SYLLABUS: LAW499A
Legal Research & Writing for Non-Lawyers
Fall 2012

Instructor Information:

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Office Hours: Mon 3:00-5:00pm (online & in-person),
Tues 8:15-9:00 pm (online), and by appointment.

Required texts:

• Kent C. Olson, Principles of Legal Research (West 2009).
• Richard K. Neumann, Jr., and Sheila Simon, Legal Writing (Aspen 2011).
• Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual

Additional required materials and information for the assignments will be distributed
through the Law 499A TWEN course page.

In addition, students will be required to purchase a head-set microphone for this course.

Recommended texts:

• Black’s Law Dictionary, 9th ed. (West 2010).
  *there are different versions ranging from complete hardback editions to abridged soft cover editions,
to mobile apps. I recommend you have access to one of this, but choose whichever you are most
comfortable with.

Catalog description:

This course is designed as an introduction to legal writing and legal research for students enrolled
in the Master of Legal Studies (M.L.S.) program, and for students enrolled in the L.L.M. program
who received their legal training in a non-common law country. The course introduces students to
the basic purposes and form of legal writing, including case analysis and synthesis, and to basic
legal research methodologies. The course will emphasize research material available on the
internet, since those enrolled are unlikely to have regular access to a law library.

Course description:

In this course you will learn to perform basic legal skills required for non-lawyers to gather,
review, and utilize the law. You will apply the various modes of legal analysis you are learning in
your other courses to legal problems, becoming familiar with the research and writing processes
practicing attorneys use- and how to apply them to legal and non-legal settings.
This semester you will be introduced to and practice the skills needed to search for relevant legal authority, both in print and electronic forms. You will also be introduced to and practice the basic conventions of written legal analysis, primarily focusing on objective legal writing. These skills and conventions include how to find, choose, and cite to appropriate authority; how to evaluate legal resources; how to organize a written legal analysis; and how to write an objective legal memorandum. (Next semester in Law 499B, Legal Research & Writing for Non-Lawyers II, the focus will shift to persuasive legal writing, other legal and professional drafting, and additional legal resources and research techniques).

**Class schedule:**

This course is a distance learning course. As such students will have some flexibility in completing the coursework: however, **all due dates are firm and it is the responsibility of the course participant to schedule, complete, and submit required course assignments on time.** The course is comprised of both a weekly online discussion and a weekly recorded lecture. Recorded lectures may be viewed any time **prior** to weekly class discussion. Class discussions will be held Tuesdays from 7:00-8:15pm through Fuse Meeting (log on through TWEN course page).

Some on-campus time will be required and/or available. Most notably, all students must sign-up for and participate in the **required** library, Westlaw, and Lexis orientation during orientation at the beginning of the semester. In addition, students will be required throughout the semester to participate in conferencing with the instructor/teaching fellow. Theses conferences may be done in person or via synchronous electronic conference using Skype. We will discuss the details of these conferences during a later class session.

**Attendance:**

Attendance is **mandatory** for all scheduled online class meetings and other scheduled course activities. Each student will be allowed up to two unexcused absences without penalty. Any student with more than two unexcused absences will face sanctions, which may include grade point penalties, course grade reduction, and withdrawal from the course. Any student who misses a class is responsible for obtaining from classmates all material covered during the class. Be aware, however, that if you miss a class, it is often impossible to duplicate the active learning exercises that take place during class. No deadlines will be extended based on a student’s absence from a class. This policy applies to all regularly scheduled class sessions listed in this syllabus, as well as other required activities scheduled during the semester (e.g., scheduled Westlaw and LexisNexis training sessions, scheduled conferences, etc.).

Students should note that attendance requires more than logging into class on time. This is an online course which requires students to engage in a significant amount of preparatory work outside the classroom. Students are expected to come prepared for class, having read all materials, completed all assignments, and listened to all lectures for the week as laid out in the syllabus.

**Assignments:**

Along with many shorter assignments, you will write two complete legal memoranda. For the first complete memo, a set of facts and cases will be provided for you to use. Your research skills will
be tested separately in your weekly assignments and your research pathfinder. For the second memo, you will do your own research to locate the relevant authorities based on set of facts supplied to you. As you work on the various assignments, please do not hesitate to check with the professor or teaching fellow whenever questions arise. Detailed instructions for each assignment will be posted on TWEN page.

For readings assigned in the textbooks to prepare for class, you do not need to prepare any exercises found in those textbooks. Written assignments are specified separately below, and additional short assignments may be announced on the course TWEN page or in class. The instructor/teaching fellow will assume you have read the assigned reading and viewed the lecture before the class. Showing up to discussion class unprepared may result in grade deductions for professionalism and participation.

