

SYLLABUS
LAWYERING SKILLS RESEARCH - LAW 507B
Sections 001-004
Spring 2024

Professor:	§	Time	Location	Teaching Assistant
Artie Berns Room 174 (Law Library) awberns@siu.edu	§3	9:00 am - 10:00 am	Lesar 102	Michael Lee michael.lee@siu.edu
	§4	9:00 am - 10:00 am		Kathryn Pettersen kathryn.pettersen@siu.edu
	§1	11:30 am - 12:30 pm		Audrey Evans audrey.evans@siu.edu
	§2	11:30 am - 12:30 pm		Colin Russell colin.russell@siu.edu

LEARNING OBJECTIVES

At the end of Lawyering Skills: Research 1 & 2, students will be able to:

OVERALL

- *Students will be able to find the primary authorities that solve a legal problem.*
- *Students will be able to use appropriate types of primary and secondary legal resources to solve a legal problem.*
- *Students will be able to cite selected authorities correctly.*

MODULE ONE: METHODOLOGY

(NOTE: Methodology topics will be taught throughout semester)

- *Students will be able to analyze a legal problem to discover issues to be researched.*
- *Students will be able to apply a recursive legal research methodology to solve a complex legal problem.*
- *Students will be able to create a research log sufficiently detailed to permit another researcher to take over their research without redoing steps.*
- *Students will be able to use appropriate finding aids to find primary laws.*
- *Students will be able to construct an efficient search string using Boolean & proximity connectors*
- *Students will be able to identify and use appropriate fields while conducting a search.*
- *Students will be able to check the validity of different types of primary law using a citator.*

MODULE TWO: STATUTES

- *Students will be able to find statutes relevant to a legal issue of both state and federal statutes.*
- *Students will be able to find cases that interpret a statute and are relevant to a particular legal issue using annotated statutes.*
- *Students will be able to identify and use finding aids built in commercial legal databases.*
- *Students will be able to identify and use the annotations in an annotated code.*

MODULE THREE: CASES

- *Students will be able to use a subject based finding aids to find cases.*
- *Students will be able to use citators to determine if a point of law within a case is still good.*
- *Students will be able to use citators to find other relevant cases.*
- *Students will be able to find cases that solve a particular legal problem*

MODULE FOUR: REGULATIONS

- *Students will be able to find regulations about a particular legal issue in regulatory code.*
- *Students will be able to explain the basic process of creating regulations and what documents are produced each step.*
- *Students will be able to find regulatory documents associated with a particular codified regulation.*
- *Students will be able to identify documents produced by administrative adjudicatory processes*

MODULE FIVE: SECONDARY SOURCES

- *Students will be able to use secondary sources to gain a basic understanding of a legal matter.*
- *Students will be able to identify the different types of secondary sources.*
- *Students will be able to make appropriate choices about which secondary source to use under which circumstances*

MODULE SIX: LEGISLATIVE HISTORY & ADVANCED STATUTES

- *Students will be able to explain the basic legislative process and what documents are produced at each step.*
- *Students will be able to find legislative history documents associated with a particular codified statute.*

MODULE SEVEN: LOW & NO COST LEGAL RESEARCH

- *Students will be able identify and use alternative tools to perform legal research.*

MODULE EIGHT: LEGAL RESEARCH TECHNOLOGIES

- *Students will have a basic understanding of what AI means to legal research.*
- *Students will be able to use common AI tools*

COURSE MANAGEMENT WEBPAGE

All information, materials, assignments, quizzes, and exams for this course will be posted on the course page for Law 507B-01- 04 on D2L.

REQUIRED TEXTBOOK AND EQUIPMENT:

Beau Steenken and Tina Brooks, Sources of American Law: An Introduction to Legal Research (Latest Edition., CALI eLangdell Press). Available for free download:
<https://www.cali.org/books/sources-american-law-introduction-legal-research>

The Bluebook: A Uniform System of Citation (21st ed., The Harvard Law Review Association, Gannett House 2020). ISBN: 9780578666150

A computer capable of running Microsoft Word, Adobe Acrobat

REQUIRED SUBSCRIPTION SERVICES AND RELATED ACCOUNT REGISTRATION:

Students will use Lexis, Westlaw, Fastcase, and CALI (Computer Assisted Legal Instruction), subscription services.

Check your @siu.edu mailbox for account registration information (and get in the habit of checking that email box daily).

Prior to the first day of class, student should register for each subscription service and make sure they can login to their accounts.

Please contact Professor Artie Berns at awberns@siu.edu if you have problems registering for or accessing any of your accounts.

COURSE DESCRIPTION

Legal Research 1 will help you develop the basic skills necessary to effectively perform legal research, an essential foundation for your future work as an attorney. To succeed in law, you must find the legal authorities necessary to resolve a matter that is or may become disputed. That is, you will learn build a predictive model of the legal outcome based on the application of the law to a given set of facts.

Legal Research 2 will provide you with opportunities to practice and strengthen the basic skills you learned in Legal Research 1. Legal Research 2 expands the legal research toolbox with the range of secondary authorities and their use (including tech tools), and low cost tools.

