

**Legal Research
LAW 5803, Section 6
Fall 2020 Syllabus**

Instructor

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Class Schedule

Fridays, 9:00 a.m. – 10:10 a.m.
270 Holland Hall

Virtual Office Hours

Monday, 2:00-3:00
Thursday, 2:30 – 3:30

Course Canvas Page

All course materials are accessible on Canvas at: <https://ufl.instructure.com/courses/404891>

Textbook

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

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 (7)	25%
Midsemester Essay	10%
Midsemester Multiple Choice Quiz	5%
Class Prep Quizzes	5%
Procertas Assessments	5%
Participation	5%
Final Exam	50%

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 reading 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 all of 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 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. Late assignments will be graded beginning at 75% the available points, unless prior permission has been received from the instructor for an excused exception. **Students must work individually on homework assignments.**

Mid-semester Essay

The mid-semester essay is worth 10 points 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 points 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.

Procertas Legal Technology Assessment

In order to ensure that all UF Law students meet basic technology competency standards, you will be required to complete three Procertas assessments, the Word Assessment, the Word Memo, and the Word Brief Assessment. Full credit for the assessments will be given to those who complete the assessments by 11:59 pm on Thursday, **November 5, 2020**. Additional information about Procertas 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 state courts, respectively;
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 Edge and Lexis Advance (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.
16. 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 noon on Friday, November 6, 2020 (tentative) and will close at 11:59 p.m. on Sunday, November 8, 2020 (tentative). You will have a maximum of eight hours to complete the exam once you have gained access.

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 noon on **Friday, November 6, 2020** (tentative) and will close at 11:59 p.m. on **Sunday, November 8, 2020** (tentative). You will have a **maximum of eight hours** to complete the exam once you have gained access.

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 responding by turning audio/video on when asked a direct question or not participating in in-class exercises, will impact your participation grade. Repeated class disruption (e.g., excessive noise, texting, personal internet use) will impact your participation grade.

Etiquette: In Person Students

You are required to follow UF Law safety protocols at all times in the classroom, including wearing a mask at all times and maintaining physical distance. Place your name tent card where it will be visible. Do not log in to the Zoom feed for the classroom; only remote students should be using the Zoom feed.

You need to stay in the classroom during the entire scheduled time. If you have an emergency, please exit quietly and carefully. Eating and drinking will not be permitted in the classroom because masks must be worn at all times.

When class ends, the professor will exit first, followed by each row and maintaining physical distance. You will not be able to approach the podium to ask questions. You will need to attend virtual office hours or email to ask questions.

Etiquette: Remote Students

You need to ensure your Zoom name matches your preferred name and your last name must also show. If you are attending class remotely, you are expected to turn on video of yourself until after attendance is taken and when responding to or asking questions. You do not need to have video on when taking notes and listening to the class. You are expected to keep your microphone on mute unless you have been called on to ask or answer a question.

Do not use the chat function to ask questions directed to me during class; it will not be monitored by me, and students attending in person will not be able to see it. If you are trying to ask a question, please contact the TA. If you have a technical problem during the class, please contact UF IT (<https://www.law.ufl.edu/technology-services>).

Prohibition on Student Recording and Photography and Social Media Posting

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the university's Office of Student Conduct and Conflict Resolution.

Attendance

You are required to attend in your chosen modality—i.e., in person or online—unless you have permission to attend remotely (see below). You are expected to be prepared to complete in-class exercises. Attendance will be taken each day.

You must seek permission to attend remotely and have your attendance count if you selected the in-person option. Permission will be granted if you are experiencing any type of illness, even if the symptoms are mild or you just feel like you might be coming down with something. **You should not attend in person if you are experiencing any of the symptoms listed on UF's COVID-19 website or have had close contact with someone who has COVID-19 as provided on UF's website** (<https://coronavirus.uflhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>). If you are dealing with a personal situation of high difficulty and prolonged duration, please seek assistance from Student Affairs as soon as possible. Missing 3 or more classes without prior notice 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/UGRD/academic-regulations/attendance-policies/>.

Virtual Office Hours

Virtual Office Hours will be held via [Zoom](#) (Passcode 446391) on Mondays from 2:00 pm to 3:00 pm and Thursdays from 2:30 to 3:30 pm. I am also available at other times. Please email me to set up other times to meet virtually.

