jean Stefancic’s triple helix dilemma with students? Why should students know how headnotes are made and who determines relevancy rankings? How much time should teachers spend addressing bias in casebooks? Where does critical legal research and critical information literacy converge with Diversity Equity & Inclusion initiatives and where do they diverge?

The symposium begins with Nicholas Mignanelli’s Essay, which he conceived in the solitude of the pandemic and a quiet walk around Lake

Okeechobee. Against this lush backdrop, Mignanelli contemplates how his appreciation for Lake Okeechobee has been enhanced by his understanding of the environmental and social forces that shaped and continue to shape it. This insight prompts him to re-envision legal research as less a positivist endeavor and more a creative endeavor. Inspired by the legendary Frederick C. Hicks, who described legal research as an “art,” Mignanelli designed an Advanced Legal Research course that disrupts traditional and “point-and-click” pedagogy and emphasizes contextualizing legal information.

Mignanelli’s Essay is rich with pedagogical praxis. In it, he not only discusses foundational critical scholarship, but traces the line from the scholarship to the creation and implementation of a new legal research pedagogy and an entirely new legal research course: “Re(Searching) for Justice.” Mignanelli describes in detail the creation and implementation of his course from syllabus to classroom discussion to student feedback. In doing so he lays the foundation for new legal research classes and provides inspiration for creative pedagogical undertakings.

Mignanelli expresses the hope that he will “jumpstart a new legal research pedagogy” and at least two people have taken him up on that challenge.

In her Essay, Courtney Selby describes her experience with infusing traditional ways of teaching legal research with critical perspectives. Wanting to encourage students to think about the power in legal information infrastructures and inspired by Nicholas Mignanelli’s reflections on his teaching practice, she found areas in her Advanced Legal Research course that were ripe for critical reflection.

Selby’s Essay is useful to anyone wanting to critically transform their own legal research course. She describes how she implemented changes into her classes and student reaction to those changes. For example, she identifies times throughout the semester when she emphasized critical information literacy and critical legal research practices. She also discusses in-class exercises that she has borrowed and revamped from critically aligned teachers. For example, she describes an in-class “headnotes” exercise borrowed from Nicholas Mignanelli that simultaneously helps students understand the function of headnotes and highlights editorial influence and bias.

Tanya Johnson was similarly inspired by Mignanelli’s reflections. Wanting to acknowledge the social, cultural, and individual contexts of legal information, she set out to construct her own critical legal research course. Johnson recounts how she adapted Mignanelli’s syllabus and added alternative research strategies to create her own standalone legal research course – “Research for Social Justice.”

Johnson’s Essay provides a blueprint for any teacher who would like to present both critical perspectives and alternative research strategies in their classroom. Her discussion is detailed and takes the reader through her innovative syllabus and each learning module. Of interest is her discussion of
alternative research strategies which have long been overlooked in the legal academy. These include quantitative research, narrative research, ethnography and autoethnography, participatory action research, and critical reflection.

The emerging interest in critical pedagogy is exciting and it is my hope that it will generate multiple conversations in the years to come, including conversations about how to help students become themselves. This symposium is one shining strand in the multistrand discussion that is critical pedagogy in legal research education.