Based on a maximum raw score of 100 points for the entire course, the maximum number of points you may earn on each assignment towards your final course grade is:

- partial legal memorandum exercise: 10 points
- closed legal memorandum: 20 points
- research pathfinder: 15 points
- open research memorandum: 30 points
- practical examination: 15 points
- professionalism & participation: 10 points

As professionals, part of what we will be learning/reinforcing in this course is how to handle oneself professionally in the context of legal education and with newly acquired legal skills. Your instructor/teaching fellow will base the professionalism part of your grade on your timely completion of all pass-fail and graded assignments, drafts, and re-writes; your attendance and active participation in class; your adherence to the course policies; and how you conduct yourself in person and by e-mail, with your classmates, the teaching fellow, and the professor. For example, surfing the Internet in class, e-mailing during the time you are in class, or logging into class late, or making inappropriate or unprofessional posts to the course TWEN page would all be examples of unprofessional conduct. This is not an exhaustive list of unprofessional conduct. Before you act, please consider whether you would say or do what you want to say or do in front of a judge, amongst attorneys, or at a meeting with other professionals.

Finally, many weeks list a recommend CALI lesson associated with the week’s topic(s). These are optional, however, you may receive one bonus point for every lesson you do- up to five total points. You must complete the assignment with a grade of 90% or higher and e-mail the results to the instructor/teaching fellow prior to class the week that topic is being discussed. **Note that a few CALI lessons are required and will not count towards bonus points. We will discuss CALI further during the first class.

**Minimum requirements:**

You must receive a passing grade on every assessed assignment in the course to pass the course. “Every assessed assignment” includes the shorter pass-fail writing assignments, the shorter research assignments, the legal brief exercise, the graded memo exercises, and the research
If you do not pass one of these assignments, at the discretion of the instructor/teaching fellow, you may be allowed to try again to achieve a passing grade on the assignment. To be fair to the rest of the class, the number of points you receive towards your course raw score will remain the number you received when you initially handed in the assignment, but the fact you repeated the assignment and passed it will be recorded.

Do not hesitate to ask if you have questions or you find yourself confused as you work on the assignments.

**Recording:**

Law 499A class discussion sessions generally will be recorded and transcripts will be available through the course page.

**Collaboration:** Unless informed otherwise, you may not work together in any way on assignments for this class. Your research and writing work product must be your own. Copying any portion of another student's work and handing it in as your own is plagiarism and is a violation of the Honor Code. Further, you may not allow anyone (other than your professor, the instructor/teaching fellow, or librarians) to assist you with your research or to read, comment on, edit, or assist you in any way in the work you do for this class. If you witness an Honor Code violation and do not report it, you are also violating the Honor Code.

**Plagiarism:** All students at the School of Law are subject to the *Honor Code*. Plagiarism is explicitly defined in that publication. Students will receive a handout explaining academic plagiarism more fully.

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**WEEK 1**

**Week 1 General Assignments:**

class topic(s): Introduction to Legal Research & Writing for Non-Lawyers
prepare for class: Neumann, chapters 2-6; Olson, chapter 1
Hand in: no assignments due
Recommended: CALI exercise: Edward Martin, *How to Brief a Case*

**Tuesday, August 21**

During this class session we will do a brief course overview and discuss these readings.

**WEEK 2**

**Week 2 General Assignments:**

Weekly topic(s): Introduction to the basic IRAC structure  
Sources of law & legal precedent
Prepare for class: lectures #1 & #2; Neumann, chapter 7-9;  
Christina L. Kunz, et al., *The Process of Legal Research*, pages 26-32. (available through TWEN course reserves);

Hand in before discussion class:
second case brief;

Recommended: CALI exercise: Diane Murley, Where Does Law Come From?*** (highly recommended)
CALI exercise: Brian Huddleston, Anatomy of a Case

Tuesday, August 28
Class discussion on week 2 materials.

WEEK 3
Week 3 General Assignments:
Weekly topic(s): Intro to the legal memorandum
Secondary legal authority: periodicals, ALR, encyclopedias, & treatises
Prepare for class: lectures #3 & #4;
Neumann, chapters 14-15;
Olson, chapter 10-11 and chapter 12 (pp. 379-84 only; ALWD rules 22, 23, 24
Hand in before discussion class:
case synthesis exercise;
research exercise set 1, sources of law & legal precedent
Recommended: CALI exercises: Kimberli Morris, American Law Reports
CALI exercise: Brian Huddleston, Legal Encyclopedias
CALI exercise: C. Andrew Plumb-Larrick, Periodicals Indexes and Library Catalogs

Tuesday, September 4
Class discussion on week 3 materials.

