

LEGAL RESEARCH I
PARL 256
Fall 2009

INSTRUCTOR: D. Periman, J.D.
PHONE: 786-1125
E-MAIL: afdkp@uaa.alaska.edu
OFFICE: Justice Center, LIB 213
OFFICE HOURS: M/W 10:00 a.m. - 12:00 p.m.(Appointments are recommended during office hours and required for all conferences at other times.)
PREREQUISITES: PARL 101 and ENGL 111; 3 additional credits in English/Writing comprising ENGL 211, 212, 213, 312, or 414, with a minimum grade of B in each English/Writing course.
TIME: W 4-6:45 PM
LOCATION: LIB 214
FINAL EXAM: **Monday**, December 7; 4-6:45 p.m. (Tentative - note change from regular class day.)

Course Objective and Description

Legal Research I is a practice oriented course designed to provide students with the ability to find the law applicable to a particular set of facts, to analyze the law once it is found, and to communicate that analysis via a comprehensive written document. Emphasis will be placed on the efficient and thorough use of traditional and computer research techniques. Students will also master the basic skills required to draft an objective memorandum of law. Writing skills are strongly emphasized. Please note that in addition to your work in class, you are expected to spend approximately three hours per week at the Anchorage Law Library, located at 303 K Street.

Grading Policy

A letter grade will be issued in conformity with the standards set forth in the University's current course catalogue.¹ The grade is based on satisfactory completion of weekly

¹ A "satisfactory" grade is a "C." To earn a grade of "A" or "B," a student's performance must go beyond meeting the basic course requirements. As indicated in the current UAA Catalog, an "A" is an honor grade indicating a comprehensive mastery of the required work. This is "excellent" or "superior" work which demonstrates creative and analytical thinking. A "B" indicates a high level of performance in meeting course requirements. This is "above average" or "very good" work which demonstrates a significant understanding of the lecture and reading materials. A "C" indicates satisfactory completion of required work and a basic understanding of lecture and reading materials.

research and writing assignments, a research memorandum, and a midterm and final exam. The weekly research and writing assignments are ungraded to allow you the opportunity to practice a new skill without fear of penalty for mistakes. However, **all assignments must be turned in at the beginning of class on the due date.** Because compliance with deadlines is an important component of your studies, no late assignments will be accepted. Your final course grade will be computed based on a 200 point scale. **Each weekly assignment not submitted in class by the due date will result in the loss of ten points from your final accumulated course points.** Completion of the assigned research memorandum is mandatory. **Failure to submit the research memorandum on the due date will result in a course grade of “D” or “F” at the instructor’s discretion.** A grade of incomplete will be given only for medical emergencies or other unavoidable occurrences and only at the instructor’s discretion.

30% of your letter grade will be based on completion of the research memorandum. The remaining 70% of your grade will be based on the scores of your mid-term and final exam (30% for the mid-term and 40% for the final), less points lost for late or missing assignments. **Missed exams may not be made up. No extra credit work will be given in substitution of regularly assigned work.**

Examination Procedures

Failure to take an exam at the scheduled time will result in an exam grade of “F” unless arrangements are made **in advance** to take the exam at an alternate time. An exam will be rescheduled only for serious, unavoidable occurrences. Students are expected to begin the exam at the scheduled start time, and will not be permitted to continue working past the time scheduled for completion of the exam. No student may begin work on an exam after another student has begun the exam and left the classroom. No books, notes or consultation with others will be allowed during exams and you will not be allowed to leave the room and return to continue work on an exam. Please plan accordingly. Students who have medical or other conditions that make completion of exams within the scheduled time period difficult are encouraged to consult with the University’s Disability Support Services.

