Legal Research
Law 5803, Section S
Fall 2019

Instructor:
Patricia Morgan
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(352) 273-0710

Reference Shifts:
TBD

Class Schedule:
Class Meeting Time: Fridays 10:00 a.m. – 10:55 a.m.
Class Location: Holland Hall, Room 284

Office Hours:
Mondays, 11:00 a.m. – 12:00 p.m.
(Also by appointment)

Course Website:
Course materials are accessible via Canvas: https://ufl.instructure.com/courses/376837

Textbook:
Mark K. Osbeck, *Impeccable Research: A Concise Guide to Mastering Legal Research Skill*, Second Edition (West, 2016).

Course Schedule:
Legal Research is a two-semester course consisting of 14 classes in total. The first 7 classes will be taught in the fall of 2019 and the remaining 7 classes will be taught in the spring of 2020. The two semesters, taken together are worth one-credit hour.

Course Objective:
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 legal materials; interpret legal citations; locate, expand, and update relevant primary legal materials; and assess research progress to determine next-steps. For a more detailed description of learning objectives, please see attached Appendix A.

Grading

Fall 2019		Spring 2020	
Assignments	25%	Assignments	30%
Participation	2.5%	Participation	2.5%
		Final Exam	40%

The final grade for the course will be given at the end of the spring semester. During the semester, students will receive grades for assignments and class participation. 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 participation grade will be determined over both semesters. 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:

Pursuant to ABA Standard 310, students are required to devote 120 minutes of out-of-class preparation time for each "classroom hour" of in-class instruction. Accordingly, you will have about 20 pages of reading each week, including readings in your textbook and PowerPoint presentations, plus time spent completing out-of-class assignments. It is anticipated that you will spend approximately two hours out of class reading, preparing for in-class-exercises and completing out-of-class assignments for every one hour in class.

Assignments:

Assignments will be posted on the course website (under the "Assignments" tab) after class. The due date for each assignment is 11:59 p.m. the Tuesday following class. Full credit for assignments will be given to students who demonstrate a good faith effort and turn in assignments on time. Late assignments will be graded beginning at half the available points, unless prior permission has been received from the instructor for an excused exception.
Students must work **individually** on assignments, unless indicated otherwise.

Procertas Legal Technology Assessment:

In order to ensure that all UF Law students meet basic technology competency standards, you will be required to complete Procertas' Word, PDF, and Florida e-filing assessments. While these will not be graded, successful completion of the assessments is required to pass the course. During the fall semester, you must complete the Word assessment, while during the spring semester, you must complete the PDF and Florida e-filing assessments. Additional information about Procertas will be provided during class.

Final Exam:

The final exam is a take-home essay exam that will test your ability to synthesize the research skills you learned and apply them to a hypothetical situation. It will graded anonymously on a curve. The final exam will be accessible at a time TBD on **Friday, March 13, 2020** (tentative) and will close at 11:59 p.m. on **Sunday, March 15, 2020** (tentative). You will have a **maximum of eight hours** to complete the exam once you have gained access to it.

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 on a date and time TBD during the week of **February 24, 2020** (the week immediately preceding Spring Break). Students will have two hours to complete the exam. *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 core competencies assessment tests the following nine (9) core competencies:

1. The ability to interpret contemporary legal citations (the ability to identify a citation and its jurisdiction).
2. Given a legal citation to contemporary U.S. statutes and case law, the ability to find the full text of the case or statute.
3. Given a statute, the ability to use annotated statutes to find cases interpreting the statute.
4. Given a case, the ability to determine whether a holding in a specific case is still good law.
5. Given a legal topic, the ability to identify secondary sources that would prove valuable in researching that topic.
6. Using the Topic & Key Number and Headnote systems, the ability to search for a case in a specific jurisdiction.
7. The ability to create a research plan.
8. The ability to find dockets, briefs, complaints, etc. and
9. 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), and the ability to identify their strengths and weaknesses.

Participation:

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

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. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with University policies that can be found at:
https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

Fall 2019

Class Schedule	Topic(s)	Before Class	Homework Assignments
Week 1 Aug. 30	Introduce Course Website Review Syllabus Court System (Florida)	Review course Website Review Syllabus	Complete "Before Class" requirements
Week 2 Sept. 6	Formulating a Research Plan	Read Osbeck pp. 5-21 ("Step 1: Plan Your Research"). Go to Week 2 Page - "Before Class" 1. Review the "Step 1: Formulate a Research Plan" 2. Watch YouTube video explaining the concept of precedence: http://youtu.be/QOfTQ6va4U0	Complete "Formulating a Research Plan" assignment on Week 2 Page "After Class" by **11:59 p.m. Tuesday, September 10.**
Week 3 Sept. 13	Consult Secondary Sources	Read Osbeck pp. 23-34 ("Step 2: Consult Secondary Sources"), 138-40 ("Legal Encyclopedias"). Go to Week 3 Page – "Before Class" 1. Review "Step 2: Consult Secondary Sources" PowerPoint 2. Watch the video tutorials	Complete "Secondary Sources" assignment on Week 3 Page "After Class" by **11:59 p.m. Tuesday, September 17.**
Week 4 Sept. 20	Finding and Using Primary Sources (Statutes and Cases)	Read Osbeck pp. 35-47 (stop at "Regulatory Research"), 51-55 ("Case Law Research"), 166-69 ("Statutes"), 179-82 ("Cases"). Go to Week 4 Page – "Before Class" 1. Review "Step 3: Find Primary Sources" PowerPoint 2. Watch the video tutorials.	Complete "Primary Sources" assignment on Week 4 Page "After Class" by **11:59 p.m. Tuesday, September 24**.

