

WEST LOS ANGELES COMMUNITY COLLEGE

Spring 2014

Christopher Ellison, Esq.

Course Title: Legal Research- Law 51 (section #1324)

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Course Location: CE 226, 9:35-12:1550 Saturday

Required Texts:

Legal Research, William Putman, 2nd Edition 9781428357013
Blue Book, Harvard Law Review

Case Materials (copied materials). Readings in Outline from Case Materials
(provided by instructor)

Course Description:

An essential course for any legal assistant or anyone interested in the legal field. Detailed examination of the sources of law, practical applications of all legal resource books and materials, extensive use of the internet, westlaw, findlaw.com and an introduction to legal research techniques.

Course Goals:

This course is designed for students to develop:

1. Knowledge of the structure of-American law and legal bibliography.
2. Knowledge of the basic sources and reference tools used in legal research.
3. Knowledge of basic legal research and problem analysis skills.
4. Knowledge of citation practice and methods in law.
5. Strategies for updating legal research.
6. Familiarity with computerized legal research databases.
7. Familiarity with other technological resources in the law, including legal information resources on the Internet.
8. Knowledge of terminology common to basic legal research.
9. Strategies for effective legal research.

Course Objectives:

Upon completion of this course, students should know:

1. The principle sources and research tools essential to research in United States law in print and non-print formats.
2. The basic organization of the American legal system and how it relates to the publications containing American law.

3. The underlying structure and interrelationship of materials in American legal bibliography.
4. How to use the basic legal research tools to answer a wide variety of legal questions and how to determine the current validity of authorities found in the search process.
5. How to distinguish and describe the differences between primary and secondary sources of law.
6. How to locate, read, interpret and update legal citations to all statutory, judicial and regulatory law.
7. How to write proper citations to cases, statutes, regulations and other sources of American law.
8. How to identify and locate the laws applicable to a particular subject or fact pattern.
9. The two basic automated legal research databases, how they compare, their advantages and disadvantages and how they can be used in connection with print and non-print publications found in a law library.
10. The principle sources useful for research in foreign, comparative and international law; including documents of state, national and international governmental organizations.
11. Be familiar with the terminology used in connection with the American legal system and in legal research.
12. Be familiar with the legal information that is available through network technology.

Teaching Approach & Methods:

The course will consist of classroom lectures on the relevant subject matter and practical assignments using various legal resources and computerized legal research.

Grading:

The final grade in the course will be expressed as a percentage of the total possible points, which are as follows:

| | <u>POINTS</u> |
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| Midterm (3 hours) (possible research project) | 100 |
| Final (3 hours) (possible research project) | 100 |
| Out of Research Project # 1 | 100 |
| 10 Quizzes (10 points each) | 100 |
| Westlaw Certificate Completion | 100 |
| TOTAL POSSIBLE POINTS: | 500 |

Course Policies:

Students will be expected to attend lectures on a regular and timely basis, and to actively participate in them. Assigned reading should be completed before the class meeting. When out of class written projects are assigned, they should be prepared and returned to the instructor by the beginning of class on the day on which they are due. While students are allowed to collaborate in locating

resources, the final product must be the individual work product of the student alone (unless the instructor indicates that group preparation is allowed). Any collaboration in drafting the final product will result in no credit. Late papers will be docked one whole grade (or 10 points per assignment) for each day that it is late.

ACADEMIC HONESTY:

Academic honesty is highly valued at West Los Angeles College, just as it is at all colleges and universities. A student must always submit work that represents his or her original words or ideas. If any words or ideas are used that do not represent the student's original words or ideas, the student must cite all relevant sources. The student should also make it clear to what extent such sources were used. Words or ideas that require citations include, but are not limited to, all hard copy or electronic publications, whether copyrighted or not, and all verbal or visual communications when the content of such communications clearly originates from an identifiable source. All submissions to any public meeting or private mailbox fall within the scope of words and ideas that require citations if used by someone other than the original author.

AMERICANS WITH DISABILITIES ACT:

In accordance with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), a student with a documented disability may apply to the Office of Disability Services for accommodations.

