

2012

## Bridging the Digital Divide and Guiding the Millennial Generation's Research and Analysis

Kari Mercer Dalton

Follow this and additional works at: <https://lawpublications.barry.edu/barryrev>



Part of the [Legal Education Commons](#), and the [Legal Writing and Research Commons](#)

### Recommended Citation

Kari Mercer Dalton (2012) "Bridging the Digital Divide and Guiding the Millennial Generation's Research and Analysis," *Barry Law Review*: Vol. 18 : Iss. 1 , Article 6.

Available at: <https://lawpublications.barry.edu/barryrev/vol18/iss1/6>

This Article is brought to you for free and open access by Digital Commons @ Barry Law. It has been accepted for inclusion in Barry Law Review by an authorized editor of Digital Commons @ Barry Law.

## BRIDGING THE DIGITAL DIVIDE AND GUIDING THE MILLENNIAL GENERATION'S RESEARCH AND ANALYSIS

*By Kari Mercer Dalton \**

### I. INTRODUCTION

There is a divide between the Millennial generation law students and their Educators—Millennials are digital natives and their Educators are digital immigrants.<sup>1</sup> This divide affects the educational paradigm in legal research and analysis because the digital natives and the digital immigrants employ different research processes and heuristics.<sup>2</sup> In order to understand the impact this digital divide is having on legal research and analysis, this article explains who the Millennials—the digital natives—are and who their Educators—the digital immigrants—are. It then explores the divide that exists between the two—particularly, the two main research processes, traditional (legacy) research and Internet (future) research, and the heuristics involved in employing those research processes. It then concludes that current Educators need to create Millennial students who are information literate. Educators can create this information literacy by capitalizing on the Millennials' strengths and improve their weaknesses through teaching both legacy and future research and analysis.<sup>3</sup> More specifically, this article will encourage current Educators to employ a semester long indoctrination to legacy research and analysis so that Millennial students are able to thoroughly understand the hierarchy, organization, structure, and content of the law. It then will encourage Educators to teach future research in depth so that Millennial students will be able to use their legacy research as the basis of their research and thought processes while at the same time knowing how to appropriately use future research to supplement, improve, and even perhaps more efficiently conduct their research and analysis with all the tools modern technology has to offer.

### II. WHO ARE THE MILLENNIALS?

What better way to define the Millennials than to use a source they would go to first—Wikipedia. According to Wikipedia, Millennials are known also as

---

\* Kari Mercer Dalton is an Associate Professor of Law at Atlanta's John Marshall Law School. Special thanks to Renatto Garcia for his invaluable assistance.

1. See *infra*, Prensky, note 93.
2. See *infra* Part IV.
3. See *infra* Part V.

Generation Y, Generation Next, Net Generation, and Echo Boomers.<sup>4</sup> They have a birth range from the 1980s to early 2000s<sup>5</sup> and are characterized by their “increased use and familiarity with communications, media, and digital technologies.”<sup>6</sup> They grew up during a time when the Internet caused great change to all traditional media. And this was the most significant event that shaped this generation.<sup>7</sup>

Each generation has characteristics that define them and separate them from past generations.<sup>8</sup> Additionally, each generation holds different attitudes and expectations.<sup>9</sup> Some of the characteristics that distinguish the Millennials generally are their aptitude for technology, their sophisticated use of technology, their desire to stay connected to technology 24 hours a day 7 days a week, their ability to multitask, their sheltered and over-parented upbringings, their strong connection with their parents, their development of a strong community consciousness, their need to be team oriented, their desire to achieve, and their optimistic viewpoint.<sup>10</sup> Some of the attitudes and expectations that the Millennials live by are that they think computers are not technology, reality is no longer real, doing is more important than knowing, multitasking is a way of life, typing is preferred to handwriting, staying connected is essential, things are on demand, they have zero tolerance for delays, they come first, and the consumer and creator can be the same.<sup>11</sup> The following sections will more specifically explore these characteristics and attitudes.

### A. Technology Characteristic

Millennials have an aptitude for technology because it is a natural language for them.<sup>12</sup> They grew up plugged into technology.<sup>13</sup> They used laptops, iPods, the

4. *Generation Y*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Generation\\_Y](http://en.wikipedia.org/wiki/Generation_Y) (last modified Jan. 2, 2013); see also NEIL HOWE & WILLIAM STRAUSS, *MILLENNIALS RISING: THE NEXT GREAT GENERATION* 6 (2000); Beatriz Rivera & Maribel Huertas, *Millennials: Challenges and Implications to Higher Education*, N.Y.U. (Nov. 17–18, 2006), <http://www.nyu.edu/fm/publications/millennial.student/Challenges%20and%20Implications.html> (stating that other names for this generation include Digital Natives, Native Speakers, Internet Generation, iGeneration and Nintendo Digital Generation).

5. *Millennials: A Portrait of Generation Next: Confident. Connected. Open to Change* 4 (Paul Taylor & Scott Keeter eds., 2010) [hereinafter *Millennials: A Portrait of Generation Next*], [www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf](http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf). The Millennials' oldest members are approaching 30 years of age and the youngest are approaching adolescence.

6. Wikipedia, *supra* note 4; see also Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the “MTV/Google” Generation*, 54 *LOY. L. REV.* 775, 780 (2008) (submitting that by 2003, “86% of all American children were computer literate”).

7. See generally HOWE & STRAUSS, *supra* note 4.

8. Rivera & Huertas, *supra* note 4 (“A generation is a product of the times and its social, economic, and technological trends.”).

9. See STEVEN L. McSHANE & MARY ANN VON GLINOW, *ORGANIZATIONAL BEHAVIOR: EMERGING REALITIES FOR THE WORKPLACE REVOLUTION* 10 (4th ed. 2008).

10. Rivera & Huertas, *supra* note 4 (citing HOWE & STRAUSS, *supra* note 4, at 43–44).

11. Diana Oblinger, *Boomers, Gen-Xers & Millennials: Understanding the New Students*, *EDUCAUSE REV.* 36, 40 (July–Aug. 2003), <http://net.educause.edu/ir/library/pdf/erm0342.pdf>; see also *60 Minutes: The “Millennials” Are Coming* (CBS television broadcast Nov. 11, 2007), available at <http://www.cbsnews.com/stories/2007/11/08/60minutes/main3475200.shtml?tag=mnco;1st;2>.

12. See Tom Gimbel, *Managing Millennials*, 26 *NO. 6 LEGAL MGMT.* 20, 22 (Oct.–Nov. 2007).

Internet, cell phones, iPads, tablets, digital music players, video cameras, video game technologies and other forms of technology from an early age. In fact, by age 5 the majority of the Millennials were already using a computer.<sup>14</sup> As a result, they prefer video, audio and interactive media to print material.<sup>15</sup> This predilection would seem axiomatic in light of the circumstances; after all, Millennials grew up relying not on their parents' old collection of encyclopedias to answer any questions they might have, but instead depending on the Internet as a preeminent informational nexus, "because in their world the Internet knows everything."<sup>16</sup>

To highlight this point, focus groups aimed at understanding the Millennial Generation were conducted in various states throughout the country over the past ten years, and local college participants were asked the last time they used a public library.<sup>17</sup> The typical answer was longer than a year.<sup>18</sup> When the same students were then questioned about the last time they visited a Borders or Barnes & Noble superstore, both of which provide an assortment of media aside from print literature, the response was generally within the last few weeks.<sup>19</sup>

Millennials had and still have a mobile world where they can access information at any given time.<sup>20</sup> This use of technology has made Millennials expect instant gratification. For example, Millennials expect to be able to flip open their laptop and stream a movie of their choice instantaneously; while other generations had to buy tickets to the movies and had to wait to go see it in the

13. Jennifer C. Day, Alex Janus & Jessica Davis, U.S. Census Bureau, Current Population Reports: Computer and Internet Use in the United States: 2003 7 (Oct. 2005). In 2003, ninety-three percent of children in grades K–12 used a computer either at home, at school or at both. *Id.*

14. See Athima Chansanchai, 'Millennials' Lead the Wired Life, NBCNEWS.COM (Sept. 5, 2003, 3:30 PM), [http://www.msnbc.msn.com/id/14560871/ns/technology\\_and\\_science-tech\\_and\\_gadgets/t/millennials-lead-wired-life/#.UOhg3o5jXk](http://www.msnbc.msn.com/id/14560871/ns/technology_and_science-tech_and_gadgets/t/millennials-lead-wired-life/#.UOhg3o5jXk); see also Grant Crowell, *Are "Digital Natives" Transforming Online Video for Better or Worse? Part 1*, REELSEO.COM (2011), available at <http://www.reelseo.com/digital-natives-transforming-online-video/#ixzz1saIF6ssf>. According to Michelle Manafy, author of the book *Dancing with Digital Natives*, the level of technological "immersion" typical of the Millennial generation does not translate to a conceptualization that they were "using an iPhone at year one of their lives, but it does mean that they were raised sitting down at a dinner table where their parents were using their BlackBerrys, and their PDAs and the precursors to the mobile technologies we use today." *Id.* Thus, even if the use was not precisely hands-on, this early exposure and primacy of technology would still have had a lasting impact. *Id.*

15. See Richard T. Sweeney, *Reinventing Library Buildings and Services for the Millennial Generation*, 19 LIBR. ADMIN. & MGMT. 165, 167 (2005) [hereinafter Sweeney, *Reinventing Library Buildings and Services*] (stating, in relation to redesigning library research catalogs, that "Millennials expect to choose from many alternatives and are disappointed if the services or systems do not deliver such a broad array. For instance . . . several students said they wanted libraries to provide more audio music, books, and types of media."); see also Scott Carlson, *The Net Generation Goes to College*, CHRON. HIGHER EDUC., Oct. 7, 2005, at A34, available at <http://chronicle.com/article/The-Net-Generation-Goes-to/12307>. Mr. Mark Turner, dean of the College of Arts and Sciences at Case Western, is skeptical about whether Millennial students actually prefer digital media to traditional media, but rather believes that they what they want and expect is a multi-media, multisensory experience, i.e. text, video, and sound. *Id.*

16. Crowell, *supra* note 14.

17. Sweeney, *Reinventing Library Buildings and Services*, *supra* note 15, at 166 (arguing that focus groups, while not statistically valid, do provide valuable insight into "why people behave the way they do . . . [and] also are useful at validating formal research studies"); see also Gimbel *supra* note 12.