Week 5 Sept. 27	Expand Case Law Research through Digest/Headnote Systems	Read Osbeck pp. 61-65 (stop at "Using a Citator to Update and Validate Your Case Research"), 155-58 ("Digests and Citators" – stop at "Citators"). Go to Week 5 Page – "Before Class" 1. Review the "Step 4(a): Expand Your Research" PowerPoint 2. Watch the video tutorials	Complete "Expand Your Research" assignment on Week 5 Page "After Class" by **11:59 p.m. Tuesday, October 1**.
Oct. 4	**NO CLASS (Homecoming)**		**No Homework**
Week 6 Oct. 11	Updating Case Law Research through Citator Services	Read Osbeck pp. 65-67 ("Using a Citator to Update and Validate Your Case Research"), 158-61 ("Citators"). Go to Week 6 Page – "Before Class" 1. Review the "Step 4(b): Update Your Research" PowerPoint 2. Watch the video tutorials	Complete "Updating Your Research" assignment on Week 6 Page "After Class" by **11:59 p.m. Thursday, October 17**.
Week 7 Oct. 18	Analyze and Organize Your Research Results	Read Osbeck pp. 69-80 ("Step 5: Analyze and Organize Your Research Results"). Go to Week 7 Page – "Before Class" 1. Review the "Step 5: Analyze & Organize Your Research" PowerPoint Come to class prepared to work with the cases for your Legal Writing Memorandum.	Complete the Procertas Word Assessment by **11:59 p.m. Tuesday, October 22**.

University of Florida Policies

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.

University Policy on Academic Misconduct:
UF students are bound by The Honor Pledge, which states: "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: 'On my honor, I have neither given nor received unauthorized aid in doing this assignment.'" The Honor Code (https://www.dso.ufl.edu/sccr/process/student-conduct-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.

University Policy on Course Evaluation:
Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at https://gatorevals.aa.ufl.edu/students/. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via https://ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at https://gatorevals.aa.ufl.edu/public-results.

Getting Help:
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)

Other resources are available at https://distance.ufl.edu/getting-help/ for counseling and wellness, disability resources, student complaints, and library help desk support.

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.

Course Goals and Learning Objectives

Course Goals

Goal 1*: Understand the principles of legal research*

    A.   *Recognize the structure of sources and their means of availability*
    B.   *Backtrack a citation by examining its structure*
    C.   *Focus on solving the legal question asked*

Goal 2*: Understand the process of legal research*

    A.   *Develop the habit of cyclically researching*
    B.   *Implement the five steps of legal research automatically*
    C.   *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

    A.   Recognize the structure of sources and their means of availability
        1. Understand a case:
            a. Identify each part of a case (regardless of the database) with 100% accuracy.
            b. 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.
            c. 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:
            a. 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.
            b. 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.

 c. 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.

 d. 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
 a. Explain what a regulation is and where to find them.
 b. When given a regulation, determine enacting statute and agency.
 c. 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
 a. Explain what a secondary source is, where to find, and the difference between general and specific secondary sources.
 b. Compare searching broadly for a secondary source with searching within a secondary source using the TOC/index to locate a relevant section
 c. Analyze when and under what circumstances each method would be most useful, including the pros and cons of searching v. browsing.
 d. 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.
 e. 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.
 a. Explain what TOCs and indexes are.
 b. Demonstrate how to navigate to the TOC and/or index of (1) Florida Jurisprudence; (2) a Florida statute; (3) a specific secondary source.
 c. For each source, explain when and why to use the TOC v. the index v. a keyword search.
 d. 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.

        a.   At database level, recognize and remember to look for the help button/tutorial.

        b.   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.

        c.   Articulate why different search methods might be appropriate, especially between databases and between different sources within an individual database.

B.   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 Fla. R. App. P. 9.800 and when to use the Bluebook and the differences between the two formats.

C.   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

A.   Develop the habit of cyclically researching
       Remember that research is cyclical.

B.   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

        a.   Create a research plan and always return to the research plan to reflect on your progress.

        b.   Judge which secondary source is the best place to start your research.

        c.   Navigate from a secondary source to a primary source, selecting a statute first and explaining why and how to do so.

        d.   Utilize the expansion tool to find additional relevant sources.

        e.   Determine when to update, and understand and apply knowledge of updating to a research problem.

   f. 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.

 C. 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

 A. Apply the legal research steps and process.
 B. Check for and use the help materials and tutorials on any new database, system, resource.
 C. Ask for help when you need it.

Goal 4: Demonstrate mastery of the Core Competencies

Pass the Core Competencies Assessment in the spring.