WEEKLY SCHEDULE

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| Week 1 3.0 hrs | Chapter 1. Introduction to Legal Principles and Authorities and the Research Process, 1 | No assignment due. |
| .5 | I. Introduction, 2 | In class assignment on case problem. Identify law |
| 1.5 | II. Sources of Law, 2 A. Enacted Law, 3 B. Common Law/Case Law, 5 | |
| .5 | III. Hierarchy of the Law, 11 | |
| 1.5 | IV. Authority, 12 A. Types of Authority, 12 B. Role of Authority, 14 | |
| | | Due for next class: Read Chapters 1 and 2 Assignment on Identifying sources |
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| <p>Week 2 3.0 hrs</p> <p>1.0</p> <p>1.0</p> <p>1.0</p> | <p>Chapter 2. The Role of Key Terms and Key Facts in Legal Research, 25</p> <p>I. Types of Facts, 30 A. Irrelevant Facts, 30 B. Background Facts, 30 C. Key Facts, 31</p> <p>II. Key Facts—Definition and Types, 31 A. Definition, 31 B. Types of Key Facts, 32</p> <p>III. Key Facts Identification—Client’s Case, 33 A. Step 1: Identify Each Cause of Action, 33 B. Step 2: Determine the Elements, 33 C. Step 3: List All Facts Related to the Elements, 34 D. Step 4: Determine Which Facts Apply, 35 E. Multiple Issues, 35</p> <p>IV. Key Facts Identification—Case Law, 36 A. Step 1: Read the Entire Case, 37 B. Step 2: Look to the Holding, 37 C. Step 3: Identify the Key Facts, 38</p> | <p>Sources Assignment due</p> <p>QUIZ 1 (Ch. 1-2)</p> |
| <p>Week 3 3.0hrs</p> | <p>The Role of Key Terms and Key Facts in Legal Research, 25</p> | <p>In class assignment regarding key facts of case law; international shoe</p> <p>Read Ch. 3</p> |
| <p>Week 4 3.0 hrs</p> <p>.5</p> <p>.5</p> <p>1.0</p> <p>1.0</p> | <p>Chapter 3. Issue Identification—Spotting the Issue, 48</p> <p>I. Introduction, 49</p> <p>II. Elements, 50 A. Applicable Law, 50 B. Legal Question, 51 C. Key Facts, 51 D. Examples, 51</p> <p>III. Issue Identification—Client’s Case, 53 A. Step 1: Identify Each Type of Cause of Action, 53 B. Step 2: Determine the Elements of Each Cause of Action, 54 C. Step 3: Determine the Key Facts, 55 D. Step 4: Assemble the Issue, 56 E. Multiple Issues, 57</p> <p>IV. Issue Identification—Case Law, 58 A. Step 1: General Question, 59 B. Step 2: Look to the Holding, 60 C. Step 3: Assemble the Issue, 61 D. Other Aids—Case Law Issue</p> | <p>In class Assignment #'s 3 and 5</p> <p>Take home assignment #6(A-D)</p> <p>QUIZ 2 (CH. 3)</p> <p>Read Ch. 4</p> |

