**Legal Research 5803** **– Section T**

**Spring 2018 Syllabus**

**Credit Hour: 1**

***Please Note:*** *The schedule below, including assignments, is tentative and subject to change.*

**Class Schedule:**

Friday 9:00 am – 9:50 am

Holland Hall 382

**Instructor:**

Gail Mathapo

175A Holland Hall

(Legal Information Center)

352-273-0725

[gmathapo@law.ufl.edu](mailto:gmathapo@law.ufl.edu)

**Office Hours:**

**TBD**

**Course website**:

Accessible through UF Canvas: <https://lss.at.ufl.edu/>.

**Textbook:**

Mark K. Osbeck, Impeccable Research: A Concise Guide to Mastering Legal Research Skills (2d Ed. 2016)

If you already have the first edition of this book – you can use it for the course.

**Purpose of the Course**:

The Legal Research course is a required course at the University of Florida’s Levin College of Law. Legal Research is a critical lawyering skill. As a result, the purpose of this course is to introduce you to the planning, search processes, research resources and tools that are needed in order to solve legal problems and provide legal advice.

**Course Schedule:**

Legal Research is a two-semester course consisting of 14 classes in total. The first 7 classes were taught in the Fall 2017 semester and the remaining 7 classes will be taught in the Spring of 2018.

**Course Goals and Learning Objectives: *See Attachment A***

**Grading**:

The components of the final grade for the course are listed below:

**Fall 2017 Spring 2018**

Assignments: 25% Assignments: 30%

Participation: 2.5% Participation: 2.5% Final Exam: 40%

**Evaluation of Grades**

|  |  |  |
| --- | --- | --- |
| **Components** | **Total Points** | **Percent of Grade** |
| **Participation** | 50 | 5% |
| **Assignments – includes the following**:  Homework Assignments  2 quizzes (Spring Semester) | 450  100 | 45%  10% |
| **Final Exam** | 400 | 40% |
| **TOTAL** | **1000** | **100%** |

**Grading Policy**

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| --- | --- | --- |
| **Percent** | **Grade** | **Grade Points** |
| 93.4 – 1000 | A | 4.00 |
| 90.0 – 93.3 | A- | 3.67 |
| 86.7 – 89.9 | B+ | 3.33 |
| 83.4 – 86.6 | B | 3.00 |
| 80.0 - 83.3 | B- | 2.67 |
| 76.7 - 79.9 | C+ | 2.33 |
| 73.4 - 76.6 | C | 2.00 |
| 70.0 - 73.3 | C- | 1.67 |
| 66.7 - 69.9 | D+ | 1.33 |
| 63.4 – 66.6 | D | 1.00 |
| 60.0 – 63.3 | D- | 0.67 |
| 0 – 599 | E | 0.00 |

**Students will receive the final grades for the course at the end of the Spring 2018 semester.** During the fall semester, students will receive grades for individual assignments. Your grade for class participation is measured over both the Fall and Spring semesters.

**Class Preparation:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Students should expect to spend, on average, approximately two hours preparing for every hour of class.

**Assignments:**

Assignments will be posted on the course website (in the “Assignments” tab) after class. **The due date for each assignment is 11:59 pm the Tuesday following class**. **Late assignments will receive a 2 point deduction. An assignment is deemed late if it is received any time after 12 am (Midnight). Students must work individually on assignments, unless otherwise indicated.** Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

**Quizzes:**

A total of 2 quizzes will be given during the Spring semester class. They will be distributed through Canvas. The quiz scores will be factored into the total points allotted to Assignments.

**Participation**:

Participation points are determined by attendance, preparation for class, and participation in class.

**Class Attendance:**

**Attendance will be taken at the beginning of each class. Missing 3 classes without prior notice will result in referral to Student Affairs.**

**Core Competencies Assessment**

The core competencies assessment is a pass/fail measurement of skills that all students must possess to successfully complete the course. It will be administered on campus on Tuesday, February 27th from 3:30 pm – 5:30 pm. It will be a closed book, multiple choice exam.  ***The results of this assessment will not be incorporated into your final grade.*** ***But, you must successfully pass this assessment to take the final exam and receive credit for the course*.** The core competencies assessment tests the following nine (9) core competencies:

1. Ability to formulate a research plan
2. Ability to identify secondary sources that would prove valuable in researching any given legal topic
3. Ability to interpret legal citations
4. Ability to find the full-text of primary law given a legal citation
5. Ability to use an annotated statute to find cases interpreting the statute
6. Ability to search for cases in a specific jurisdiction using the Key Number and Headnote systems
7. Ability to verify that a holding in a specific case is still good law
8. Ability to find dockets, briefs and o other pleadings
9. Ability to demonstrate knowledge of legal information finding tools and methods (e.g., terms and connectors searching, natural language searching, indexes, annotations, and legal classification systems such as headnotes).