COURSE REQUIREMENTS:

ATTENDANCE:

Attendance is mandatory and will be recorded for each session by having students sign an attendance sheet. The absence of a signature on an attendance sheet is conclusive evidence of absence. This policy applies to all scheduled class sessions, and the out-of-class research conference. Any student who misses a class session is responsible for communicating with their research professor to cover the missed material. Students are permitted one absence in this class for the semester. Upon accrual of a second absence, the professor will notify the Associate Dean to have the student administratively withdrawn.

GRADING

Students are required to give all citations which are unambiguous.

You should expect to spend at least 3 hours on this class weekly, including 60 minutes of classroom instruction. You will need to do so to complete the assignments and do well on them, and the American Bar Association standards require it.¹

You earn points toward your grade in Lawyering Skills Research as follows:

- **Quizzes**
 - There will be a quiz assigned for each learning activity (reading, watching a video, etc.) but may also include review questions for topics previously covered.
 - Each quiz is worth up to 10 points.
 - Each quiz is due by 11:59 pm the night before the class for which it is assigned.
 - Quizzes may be taken any number of times until the last class and only the grade for the highest attempt will be counted.
 - Only the highest 10 quiz grades will be counted, others will be omitted.
 - *Quizzes account for up to 100 points of your final grade.*
- **Exercises:** There will be an exercise assigned most weeks which can be started in class and completed on your own time. Each exercise is due the midnight before the next class and is subject to the late work policy. Exercises will be graded on a 10-point scale. *Exercises can be up to 100 points of your final grade.*
 - You may revise each exercise once for up to half the points missed from the original submission. After the original exercise grades have been posted, the dropbox will be open for **one** week from the date of posting. After **one** week the dropbox will **close** to all submissions.
 - For your revision to be graded you must follow these steps:
 1. Revise your exercise, **highlighting** your changes using **pink** highlighter.
 2. **Resubmit** the exercise in the same dropbox.
 3. **Email** the TA assigned to your section that you have resubmitted the exercise.
 - Failure to do ANY of these steps will result in the TA NOT re-grading your exercise. It is your responsibility to ensure that changes are highlighted, the submission is in the dropbox and the appropriate TA has been emailed.

¹ Lawyering Skills Research is a one credit hour class. The American Bar Association standards require “not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” ABA Standards and Rules of Procedure for Approval of Law Schools 2019-2020, Standard 310(b)(1). For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.” Id., at Interpretation 310-1.

- **Research Projects:** These assignments will consist of a hypothetical problem in which you will play the role of an attorney working on a legal matter for a client. You will be expected to produce an outline of the problem's solution using the recursive methodology. There will be a clearly defined due date for each project (see late work policy). All citations contained in Exercises must be in Bluebook format and include pinpoint cites. *The Midterm and Final Research Projects will each account for 50 points of your final grade (100 points total).*
- **Exams:** These will each be a self-paced test consisting of questions drawn from the same question pool as quizzes. *The midterm and final exam will each account for 50 points of your final grade (100 points total).*

Total points available: 400

Late Work Policy:

Everything you are expected to turn in will have a clearly defined time at which it is due. Everything you submit will be submitted electronically and include some sort of digital time stamp which will serve as conclusive proof of submission time. The penalty for not submitting an assignment on time differs by assignment type.

- *Quizzes:* Failure to submit the first attempt for each quiz before the due date will result in a 3% cumulative penalty applied to your entire grade. This penalty is unrelated to whether or not the late quiz is not among the ten highest quiz scores.
- *Exercises:* Failure to submit an Exercise on time will result in a waiver of the first attempt to complete the exercise and you will be given a zero. You will be able to submit the exercise subject to the rules for submitting revisions for up to five points.
- *Research Problems & Exams:* these types of assignments may not be submitted late for credit except in the most extraordinary of circumstances.

File Submission Policy:

- Unless otherwise specified, all files submitted must be in the latest Microsoft Word format (currently: .docx).
- Assignments submitted in unspecified formats will be considered as not having been turned in and will be subject to the applicable Late Work Policy provisions.
- Assignments submitted in MS Word (docx) format must open on the first try on the Prof's computer using the MS Word application installed on the Prof's computer or they will not be accepted.
- Assignments with a different specified file format must open on the first try using the application installed on the Prof's computer for which the specified file type is the native file type (for example a pdf document must open in Adobe Acrobat Pro on the Prof's computer on the first try to be accepted).

APPEALS

Students who receive a penalty defined by Rule 2 may appeal the application of that penalty.

In lieu of the standard appeal rules, students making the sole assertion that they were physically present in class but did not sign the attendance sheet for whatever reason may engage in the **Special Appeal Process**.

