Legal Research § R

LAW 5803 Section 025F

Fall 2017

# Instructor

**Rachel Purcell**

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Office hours: Tuesdays 3pm-5pm in my office & Wednesdays 5pm-7pm at the Reference Desk

# Teaching Assistant

Natalie Brandon

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TA Office hours: Mondays 11:20am – 1:20pm (email to set up meeting)

# Class Schedule

Class Meeting Time: Friday, 9am – 9:50am

Class Location: Holland Hall 345

# Course Website

Accessible through UF Canvas: <https://ufl.instructure.com/courses/341476>

# Required Textbook

Mark K. Osbeck, *Impeccable Research: A Concise Guide to Mastering Legal Research Skills*, 2nd Edition (West Academic Publishing 2016).

# Course Description

Legal Research is a two semester course, spanning the fall 2017 and spring 2018 semesters. There will be seven classes in the fall and seven classes in the spring totaling one credit hour. The course is designed to complement your Legal Writing class.

# Course Objectives

The objective of this course is to introduce students to the basic principles of legal research. Students will learn how to formulate a research plan; identify and consult secondary sources such as legal encyclopedias; interpret legal citations; locate and update relevant primary legal materials; and assess research progress to determine next-steps. For a more detailed discussion of the goals & learning objectives for the course, please see attached *Appendix A*.

# Course Expectations

* Attend class and be on time.
* Turn in assignments on time.
* Come to class prepared and actively participate in classroom discussions and activities.

# Grading

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| --- | --- |
| Assignment | Percent of Grade |
| Quizzes | 12% |
| Assignments | 28% |
| Midterm | 15% |
| Final Exam | 40% |
| Attendance/Participation | 5% |

The final grade for the course will be given at the end of the spring semester. During the fall semester, students will receive grades for assignments, quizzes and a midterm administered in the following week after your last class in the fall. Per law school policy, this class will be graded on a curve. The curve will not be applied until the end of the spring semester, after completion and grading of all work. Thus, the points received for each quiz and assignment represent raw scores only. Your grade for class participation is measured over both semesters. For more information regarding grading, please see the *UF Law Grading* heading below.

# Quizzes

Quizzes will be due at **8:59 a.m. the day of class.** There is no possibility to makeup a missed quiz unless an excused exception is discussed with the instructor **before** the due date. Questions for each quiz will be based on the week’s readings and PowerPoints. Quizzes are multiple choice and will be taken through Canvas.

# Assignments

Assignments will be posted on the course website (in the “Assignments” tab). **The due date for each assignment is 11:59 p.m. the Tuesday following class**. Students must work individually on assignments, unless otherwise indicated. Late homework will immediately be graded at half the available points unless an excused exception is discussed with the instructor **before** the due date.

Please put your name at the top of the page and save your homework assignments as Microsoft Word documents labeling the file accordingly: LastName\_Assignment#\_Semester.doc (ex. Smith\_Assignment#1\_Fall.doc)

# Final Exam

The final exam — administered in March — is an essay exam that will test your ability to synthesize the research skills you learned and apply them to a hypothetical situation. **The final exam will be worth 40% of your final grade*.*** The final exam will be graded anonymously. More information about the final exam will be discussed during class and there will be a review session the week before the exam.

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12>

# Core Competencies Assessment

The core competencies assessment is a pass/fail measurement of skills that all students must possess to successfully complete the course. This assessment will be administered in February. The results of this assessment will ***not*** be incorporated into your final grade*.*However,you ***must*** successfully pass this assessment to receive credit for the course. The assessment may be retaken if necessary. More information about the Core Competencies Assessment will be provided next semester.

# Participation

The participation grade is determined by attendance, preparation for class, participation in class, and overall effort to complete the weekly assignments, including contacting the instructor when you encounter difficulties with the assignment.

# Attendance

Attendance will be taken at the beginning of each class. **Missing three classes without prior notice will result in referral to Student Affairs and possibly being dropped from the course.**

# ABA Standard 310 and Class Preparation

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” or credit-hour of in-class instruction. Legal Research has 1 “classroom hour” of in-class instruction each week, requiring at least 2 hours of preparation outside of class. Accordingly, you will have about 20 pages of reading each week. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments, quizzes, and homework for every 1 hour in class.

# Accommodations for Students with Disabilities

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.

# Student Course Evaluations

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the course, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu>.