**Final Exam**

The final exam is an essay exam that will test your ability to synthesize the research skills you learned and apply them to a hypothetical situation. It will be administered the weekend of March 16-18. It will be a take home, 8 hour exam provided through Exam Soft. Your final exam score will comprise 40% of the course grade.

**Communication:**

Send all questions about the course or technical questions with Canvas to me at [gmathapo@law.ufl.edu](mailto:gmathapo@law.ufl.edu).

**Class Demeanor:**

All cell phones should be turned off and/or set to vibrate during the class period.

**Disability Accommodation:**

Students requesting accommodation for disabilities should register first with the Office of the Dean of Students (<https://www.dso.ufl.edu/drc/>). The Office of the Dean of Students will provide documentation to the student who then must provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking quizzes or exams. Because accommodations are not retroactive, students should contact the Office of the Dean of Students as soon as possible in the semester for which they are seeking accommodation.

**Course Evaluations**:

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times and details about accessing the evaluations when they are open.

**Academic Honesty and Code of Conduct:**

Students must adhere to the [UF Law Honor Code](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code) and the UF Conduct Code.

**Academic Resources:**

***Law Library Support*,** <https://www.law.ufl.edu/library/using-the-library/students>. Use the law library support link to found out how you can receive assistance with respect to using the library for finding resources.

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| **SPRING 2018** | | |
| **Class Schedule** | **Topics** | **Assignments** |
| **Week 1**  **1/12 class** | Review Fall 2017 topics  Review Spring 2018 syllabus  Review Florida Court Systems and Statutes | **Complete Assignment #1 (Multiple Choice Quiz) located in the “Assignments” Tab of course website. Due Tues, Jan. 16 by 11:59 pm**  **Preparation for Week 2 Class**     * Review the “Formulate a Research Plan: Advanced Practice” module – includes materials on the following: * Federal Court Systems & Jurisdiction * Terms & Connectors v. Natural Language Searching   (located in the “Modules” tab of the course website)   * Osbeck pp. 5-21 (2d ed.) |
| **Week 2**  **1/19 class** | * Federal Court Systems & Jurisdiction * Terms & Connectors v. Natural Language Searching | **NO HOMEWORK ASSIGNED**  **Preparation for Week 3 Class**   * Review the “Step 2: Consult Secondary Sources: Advanced Practice” PowerPoint located in the “Modules” tab of the course   website under the “Consult Secondary Sources” module.   * Watch the video tutorials located in the “Modules” tab of the course website under the “Consult Secondary Sources” module. * Osbeck pp. 23-34 (2d. ed.) |
| **Week 3**  **1/26 class** | * Types of Florida and Federal Secondary Sources -   (legal encyclopedias, treatises, law reviews & bar journals, American Law Reports, legal form books & practice guides) | **Complete Assignment #2 located in the “Assignments” Tab of course website. Due Tuesday, Jan. 30 by 11:59 pm.**  **Preparation for Week 4 Class**   * Review the “Step 3(a): Find Primary Sources (Federal): Advanced Practice” PowerPoint   located in the “Modules” tab of the course website under the “Find Primary Sources” module.   * Watch the video tutorials located in the “Modules” tab of the course website under the “Find Primary Sources” module. * Osbeck pp. 35-47 (2d. ed.) |
| **Week 4**  **2/2 class** | ▪ Federal Statutes & Legislative History | **NO HOMEWORK ASSIGNED**  **Preparation for Week 5 Class**   * Review the “Step 3(b): Find Primary Sources: Administrative Law” located in the “Modules” tab of the course website under the “Expand Your Research” module. * Watch the video tutorials located in the “Modules” tab of the course website under the “Administrative Law” module. * Osbeck pp. 47-51 (2d. ed.) |
| **Week 5**  **2/9 class** | * Administrative Law | **Complete Assignment #3 located in the “Assignments” Tab of course website. Due Tues, Feb. 13 by 11:59 pm**  **Preparation for Week 6 Class**   * Review the “Step 4(b): Find, Expand & Update Primary Sources: Advanced Practice” PowerPoint located in the “Modules” tab of the course website under the “Update Your Research” module. * Watch the video tutorial located in the “Modules” tab of the course website under the “Update Your Research” module. * Osbeck pp. 61- 68 (2d. ed.) |
| **Week 6**  **2/16 class** | ▪ Find, Expand & Update Primary Sources | **Complete Assignment #4 located in the “Assignments” Tab of course website. Due Tues., Feb. 20 by 11:59 pm**  **Preparation for Week 7 Before Class**   * Review the “Dockets” module. * Osbeck pp. 181 (last para.) |
| **Week 7**  **2/23 class** | * Dockets * Core Competencies Exam Review   **The Final Exam review will be scheduled in March.** | **NO CLASS ASSIGNMENT**  **THIS IS THE FINAL CLASS OF THE SPRING SEMESTER – GOOD LUCK ON THE CORE COMPETENCIES EXAM AND FINAL EXAM!** |