Standard Appeal Process:

- 1) **Definitions:**
 - a) **Frivolous:** a claim which has no basis within the class rules upon which the appeal could be granted.
 - b) **Deficient:** an appeal which lacks all the required elements under class rules.
 - c) **Invalid Penalty:** a penalty that has been applied erroneously or is otherwise unsupported by the relevant class rules.
- 2) Students may appeal **only** these penalties:
 - a) Those who are recorded absent.
 - b) Those who receive a 3% cumulative grade reduction pursuant to the Late Work Policy
 - c) Those who receive a zero for an assignment pursuant to the Late Work Policy.
- 3) Appeals must be made in writing via email.
- 4) The appeal must be contained wholly within the text of a single email.
- 5) Appeals must be timestamped within seven days of receiving notice that the penalty has been applied or the appeal is time barred.
- 6) Appeals must include these elements:
 - a) The exact language from the syllabus which relates to the penalty being appealed.
 - b) Whether the appeal seeks to invalidate the penalty or excuse the penalty.
- 7) Appellants may seek to simultaneously invalidate the penalty and have the penalty excused but must present the specific reasons for each separately.
 - a) Appellants must clearly delineate each specific reason the penalty is either invalid or excusable.
 - b) Any evidence supporting the appellant's claim must be included within the text of the email or as an attachment.
 - c) Must not include a frivolous claim for relief.
 - d) Any appeal submitted for a penalty which was applied for more than one reason must explicitly seek to excuse or invalidate all reasons for the application of the penalty.
- 8) Deficient appeals will be returned to the appellant with an explanation of how the appeal is deficient.
- 9) Appellants may revise and resubmit a deficient appeal one time within the original seven days or 48 hours if notice of deficiency was less than 48 hours of the original due date.
- 10) Any appeal including any frivolous claims will be denied with prejudice and the appellant will receive a Frivolous Appeal Penalty of a 7% cumulative reduction in their final grade regardless of the presence of any non-frivolous claims.

Special Appeal Process:

1. Find two classmates who had signed the attendance sheet for the date in question willing to send a confidential email affidavit on your behalf.
2. Each affiant then sends an email to Prof. Berns which contains the following elements:
 - a. The date of the appellant's recorded absence.
 - b. An explicit statement by the affiant that the appellant was physically present for the entire class period for which they were recorded absent.
 - c. An explicit statement that the email was created by the affiant, that the appellant had no role in the creation of or the editing of the affidavit apart from the appellant asking the affiant to send the affidavit on their behalf.
3. Timing and deficiency rules from the APPEALS section of the syllabus are incorporated by reference.

Grade Calculation:

This class is required to be graded on a curve with a set distribution of grades. School rules including the current grading policy can be found here:

<https://law.siu.edu/academics/law-school-rules.html>

CLASSROOM ELECTRONICS

You will need a laptop computer or tablet with access to the law school wireless network at each class session but are to use it solely for class purposes. Please have your laptop or tablet up and running at the start of each class period.

By “class purposes,” we mean using your electronic device to explore online legal research resources (guided by your research professor), performing in-class research exercises and other assignments for the course, note-taking if desired, and completing research quizzes and examinations. Unauthorized use during class includes texting, emailing, gaming, shopping, and accessing other sites not related to the classroom topic. This rule applies to your use of laptops, phones, tablets, and other mobile or wireless devices.

Be sure to turn off phone ringers and texting functions before class begins. You will discover as lawyers that failure to do so in court can result in a bailiff confiscating your phone. We reserve the right to do so in class if it becomes a problem.

PROFESSIONALISM

Lawyers are professionals, and part of what you will be learning in both of your Lawyering Skills courses each semester is how to handle yourself professionally in the context of your legal education and your newly acquired legal skills. You begin to establish your reputation here, by your timely completion of assignments, your attendance and active participation in class, your adherence to the course policies, and how you conduct yourself in person and by email, with your classmates, the TA's, and the professors. For example, surfing the Internet in class, disrupting the class with questions not submitted in good faith, emailing a professor during the time you are in another professor's class, coming to class late, or emailing the professor with a question answered in the syllabus would be unprofessional conduct. This is not an exhaustive list of unprofessional conduct. Before you act, please consider whether you would say or do what you were about to say or do in front of a judge or a meeting with a client or a senior attorney in a law office.

CLASS SCHEDULE

Subject to revision.

WEEK 1

(Jan 14-19)

- Cases/secondary sources

WEEK 2

(Jan 22-26)

- Cases/ secondary sources

WEEK 3

(Jan 29-Feb 2)

- Regulations

WEEK 4

(Feb 4-9)

- Other administrative documents

WEEK 5

(Feb 12-16)

- Legislative History federal

WEEK 6

(Feb 19-23)

- Legislative history state.

WEEK 7

(Feb 26-Mar 1)

- **Midterm released, no exercise**

WEEK 8 MIDTERM

(Mar 4-8)

No Class (work on Midterm)

WEEK 9 SPRING BREAK

(Mar 11-15)

No Class (work on Midterm)

WEEK 10

(Mar 18-22)

Low/No Cost & Local Laws

WEEK 11

(Mar 18-22)

Low/No Cost & Local Laws

WEEK 12

(Apr 1-5)

Legal Research Tech

WEEK 13

(Apr 8-12)

Legal Research Tech

WEEK 14

(Apr 15-19)

- Final Review Bar Trivia
- Deadline for all assignments/revisions/quiz retakes.