18. Sweeney, *Reinventing Library Buildings and Services*, *supra* note 15, at 166.

19. *Id.* at 167.

20. See Gimbel, *supra* note 12.

theater.<sup>21</sup> Especially pertinent to their relative comfort with cutting-edge modes of media technology, a late 2010 Pew Internet survey found that seventy-four percent of adults ages 18 to 34 (Millennials) owned an iPod or other MP3 player, compared with only fifty-six percent of the next oldest generation—that is Gen X (ages 35 to 46).<sup>22</sup> They also rely on technology, the more portable the better, and feel more comfortable communicating through technology than in person.<sup>23</sup> Texting and e-mail are the norm to this generation. Tweeting, texting, Facebook, YouTube, Google and Wikipedia are not great, new innovations but simply part of everyday life.<sup>24</sup> It is this characteristic that has had the biggest impact on the Millennial generation and distinguishes them the most from other generations.

## B. Family and Cultural Characteristic

Millennials were born into families where children were the focus of the family. In these family units, parents were/are very involved in their children's lives. Part of their involvement included attending all events their children were involved in, always helping with homework, setting high expectations for the Millennials, and expecting that their children meet these expectations. At the same time the parents set these expectations, they doted on their children and told them they were special and that they would succeed. Their parents did this in an effort to develop their children's self-esteem; a differential reaction to the parenting model experienced during their own youth and maturation, essentially a "hands off" approach to child rearing and a latchkey kid upbringing.<sup>25</sup>

Millennials, on the other hand, were nurtured in an environment rich with encouragement and responsive guidance.<sup>26</sup> The parenting style employed with them was focused on affirmation and positive reinforcement to give significant prominence to personal accomplishment, while also accentuating a "sheltered . . . treatment."<sup>27</sup> This made the Millennials the most celebrated and protected generation in recent history.<sup>28</sup> As a result, the Millennials place a high value on

21. Another example of their expectation for instant information comes from television—while other generations had to sit through commercials on TV, Millennials use DVRs (Digital Video Recorders) and TiVo so they no longer have to deal with such delays when watching the programs they seek. Bohl, *supra* note 6, at 780.

22. Kathryn Zickuhr, *Generations and Their Gadgets*, PEW RES. CTR., 2 (Feb. 3, 2011), [http://pewInternet.org/~media/Files/Reports/2011/PIP\\_Generations\\_and\\_Gadgets.pdf](http://pewInternet.org/~media/Files/Reports/2011/PIP_Generations_and_Gadgets.pdf).

23. See Gimbel, *supra* note 12.

24. Bohl, *supra* note 6, at 780 ("[A] survey of Gen X Y attitudes towards the [I]nternet found that instead of agreeing that it was 'life enhancing technology' they tended to simply think of it as 'life.'").

25. See Gimbel, *supra* note 12.

26. JUDITH F. FREEDMAN, *CRACKING THE CODE: UNLOCKING THE POTENTIAL OF FUTURE LEADERS IN THE LEGAL PROFESSION* 15 (West ed. 2010).

27. Morley Winograd & Michael D. Hais, *Love and Marriage: Millennials and American Families*, DEMO DIRT (Sept. 8, 2011, 6:57 PM), <http://www.demodirt.com/index.php/generation-y-trends/family-and-relationships/477-love-and-marriage-millennials-and-american-families>; see also RON ALSOP, *THE TROPHY KIDS GROW UP: HOW THE MILLENNIAL GENERATION IS SHAKING UP THE WORKPLACE* 3, 21, 51 (2008).

28. FREEDMAN, *supra* note 26, at 15; see also ALSOP, *supra* note 27, at 52. Parents of Millennials have even been pejoratively dubbed helicopter parents, "because they hover . . . near their children, ready to swoop in at a moment's notice to help resolve problems big and small." *Id.* Parents who reject this micromanaging approach

their relationship with their parents.<sup>29</sup> Logically, with solid models of complimentary parenting to emulate, fifty-two percent of Millennials believe in being good parents, and thereby formulating a strong and enduring family core, “‘is one of the most important things’ in life,” even ahead of friendship, educational prospects, careers, and religious faith.<sup>30</sup> As a result, it also has distinguished their work ethic from other generations because they favor family over work.<sup>31</sup>

Not only did the family units focus on the Millennials, but also their culture did. The Millennial generation has, for the most part, been raised in a largely “child-centric” period in American history.<sup>32</sup> They grew up in a time that embraced the concept of No-Child-Left-Behind.<sup>33</sup> Their culture catered to them with specialized services like Baby Gap, Sports Illustrated Kids, children haircut salons, and television stations dedicated to programming for children.<sup>34</sup> Millennials have come to expect products and services to have as many “personalization and customization features as possible” to accommodate an ever-evolving series of demands, interests, and preferences.<sup>35</sup> Broadly stated, Millennials expect to be furnished with a vast array of options. The emergence of a globally expansive, socio-economic structure, coupled with an unprecedented innovation in telecommunication and digital media technologies, made it so “Millennials have always been given more alternatives in services and products than any group before them, and they actually choose from *all* the alternatives.”<sup>36</sup>

All of this kind of attention instilled a sense of optimism, purpose, and self-worth in this generation.<sup>37</sup>

Consequently, Millennials now direct a constructive, cultural realm uniquely their own. While often described as “spirited individual[s]”—which might in turn explain their general disfavor of narrow descriptions or labels deemed to be constricting<sup>38</sup>—as a whole, it is clear that early Millennials cultivated a distinctly interactive, multimedia-oriented culture. There now seems little doubt or reason to

---

and opt to maintain more distance while still providing necessary counsel, are christened with the moniker “traffic control helicopter parents.” *Id.*

29. See Gimbel, *supra* note 12.

30. Wendy Wang & Paul Taylor, *For Millennials, Parenthood Trumps Marriage*, PEW RES. CTR. 1 (Mar. 9, 2011), <http://www.pewsocialtrends.org/files/2011/03/millennials-marriage.pdf>.

31. See Gimbel, *supra* note 12 (noting that Millennials see it as life/work balance); cf. Sweeney, *Reinventing Library Buildings and Services*, *supra* note 15, at 169. Sweeney suggests that the prevalence of divorce, i.e. the fact that “half of all Millennials are the children of [divorced parents],” might provide another explanation for these strong family values. *Id.* “Many experts believe . . . Millennials value family more because they are children of divorce. Divorce also might account for why they have such strong friendships.” *Id.*

32. Diane Theilfoldt & Devon Scheef, *Generation X and The Millennials: What You Need to Know About Mentoring the New Generations*, L. PRAC. TODAY, Aug. 2004, available at <http://apps.americanbar.org/lpm/lp/articles/mgt08044.html>.

33. See Gimbel, *supra* note 12.

34. *Id.*

35. Richard Sweeney, *Millennial Behaviors & Demographics*, N.J. INST. TECH. (Dec. 22, 2006), available at <http://certi.mst.edu/documents/Article-Millennial-Behaviors.pdf> (alluding to, as an example, students with reading comprehension problems who might learn easier by ‘listening’ to textbooks rather than reading it).

36. Sweeney, *Reinventing Library Buildings and Services*, *supra* note 15, at 167 (emphasis added).

37. See Gimbel, *supra* note 12.

38. Sweeney, *Reinventing Library Buildings and Services*, *supra* note 15, at 165.

suggest that what evolved then has not, and will not continue to be, transfigured into a “lifelong culture” for the Millennial generation.<sup>39</sup>

### C. Multitask Characteristic

With the aid of parent involvement, Millennials were and are able to multitask more than past generations. From an early age, they were involved in numerous activities; juggling sports, school, and social interests.<sup>40</sup> Millennials went from school to soccer to piano to swim class with no spare time.<sup>41</sup> This made them team oriented and eager to seek the input of many. In all these activities, the Millennials put pressure on themselves to succeed. At the same time, they tended to forgo developing skills that would equate to long term success.<sup>42</sup> Despite this, the team sports and activities they participated in catered to them by telling them that they were all winners and showering them with trophies just for participating.<sup>43</sup> As a result, it made them grow up with the expectation that they will automatically win and that they should be rewarded for just showing up.<sup>44</sup> It also has made them grow up with an unrealistic view of their true abilities despite their desire to achieve.<sup>45</sup>

Millennials are busy multitaskers; at the very least apt to watch television, update personal profiles on one of many social networks, and check their e-mail concurrently.<sup>46</sup> Whether Millennials are able to juggle these various mediums capably without sacrificing quality of work is a matter of some debate.<sup>47</sup> Nevertheless, the widespread access and enabling force of technology seems to create the impression that this type of behavior is feasible, and as far as Millennials are concerned, *essential* for effective time management. Thus, Millennials expect information to be both accessible and rapidly obtained, and also that it serve a more functional form in the ample framework of “interchangeability, transferability from one media to another, and sharing real-time information on a global scale.”<sup>48</sup>

39. *Id.* at 166.

40. Thielholdt & Scheef, *supra* note 32.

41. HOWE & STRAUSS, *supra* note 4, at 168–69 (cartoon depiction).

42. Aliza B. Kaplan & Kathleen Darvil, *Think [and Practice] Like a Lawyer: Legal Research for the New Millennials*, 8 LEGAL COMM. & RHETORIC: JALWD 153, 175 (2011). *See, e.g.*, REYNOL JUNCO & JEANNA MASTRODICASA, CONNECTING TO THE NET.GENERATION: WHAT HIGHER EDUCATION PROFESSIONALS NEED TO KNOW ABOUT TODAY’S STUDENTS 140–141 (NASPA 2007), available at <http://blog.reyjunco.com/pdf/NetGenerationProof.pdf> (contending that Millennials will focus on getting good grades, but not the process by which grades are achieved).