WEEK 4
Week 4 General Assignments:
Class topic(s): Small scale structure of written legal analysis
Statutory sources
Prepare for class: lectures #5 & #6
Neumann, chapters 16-17;
Olson, chapter 3; ALWD rule 14
Hand in: statement of facts
research exercise set 2: secondary authority
CALI exercise: Taylor & Ching, Codification (mandatory)
Recommended: CALI exercise: Rumsey & Thorpe, Intro to State and Federal Statutes

Tuesday, September 11
Class discussion on week 4 materials.
** deadline for submitting pathfinder topic via e-mail

WEEK 5
Week 5 General Assignments:
Class topic(s): Large scale structure of written legal analysis
Statutory research
Prepare for class: lectures #7 & #8
   Neumann, chapters 18-19;
   Olson, chapter 3; ALWD rule 14
Hand in: partial memo exercise & case brief mapping assignment
Recommended: CALI exercise: Rumsey & Thorpe, *Intro to State and Federal Statutes*
   CALI exercise: Kit Kreilick, *Finding Statutes*

**Tuesday, September 18**
Class discussion on week 5 materials.

**WEEK 6**
**Week 6 General Assignments:**
Class topic(s): Statutory construction
   Statutory research, continued
Prepare for class: lectures #9 & #10
   Neumann, chapter 10
Hand in: research exercise set 3, statutory research, part 1
Recommended: Review Neumann, chapter 4

**Tuesday, September 25**
Class discussion on week 6 materials.

**Wednesday, September 26 - Tuesday, October 2**
required conference with writing instructor/teaching fellow.

**WEEK 7**
**Week 7 General Assignments:**
Class topic(s): Quotations and citations
Prepare for class: lectures #11 & #12;
   Neumann, chapters 20-24
Hand in: research exercise set 4, statutory research, part 2
Recommended:

**Tuesday, October 2**
Class discussion on week 7 materials. Q&A on closed memo. **This will be the last opportunity to ask questions on the closed memo assignment.**

**Thursday, October 4**
full closed memo DUE by 4:00 via TWEN course page.

**WEEK 8**
**Week 8 General Assignments:**
Class topic(s): Case law research
Prepare for class: lecture #13;
   Olson, chapter 8 (pp. 270-88);
Hand in: research exercise set 5, case law sources
Recommended: CALI exercise: Brian Huddleston, *How to Find Case Law Using the Digests*
Tuesday, October 9
Class discussion on week 8 materials.

WEEK 9
Week 9 General Assignments:
Class topic(s): Selecting authority
Evaluating internet sources
Prepare for class: lectures #14 & #15;
LibGuide: Evaluating Internet Sites and Other Information Sources
available at: http://www.law.siu.edu/lawlib/guides/eval.htm
Criteria for Evaluating Resources by Keith Stanger, available at:
http://keithstanger.com/ineteval.htm
Hand in: research exercise set 6, case law research
Recommended: CALI exercise: Iilano & Murphy, Evaluating Websites
Review Neumann, chapter 8

Tuesday, October 16
Class discussion on week 9 materials.

WEEK 10
Week 10 General Assignments:
Class topic(s): Case law research: citators
Prepare for class: lectures #15 & #16;
Olson, chapter 8 (pp. 288-95)
Hand in: research exercise set 7, selecting authority and evaluating internet sources
Recommended: CALI exercises:
Trammell, Updating/Validating Case Law Using Citators;
Huddleston, Using Citators as Finding Tools

Tuesday, October 16
Class discussion on week 10 materials.

WEEK 11
Week 11 General Assignments:
Class topic(s): Questions & answers on open memo
Research review
Prepare for class: questions on open memo assignment or final research exam
**no recorded lecture this week**
Hand in: list of sources & outline of issues
Recommended: review past readings, lectures, and CALI exercise

Tuesday, October 23
Review of research portion of course in preparation for research examinations.
Sign-up for examination times. Q&A on open memo.

Friday, October 26
12:30pm- deadline to sign-up for research examination.
12:30pm- deadline to sign up for conferences on open memo.

**WEEK 12**
**Tuesday, November 6 - Friday, November 9**
research practical examination portion per assigned time slots.
required conferences on open memo
hand in: full draft of open research memo (entrance ticket to conference)

**WEEK 13**
**Week 13 General Assignments:**
Class topic(s): Effective language, plain English, gender neutral language, editing & proofreading
Prepare for class: Terri LeClercq, *Guide to Legal Writing Style*, Chapter 2 & Chapter 6 (available through TWEN course reserves);
ALWD, rule 46
**no recorded lecture this week**
Hand in: (optional) draft of pathfinder may be submitted for ungraded critique

**Tuesday, November 13**
Class discussion on week 13 materials. Q&A on open memo. **This will be the last opportunity to ask questions on the open memo assignment.**

**Friday, November 16**
hand in by 12:00 p.m.: open research memo via TWEN course page.

**WEEK 14**
**Week 14 General Assignments: NO CLASS THANKSGIVING BREAK**

**WEEK 15**
**Week 15 General Assignments:** Work on final pathfinder. Class attendance for this date is not mandatory, but will be held for Q&A on pathfinder assignment. E-mail questions on assignment will be accepted until 11:59 pm on day of class.

**Friday, December 1**
hand in by 12:00 p.m.: research pathfinder via TWEN course page