

**Legal Research
LAW 5803, Section 3B
Fall 2023 Syllabus**

Instructor

Professor Emily Mayers-Twist
HOL 175D
mayerstwist@law.ufl.edu
352-273-0709

Class Schedule

Fridays, 10:30am –11:40am
Holland Hall 355C

Office Hours

Mon and Tues 12pm – 1pm

Course Canvas Page

All course materials are accessible on Canvas at: <https://ufl.instructure.com/courses/484945>

Textbook

Kent C. Olson, Aaron S. Kirschenfeld & Ingrid Mattson, Principles of Legal Research (3d ed. 2020); available through our West Academic Study Aids subscription (<https://subscription.westacademic.com/>) You will need to create an account for West Academic Study Aids while on campus in order access material off campus. See instructions posted in Canvas.

Course Objectives

The aim of this course is to introduce students to the basic principles of legal research. Students will develop legal research skills by learning how to formulate a research plan; identifying and consulting secondary legal materials; interpreting legal citations; locating, expanding, and updating relevant primary legal materials; and assessing research progress to determine next steps. Students will be able to effectively research and communicate the results of their research. For a more detailed discussion of the goals and learning objectives for the course, please see attached Appendix A.

Course Schedule

Legal Research is a fall semester course. We will meet for 10 classes in total. The course is worth one credit hour.

Grading

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

Homework Assignments (8)	20%
Midsemester Essay	10%
Midsemester Multiple Choice Quiz	5%
Word Training via OTT	5%
Participation	5%
Final Exam	55%

Per law school policy, this class will be graded on a curve. Points received for assignments during the semester represent raw scores only. Information on current College of Law grading policies for assigning grade points can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current%20students/academic-policies> and below:

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

Class Preparation

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Accordingly, you will have readings each week from your textbook and other sources that will be posted on the course Canvas page. Additionally, you should review the PowerPoints posted on the course Canvas page and watch the assigned instructional videos. It is anticipated that you will spend approximately two and ½ hours out of class each week on reading, reviewing PowerPoints, watching videos, preparing for in-class exercises, and completing out-of-class assignments.

Homework Assignments

Homework assignments will be posted on the course Canvas page (under the “Assignments” tab) after class. The due date for each homework assignment is **11:59 p.m. on the Tuesday following class**. Full credit for assignments will be given to those who demonstrate a good faith effort. A good faith effort includes fully responding to all questions and turning in assignments on time. Cursory responses to questions that ask for an explanation will be penalized. A late submission, without prior consent from instructor, will be penalized at least 25% for lateness if submitted by 9:00 am (Eastern) on the Friday of the week it is due. A late assignment that is submitted after 9:00 am (Eastern) Friday on the week it is due will receive no credit. Completion of the 8 homework assignments is worth 20% of the final grade. **Students must work individually on homework assignments.**

Mid-Semester Essay

The mid-semester essay is worth 10% of the final grade and will be graded to provide students with feedback about what to expect on the final exam. This essay will require students to independently research a fact pattern, explain their research process, and provide an answer to the legal questions posed by the fact pattern.

Mid-Semester Multiple Choice Quiz

The multiple-choice quiz is worth 5% of the final grade and will be graded to provide students with feedback about what to expect on the final exam. This quiz will consist of 20 multiple choice questions.

Office Technology Training for Law Students

In order to ensure that all UF Law students meet basic technology competency standards, you will be required to complete the Word 2019 Path of NSLT's Office Technology Training. Full credit for the assessments will be given to those who complete the assessments by 11:59 pm on Thursday, **November 2, 2023**. Completion of the Word 2019 Path is worth 5% of the final grade. No partial credit will be given. Additional information about this assignment will be provided during class.