43. *See* Gimbel, *supra* note 12, at 20, 22.

44. *The “Millennials” Are Coming*, *supra* note 11.

45. FREEDMAN, *supra* note 26, at 15.

46. Bonnie D. Belleau et al., *Theory of Reasoned Action: Purchase Intention of Young Consumers*, 25 CLOTHING & TEXTILES RES. J. 244, 245 (2007), available at <http://ctr.sagepub.com/content/25/3/244>.

47. *See* Janna Quitney Anderson & Lee Rainie, *Millennials Will Benefit and Suffer Due to their Hyperconnected Lives*, PEW RES. CTR. 1, 26 (Feb. 29, 2012), [http://www.pewInternet.org/~media/Files/Reports/2012/PIP\\_Future\\_of\\_Internet\\_2012\\_Young\\_brains\\_PDF.pdf](http://www.pewInternet.org/~media/Files/Reports/2012/PIP_Future_of_Internet_2012_Young_brains_PDF.pdf).

According to a 2012 survey, forty-two percent of respondents believe that the Millennial generations’ wired frame of mind may actually impair cognitive abilities, and that, as a result, Millennials may “[be] distracted away from deep engagement with people and knowledge.” *Id.* at 8. Moreover, they will “lack deep-thinking capabilities” and “face-to-face social skills” as a direct result of multi-tasking, leading to less productivity. *Id.*

48. ZACHARY WONG, HUMAN FACTORS IN PROJECT MANAGEMENT 165 (2007).

A seasoned digital native can effortlessly maximize the multi-purpose functions of most any electronic device. In all fields of life, whether at home or the workplace, it is not uncommon to see young people assembled behind computer screens, operating four or five open windows, simultaneously texting, instant messaging, listening to music on their iPod, downloading the latest tunes using file-sharing software, uploading videos and photographs for their friends to comment on, and “maybe even participating in a teleconference—insouciant and alert at the same time.”<sup>49</sup>

#### D. Societal Characteristics

The majority of information available on this generation seems to agree that, on the whole, Millennials are socially conscious and have a strong sense of civic duty. The driving force behind many of their generational objectives seems not to be money or success in quite the same manner as older generations.<sup>50</sup> Millennials are conversant on potentials beyond maximizing wealth and making profits, and appear to have shifted perspectives on “social responsibility,” thus advocating deeper involvement with public service.<sup>51</sup>

Millennials are eager to play an integral part in community activities that they perceive are important—issues like saving the environment, resolving the water scarcity problem, and slowing or reversing biodiversity loss.<sup>52</sup> Research suggests that Millennials are more likely than their predecessors to support clean energy and the adoption of environmental protection measures—namely the rapid development of “alternative energy sources rather than expanding oil, coal, and natural gas

49. *Multitasking Millennials Work Well in the Web 2.0 World*, KNOWWPC (May 07, 2008), <http://knowwpcarey.com/article.cfm?aid=456>.

50. Barry Salzberg, *What Millennials Want Most: A Career that Actually Matters*, FORBES (July 3, 2012, 3:21 PM), <http://www.forbes.com/sites/forbesleadershipforum/2012/07/03/what-millennials-want-most-a-career-that-actually-matters/>; see also ALSOP, *supra* note 27, at 232 (citing a survey conducted by Net Impact, “an international student organization with a focus on social responsibility,” showing that “[s]even out of 10 M.B.A. students believe business schools should place even more emphasis on training socially and environmentally responsible individuals . . .” *Id.*

51. ALSOP, *supra* note 27, at 233; see also *Does the Millennial Generation Have Values Fundamentally Different from Its Predecessors?*, GEO. U. BERKLEY CTR. RELIGION, PEACE & WORLD AFF. BLOG (Apr. 6, 2012), <http://berkeleycenter.georgetown.edu/blogs/campus-conversation-on-values/posts/does-the-millennial-generation-have-values-fundamentally-different-from-its-predecessors/> (“[T]he global message . . . [of Internet technology has made it so] that the Millennial generation can no longer plead ignorance to the suffering of the world around them. . . . [as] they can relate personally to the hardship of their peers. . . . [and] they can see in real time how the actions of [the] powerful impact the lives of the powerless.”).

52. Diana Oblinger & James Oblinger, *Is it Age or IT: First Steps Toward Understanding the Net Generation*, in EDUCATING THE NET GENERATION 2.1, 2.7 (EDUCAUSE ed. 2005); see also Irina Ozolina, *At Youth Summit Environmental Issues are a Prime Concern for Millennials*, POLICYMIC, <http://www.policymic.com/articles/9300/at-youth-summit-environmental-issues-are-a-prime-concern-for-millennials> (last visited Jan. 5, 2013). Cf. Michelle Healy, *Millennials Might Not Be So Special After All*, *Study Finds*, USA TODAY (Mar. 15, 2012), <http://www.usatoday.com/news/health/wellness/story/2012-03-15/Millennials-might-not-be-so-special-after-all-study-finds/53552744/1>. A study published online in the *Journal of Personality and Social Psychology* found that Millennials, compared with GenXers and Baby Boomers at the same age, were *less* civically and politically engaged, “more focused on materialistic values, and less concerned about helping the larger community . . .” *Id.* Furthermore, the study claims that Millennials are less inclined to become involved in programs to clean up the environment. *Id.*



exploration.”<sup>53</sup> Millennials will typically be committed to confronting other long-standing global and historical challenges, as well, such as third-world poverty, the AIDS epidemic, and human rights.<sup>54</sup>

Idealists at heart, Millennials believe that they can make a difference.<sup>55</sup> Overall, they operate with a remarkable level of conviction that they can improve society’s capabilities to deal with global problems—both of a fiscal and social nature.<sup>56</sup> Notably, their decisions in the areas of education and employment reflect this confidence.<sup>57</sup> Millennials seek to be informed about which organizations stand for improving society, and more importantly, which have taken action in this regard, “as opposed to blowing smoke.”<sup>58</sup> Millennials have gone as far as accepting lower-paying positions to work with companies considered to have solid reputations for “corporate citizenship.”<sup>59</sup>

In light of this elevated interest in advancing societal change, Millennials are both willing to become and envisage becoming public activists. Convinced that they are in a privileged position to make a positive difference with far-reaching effects, Millennials desire the capacity to develop this change within the schema of their chosen professions.<sup>60</sup>

In the broader societal context, the shift in cultural devotion and responsiveness is partly responsible for Millennials having emerged as more ethnically and racially diverse than older generations, less religious, more liberal, and socially flexible.<sup>61</sup> The expected results from such progression has led some to posit that the Millennial generation might very well prove to be the most educated generation in this country’s history.<sup>62</sup>

## E. Student Characteristics

The Millennials also share characteristics that shape them as students. These student characteristics separate them from other generations as well and challenge current educational paradigms.<sup>63</sup> As students, Millennials are exposed to more information, but less in depth; they have different patterns of social connection;

53. *The Generation Gap and the 2012 Election*, PEW RES. CTR. 1, 96 (Nov. 3, 2011), <http://www.people-press.org/files/legacy-pdf/11-3-11%20Generations%20Release.pdf>; see also Dean Kuipers, *Obama Pipeline Decision Courts Youth Vote*, L.A. TIMES (Nov. 11, 2011, 8:37 PM), <http://latimesblogs.latimes.com/greenspace/2011/11/obama-pipeline-decision-courts-youth-vote.html> (proposing that President Obama’s decision to delay the Keystone XL Pipeline was, in part, due to a substantial and coordinated effort carried out by youth lobbyists).

54. ALSOP, *supra* note 27, at 230.

55. *Id.* at 232.

56. Salzberg, *supra* note 50; see also WONG, *supra* note 48, at 164.

57. ALSOP, *supra* note 27, at 231, 235; see also Salzberg, *supra* note 50.

58. Salzberg, *supra* note 50. After conducting original research, the author asserts that the Millennial generation exhibits a “remarkable optimism and resilience, including an admirable willingness to tackle, head-on, society’s biggest issues.” *Id.*

59. ALSOP, *supra* note 27, at 235 (“Nearly 80% of Millennials say they prefer to work for a company that cares about making contributions to society . . .”).

60. Salzberg, *supra* note 50.

61. *Millennials: A Portrait of Generation Next*, *supra* note 5.

62. *Id.*

63. Rivera & Huertas, *supra* note 4.

they have increased levels of stress and anxiety; they are typically under-prepared; they are ambitious but have unrealistic expectations; they learn through experiment and discovery; and they are less likely to engage in class participation.<sup>64</sup> Because they grew up exploring the Internet, they do not look to instructions or manuals, they experiment until they get it right.<sup>65</sup> “They are oriented to inductive reasoning, formulating hypotheses and figuring out rules.”<sup>66</sup> They have a proclivity to bricolage, piecing together information from a variety of sources.<sup>67</sup> However, because information appears on the Internet with little effort or time, Millennials have developed a passive relationship to information and expect instant gratification.<sup>68</sup>

Education is also linked to entertainment for them.<sup>69</sup> “[T]hey experienced education from the vantage point of a consumer, and felt entitled to an educational experience that spoke to them in accessible, even entertaining ways.”<sup>70</sup> “Millennials expect to be able to choose what kind of education they buy, and what, where, and how they learn.”<sup>71</sup> They do not read as much; they prefer video, audio and interactive media to traditional printed matter.<sup>72</sup> According to one article on the subject, “YouTube logs an average of two billion views per day,”<sup>73</sup> presumably as a direct effect of the ease and comfort with which Millennials communicate through video.<sup>74</sup>

An obvious example is the contemporary use of video on demand (VOD), streaming video, and videoconferencing in educational settings. Likewise, to accommodate the Millennials’ unique learning style, certain academic institutions

64. *Id.*; see Leslie Larkin Cooney, *Giving Millennials a Leg-Up: How to Avoid the “If I Knew Then What I Know Now” Syndrome*, 96 KY. L.J. 505, 506 (2007–2008).