Academic Honesty and Code of Conduct

Students must adhere to the [Student Conduct & Honor Code](https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/). The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilities academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

# UF Law Grading

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

|  |  |
| --- | --- |
| **Letter Grade** | **Point Equivalent** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

# Tentative Schedule (Spring 2017)

*(Subject to change with advance notice by Professor Purcell)*

|  |  |  |  |
| --- | --- | --- | --- |
| Class | Topic(s) | Before Class\* | Homework |
| *Week 1*  January 12 | Review of 5 Steps  Federal Jurisdiction | Revisit our Canvas course  Read the Spring Syllabus posted | **Homework Exercise 7** (due at 11:59m on 1/16) |
| *Week 2*  January 19 | Boolean Operators  Formulating Research Plan | Read *Osbeck*, 83-104  Review Week 2 PowerPoint  Take Quiz 7 (due 8:59am on 1/19) | **Prepare for next class** |
| *Week 3*  January 26 | Secondary Sources – national and state specific | Read *Osbeck*, 137-150  Review Week 3 PowerPoint  View videos for Week 3  Take Quiz 8 (due 8:59am on 1/26) | **Homework Exercise 8** (due at 11:59pm on 1/30) |
| *Week 4*  February 2 | Primary Materials (Annotated Statutes – *United States Code*) | Read *Osbeck*, 163-174  Review Week 4 PowerPoint  View videos for Week 4  Take Quiz 9 (due 8:59am on 2/2) | **Homework Exercise 9** (due at 11:59pm on 2/6) |
| *Week 5*  February 9 | Primary Materials (Expanding and Updating Case Law) | Read *Osbeck*, 179-182  Review Week 5 PowerPoint  View videos for Week 5  Take Quiz 10 (due 8:59am on 2/9) | **Homework Exercise 10** (due at 11:59pm on 2/13) |
| *Week 6*  February 17 | Dockets  Florida Law Weekly | Read [Docket Research Guide](http://library.law.yale.edu/docket-research)  Review Week 6 PowerPoint  Take Quiz 11 (due 8:59am on 2/17) | **Prepare for next class** |
| *Week 7*  February 24 | Administrative law Course Evaluations | Read *Osbeck*, 47-51, 174-179  Review Week 7 PowerPoint  Take Quiz 12 (due 8:59am on 2/24) | **Review for Core Competencies** |
| *Core Competencies Exam* | Tuesday,  February 27th 3:30pm to 5pm | Review session TBD | **Review for Final** |
| *Final* | Weekend of  March 16-18 | Review session TBD | **Have a wonderful summer!** |

\*New items could be added to the “Before Class” section – please use the Canvas Week Overviews to stay current on the Before Class requirements

***Appendix 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) with 100% accuracy.
      2. Use headnotes/citing references/footnotes/KeyNumbers to expand a case. Demonstrate how to navigate to each of these tools (within and outside of a case), explain what each tool contains, and analyze the pros and cons of each.
      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. From a statute text, label each part of the statute. Explain the difference between an annotated and an unannotated statute. Identify a statute’s history and explain what happened to the statute from passage to most recent amendment.
      2. 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.
      3. 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.
      4. 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. Analyze when and under what circumstances each method would be most useful, including the pros and cons of searching v. browsing.
      3. 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 Florida research.
      4. 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.
      4. From a hypothetical, analyze the situation and determine which search method to use, explain why that method was chosen, and demonstrate that method to find relevant secondary sources.
   6. Understand generally how different sources are arranged and understand what to do when confronted with a new source.
      1. At database level, recognize and remember to look for the help button/tutorial.
      2. At source level, recognize and remember to look for the TOC/index and apply knowledge of the differences between them. Use both methods to locate relevant material.
      3. Articulate why different search methods may be needed between databases and between different sources within an individual database.
2. Backtrack a citation by examining its structure
   1. Identify the parts of a citation to a statute and to a case.
   2. Explain how to read a case or statute citation and demonstrate how to write a citation from a case or a statute (both state and federal). Navigate to a document (case, statute, or secondary source) from a citation.
   3. Describe when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.
3. Focus on solving the legal question asked
   1. Compile a checklist of common mistakes/important details to remember when performing any research problem.
   2. When presented with a research question, identify the precise issue. When researching, analyze your research to see if you are working towards an appropriate answer and to determine if you are lost in research tangents.

**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. Remember to and integrate analysis of research process as you conduct your research; always reflect on what you are supposed to be researching and what you’ve 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. Remember and apply the legal research steps and process.
2. Check for and use the help materials and tutorials on any new database, system, resource.
3. Ask for help when you need it.

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

Pass the Core Competencies test in the spring

\*Check Canvas Course for *Core Competencies and Core Competencies Learning Objectives*