Final Exam

The final exam is a take-home exam that consists of multiple-choice questions and essays. The multiple-choice questions will test:

1. Your knowledge of the five-step legal research process, including identifying the steps, the actions taken in each step, and the proper order of the steps;
2. Your knowledge of the jurisdictional authority of the federal and Florida courts;
3. Your knowledge of the structure of the federal and Florida court systems;
4. Your ability to recognize proper citation formats for cases, statutes, and regulations (federal and Florida), and to identify publication and jurisdiction from a citation;
5. Your understanding of the meaning of "primary source" and "secondary source" in the context of legal research, and your ability to identify whether a given resource is a primary or secondary source;
6. Your understanding of the documents involved in the legislative process (federal and Florida) and their sequence, from bill through annotated code, including the ability to identify specific publications and what is contained in them;
7. Your ability to interpret the history of a statute (federal and Florida);
8. Your ability to identify the publications in which federal and Florida regulations are published and what is contained in them;
9. Your familiarity with the features of Westlaw Precision and Lexis+ (e.g., finding aids, annotations, filters, citators), including what happens when you click on a given tab, link, or symbol, and what different symbols mean;
10. Given a case (federal or Florida) and citator information about it, the ability to identify any negative treatment and the consequences of such treatment, and what jurisdictions are bound by the decision;

11. Your knowledge of strengths and weaknesses of different legal information finding tools and methods (e.g., terms and connectors searching, natural language searching, indexes, annotations, and legal classification systems such as headnotes);
12. Your knowledge of Boolean (i.e., terms-and-connectors) search commands and how to make a search broader or narrower;
13. Your knowledge of the difference between court rules of general applicability and specific court rules;
14. Your knowledge of the meaning of “municipal law” and where Florida municipal law can be found; and
15. Your knowledge of what a docket is and what information is included on a docket.

The essay portion of the exam will test your ability to synthesize the skills you learned and apply them to a hypothetical situation. It will be graded anonymously on a curve. The final exam will be accessible at 1 pm on **Friday, November 3, 2023** and will close at 11:59 p.m. on **Sunday, November 5, 2023**. You will have a **maximum of eight hours** to complete the exam once you have gained access. The law school policy on exam delays and accommodations can be found at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

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 encountering difficulties with the assignment. Repeated lack of preparedness or participation, including not working on/participating in in-class exercises, will impact your participation grade.

Attendance

Attendance will be taken at the beginning of each class. Missing 3 or more classes without prior notice to the instructor will result in referral to Student Affairs. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

Office Hours

Office Hours will be held on Mondays and Tuesdays from 12pm to 1pm. I will be available in-person in my office at Holland Hall 175D. I am also available via Zoom by appointment

Preferred Name and Pronouns

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or via the Getting to Know You form at

<https://forms.gle/hPyq7kgfPFyKy4iz6>. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records

Discourse, Inclusion, and the Classroom Ethos

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As a class, I encourage each of us to commit to self-examination of our values and assumptions, speak honestly, thoughtfully, and respectfully, listen carefully and respectfully, reserve the right to change our mind and allow for others to do the same, and allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

UF Levin College of Law Standard Syllabus Policies

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Getting Technical Assistance

For technical difficulties with E-learning in Canvas, please contact the UF Help Desk at:

- helpdesk@ufl.edu
- (352) 392-HELP
- <http://elearning.ufl.edu/> (See "Message Us" at the top)

Disclaimer

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

Class Schedule/Topics	Before Class	Homework Assignments
<p>Week 1 Aug. 25</p> <p>Introduction</p>	<p>Review Course Canvas Page</p> <p>Review Syllabus</p> <p>Register for West Academic Study Aids Collection access</p> <p>Read Olsen, pp. 1-5.</p> <p>Go to the Week 1 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review the Welcome to Course PowerPoint 2. Watch State and Federal Jurisdiction [5:25] (Link to external site opens in a new tab.) Watch Florida Bar Association Know Your Court System [2:17] (Link to external site opens in a new tab.) Watch Binding and Persuasive Authorities (Stare Decisis) (Link to external site opens in a new tab.) 3. Complete Getting to Know You form at: https://forms.gle/hPyq7kgfPFyKy4iz6 	<p>Complete Homework Assignment #1 – Jurisdiction by 11:59 p.m. Tuesday, August 29.</p>
<p>Week 2 Sept. 1</p> <p>Formulating a Research Plan</p>	<p>Read Olsen, pp. 9-30.</p> <p>Go to the Week 2 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #2 – Formulating a Research Plan by 11:59 p.m. Tuesday, September 5.</p>
<p>Week 3 Sept. 8</p> <p>Using Secondary Sources</p>	<p>Read Olsen, pp. 31-32; 34-41, 57-70.</p> <p>Go to the Week 3 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #3 - Secondary Sources by 11:59 p.m. Tuesday, September 12.</p>
<p>Week 4 Sept. 15</p> <p>Finding and Using Statutes</p>	<p>Read Olsen, pp. 99-140.</p> <p>Go to the Week 4 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #4 - Primary Sources: Statutes by 11:59 p.m. Tuesday, September 19.</p>
<p>Week 5 Sept. 22</p> <p>Finding and Using Case Law</p>	<p>Read Olsen, pp. 255-325.</p> <p>Go to Week 5 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #5 – Primary Sources: Cases by 11:59 p.m. Tuesday, September 26.</p>