65. Cooney, *supra* note 64.

66. *Id.*

67. *Id.* at 505.

68. Bohl, *supra* note 6, at 780 (citing Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 LEGAL WRITING 119, 124 (2003)).

69. *Id.* at 781 (citing Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 LEGAL WRITING 119, 124 (2003)).

70. *Id.*

71. Carlson, *supra* note 15.

72. Cooney, *supra* note 64, at 507; see also Marc Prensky, *Digital Natives, Digital Immigrants Part II: Do They Really Think Differently*, 9 ON THE HORIZON, no. 6, Nov.–Dec. 2001, at 1 [hereinafter Prensky, Part II], available at <http://www.marcprensky.com/writing/Prensky%20-%20Digital%20Natives,%20Digital%20Immigrants%20-%20Part2.pdf>. Millennials before college spend less than 5,000 hours reading, “over 10,000 hours playing video games, over 200,000 emails and instant messages sent and received . . . [and] 20,000 hours watching TV . . .” *Id.*

73. Jan Zanetis, *The Virtues of Video*, EDUCATIONAL LEADERSHIP: THE RESOURCEFUL SCHOOL (Dec. 2011–Jan. 2012), <http://www.ascd.org/publications/educational-leadership/dec11/vol69/num04/The-Virtues-of-Video.aspx> (citing *Five Years of YouTube: Statistics and Infographics*, ONLINE MARKETING TRENDS BLOG, (Jan. 24, 2011) [www.onlinemarketing-trends.com/2011/01/five-years-of-youtube-statistics-and.html](http://www.onlinemarketing-trends.com/2011/01/five-years-of-youtube-statistics-and.html)).

74. Zanetis, *supra* note 73. Young learners are not merely comfortable navigating and collaborating via video technology; they are also “engaged by video as a medium.” *Id.* For instance, “[v]ideo on demand gives learners the ability to repeatedly review segments and often allows users to search for particular key topics within the video. Such individual control of content pacing increases student motivation and engagement.” *Id.* (citing Kerry Shephard, *Questioning, Promoting, and Evaluating the Use of Streaming Video to Support Student Learning*, 34 BRIT. J. EDUC. TECH. 295 (2003); Dongsong Zhang, Lina Zhou, Robert O. Briggs, & Jay F. Nunamaker Jr., *Instructional Video in e-Learning: Assessing the Impact of Interactive Video on Learning Effectiveness*, 43 INFO. & MGMT. 15 (2006)).

have altered traditional pedagogical structures, offering online practice quizzes, cases, and podcasts, thus promoting the notion that text has become more of a starting point, rather than the key source for attaining knowledge.<sup>75</sup> Course materials, such as lectures and tutorials, are posted on scholastic web forums, available for online access and provided in “portable” formats like PDFs for easy downloads onto an iPod or other wireless handheld device.<sup>76</sup>

Professors are not a valued source of information because that same information is only keystrokes away to Millennials.<sup>77</sup> Millennials do not strive to retain information because information is not hard to acquire.<sup>78</sup>

It also has been suggested that the Millennial brains are physically different because of the stimulation and the duration of the stimulation that they received growing up.<sup>79</sup> Research in neurobiology shows that stimulation changes brain structure and affects the way people think.<sup>80</sup> As a result of the repeated technological experiences that the Millennials had, particular parts of their brain are larger and more highly developed.<sup>81</sup> “Children raised with the computer ‘think differently from the rest of us. They develop hypertext minds. They leap around. It’s as though their cognitive structures were parallel not sequential.’”<sup>82</sup> This shapes the Millennials as students as well.

Thus, the characteristics, beliefs, expectations, attitudes, experiences, and values of the Millennials need to be considered and evaluated when developing educational paradigms in legal research and analysis.

### III. WHO ARE THEIR EDUCATORS AND HOW ARE THEY DIFFERENT THAN THE MILLENNIALS?

The Millennials’ educators are from a cross of generations. However, the one thing that all their educators share is that they are digital immigrants. Digital immigrants are those who were born when the computer was not personal, the cell phone did not exist and the best source of information was the library.<sup>83</sup> Immigrants have a different relationship with technology than the natives who approach it with intuition and not manuals.<sup>84</sup> Technology is not a second language

75. See Raymond Papp & Erika Matulich, *Negotiating the Deal: Using Technology to Reach the Millennials*, 4 J. BEHAV. STUD. BUS. 1, 6 (Dec. 2011), available at [www.aabri.com/manuscripts/111063.pdf](http://www.aabri.com/manuscripts/111063.pdf).

76. *Id.* (citing Lonn & Teasley, *Podcasting in Higher Education: What are the Implications for Teaching and Learning?*, 12 INTERNET & HIGHER EDUC. 88 (2009)).

77. Bohl, *supra* note 6, at 782. As such, they consider themselves to be the professor’s equal more than any other generation before has. *Id.* (citing Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 LEGAL WRITING 119, 129–30 (2003)).

78. *Id.* (citing Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?*, 9 LEGAL WRITING 119, 127–28 (2003)).

79. Prensky, Part II, *supra* note 72; see generally PATRICIA MARKS GREENFIELD, *MIND AND MEDIA: THE EFFECTS OF TELEVISION, VIDEO GAMES, AND COMPUTERS* (Harvard Univ. Press 1984).

80. Prensky, Part II, *supra* note 72.

81. *Id.* at 4.

82. *Id.*

83. Rivera & Huertas, *supra* note 4.

84. Bohl, *supra* note 6, at 777.

to the immigrants like it is to natives.<sup>85</sup> Moreover, tech un-savvy immigrants struggle with even the most rudimentary “netspeak,” or “digitalk,” typically found in the linguistic landscape of blogs, instant messaging, and multimedia modules.<sup>86</sup>

The syntax and dialect of the digital world comprise a foreign language to immigrants, who never had the option to learn via podcasts or access assignments from blackboard technology software appended with lectures downloadable on iTunes.<sup>87</sup> Instructed in traditionally pedagogic, “old learning” institutions, they were immersed in a print-only industrialized world.<sup>88</sup> As a result, digital immigrants think of computers as word processors not as sources of information and consider printed books as the only source of legitimate information.<sup>89</sup> Finally, digital immigrants think linearly based on the organizational structure of the printed world.<sup>90</sup> Expectedly, many professors continue to espouse reading and writing of printed text as the only appropriate method in academic settings.<sup>91</sup>

This gap between the digital natives and the digital immigrants was caused mainly by the pace of the technological developments and the changes that took place for them as a result.<sup>92</sup> It is the most significant difference between the digital immigrants and natives. It also is arguable that the technological changes caused the digital natives to think and process information differently than the immigrants.<sup>93</sup> So much so that some neurobiologists argue that digital natives have a different brain structure than immigrants.<sup>94</sup> For example, digital natives can access information randomly and process it<sup>95</sup> whereas digital immigrants need information in a step by step linear process.<sup>96</sup> Moreover, digital natives can multitask while receiving information, unlike immigrants who have a harder time multitasking while receiving information.<sup>97</sup> As a result, certain didactic shifts are necessary to harmonize the disparate wavelengths of natives and immigrants are expected to be extensive, often involving the “unlearning” of deep-rooted views on the nature of academia.<sup>98</sup>

---

85. *Id.*

86. Marc Prensky, *Overcoming Educators' Digital Immigrant Accents: A Rebuttal*, THE TECHNOLOGY SOURCE (May–June 2003), [http://technologysource.org/article/overcoming\\_educators\\_digital\\_immigrant\\_accents/](http://technologysource.org/article/overcoming_educators_digital_immigrant_accents/).

87. See Cheri A. Toledo, *Digital Culture: Immigrants and Tourists Responding to the Natives' Drumbeat*, 19 INT'L J. TEACHING & LEARNING HIGHER EDUC. 84, 89–90 (2007).

88. Suzanne M. Miller, *English Teacher Learning for New Times: Digital Video Composing as Multimodal Literacy Practice*, 40 ENG. EDUC. 61, 63 (2007) (citing O'Brien & Bauer, *New Literacies and the Institution of Old Learning*, 40 READING RES. Q., 120 (2005)).

89. Diana R. Donahoe, *Bridging the Digital Divide Between Law Professor and Law Student*, 5 VA. J.L. & TECH. 13 (2000).

90. *Id.*

91. Miller, *supra* note 88, at 68.

92. Malinda Matney, *What is Emerging in Research About Millennials?*, WHAT'S ON OUR STUDENTS' MINDS (U. Mich./Division of Student Affairs), Fall 2006, at 1, 2.

93. Marc Prensky, *Digital Natives, Digital Immigrants*, 9 ON THE HORIZON, no. 5, Oct. 2001, at 1, 1 [hereinafter Prensky, Part I], available at <http://www.marcprensky.com/writing/>.

94. See *id.*

95. *Id.* at 3.

96. *Id.* at 4.

97. *Id.* at 3.

98. Chris Dede, *Planning for Neomillennial Learning Styles: Implications for Investments in Technology and Faculty*, in EDUCATING THE NET GENERATION 15.1, 15.16 (EDUCAUSE ed. 2005); see also Jaime McKenzie, *Grazing the Net: Raising a Generation of Free-Range Students*, 80 PHI DELTA KAPPAN 26, 28 (1998).