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| | <p>Identification, 61 E. Multiple Issues, 62</p> | |
| <p>Week 5 3.0 hrs</p> <p>.3 .7</p> <p>1.0</p> <p>.3 .7</p> | <p>Chapter 4. Constitutions, Statutes, Administrative Law, and Court Rules—Research and Analysis, 73</p> <p>I. Introduction, 74</p> <p>II. Anatomy of a Statute, 74</p> <p>A. Numbers, 81</p> <p>B. Short Title, 81</p> <p>C. Purpose Clause, 81</p> <p>D. Scope, 81</p> <p>E. Definitions, 82</p> <p>F. Substantive Provisions, 82</p> <p>G. Other Provisions, 82</p> <p>H. Annotations/Reference Information, 82</p> <p>III. Statutory Research—Locating Statutes, 83</p> <p>A. Federal Law, 83</p> <p>B. State Statutory Law and Codes, 93</p> <p>C. The Research Process—Techniques and Strategies, 94</p> <p>D. Computer-Aided Research, 95</p> <p>E. Ethics—Competence and Diligence, 96</p> <p>IV. Court Rules, 102</p> <p>V. Statutory Analysis—The Process, 103</p> <p>A. Step 1: Determine if the Statute Applies, 103</p> <p>B. Step 2: Analyze the Statute, 105</p> <p>C. Step 3: Apply the Statute to the Legal Problem or Issue, 107</p> <p>D. Summary of the Statutory</p> | <p>Due Ch. 3 take home assignment 6(a-d)</p> <p>Library Assignment (Discuss in class)</p> <p>In Class Assignment #8 and 12</p> <p>QUIZ 3 (CH. 4)</p> <p>Take Home Assignments #s 1,2 and 6</p> <p>Read Ch. 5</p> |
| <p>Week 6 3.0 hrs</p> <p>.5</p> <p>.5</p> | <p>Chapter 5. Case Law—Research and Briefing, 122</p> <p>I. Introduction, 123</p> <p>II. Court Opinions—In General, 123</p> <p>III. Court Opinions—Importance, 123</p> <p>IV. Court Opinions—Elements, 125</p> <p>A. In General, 125</p> <p>B. Elements of a Reported Case, 125</p> <p>V. Court Opinions—Researching, 131</p> <p>A. Publication of Court Opinions,</p> | <p>Assignments #1, 2 and 6 Due</p> <p>In class case brief handed out</p> <p>Hand out case briefs in class</p> <p>Anatomy of case brief</p> |

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| <p>.5</p> <p>1.5</p> | <p>131</p> <p>B. Researching Court Opinions— Locating Case Law, 139</p> <p>VI. Court Opinions—Briefing (Case Brief), 141</p> <p>A. Introduction, 141</p> <p>B. Importance of Briefing, 141</p> <p>C. How to Read a Case, 141</p> <p>D. Case Brief—Elements, 142</p> <p>E. Case Brief—Updating, 147</p> | <p>In Class Assignment #9</p> <p>QUIZ 4 (CH. 5)</p> <p>Out of class assignment #s 5, 9 and 10 (possibly)</p> <p>Read Ch. 6</p> |
| <p>Week 7</p> <p>3.0 hrs</p> <p>.5</p> <p>1.0</p> <p>1.5</p> | <p>Chapter 6. Case Law Analysis—Is a Case on Point?, 157</p> <p>I. Introduction, 158</p> <p>II. Definition—<i>On Point</i>, 158</p> <p>III. On Point—Importance, 158</p> <p>A. Precedent, 158</p> <p>B. Mandatory Precedent, 159</p> <p>C. Persuasive Precedent, 159</p> <p>D. Stare Decisis, 159</p> <p>IV. Determining whether a Case is on Point, 160</p> <p>A. Step 1: Are the Key Facts Sufficiently Similar?, 161</p> <p>B. Step 2: Are the Rules/Principles of Law Sufficiently Similar?, 166</p> | <p>Ch.5 Assignments due.</p> <p>Semester Research Assignment distributed</p> <p>In class case brief handed out</p> <p>In class assignments 6 and 7</p> <p>Read Ch. 7</p> <p>QUIZ 5 (CH. 6)</p> <p>No Take Home Assignment (yippee)</p> <p>Read Ch. 7</p> |
| <p>Week 8</p> <p>3.0 hrs</p> <p>.5</p> <p>.5</p> | <p>Chapter 7. Secondary Authority and Other Research Sources—Encyclopedias, Treatises, American Law Reports, Digests, Shepard's, 178</p> <p>I. Introduction, 179</p> <p>II. Legal Encyclopedias, 180</p> <p>A. National Encyclopedias, 181</p> <p>B. State Encyclopedias, 188</p> <p>III. Treatises, 188</p> <p>A. Types and Features of Treatises, 189</p> <p>B. Research Using Treatises, 189</p> <p>IV. American Law Reports, 191</p> <p>A. ALR Components, 192</p> | <p>No assignments due</p> <p>QUIZ 6 (CH. 7)</p> <p>In class assignments 2-6</p> |