<p>Week 6 Sept. 29</p> <p>Expanding and Updating Case Law</p> <p>Analyzing and Organizing Your Results</p>	<p>Read Olsen, 326-334; 342-349.</p> <p>Go to Week 6 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #6 by 11:59 pm Tuesday, October 3.</p> <p>Complete the Midsemester Essay by 11:59 pm Tuesday, October 10.</p>
<p>Week 7 Oct. 13 (NO CLASS OCT. 6)</p> <p>Terms & Connectors v. Natural Language Searching</p> <p>Additional Secondary Sources</p>	<p>Read Olsen, pp. 46-56, 336-341.</p> <p>Read Lexis' Search Commands and Connectors</p> <p>Read Westlaw's Terms and Connectors Searching</p> <p>Go to Week 7 module in Canvas and complete required items.</p>	<p>Complete the Multiple-Choice Quiz by 11:59 pm Tuesday, October 17.</p>
<p>Week 8 Oct. 20</p> <p>Administrative Law: Florida and Federal Regulations</p>	<p>Read Olsen, pp. 205-227</p> <p>Read A Primer on Florida's Administrative Procedure Act, pp. 1-13.</p> <p>Go to Week 8 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #7 by 11:59 pm Tuesday, October 24.</p>
<p>Week 9 Oct. 27</p> <p>Court Rules, Dockets and Municipal Law</p>	<p>Read Olsen, pp. 349-364; 248-251.</p> <p>Go to Week 9 module in Canvas and complete required items.</p>	<p>Complete Homework Assignment #8 by 11:59 pm Tuesday, October 31st.</p>
<p>Week 10 Nov. 3</p> <p>Review</p>	<p>Go to Week 10 module in Canvas and complete required items.</p> <p>BRING QUESTIONS TO CLASS!</p>	<p>Complete Word 2019 Path of NSLT's Office Technology Training by 11:59 pm Thursday, November 2.</p>

Appendix A Course Goals and Learning Objectives

These goals, standards, and objectives are adapted from the American Association of Law Libraries (AALL) Principles and Standards for Legal Research Competency. The complete version of the principles adopted by AALL is available at <https://www.aallnet.org/wp-content/uploads/2020/04/AALL2020-PrinciplesStandardsLegalResearchCompetencyFull.pdf>.

Goal 1: A successful legal researcher possesses foundational knowledge of the legal system and legal information sources, including analytical tools.

Standard A: An information-literate professional considers the full range of potential sources of information, regardless of type or format.

Learning Objectives:

1. Differentiate between primary and secondary sources and recognize how their use and importance vary depending upon the legal problem or issue.
2. Identify and use the most efficient secondary sources to obtain background information, to gain familiarity with terms of art, and to put primary sources in context.
3. Recognize differences in the weight of authority among sources and apply that knowledge to legal research problems.
4. Distinguish between major analytical tools, recognizing key factors that influence processing and results.

Standard B: An information-literate professional understands the similarities, differences, and interrelationships among and between United States federal, state, and local legal systems.

Learning Objectives:

1. Distinguish between federal, state, and local systems of government; and understand the processes and the interrelationships among them on all levels.
2. Know which legal information is produced, organized, and disseminated across levels and branches of government.
3. Identify appropriate resources to locate legislative, regulatory, and judicial law produced by the respective government bodies.
4. Understand and distinguish between different types of primary law sources, and the weight, reliability, and binding or persuasive authority of each source.