Another difference that exists between the Millennial educators/digital immigrants and the digital natives is their work ethics. The educators/immigrants were taught to and anchored themselves in work. They coined terms like, “company men,” and “workaholics.”<sup>99</sup> They had the attitude that you need to pay your dues, like they did.<sup>100</sup> The Millennials, on the other hand, anchor themselves in their life balance.<sup>101</sup> They think they can “roll into work with their iPods and flip flops around noon, but still be CEO by Friday . . . .”<sup>102</sup> In fact, President Obama even addressed this attitude in a speech to school students in September 2009 when he stated, “I know that sometimes you get the sense from TV that you can be rich and successful without any hard work—that your ticket to success is through rapping or basketball or being a reality TV star, when chances are, you’re not going to be any of those things.”<sup>103</sup>

Another significant difference is that the educators/immigrants perceive information as something difficult to acquire. Digital immigrants learned to find information systematically through tools like card catalogs in libraries. On the other hand, Millennials think information is easily and immediately obtainable.<sup>104</sup> When Millennials require information, unlike their immigrant educators,<sup>105</sup> the immediate impulse is *not* to query with an expert, attain assistance from library personnel trained in research methods, or even to enter a library at all.<sup>106</sup> Millennials, as digital natives, simply log on to the Internet and attempt to find it for themselves.<sup>107</sup> They have not had to learn how to systematically find information.

Thus, now that the distinction between the digital immigrants/educators and the digital natives/Millennials is clear, one can assess the educational problems that can arise with legal research and analysis.

#### IV. WHAT IS THE DIGITAL DIVIDE AND WHY IS IT A PROBLEM?

The digital divide exists because of the impact technology has had on the Millennials and their law professors. Law professors are digital immigrants and

---

(outlining the differences between a teacher’s role in a “wired” classroom from classrooms of the smokestack era—in a wired classroom the teacher is rarely a “sage in the stage,” but rather serves as a facilitator, or guide, for students “engaged” in a digital milieu).

99. FREEDMAN, *supra* note 26, at 15.

100. *The “Millennials” Are Coming*, *supra* note 11.

101. See Gimbel, *supra* note 12, at 22; see also *The “Millennials” Are Coming*, *supra* note 11 (claiming that priorities have changed, so that now lifestyles and friendships are more important to Millennials than work).

102. *The “Millennials” Are Coming*, *supra* note 11.

103. FREEDMAN, *supra* note 26, at 15 (quoting President Barack Obama, Remarks at Back to School Event (Sept. 8, 2009) (transcript available at <http://www.whitehouse.gov/MediaResources/PreparedSchoolRemarks>)).

104. Bohl, *supra* note 6, at 782.

105. See George Lorenzo & Charles Dziuban, *Ensuring the Net Generation Is Net Savvy*, EDUCAUSE LEARNING INITIATIVE, 1–3 (Sept. 2006), <http://www.educause.edu/library/resources/ensuring-net-generation-net-savvy> (follow Adobe PDF hyperlink).

106. *Id.* at 2.

107. *Id.* at 3. Despite the do-it-yourself mindset, students often still lack the skill to properly assess the quality. *Id.* at 2. “In an age of abundant, networked information, faculty [and] librarians . . . face new challenges helping students define . . . collect . . . organize and synthesize it”, as well as determining the quality, of information and sources on the Internet. *Id.* at 3.

speak an outdated digital language. They are trying to teach Millennials, who are digital natives, but are not embracing the technology and how that technology has affected their students' thought and learning processes. At the same time, the Millennials who speak a current language do not see or understand the pitfalls in their new language. Moreover, Millennials need to recognize that their thought patterns and learning processes have been impacted by this new technology. This divide is evident in the research processes and heuristics that both parties use.

Current law faculty/digital immigrants are more likely to employ traditional research. Traditional research is research conducted in printed book resources.<sup>108</sup> Traditional research is rooted in the history and development of the law.<sup>109</sup> The sources are finite and structured.<sup>110</sup> "Traditional print-based research impose[s] a structured hierarchy on the law" and provides a shared context for legal research and analysis and, by extension, for the law itself.<sup>111</sup> It is organized by topic—broadly and narrowly through a digest system.<sup>112</sup> "Indexes, table of contents, chapters, and sections all give . . . access[] [to] the structure . . . [of the] resource[]." <sup>113</sup> In traditional research, the researcher is working in a linear fashion.<sup>114</sup> When working in this linear fashion, it is easier for a legal researcher to determine the legal context surrounding an issue and to draw comparisons to other legal principles.<sup>115</sup> In turn, current legal educators/digital immigrants also think in this same linear fashion.<sup>116</sup> They start with a general area of law, find the rule and then apply the rule to the facts.<sup>117</sup>

In contrast to the majority of law professors who were trained in and continue to use traditional book research, Millennials who are digital natives automatically go to the Internet to conduct research first.<sup>118</sup> Studies show that Millennials prefer and depend upon Google or other search engines rather than the library.<sup>119</sup> They are

108. Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation*, 39 AKRON L. REV. 151, 160 (2006).

109. Reporters wanted to disseminate information about the Court rulings and published their notes in print early as 1789. *Id.* Around 1804 official reporters started to appear. *Id.* Lawyers had to read these reports to know what the law was and then had to annotate the reporters to keep up to date. *See id.* Eventually, John West developed systemized legal research to handle the increasing amount of information. *Id.* In 1897, digests appeared which contained a synopsis of the principal holdings of the cases. *Id.* at 161. West organized this into a key system. *Id.* This is the system that lawyers have since been trained on. *Id.* Secondary sources also sprang up to assist lawyers in researching the law. *Id.*

110. Kaplan & Darvil, *supra* note 42, at 160.

111. *Id.*

112. Gallacher, *supra* note 108, at 162.

113. Kaplan & Darvil, *supra* note 42, at 160 n.48 (quoting Barbara Bintliff, *Context and Legal Research*, 99 LAW LIB. J. 249, 258–59 (2007)).

114. Joan K. Lippincott, *Net Generation Students and Libraries*, in EDUCATING THE NET GENERATION 13.1, 13.2 (EDUCAUSE ed., 2005).

115. Donahoe, *supra* note 89, ¶¶ 13–14.

116. *Id.* ¶ 7.

117. *Id.* ¶ 14.

118. *See* Kaplan & Darvil, *supra* note 42, at 166 (finding that over ninety percent of the students surveyed conducted seventy-six percent of their research online).

119. Lippincott, *supra* note 114, at 13.2.; *see also* Brooke J. Bowman, *Researching Across the Curriculum: The Road Must Continue Beyond the First Year*, 61 OKLA. L. REV. 503, 529 (2008).

Since our law students grew up on the Internet, they overlook valuable resources because they do not understand what content is available in what type of sources and do not take the

more inclined to conduct Internet research and to go to sources like Google or Wikipedia because they believe anything is accessible online.<sup>120</sup> According to a Pew Internet and American Life Project survey, three out of four students use the Internet for research more than they use the library.<sup>121</sup> As a result, when law students are learning to conduct legal research, they go to the Internet first. They are not going to library catalogs or databases of scholarly journal articles.<sup>122</sup> They go to the Internet first because they have been using this resource their whole life and feel more comfortable trying to “shape legal information to their existing information world.”<sup>123</sup>

Additionally, because they go to the Internet first, Millennials tend to simply search for words instead of using their legal analysis and reasoning skills to develop a research plan.<sup>124</sup>

Google . . . has taught us that it is no longer necessary to go through the effort of defining our information need. We just put a word or two into the search box and let a search engine disambiguate the query and provide an answer. . . . We have given up the need to think through the reason for our query or to clearly articulate the gap in our information.<sup>125</sup>

WestlawNext™ and LexisAdvance™ also operate this same way and allow students to enter queries without any understanding of where or what they are really searching. When a student conducts research focused on words only, they neglect broader issues and legal concepts making them oblivious to the general perspective; it keeps the researcher at a factual level only. They are diverted from the linear research process and access the information randomly. As a result, Millennials also do not think linearly about the law. Thus, the first problem in the digital divide is the fact that Millennials choose the Internet over traditional research processes as their source of information.<sup>126</sup>

---

time to understand basic [legal] research strategies such as, using indices, consulting table of contents, and starting with general terms and working to more specific terms.

*Id.*

120. Joel Hartman, Patsy Moskal, & Chuck Dziuban, *Preparing the Academy of Today for the Learner of Tomorrow*, in EDUCATING THE NET GENERATION 6.1, 6.4 (EDUCAUSE ed., 2005).

121. *Id.* at 6.3.

122. Lippincott, *supra* note 114, at 13.2.

123. Richard A. Danner, *Contemporary and Future Directions in American Legal Research: Responding to the Threat of the Available*, 31 INT'L J. LEGAL INFO. 179, 191 (2003).

124. Kaplan & Darvil, *supra* note 42, at 165–66.

125. Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 LAW LIBR. J. 117, 122 (2005) (citing Mary Ellen Bates, *Is That All?*, ECONTENT (Oct. 27, 2003), <http://www.econtentmag.com/Articles/ArticleReader.aspx?ArticleID=5579&ContextSubtypeID=13>).

126. See Cooney, *supra* note 64, at 507; see also Sanford N. Greenberg, *Legal Research Training: Preparing Students for a Rapidly Changing Research Environment*, 13 LEGAL WRITING: J. LEGAL WRITING INST. 241, 242 (2007) (asserting that lawyers are dissatisfied with the way new attorneys are “overly eager to jump online before using print resources”); Danner, *supra* note 123, at 184 (“[O]bservers connect law students’ preference for electronic research to what they see as a decline in new lawyers’ skills in legal research and analysis.”).

The next problem in the digital divide that impacts the Millennials' research process and heuristics lies in the way they receive information on the Internet. The information Millennials gather on the web is not presented in an organized linear fashion. The Google algorithm is based upon the most popular versus the most relevant information.<sup>127</sup> So, students do not fully understand the information they are gathering. They are simply gathering quick information not necessarily the best information. Additionally, they implicitly trust the Internet.<sup>128</sup> They do not know how to adequately evaluate the quality of the information resources found on the web.<sup>129</sup> Students often visit certain websites because they are the easiest to use versus the most relevant or reliable.<sup>130</sup> In fact, a survey showed that "60% of students do not validate the information they find on free websites with another official or reliable source."<sup>131</sup> This could be due in part to their tendency to not be initiators and to not use common sense given their "helicopter parents" upbringing. As a result of this, Millennials are often relying on incomplete, inaccurate or out of date information.