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| <p>.5</p> <p>.5</p> <p>1.0</p> | <p>B. Research Using ALR, 199</p> <p>V. Digests, 200</p> <p> A. West Key-Number Digest System, 201</p> <p> B. Components of the <i>West Digests</i>, 205</p> <p> C. Types of Digests, 207</p> <p> D. Research Using Digests, 211</p> <p>VI. Shepard's Citations, 212</p> <p> A. Format and Components of <i>Shepard's Citations</i>, 213</p> <p> B. Types of <i>Shepard's Citations</i>, 217</p> <p> C. Research Using <i>Shepard's Citations</i>, 221</p> | <p>Take home assignments 13-14</p> <p>Read Chapter 8</p> |
| <p>Week 9</p> <p>3.0 hrs</p> <p>.5</p> <p>.5</p> <p>.5</p> <p>.5</p> | <p>Chapter 8. Secondary Authority—Periodicals, Restatements, Uniform Laws, Dictionaries, Legislative History, and Other Secondary Authorities, 228</p> <p> I. Introduction, 229</p> <p> II. Legal Periodicals, 229</p> <p> A. Types of Legal Periodicals, 230</p> <p> B. Research Using Legal Periodicals, 232</p> <p> III. Restatements of the Law, 236</p> <p> A. Restatement Features, 237</p> <p> B. Research Using Restatements of the Law, 237</p> <p> IV. Uniform Laws and Model Acts, 245</p> <p> A. Features of Uniform Laws and Model Acts, 246</p> <p> B. Research Using Uniform Laws and Model Acts, 246</p> <p> V. Dictionaries and <i>Words and Phrases</i>, 250</p> <p> A. Legal Dictionaries, 250</p> <p> B. Words and Phrases, 251</p> <p> VI. Legislative History, 252</p> <p> A. Federal Legislative History Sources, 252</p> <p> B. Researching Federal Legislative History, 253</p> <p> C. State Legislative History, 257</p> <p> VII. Jury Instructions and Other Research</p> | <p>Chapter 7 assignments due.</p> <p>Work on Research projects in library and/or westlaw.....</p> <p>In class Assignments 4 and 5</p> <p>MIDTERM (POSSIBLY) WILL DISCUSS IN CLASS</p> |

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| 1.0 | <p>Sources, 258</p> <ul style="list-style-type: none"> A. Jury Instructions, 258 B. Practice and Form Books, 258 C. Loose-Leaf Services, 259 D. Presidential Materials, 260 E. Martindale-Hubbell Law Directory, 260 | <p>Work on Research projects Read Chapter 9</p> |
| <p>Week 10 3.0 hrs .5 2.5</p> | <p>Chapter 9. Computer and Internet Research, 266</p> <ul style="list-style-type: none"> I. Introduction, 267 <ul style="list-style-type: none"> A. Ethics, 267 B. Limitations, 267 II. NonFee-Based Law-Related Web Sites, 268 <ul style="list-style-type: none"> A. Search Terms, 268 B. Legal Search Engines, 269 C. Federal Government Sources, 271 D. State Sources, 275 E. Secondary Authority and Speciality Areas, 276 F. Listservs, 280 G. Organizations, 280 | <p>Work on Research projects in library</p> <p>In class assignments 3, 6, 9 and 10</p> <p>At library (take home if necessary)</p> <p>QUIZ 7 (CH. 9)</p> <p>Read Ch. 10</p> |
| <p>Week 11 3.0 hrs 2.0 1.0</p> | <p>Chapter 10. Commercial Internet Research, 285</p> <ul style="list-style-type: none"> I. Introduction, 286 II. Westlaw, 286 <ul style="list-style-type: none"> A. Signing On, 286 B. Finding Primary Authority, 287 C. Finding Secondary Authority, 296 D. Printing and Saving, 297 III. LexisNexis®, 297 <ul style="list-style-type: none"> A. Signing On, 297 B. Finding Primary Authority, 297 C. Finding Secondary Authority, 306 D. Printing and Saving, 306 IV. Loislaw, 306 V. VersusLaw, 306 | <p>No assignment due.</p> <p>Assignments 2, 3 and 8</p> <p>QUIZ 8 (CH. 10)</p> <p>Read chapter 11</p> |