Class Schedule/Topics	Before Class	Homework Assignments
<p>Week 1 Aug. 28</p> <p>Introduce Course Website</p> <p>Review Syllabus</p>	<p>Review Course Canvas Page</p> <p>Review Syllabus</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 Structure of the Court System [6:58] (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 Week 1 quiz in Canvas. 4. Complete Getting to Know You form at https://tinyurl.com/y6zoa2h3 	<p>Complete Homework Assignment #1 – Jurisdiction by 11:59 p.m. Tuesday, September 1.</p>
<p>Week 2 Sept. 4</p> <p>Formulating a Research Plan</p>	<p>Read Osbeck pp. 5-21 (“Step 1: Plan Your Research”).</p> <p>Go to the Week 2 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review the “Step 1: Formulate a Research Plan” PowerPoint 2. Watch assigned videos 3. Complete Week 2 quiz in Canvas 	<p>Complete Homework Assignment #2 – “Formulating a Research Plan” by 11:59 p.m. Tuesday, September 8.</p>
<p>Week 3 Sept. 11</p> <p>Consult Secondary Sources</p>	<p>Read Osbeck pp. 23-34 (“Step 2: Consult Secondary Sources”), and 138-40 (“Legal Encyclopedias”).</p> <p>Go to the Week 3 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review “Step 2: Consult Secondary Sources” PowerPoint. 2. Watch assigned videos 3. Complete Week 3 quiz in Canvas 	<p>Complete Homework Assignment #3 - “Secondary Sources” by 11:59 p.m. Tuesday, September 15.</p>
<p>Week 4 Sept. 18</p> <p>Finding and Using Primary Sources (Statutes)</p>	<p>Read Osbeck pp. 35-47 (stop at “Regulatory Research”), and 166-69 (“Statutes”).</p> <p>Go to the Week 4 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review “Step 3: Find Primary Sources” PowerPoint 2. Watch assigned videos 3. Complete Week 4 quiz in Canvas 	<p>Complete Homework Assignment #4 - “Primary Sources” by 11:59 p.m. Tuesday, September 22.</p>

<p>Week 5 Sept. 25</p> <p>Finding and Using Primary Sources (Cases)</p> <p>Expand Case Law Research through Digest/Headnote Systems</p>	<p>Read Osbeck 51-55 (“Case Law Research”) pp. 61-68 (“Expand and Update Your Research”), 155-61 (“Digests and Citators”), and 179-82 (“Cases”).</p> <p>Go to Week 5 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review the “Step 4: Expand and Update Your Research” PowerPoint 2. Watch assigned videos 3. Complete Week 5 quiz in Canvas 	<p>Complete Homework Assignment #5 - “Expand and Update Your Research” by 11:59 p.m. Tuesday, September 29.</p>
<p>Oct. 2</p> <p>NO CLASS</p>		<p>No Homework</p>
<p>Week 6 Oct. 9</p> <p>Update Case Law Research through Citor Services</p> <p>Analyze and Organize Your Research Results</p>	<p>Read Osbeck pp. 69-80 (“Step 5: Analyze and Organize Your Research Results”).</p> <p>Go to Week 6 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review the “Step 5: Analyze & Organize Your Research” PowerPoint 2. Watch assigned videos 3. Complete Week 6 quiz in Canvas 	<p>Complete the Midsemester Essay by 11:59 pm Tuesday, October 13.</p>
<p>Week 7 Oct. 16</p> <p>Terms & Connectors v. Natural Language Searching</p> <p>Municipal Law</p>	<p>Read Miriam Soler Ramos & Stephanie M. Throckmorton, <i>Scooters in the City Beautiful</i> (Winter 2019), at https://locgov.org/wp-content/uploads/2013/06/CCLG-Winter-2019.pdf</p> <p>Go to Week 7 module in Canvas:</p> <ol style="list-style-type: none"> 1. Review the “Terms & Connectors v. Natural Language Searching; Municipal Law” PowerPoint 2. Watch assigned videos 3. Complete Week 7 quiz in Canvas 	<p>Complete the Multiple Choice Quiz by 11:59 pm Tuesday, October 20.</p>
<p>Week 8 Oct. 23</p> <p>Administrative Law: Florida and Federal Regulations</p>	<p>Read Osbeck pp. 47-51 (“Regulatory Research”); pp. 174-179 (“Regulations”)</p> <p>Read An Overview of Federal Regulations and the Rulemaking Process: https://fas.org/sgp/crs/misc/IF10003.pdf</p> <p>Read A Primer on Florida’s Administrative Procedure Act, pp. 1-13.</p>	<p>Complete Homework Assignment #6 by 11:59 pm Tuesday, October 27.</p>