Another resulting problem is the volume of information available and the way Millennials read the information. Students believe gathering a high volume of information will provide the answer. They do not understand that "finding information . . . [on] Google is not synonymous with the critical evaluation of information" and may not lead to the correct answer.<sup>132</sup> They do not recognize that "the ability to deal with complex and often ambiguous information will be more important than simply knowing a lot of facts or having an accumulation of knowledge."<sup>133</sup> At times, the Millennials also get lost in the uncontrolled volume of information and reach a paralyzing information overload.<sup>134</sup>

127. See Jonathan Strickland, *Why is the Google Algorithm So Important?*, HOW STUFF WORKS, <http://computer.howstuffworks.com/google-algorithm.htm> (last visited Jan. 9, 2013); see also *How Search Engines Work*, SEARCH ENGINE WATCH (Mar. 13, 2007), <http://searchenginewatch.com/article/2065173/how-search-engines-work>. In order to find a file or document among an informational docket of hundreds of millions of web pages, special software robots called spiders or crawlers are utilized by search engines to create comprehensive lists of words found on the web sites. *Id.* This process usually begins with heavily employed servers and the most popular sites, whereby the spider indexes the terms on its pages, in the title, subtitles, meta tags and follows every link found within, spreading out across the most widely used portions of the web. *Id.* See also Michael Gordon & Praveen Pathak, *Finding Information on the World Wide Web: the Retrieval Effectiveness of Search Engines*, 35 INFO. PROCESSING & MGMT. 141, 142-46 (1998), available at [http://www.jasonmorrison.net/iakm/cited/Gordon\\_Pathak.pdf](http://www.jasonmorrison.net/iakm/cited/Gordon_Pathak.pdf). After the spiders have found the information, the search engine stores the information; typically, storing words or the number of times a word appears on a page. *Id.* at 143. Each search engine has a different formula for assigning weight to the words it stores, and that is why searches on one search engine may not yield the same results as another. *Id.* at 146.

128. Hartman, Moskal, & Dziuban, *supra* note 120, at 6.4.

129. Lippincott, *supra* note 114, at 13.3.

130. Kaplan & Darvil, *supra* note 42, at 165-66 (discussing a survey they conducted of 210 upper-level Brooklyn Law School students).

131. *Id.* at 167.

132. Anne H. Moore, John F. Moore, & Shelli B. Fowler, *Faculty Development for the Net Generation*, in EDUCATING THE NET GENERATION 11.1, 11.11 (EDUCAUSE ed., 2005).

133. Jason L. Frand, *The Information-Age Mindset: Changes in Students and Implications for Higher Education*, EDUCAUSE REV. 15, 17 (Sept.-Oct. 2000), <http://www.educause.edu/apps/cr/erm00/articles005/erm0051.pdf>.

134. See Camille Broussard, *Teaching with Technology: Is the Pedagogical Fulcrum Shifting?*, 53 N.Y.L. SCH. L. REV. 903, 911 (2008-2009).



Furthermore, an issue is created by the way the Millennials read the high volume of information. Millennials read at a merely superficial level. Millennials tend to search for key terms and skim the text surrounding the key terms instead of reading line by line.<sup>135</sup> Studies show that Millennials' brains perform more of a skimming activity versus true reading when reading online.<sup>136</sup> Additionally, online, the Millennials have less concentration and contemplation.<sup>137</sup> They tend to bounce from article to article and barely read more than a page per article.<sup>138</sup> They are not reading in the traditional sense. They are "power browsing."<sup>139</sup> This type of reading focuses on immediacy of information and efficiency.<sup>140</sup> It weakens the capacity for deep reading and understanding.<sup>141</sup> "Nearly two-thirds of all Millennials lack active reading habits—as a result of combining reading with other media activities such as computer or tv."<sup>142</sup> Millennials are also tempted to use the copy feature and copy portions of a case and paste them into another document without completely reading the case or considering the context of the copied portion.

This type of reading and research alters the way students conduct research because it rids them of the law's structure and legal context.<sup>143</sup> The Internet dismantles the structure imposed on the law by the traditional print research sources because each source "organizes and retrieves content in its own way."<sup>144</sup> "An understanding of the division of sources between cases, statutes, and secondary materials, . . . is not obvious on the screen . . . ."<sup>145</sup> Because of this, the Millennials do not understand the structure of the law and do not understand how to research the law conceptually; it calls into question their information literacy.<sup>146</sup>

Lastly, the digital divide has caused the Millennials to have unrealistic expectations in the research process. The Millennials think information is immediate so they expect to enter one Google search and get an answer.<sup>147</sup> This extends to Millennial law students as they now use WestlawNext™ and LexisAdvance™, which both imitate Google- like searches. They often enter one search and then become frustrated if they do not understand the issue they are being asked to research. They are not patient and do not understand that legal research is not answer-oriented.<sup>148</sup> This spills over to their heuristics because they

135. See Jakob Nielsen, *F-Shaped Pattern for Reading Web Content*, USEIT.COM (Apr. 17, 2006) [http://www.useit.com/alertbox/reading\\_pattern.html](http://www.useit.com/alertbox/reading_pattern.html).

136. See Nicholas Carr, *Is Google Making Us Stupid? What the Internet is Doing to Our Brains*, THE ATLANTIC (July–Aug. 2008), available at [www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/306868/](http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/306868/).

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. FREEDMAN, *supra* note 26, at 15.

143. See Barbara Bintliff, *Context and Legal Research*, 99 LAW LIBR. J. 249, 259–62 (2007).

144. Kaplan & Darvil, *supra* note 42, at 160.

145. Donahoe, *supra* note 89, ¶ 84.

146. Lorenzo & Dziuban, *supra* note 105, at 3 (citing 1989 American Library Association Presidential Committee on Information Literacy Final Report, available at <http://www.ala.org/acrl/publications/whitepapers/presidential>).

147. See Kaplan & Darvil, *supra* note 42, at 163–64.

148. *Id.* at 164.

expect to immediately arrive at a conclusion and do not want to take the time to work step by step through their analysis of the legal issue. As a result, their end product often fails to demonstrate critical thinking and factual analysis because both their research is lacking and their thought process is incomplete.<sup>149</sup> In addition, their end product is often written poorly—probably due to their over reliance on e-mail or text communication which tends to lead to more causal and/or abbreviated writing.<sup>150</sup>

## V. THE SOLUTION—LEGACY RESEARCH AND FUTURE RESEARCH

Millennial educators need to create a pedagogical practice in the digital context while still using the values of traditional legal learning. A Millennial's educator's goal should be to stimulate 21st century lifelong learning for the Millennials. The way to achieve this goal is to take the time to understand and learn the characteristics of the Millennials; to capitalize on their strengths; and to improve their weaknesses. As discussed above, their strengths are their "familiarity with technology, multitasking style, optimism, team orientation, diversity, and acceptance of authority."<sup>151</sup> Their weaknesses are "the shallowness of their reading . . . habits, a comparative lack of critical thinking skills, naïve view on intellectual property and the authenticity of information found on the Internet . . ."<sup>152</sup> In order to stimulate lifelong learning, the Millennial's educators should accept that the differences in learning processes are not shortcomings and embrace technology and the positive aspect the Millennial generation brings while encouraging the Millennials to evaluate and consider their own learning processes. Moreover, it means creating students who are information literate.

To be information literate, a person must be able to recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information . . . . Ultimately, information literate people are those who have learned how to learn. They know how to learn because they know how knowledge is organized, how to find information, and how to use information in such a way that others can learn from them.<sup>153</sup>

So what does this mean for a legal research educator? It means the best way to create students who are information literate and to solve the problems identified in the digital divide is to teach both legacy and future research.<sup>154</sup> More specifically, this article recommends teaching legacy research *only* for one semester to ensure

149. Senior partners report that the work new associates are handing in often fails to show critical thinking and factual analysis abilities. FREEDMAN, *supra* note 26, at 27.

150. *Id.*

151. Hartman, Moskal, & Dziuban, *supra* note 121, at 6.1.

152. *Id.*

153. Danner, *supra* note 123, at 194.

154. Prensky, Part I, *supra* note 93; *see also* Gallacher, *supra* note 108, at 201–02 (positing that students should master print research first and then computer based research).

that the Millennial students learn the hierarchy and structure of the law as well as the linear thought process that is associated with this type of research.<sup>155</sup> After the students have demonstrated competency in legacy research, then introduce and truly teach future, electronic research and how to effectively adapt the nonlinear thinking process associated with digital research.<sup>156</sup>

First, it is necessary to teach Millennials legacy research because law students need to understand the hierarchy and structure of the law in order to be able to properly understand and apply the law.<sup>157</sup> The Millennials are not coming to law school with this systematic learning process; they need to acquire this systematic approach to research in law school. As discussed above, their experience is Internet based which does not give the Millennials this hierarchy and structure. Because the hierarchy and structure of the law is inherent in legacy research, students will experience and learn this systematic way of searching and thinking when they learn and conduct legacy legal research.<sup>158</sup> If the Millennials understand this categorical and systematic structure of the law, they can better understand and apply the law.<sup>159</sup> They also can develop better word searches in the digital world and can foster a deeper understanding of current policies and traditional thinking.<sup>160</sup>

Additionally, it is important to teach legacy research because most of the practitioners today are digital immigrants and the products of the legacy research and heuristics.<sup>161</sup> Therefore, the lawyers and judges that the Millennials will work with think in terms of the linear paradigm from the printed books. As such, law students should be ready to work and research in this environment.