Academic Honesty

Academic integrity is a basic principle requiring that students take credit only for ideas and efforts that are their own. Academic dishonesty (cheating) is defined as the use of unauthorized assistance to prepare materials submitted as original work. Instances of academic dishonesty will not be tolerated. Any dishonest behavior associated with your participation in this class may result in a failing grade for the course. Specific instances

Letter grades will correspond to the following percentages:

90-100 = A
80-89 = B
70-79 = C
60-69 = D

of academic dishonesty include, but are not limited to, the use of another's words or ideas, in whole or in part, without adequate citation; submitting your work to anyone else for review, editing or correction without instructor authorization; and the use of electronic recording devices in class without the written permission of the instructor. No books, notes or consultation with others will be allowed during exams and you will not be allowed to leave the room and return to continue work on an exam. You are invited to review the current catalog for further information on academic dishonesty and disciplinary procedures.

Attendance

Regular class attendance and participation are required. You will be held responsible on the mid-term and final exams for all material covered in class whether or not the material is included in your class text.

Computer Use During Class

Computers may ONLY be used in class for the purpose of note taking or instructor-guided research exercises. Web surfing, games, instant messaging, email, and working on homework for other classes is distracting to others and is prohibited during class time. If you find you must engage in any of these activities, please excuse yourself for the remainder of the class time. However, you will not earn participation points for that day.

Other Electronic Devices

The use of electronic devices to record or transmit class lectures, discussions, or other activities is prohibited. This course is taught using an interactive approach that requires frequent student participation. Not only is it generally unethical to record others without their consent, but many students are uncomfortable when asked to speak in class, and the use of tape recorders or other recording devices can significantly lower the quality of student participation. If a disability or other unusual circumstance makes electronic recordation desirable, please see the instructor in advance so that appropriate accommodation may be made. In addition, please turn off your telephone and any other potentially distracting electronic devices when you come to class. If a family emergency makes it important that you leave your phone on during class, please let the instructor know in advance so that an accommodation may be made that is fair to other students.

Required Texts

Deborah E. Bouchoux, Legal Research and Writing for Paralegals (5th ed. 2009).

Deborah E. Bouchoux, Cite-Checker (2d ed.).

A Uniform System of Citation (latest ed.).

Recommended Text

Deborah E. Bouchoux, Aspen Handbook for Legal Writers (most recent edition).

Class Schedule and Assignments²

The schedule for course readings, assignments, and examinations is set out below. The date preceding each reading assignment is the date on which the reading will be discussed in class. You should complete the applicable reading assignment prior to attending each class.

I. Introduction to Legal Research

- 8/26 Introduction to course; introduction to the Uniform Citation System; introduction to case briefing; introduction to methods of finding the law; overview of court system, sources of law, reporting and digesting systems; identifying research terms; using legal dictionaries and thesauri; using the Internet and other nontraditional research sources
Reading: Bouchoux, Legal Research chapters 1, 2, and 8; pages 146-155 of chapter 4; pages 534-39 of chapter 13.
New Assignment:
Assignment Handout 1: Case Briefing Exercise. Due 9/2. Bring four copies of your brief to class.
Assignment Handout 2: Case Finding Exercise: Due 9/2.
Assignments Due: None.
- 9/2 Ground-rules for legal research: primary vs. secondary authorities; concepts of precedent, stare decisis, mandatory vs. persuasive authorities; updating legal research; review case briefing assignment / case finding assignment
Reading: Bouchoux, Legal Research, chapters 1, 2 and 9.
New Assignment: None.
Assignments Due: (1) Four copies of case brief (2) Copy of case from case finding exercise

II. Researching Primary Authorities

- 9/9 Researching the common law - cases, case reporters and digests; updating and expanding case law research
Reading: Bouchoux, Legal Research, chapter 4 and pages 162-181 of chapter 5.
New Assignment: Assignment Handout 3. Due 9/23.
Assignment Due: None.
- 9/16 **Law Library Work Sessions** - Meet instructor for law library tour and work session at state law library (303 K St. - old courthouse). Bring any unfinished work from Assignment Handout 3.
Reading: None.
New Assignment: None.
Assignment Due: None.

² Please note that each group of students is different. To the extent necessary, the course schedule may be adjusted to allow extra time on a particular subject. Any changes will be announced in class. Each student is responsible for attending class and remaining aware of course scheduling. The instructor reserves the right to modify or add assignments for the purpose of fostering subject mastery and to make such other changes to the syllabus as are deemed appropriate for instructional purposes.