	http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf Go to Week 8 module in Canvas <ol style="list-style-type: none"> 1. Review the Administrative Law PowerPoint 2. Watch assigned videos 3. Complete Week 8 quiz in Canvas 	
Week 9 Oct. 30 Court Rules and Dockets	Read Osbeck pp. 182-186 (“Court Rules”) and 181-182 (“Dockets”); National Center for State Courts, Access to Case Materials, at https://www.ncsc.org/services-and-experts/areas-of-expertise/technology/web-best-practices/access-to-case-materials ; Jan Bissett & Margi Heinen, <i>Beyond Court Decisions - Dockets, Documents, and Analytics</i> , 46 Colo. Law. 59 (2017). Go to Week 9 module in Canvas: <ol style="list-style-type: none"> 1. Review the Court Rules and Dockets PowerPoint 2. Watch assigned videos 3. Complete Week 9 quiz in Canvas. 	Complete Homework Assignment #7 by 11:59 pm Tuesday, November 3.
Week 10 Nov. 6 Review	Go to Week 10 module in Canvas: <ol style="list-style-type: none"> 1. Review the Summary and Review PowerPoint BRING QUESTIONS TO CLASS!	Complete Procertas Word, Word Memo and Word Brief Assessments by 11:59 pm Thursday, November 5.

University of Florida Policies

University Policy on Accommodating 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://sccr.dso.ufl.edu/students/student-conduct-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 facilitates 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.

Appendix A Course Goals and Learning Objectives

Course Goals

Goal 1: *Identify and apply the principles and processes of legal research*

Goal 2: *Understand the different sources of primary law when conducting legal research*

Goal 3: *Utilize secondary legal sources to locate relevant primary sources of law*

Goal 4: *Conduct legal research using subscription-based and free electronic resources*

Goal 5: *Identify and locate documents generated during litigation in federal and state courts.*

Learning Objectives

Goal 1: Identify and apply the principles and processes of legal research

- A. Apply the five steps of the research process
 - 1. Formulate a research plan including framing the legal question, generating key terms / search terms, and determining jurisdiction.
 - 2. Consult a secondary source to start your research.
 - 3. Navigate from a secondary source to primary law.
 - 4. Expand and update your research using headnotes, citing references and citators.
 - 5. Analyze and organize your research results.

Goal 2: Understand the different sources of primary law when conducting legal research

- A. For case law:
 - 1. Identify the parts of a case law citation and be able to locate an opinion based on a citation.
 - 2. Understand the jurisdiction of the court issuing an opinion.
 - 3. Identify different parts of an opinion and understand what portions are citable.
 - 4. Use headnotes/citing references/KeyNumbers to expand case law research. Demonstrate how to use each tool, explain what each tool contains, and analyze the pros and cons of each.
 - 5. Use KeyCite/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.
 - 6. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.
- B. For a statute:
 - 1. Identify the parts of a statutory citation and be able to locate a statute based on a citation.
 - 2. Identify the different parts of statute.
 - 3. Explain the difference between an annotated and an unannotated statute.
 - 4. Identify a statute's history and be able to explain what happened to the statute from passage to most recent amendment.
 - 5. Use citing references/notes of decision/Table of Contents (TOC) to expand statutory research. Demonstrate how to use each of these tools.
 - 6. Use the TOC or 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.
 - 7. 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 how the statute applies, and

demonstrating how to find what changed in a statute through an amendment.

8. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.
- C. For a regulation
1. Identify the parts of a regulatory citation and be able to locate a regulation based on a citation.
 2. Understand the regulatory rulemaking process in Florida and at the federal level.
 3. Explain what a regulation is and where to find them.
 4. When given a regulation, determine enacting statute and agency.
 5. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.

Goal 3: *Utilize secondary legal sources to locate relevant primary sources of law*

- A. Understand secondary sources
1. Identify the parts of a citation to a secondary source and be able to locate a secondary source based on a citation.
 2. Explain what a secondary source is, where to find, and the difference between general and specific secondary sources.
 3. Compare searching broadly for a secondary source and searching within a secondary source using the TOC/index to locate a relevant section.
 4. Demonstrate how to navigate from a secondary source to a primary source.

Goal 4: *Conduct legal research using subscription-based and free electronic resources*

- A. 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.
- B. 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.

Goal 5: *Identify and locate documents generated during litigation in federal and state courts.*

- A. Understand how courts use dockets and understand the general type of documents that can be accessed via dockets.
- B. Demonstrate how to locate a federal court or Florida court docket.