However, in order to teach legacy research, educators will have to explain the importance and significance of legacy research to Millennials because the legal structure found in print and the linear thought process that results will not be intuitively important to them.<sup>162</sup> They have been able to succeed in their education up to this point without libraries, print resources, and the structure that goes along with those. As a result, they will block information they do not perceive as immediately valuable.<sup>163</sup> In order to get buy-in, educators should urge students to learn print, legacy research as the starting place to learning how to properly conduct digital research.<sup>164</sup> Educators also should debunk the Millennials' belief that libraries are hard to use. Educators may have to take the Millennials to the library and have them walk behind the educator in a mock experience. Or, educators may have to create research modules that force the students through the process in a simple way so as to encourage a familiarity with the library. Once

155. Kaplan & Darvil, *supra* note 42, at 164 (inferring that the first year legal research and writing course is not sufficient to teach Millennials to research).

156. Other fields such as library sciences take the same approach when teaching this generation.

157. Donahoe, *supra* note 89, ¶ 14.

158. *Id.* ¶ 82.

159. *Id.*

160. *Id.* ¶ 80.

161. *Id.*

162. *Id.* ¶ 82.

163. Bohl, *supra* note 6, at 796.

164. Keefe, *supra* note 125, at 125.

educators have gotten the Millennials to be receptive, the educators can start to explain how to research in print resources.

Educators will have to be patient when explaining legacy research because what seems obvious to educators will not seem obvious to Millennial students because the Millennial experience is not with print resources and structure. Millennial students will need to understand what content is available in what sources. They will need to understand that they should start the general process with indices, consult tables of contents and start with general terms and then work toward more specific terms.<sup>165</sup> They will need to understand secondary sources and how to access the information they contain. Specifically, explain how secondary sources provide the researcher with the big picture and a more complete understanding of the material as well as guide the researcher to primary authority.<sup>166</sup> They must explain how this understanding will provide context and help the researcher see analogous concepts and broader themes.<sup>167</sup> Additionally, they must explain primary sources. They must show the students that cases are put into digests and indexed, and that you use the index to access the relevant law. The students can then start to understand that this system of location has meaning in and of itself and that this organization helps researchers see the context of the law.<sup>168</sup>

Finally, they must explain the thought process a legacy researcher has while researching—being inquisitive; reshaping search terms; consulting tables of contents and indices for new ideas.<sup>169</sup> Millennials will need to understand that they cannot consult one print source and have the answer (the same is true for future research despite their understanding that future research is one stop shopping). So, educators will need to encourage the Millennials' tendency to bricolage and emphasize the importance of looking in multiple sources. This legacy research will force the students into understanding the structure of the law and how to research conceptually. "The more the student knows about the organizational structure, or context, of a text, the better he or she can comprehend it."<sup>170</sup> An added benefit to legacy research is that students will retain the information longer and organize and synthesize it because the information is harder to find.<sup>171</sup>

Researching in print also has the added benefit of improving critical reading. "Filtering and critical reading is easier to do when the eyes are focused on the printed page instead of diverted to multiple objects from unknown sources."<sup>172</sup> So, if Millennials are taught by traditional book resources first, students develop better

165. Donahoe, *supra* note 89, ¶¶ 10–13.

166. Gallacher, *supra* note 108, ¶¶ 161–62.

167. Bintliff, *supra* note 143, at 258, 262.

168. Carol M. Bast & Ransford C. Pyle, *Legal Research in the Computer Age: A Paradigm Shift?*, 93 LAW LIBR. J. 285, 297 (2001) ("While using digests, the researcher learns about the traditional organization of the area of law and how a relevant case fits into that pattern.").

169. Donahoe, *supra* note 89, ¶ 13.

170. Rogelio Lasso, *From the Paper Chase to the Digital Chase: Technology and the Challenge of Teaching 21st Century Law Students*, 43 SANTA CLARA L. REV. 1, 26 (2002).

171. Bohl, *supra* note 6, at 782.

172. Donahoe, *supra* note 89, ¶ 88.

reading habits which create a deeper understanding of the law. Millennials can then take this learned reading behavior and make a conscious effort to translate the skill to digital research. Thus, legacy research should be taught exclusively for the first semester so that Millennials can develop the information literacy skills needed to conduct effective legal research.<sup>173</sup>

Once Millennial students understand the process of legacy research and have this as the basis of their information literacy, the educator should embrace technologies and the benefits it can bring to the research process and heuristics. Once embraced, the educator should then expand the Millennials' research processes and heuristics by teaching computer aided research sources such as Westlaw, Lexis, and the Internet.<sup>174</sup> In fact, the Millennial educators must recognize and accept the importance of future research because some argue that failing to utilize these technologies may run afoul of ethical and professional standards.<sup>175</sup>

The reality is that more and more information is becoming available on the Internet. The Internet is free, fast, and easy. It can access a massive body of information. Often times, it retrieves information faster than through traditional print; at the same time, more and more primary sources of law are becoming available on the Internet.<sup>176</sup> As a result, researchers will benefit from the unprecedented and instant propagation of current worldwide affairs, "all of recorded history, everything ever written, massive libraries of case studies and collected data," and potentially also gain insight "from highly realistic simulated experiences equivalent to years or even centuries of actual experience."<sup>177</sup> Speed and ease of use is also a benefit of using Westlaw and Lexis.

Moreover, educators need to teach future research because students learn from previous experiences; they learn by applying what they already know to create new understanding.<sup>178</sup> Millennials are thus especially apt to develop what has been conceptualized as "digital wisdom"—the prudent use, filtering, and application of technology resources to enhance one's innate capabilities.<sup>179</sup> Since Millennials' previous experiences are Internet based, educators need to recognize this common experience and use it to teach effective legal research. Because Westlaw and Lexis

173. Other research disciplines like library science also require students to learn legacy research first. See Carr, *supra* note 136.

174. This article focuses on Internet research but training on Westlaw and Lexis are important as well.

175. See generally Lawrence Duncan MacLachlan, *Gandy Dancers on the Web: How the Internet Has Raised the Bar on Lawyers' Professional Responsibility to Research and Know the Law*, 13 GEO. J. LEGAL ETHICS 607, 625–26 (2000) (proposing that a lawyer who fails to conduct future research may run afoul of ethical and professional standards).

176. Marie Stefanini Newman, *Evaluation Criteria and Quality Control for Legal Knowledge Systems on the Internet: A Case Study*, 91 LAW LIBR. J. 9, 10 (1999).

177. Mark Prensky, *H. Sapiens Digital: From Digital Immigrants and Digital Natives to Digital Wisdom*, 5 INNOVATE, no. 3, 2009, at 1, 1 [hereinafter Prensky, *H. Sapiens Digital*], available at <http://www.marcprensky.com/writing/>; see generally Steven Keslowitz, *The Transformative Nature of Blogs and Their Effects on Legal Scholarship*, 2009 CARDOZO L. REV. 252, 253 (2009) (declaring that, while met with harsh criticisms, use of the internet and legal blogs, creates a unique opportunity for wide-ranging legal dialogue among lawyers and non-lawyers, and thus benefits the legal academy by spreading "novel legal ideas").

178. Keefe, *supra* note 125, at 117–18.

179. Prensky, *H. Sapiens Digital*, *supra* note 177, at 2–3.

imitate some of the functionality of the Internet, students will use these tools to create their new understanding. Finally, given this generation's characteristics, it will no longer be the norm to accomplish legal research in a limited universe of research sources produced by legal publishers. The Internet broadens that proverbial horizon of learning, diversifying classes of information, wherein minority views may be given equal forum—theoretically leading to more well-rounded understanding. Thus, future research is here to stay and there are benefits to conducting legal research on the web.

Once the educators embrace Internet research, they will need to teach how to properly conduct Internet research.<sup>180</sup> They may start by teaching Millennials that effective legal researchers need to understand how the search tools they use actually work and that most search engines pull information from the most popular sources not necessarily the most reliable sources.<sup>181</sup> Then, they can help the students figure out the importance of understanding the source of the material.<sup>182</sup> The Internet contains a massive amount of information from a wide array of sources that may or may not be reliable.<sup>183</sup> So, students have to question and evaluate the source.<sup>184</sup> A student can encounter information from government, educational, nonprofit, trade, and civic organizations available on the web. Really, anyone with the necessary equipment can post information on the web. Students need to be aware that many groups post information to advance their social or political agenda.<sup>185</sup>

They also need to be aware that lots of the information is outdated and inaccurate. Information posted on the web is not necessarily filtered and vetted. Even sources that students trust, like Wikipedia, should be viewed with some skepticism.<sup>186</sup> “It is important for law students to understand that discrepancies are common in different sources and therefore they must verify any information found on the Internet with an authentic or official source.”<sup>187</sup> Additionally, they need to understand that information from the Internet is not linear and can be out of context because it is pulled from hyperlinks. Millennials will have to use their understanding of the hierarchy and structure of the law that they developed while learning legacy research and apply it to this information.

Thus, students must be taught to assess the credibility of the source of the information, verify the information, update the information, and create structure when conducting research on the Internet.<sup>188</sup>

180. Kaplan & Darvil, *supra* note 42, at 161. Educators will also have to teach Millennials how to properly use Westlaw and Lexis so that the students can use those tools not as a “google-like” resource. *Id.*

181. See Danner, *supra* note 123, at 196. Legal “researchers need to have as much understanding of the workings of search engine black boxes as they do of Boolean connectors.” *Id.*

182. *Id.*

183. Thousands of new Internet sites come online every week. Newman, *supra* note 176, at 11.

184. Donahoe, *supra* note 89, ¶ 86 (“They must know how to evaluate for accuracy, authority, bias, currentness, and completeness.”).

185. Gallacher, *supra* note 108, at 188.

186. See generally Timothy Messer-Kruse, *The ‘Undue Weight’ of Truth on Wikipedia*, THE CHRON. OF HIGHER EDUC. (Feb. 12, 2012), <http://chronicle.com/article/The-Undue-Weight-of-Truth-on/130704/>.