**Attachment A:**

**Course Goals & Learning Objectives**

**Course Goals**

**Goal 1**: Understand the principles of legal research

1. Recognize the structure of sources and their means of availability
2. Backtrack a citation by examining its structure
3. Focus on solving the legal question asked

**Goal 2**: Understand the process of legal research

1. Develop the habit of cyclically researching
2. Implement the five steps of legal research automatically
3. Apply the principles of legal research to efficiently locate an answer

**Goal 3**: Apply your knowledge to any legal research question using any database or resource

**Goal 4**: Demonstrate mastery of the Core Competencies

**Course Learning Objectives**

**Goal 1: Understand the principles of legal research**

1. Recognize the structure of sources and their means of availability
   1. Understand a case:
      1. Identify each part of a case (regardless of the database).
      2. Use headnotes/citing references/footnotes/KeyNumbers to expand a case.
      3. Use headnotes/citing references/KeyNumbers/Shepard’s to update a case. Analyze later-in-time statutes or cases to determine whether a case is still good law, explain the meaning of the different signals, demonstrate the process for updating a case, and justify the importance of updating.
   2. Understand a statute:
      1. Know and recognize each part of a statute
      2. Explain the difference between an annotated and an unannotated statute.
      3. Identify a statute’s history and explain what happened to the statute from passage to most recent amendment.
      4. Use citing references/notes of decision/Table of Contents (TOC) to expand a statute. Demonstrate how to navigate to each of these tools and what each contains (including overlap between them). Explain why expanding a statute is important, and examine each means of expansion and reflect on when is best to use each one.
      5. Navigate to the TOC/index of a statute. Demonstrate how to find a statute section using either method; and reflect on when TOC/index/search should be used and why specific instances would dictate use of one method over the others.
      6. Use Keycite/Shepard’s to update a statute, determining whether a statute is still good law, explaining the meaning of the signals, analyzing the cases/statutes to determine whether the statute still applies, and demonstrating how to find what changed in a statute through an amendment.
   3. Understand a regulation
      1. Explain what a regulation is and where to find them.
      2. When given a regulation, determine enacting statute and agency.
      3. Develop a set of search, expansion, and updating tools for regulations that can be used in a research problem to locate a relevant regulation.
   4. Understand secondary sources
      1. Explain what a secondary source is, where to find, and the difference between general and specific secondary sources.
      2. Compare searching broadly for a secondary source with searching within a secondary source using the TOC/index to locate a relevant section.
      3. Analyze when and under what circumstances each method would be most useful, including the pros and cons of searching v. browsing.
      4. Identify the typical parts of a secondary source and demonstrate how to navigate from a secondary source to a primary source. Compile a list of the top secondary sources available for a Florida research.
      5. Explain good and bad ways to use a secondary source and why certain methods are preferred over others.
   5. Understand how TOCs and indexes work.
      1. Explain what TOCs and indexes are.
      2. Demonstrate how to navigate to the TOC and/or index of (1) Florida Jurisprudence; (2) a Florida statute; (3) a specific secondary source.
      3. For each source, explain when and why to use the TOC v. the Index v. a keyword search.

**Goal 2: Understand the process of legal research**

1. Develop the habit of cyclically researching -

Remember that research is cyclical.

1. Implement the five steps of legal research automatically
   1. Recite the 5 steps of legal research and summarize the goal and reason for each step.
   2. Apply the five steps to research process
      1. Create a research plan and always return to the research plan to reflect on your progress.
      2. Judge which secondary source is the best place to start your research.
      3. Navigate from a secondary source to a primary source, selecting a statute first and explaining why and how to do so.
      4. Utilize the expansion tool to find more relevant sources.
      5. Determine when to update, and understand and apply knowledge of updating to a research problem.
      6. Integrate analysis of research process as you conduct your research; always reflect on what you are supposed to be researching and what you have found.
   3. Analyze the 5 steps, determining what is needed, which step should start your research, and research and locate the answer using a thoughtful process.
2. Apply the principles of legal research to efficiently locate an answer.
   1. Demonstrate how to filter a search to find a statute or case within a specific jurisdiction. Craft search terms to find a statute or case on a certain topic and run the search. Analyze the results of the search for relevancy. Do the same with a secondary source.
   2. Create folders or logs of your research to keep track of search terms, filters used, and sources found.
   3. Analyze cases as you find them for relevancy. Circle back to the research problem to clarify what you are looking for.

**Goal 3: Apply your knowledge to any legal research question using any database**

1. Apply the legal research steps and process.
2. Check for and use the help materials and tutorials on any new database, system or resource.
3. Ask for help when you need it.

**Goal 4: Demonstrate mastery of the Core Competencies**

Pass the Core Competencies Assessment in the Spring.