- 9/23 Applying the rules of legal citation
Reading: Review Bouchoux, Legal Research chapter 8; recommended reading - Bouchoux Cite-Checker, chapters 1-6.
New Assignment: Assignment Handout 4. Bring four copies of your work to class. Due 9/30.
Assignment Due: Handout 3.
- 9/30 Researching enacted laws: state and federal constitutions, state and federal session laws and codes, local ordinances; review citation system assignment
Reading: Bouchoux, Legal Research, chapter 3 and pages 449-52 of chapter 10.
New Assignments: Assignment Handout 5. Due 10/14; Assignment Handout 6. Due 10/14. Bring four copies of your work on assignment 6 to class.
Assignment Due: Four copies of your work on Assignment 4.
- 10/7 Work session on researching enacted law: constitutions, statutes and ordinances. Meet in UAA consortium library. Bring unfinished work from chapter 3 assignment.
New Assignment: None.
Assignment Due: None.
- 10/14 Researching administrative agency rulings and decisions, use of Federal Register and Code of Federal Regulations; using mini-libraries for primary administrative materials; executive materials
Reading: Bouchoux, Legal Research, pages 425-40 of chapter 10, pages 271-75 of chapter 7.
New Assignment: Assignment Handout 7. Due 10/28.
Assignments Due: Assignments 5 and 6. Bring four copies of Assignment 6.
- Researching rules of court
Reading: Bouchoux, Legal Research, pages 452-56 of chapter 10.
New Assignment: Assignment Handout 8. Due 10/28.
- 10/21 **Mid-term exam**
- 10/28 Legal Research and problem analysis - fact gathering, identifying and organizing legal issues, evaluating significance and validity of legal authorities
Reading: Bouchoux, Legal Research, chapter 13.
- Introduction to the objective memorandum of law - phrasing a legal issue, presenting salient facts, discussing and summarizing relevant law, using citation sentences, clauses and signals; overview of requirements of open research project
Reading: Bouchoux, Legal Research, chapter 17; handout on citation clauses, sentences and signals; handout - sample memorandum of law.
New Assignments:
Assignment Handout 9 - closed research memorandum of law.³ Due 11/4.
Assignment Handout 10 - research memorandum / research system (30% of course grade). **Due at the beginning of class 11/18.**
Assignments Due: Assignments 7 and 8.

³ Only your own name should appear on the assignments you submit. Do not identify the instructor as the author of your work or as the owner of a fictional law firm.

III. Researching Secondary Authorities

- 11/4 Legal research using computerized research systems to locate primary and secondary materials; Westlaw training. (Subject to rescheduling)
 Reading: Bouchoux, Legal Research, chapter 11.
 New Assignment: None.
 Assignment Due: Assignment 9.
- 11/11 Researching legislative history: state and federal research sources and techniques
 Reading: Bouchoux, Legal Research, pages 401-25 of chapter 10.
 New Assignment: None.
 Assignment Due: None.
- 11/18 Hierarchy of secondary materials / using secondary materials effectively / using legal encyclopedias, periodicals and treatises, American Law Reports, Restatements, uniform and model laws, pattern jury instructions, attorney general opinions
 Reading: Bouchoux, Legal Research, pages 181-95 of chapter 5, chapters 6 and 7.
 New Assignments: Assignment Handout 11; Assignment Handout 12. Both due 12/2.
 Assignment Due: **Assignment 10 - Research memorandum and research system due *in class* at 4:00 p.m.**
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- 11/25 **No Class - Thanksgiving Holiday**
- 12/2 Course review and summary of research strategies.
 Assignments Due: Assignments 11 and 12.
- 12/7 **Final Exam** (subject to rescheduling)

Campus Safety

Your safety is important. While relatively safe, campus is NOT a sanctuary from crime and accidents still occur. You are encouraged to be responsible for your own safety and to bring your safety concerns to the attention of UAA faculty or staff, or to contact Campus Police at 786-1120 when you observe an unsafe environment. For your own safety, please also take the time to locate the nearest exit and emergency telephone when you are in campus buildings.