187. Kaplan & Darvil, *supra* note 42, at 167–68.

188. To figure out how to evaluate a legal web site, see Newman, *supra* note 176, at 12.

Millennials also need to understand that future research is best used as a secondary source; a foundation upon which to conduct primary research. The Internet is most useful when searching a particular topic generally. As mentioned, the problems inherent in “e-discovery” keyword searches—lack of context, and qualitative inconsistency of pertinent data—often render the Internet unreliable as a principal source of information.<sup>189</sup> These obstacles may be compounded when examining areas of specialized knowledge, such as complex legal doctrines,<sup>190</sup> which should understandably give deference to objective and precise analysis over individual interpretation.

However, Millennials can find relevant sites or blogs, which analyze, construe, and debate certain aspects of jurisprudence, thus providing background information. These sites can also provide links to other sources and references to significant legal authorities. For example, it is useful for finding a copy of *Roe v. Wade* or general information about the case, but it is not useful for gathering comprehensive legal research on abortion law. Ideally, a student would be able to retrieve all necessary information via the Internet. However, because many legal sources are not readily accessible electronically and most are not authoritative or binding sources of law, a student should conduct secondary research on the Internet, then opt for primary sources to “fill in the blanks” for a thorough assessment.

Given that Millennial generation researchers will naturally go to future research tools, educators should offer reliable sites to students.<sup>191</sup> Educators should talk with the Millennials about reliable subscription sources like [www.ssm.com](http://www.ssm.com); [www.heinonline.org](http://www.heinonline.org); [www.cali.org](http://www.cali.org); [www.worldcat.org](http://www.worldcat.org) and about reliable non-subscription sources like [www.scholar.google.com](http://www.scholar.google.com); [www.megalaw.com](http://www.megalaw.com); [www.lp.findla.com](http://www.lp.findla.com); [www.justicia.com](http://www.justicia.com); [www.us.gov](http://www.us.gov); [www.uscourts.gov](http://www.uscourts.gov); [www.fjc.gov](http://www.fjc.gov); [www.ncsonline.org](http://www.ncsonline.org); [www.abanet.org](http://www.abanet.org); [www.irs.gov](http://www.irs.gov); [www.findlaw.com](http://www.findlaw.com); [www.law.cornell.edu](http://www.law.cornell.edu).<sup>192</sup>

In teaching future research, educators should emphasize with students that they should not find the answer easily and quickly on the Internet—even if Google makes one think they can. “Technology has not simplified legal research, it has just made it deceptively easy.”<sup>193</sup> Educators should remind students that what they

189. William Hamilton, *The Elusive Search for the Ideal Search*, 38 LITIG., no. 2 (2012) at 9, The author goes on to list recent advancements in software technology, such as latent semantic indexing (LSI) and predictive coding, which are expected to diminish the effects of “poor precision,” “poor recall,” polysemy, and synonymy. *Id.*

190. Keslowitz, *supra* note 176, at 254 (“The reliance on [law] blogs for news, information, and commentary is coupled with both an increase in access to ideas and a decrease in reliability and accuracy as compared with the use of other sources . . .”). Among the several possible criticisms of law blogs, or “blawgs,” is the contention that they “are not self-regulating, and thus can lead to the dissemination of massive amounts of disinformation.” *Id.* at 253, 257.

191. See Dale H. Tincher, *Technolawyer.Com: Unconventional Wisdom on Internet Legal Research*, 80 MICH. B.J. 76, 77–78 (2001). The benefit of offering some of these sites is that just about every public document released by institutions at the highest level of government, state and federal appellate courts, executive agencies and Congress become available on the Internet before it becomes available in print sources. *Id.* at 77–79.

192. Unfortunately, given the Web’s ever-growing resources, there is no one place to go to as a comprehensive guide to useful Internet resources and these are just a few that an educator can reference.

193. Keefe, *supra* note 123, at 131.

learned when conducting legacy research—that legal research is a complex process where the researcher needs to strategize, develop a plan, learn about the topic, consider different sources and their hierarchy, and analogize and distinguish work meticulously and patiently.<sup>194</sup> Students will need to apply those skills to future research; they will need to be patient and to look at multiple sources on the Internet. The Internet is not one stop shopping. The same applies to using Westlaw and Lexis. A student cannot enter one search and get an answer. Millennials will need to hear this advice to get over their tendency to not be initiators.

Also, educators can teach Millennials how to manage the massive amount of information on the web with tools like RSS and Google alerts. RSS, Really Simple Syndication, is an easy way for a student to keep up with news and information that is important to them and it helps avoid the conventional method of browsing or searching for information on websites. A RSS reader is a small software program that collects and displays RSS feeds. It basically allows a researcher to scan headlines from a number of news sources in a central location. RSS readers are available on current versions of Firefox and Safari.<sup>195</sup> The student can use Google alerts too. Google alerts allow the student to enter requested information and have it sent to them via email.<sup>196</sup>

Westlaw and Lexis also offer tools to help manage the volume of research on their sites. Westlaw and Lexis offer functions such as date restrictions, jurisdiction, and database selection tools that, if used properly, can substantially expedite the research process. With the recent launch of WestlawNext™ and LexisAdvance™, each equipped with new, streamlined search algorithms, the methodology is further facilitated by the potential to employ multiple refining filters, lists of links advising secondary sources relevant to the search, and folders for storing and sharing research material selected by the user.<sup>197</sup> Lastly, educators should explain that law librarians are trained to find information not only in print resources but also on the Internet and other electronic search databases.<sup>198</sup> As such, librarians are good

194. Kaplan & Darvil, *supra* note 42, at 164.

195. If you are using a browser that doesn't currently support a RSS reader, there are a variety of RSS readers available on the web. Some are free to download and some are available for purchase.

196. To access Google alert, go to google.com; click on more; click on even more; click on alert; type in requested information. See Don Macleod, *Eight Google Skills All Litigators Should Master*, 38 LITIG., no. 3 (2012), at 11, 13 (“[T]o avoid being] blindsided [and] to save your fingers from hours of . . . searching, set alerts on clients, cases, judges, companies . . . [using] the syntax controls from Google Search for precision in defining the alerts . . . then select news, websites, blogs, or all of the above. . . . [and c]urrent information will pour into your in-box without additional effort, for free.”).

197. See Press Release, Thomson Reuters, Thomson Reuters Unveils WestlawNext, the Next Generation in Legal Research (Feb. 1, 2010), [http://thomsonreuters.com/content/press\\_room/legal/Thomson\\_Reuters\\_Unveils\\_WestlawNext](http://thomsonreuters.com/content/press_room/legal/Thomson_Reuters_Unveils_WestlawNext). Thomson Reuters introduced WestlawNext, a modernized, restructured interface more akin to Google, on February 1, 2010; it utilizes West Search, purportedly the world's most advanced legal research engine. *Id.* See also Press Release, LexisNexis, LexisNexis Launches New Release of Lexis Advance (Dec. 5, 2011), <http://www.lexisnexis.com/media/press-release.aspx?id=1323111249773407>. LexisNexis announced the release of Lexis Advance on December 5, 2011, which “leverages enhancement created by unique content classification technology and leading edge search technology . . . to manage more than 18 million documents from 37,000 individual sources that are updated daily.” *Id.*

198. Kaplan & Darvil, *supra* note 42, at 187–88.



resources because they can guide students to appropriate resources and help them manage their research in an efficient and effective manner.<sup>199</sup>

Lastly, educators need to teach Millennials to read electronic information differently. Educators need to explain to the Millennials that the Internet has altered their reading skills. Specifically, the Internet has encouraged skimming and a more superficial type of reading. In order to combat this deficit, educators need to develop the Millennials' critical reading skills.<sup>200</sup> Millennials can develop these critical reading skills through pre-reading, reading and briefing (or post-reading) strategies.<sup>201</sup> As part of the critical reading skill and because Millennials figure out by experimenting and exploring, they need to be encouraged to stop experiencing and spend time reflecting.<sup>202</sup> In essence, they need to more fully develop the skill of critically thinking about the information.<sup>203</sup> Thus, Millennials will need to be taught how to "blend the traditional skills of reading, writing, and analysis with a well-developed understanding of nonlinear and multidimensional reading strategies" to succeed in legal research.<sup>204</sup>

## VI. CONCLUSION

This article set out to explain the Millennial generation and their educators. It identified the Millennials as digital natives and their educators as digital immigrants. It explored and compared their attitudes, expectations and generational characteristics. By understanding the unique and distinctive characteristics of the digital natives and digital immigrants, it illustrated the digital divide and the educational impact it is having on the legal research and analysis.

It then suggested that it is imperative that the Millennials learn how to research within the hierarchy of the law and that they can achieve this goal through a broad range of tools, regardless of whether it is available online or in print. In particular, it suggested the best way to do this is to give the Millennials a foundation in the legacy book research first and then to expand their research skills to the Internet. Specifically, it urges educators to teach legacy research *only* for one semester to develop the Millennials' understanding of the structure and hierarchy of the law. Then, in the second semester expand this skill with future research to take advantage of all the tools modern technology has to offer and at the same time teach the Millennials how to effectively adapt the nonlinear thinking process associated with digital research. By doing this, educators will bridge the digital divide and develop students who are information literate and effective legal researchers.

199. *Id.* (advocating that law librarians should be highly involved in teaching Millennials legal research).

200. For exercises on critical reading *see generally* Ruth Ann McKinney, *READING LIKE A LAWYER: TIME- SAVING STRATEGIES FOR READING LAW LIKE AN EXPERT* (Carolina Academic Press 2005); Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* (Carolina Academic Press 2nd ed. 2008).

201. *Id.* at 85–123 (discussing each of the critical reading strategies in depth).

202. Cooney, *supra* note 64, at 505.

203. Danner, *supra* note 123, at 194.

204. Broussard, *supra* note 134, at 911.