Goal 2: A successful legal researcher gathers information through effective and efficient research strategies.

Standard A: An information-literate legal professional selects appropriate research sources.

Learning Objectives:

1. Identify and analyze the appropriate legal issues that need to be researched.
 - a. Identify and analyze the appropriate non-legal issues that need to be researched.
2. Recognize the authority or authorities governing issues.

3. Know which print or digital, primary or secondary, sources contain appropriate and current content on the issue being researched.
4. Recognize how tools facilitate research tasks due to content or organization, such as use of controlled vocabulary, synopses, annotations, finding aids, or headnotes.
5. Know how to check the content of courses and validate the completeness and currency of the selected sources.
6. Supplement or validate preliminary results with additional tools.
7. Identify any confidentiality or technological risks associated with the use of various research sources or methods.

Standard B: An information-literate legal professional constructs and implements efficient, cost-effective search strategies.

Learning Objectives:

1. Articulate the precise legal issues that need to be researched.
2. Develop an appropriate research plan for each discrete issue.
3. Know how to appropriately use available information resources and analytical tools to research and understand the relative advantages of different methods of finding information.
4. When using online platforms,
 - a. Differentiate among various available online search platforms to employ those that are best suited to the task at hand; and
 - b. Understand the operation of both free and subscription search platforms to skillfully craft appropriate search queries; and
 - c. Possess a basic understanding of how online search platforms process queries and generate results, including the potential of algorithmic bias associated with machine learning.

Standard C: An information-literate legal professional confirms and validates research results, incorporating existing work product and expertise.

Learning Objectives:

1. Understand the necessity of validating case holdings through the use of citators or other citation-based methods of updating case law.
2. Understand when to stop the research process.

Standard D: An information-literate legal professional documents research strategies.

Learning Objectives:

1. Record all pertinent information for future reference, such as:
 - a. Resources and methods used,
 - b. Information considered, and
 - c. Reasons for selecting or rejecting various authorities or resources.
2. Understand and utilize proper citation format.

Goal 3: A successful legal researcher critically evaluates information.

Standard A: An information-literate legal professional knows that information quality varies.

Learning Objectives:

1. Consistently apply criteria to evaluate the reliability of information, including training and validation data sets, considering but not limited to
 - a. Authority;
 - b. Credibility;
 - c. Currency;
 - d. Authenticity;
 - e. Relevance; and
 - f. Bias.
2. Understand that these criteria are relevant for both print and digital formats, and legal and non-legal, sources.

Standard B: An information-literate legal professional understands the importance of reviewing information obtained.

Learning Objectives:

1. Clarify or refine the research question as needed.
2. Update or expand the research.
3. Identify and address any contradictory authority.

Goal 4: A successful legal researcher applies information effectively to resolve a specific issue or need.

Standard A: An information-literate professional uses analytical reasoning to formulate an effective research strategy for addressing issues of law.

Learning Objectives:

1. Synthesize legal doctrine by examining cases similar, but not identical, to cases that are the current focus of research, to articulate how courts should apply current authoritative and relevant case law.
2. Use research results to craft or support arguments that resolve novel legal issues lacking precedent, when appropriate.

Standard B: An information-literate legal professional modifies initial research strategies as necessary.

Learning Objectives:

1. Understand research as a recursive process and expand or narrow research queries after discovering unanticipated results.
2. Reflect on the successes or failures of prior strategies for integrating new information into the analysis; and utilize concepts, theories, and facts from prior research to continue the process.

3. Recognize when specific questions within the larger research problem have not been answered with the information compiled, by either:
 - a. Recognizing when the ultimate questions presented have not been fully answered through the research already obtained, or
 - b. Realizing when sufficient research has been completed to address the legal issue or information needed.

Standard C: An information-literate legal professional applies and integrates research into a persuasive document.

Learning Objectives:

1. Cite authority consistent with locally accepted rules, ensuring that cited references can be located by the reader.
2. Organize and integrate content, quotations, or forms, and paraphrase in a manner that supports the argument, brief, analysis, or transaction.