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| <p>Week 12 3.0 hrs</p> <p>1.0</p> <p>1.0</p> <p>1.0</p> | <p>Chapter 11. Legal Citation, 312</p> <p>I. Introduction, 313</p> <p> A. In General, 313</p> <p> B. The Bluebook and the ALWD Citation Manual, 313</p> <p>II. Primary Authority, 314</p> <p> A. Case Law—<i>Bluebook</i> R-10 & B2 & B5; <i>ALWD</i>-12, 315</p> <p> B. Constitutions—<i>Bluebook</i> R-11; <i>ALWD</i>-13, 323</p> <p> C. Statutory Law—<i>Bluebook</i> R-12 & B6; <i>ALWD</i>-14, 324</p> <p> D. Rules of Evidence and Procedure—<i>Bluebook</i> R-12.8.3; <i>ALWD</i>-17, 327</p> <p> E. Administrative Law—<i>Bluebook</i> R-14; <i>ALWD</i>-19, 327</p> <p>III. Secondary Authority—<i>Bluebook</i> R-16.6.5; <i>ALWD</i>-24, 328</p> <p> A. American Law Reports—<i>Bluebook</i> R-16.6.5; <i>ALWD</i>-24, 328</p> <p> B. Legal Dictionary—<i>Bluebook</i> R-15.7; <i>ALWD</i>-25, 329</p> <p> C. Legal Encyclopedia—<i>Bluebook</i> R-15.7; <i>ALWD</i>-26, 330</p> <p> D. Periodicals—Law Review/ Journal Citations—<i>Bluebook</i> R-16; <i>ALWD</i>-23, 330</p> <p> E. Restatements—<i>Bluebook</i> R-12.85; —<i>ALWD</i>-27, 331</p> <p> F. Treatises/Books—<i>Bluebook</i> R-15; <i>ALWD</i>-22, 331</p> <p>IV. General Rules of Citation, 332</p> | <p>Chapter 10 assignments due</p> <p>In class Assignments</p> <p>1-8</p> <p>QUIZ 8 (CH. 11)</p> <p>Read Chapters 12 and 13</p> |
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| <p>Week 13 3.0 hrs</p> <p>1.5</p> | <p>Chapter 12. Counteranalysis</p> <p>I. Introduction</p> <p>II. Counteranalysis—Definition</p> <p>III. Counteranalysis—Why?</p> <p>IV. Counteranalysis—When?</p> | <p>In class assignments A 4, 7, 8, 9</p> |
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| <p>1.5</p> | <p>V. Counteranalysis—Research Sources VI. Counteranalysis—Techniques A. In General B. Enacted Law C. Case Law VII. Counteranalysis Techniques—Comments Chapter 12. Counteranalysis I. Introduction II. Counter analysis—Definition</p> | <p>QUIZ 9 (CH. 12-13)</p> |
| <p>Week 14 3.0 hrs</p> <p>1.0</p> <p>1.0</p> <p>Week 15 3.0 hrs</p> <p>Week 16</p> | <p>Chapter 13. The Research Process for Effective Legal Research I. Introduction II. Goal of Legal Research III. Legal Research Process IV. Part A—Analyze the Assignment A. Assignment B. Constraints C. Organization—Research Outline V. Part B—Conduct Research A. Step 1: Preliminary Preparation B. Step 2: Issue C. Step 3: Rule VI. When to Stop A. When to Stop Researching When You Find Nothing</p> | <p>In Class assignment 11</p> <p>QUIZ 10 (NO CHAPTERS-ON ME IF YOU MAKE IT THIS FAR....)</p> <p>Final</p> <p>Research Project Due</p> |

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