

# McLennan

C O M M U N I T Y

# COLLEGE

WACO, TEXAS

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## **COURSE SYLLABUS**

## **AND**

## **INSTRUCTOR PLAN**

**Legal Research and Writing**

**LGLA 1301 01**

**Kristy Turner**

SPRING 2019

## **Legal Research and Writing**

**LGLA 1301 01**

### **Course Description:**

This course provides a working knowledge of fundamentals of effective legal research and writing. Topics include law library techniques, computer assisted legal research, briefs, and legal memoranda.

### **Prerequisites and/or Corequisites:**

Recommended: Passing score on the reading portion of the THEA or other placement test or concurrent enrollment in READ 0302.

### **Course Notes and Instructor Recommendations:**

This is a college-level course requiring one to three or more hours of study time outside of the classroom. The Tentative Schedule contains the reading and work assignments for the semester with stated due dates.

Offered only in the spring. Semester Hours 3 (3 lec)

### **Instructor Information:**

Instructor Name: Kristy Turner

MCC E-mail: [kturner@mcclennan.edu](mailto:kturner@mcclennan.edu)

Cell Phone Number: 254-300-6502 (no phone calls after 9 p.m.)

Office Location: AS 215

Office/Teacher Conference Hours: As posted outside of office door and announced in class

Other Instruction Information:

### **Required Text & Materials:**

Title: Legal Research, Analysis, and Writing, 5/E

Author: Joanne Banker Hames; Yvonne Ekern

Edition: 5th

Publisher: Prentice Hall

ISBN: 9780133495034

### **MCC Bookstore Website**

\* **[Click Here for the Minimum System Requirements to Utilize MCC's Blackboard](http://www.mcclennan.edu/center-for-teaching-and-learning/teaching-commons/requirements)**

**([www.mcclennan.edu/center-for-teaching-and-learning/teaching-commons/requirements](http://www.mcclennan.edu/center-for-teaching-and-learning/teaching-commons/requirements))**

Click on the link above for information on the minimum system requirements needed to reliably access your courses in MCC's Blackboard learning management system.

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**Methods of Teaching and Learning:**

Lecture, group projects, lab exercises, projects, written reports/papers, exams, and tutorial software.

**Course Objectives and/or Competencies:**

The student will demonstrate mastery of the course information by being able to understand and demonstrate knowledge of the following:

Week 1

A. A. The Legal Research Process

1. Identify the origins of American law.
2. Understand the importance of the doctrine of Precedent and the doctrine of Stare Decisis.
3. Differentiate between primary and secondary sources and finding tools.
4. Identify the main types of primary authority.
5. Describe the four basic steps for effective legal research.

Week 2

B. B. Analyzing Facts and Identifying Legal Issues

1. Review facts from preliminary investigation of potential evidence.
2. Establish fact pattern for comparison with legal authorities.
3. Determine nature of legal issue involved.
4. Review applicable law relating to the legal issue.
5. Determine research goals.

Week 3

C. C. Federal and State Case Law and the Court Reporter Systems

1. Identify the elements or segments of a typical court case as reported in a court reporter.
2. Distinguish between official and unofficial court reporters.
3. Describe the typical features found in a bound volume of a court reporter.
4. Discuss the various ways court reporters are organized.
5. Describe the method of publication for court reporters.
6. Identify the three main U.S. Supreme Court reporters and describe their similarities and differences.
7. List ways to locate Supreme Court decisions not found in the main reporters.
8. Identify the main reporters for federal courts below the Supreme Court level.
9. Describe the organizational structure of the National Reporter System.
10. Explain what a parallel citation is and how to locate a parallel citation for a given case.

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Week 4

D. The Case Brief

Identify and draft:

1. the citation
2. procedural history
3. issues
4. holding
5. facts
6. rationale, and
7. a clear and concise brief of a case

Week 5

E. E. Basic Legal Writing Tools

1. Develop an outline to organize the writing process
2. Develop a method for providing clear definitions and descriptions of objects & concepts
3. Develop a method for explaining legal processes in a clear, concise manner
4. Describe the different law dictionaries available and when each is useful.
5. Describe the different law directories available and when each is useful.
6. Explain how to locate items in a form book and how to use them appropriately.

Week 6

F. F. The Legal Memorandum

1. Organize a memorandum of law
2. Learn the steps to drafting a memorandum
3. Draft the questions presented
4. Draft brief answers and conclusions
5. Organize the facts statement
6. Draft the facts statement
7. Utilize the IRAC method for the discussion section
8. Synthesize cases and authorities
9. Outlining and organizing the memo

Week 7

G. G. Legal Correspondence

1. General Format
2. Components
3. Informative Letters
4. Confirmation Letters
5. Opinion Letters
6. Demand Letters

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Week 8

H. H. Digests for Court Reports

1. Define what a digest is used for.
2. Explain why West's key number system is important in legal research.
3. Explain the organization of the American Digest System and when it will be useful in legal research.
4. Describe the Descriptive Word Method and the Topic Method as they apply to the use of digests.
5. Describe how to "update" digests results.
6. Explain the limitations of the digests.
7. Describe West's organization for the digests that are not a part of the American Digest System.
8. Identify the various books available for use with a particular digest.

Week 9

I. I. Shepard's Citations and Other Citator Services

1. Explain what type of source Shepard's is and how to use it to update another source.
2. Identify the types of sources Shepard's can be used to update.
3. Explain the abbreviations used in Shepard's.
4. Explain how Shepard's can be used as a finding tool.
5. Form a proper citation for any given source, legal or non-legal, by referring to the Blue Book or Texas Rules of Form.

Week 10

J. J. Computer-Assisted Legal Research

1. Explain how to navigate the Internet for legal research purposes
2. Strategize to plan and conduct Internet research
3. Finding people and investigating companies using Internet search tools and databases
4. Identifying reliable legal resources available on the Internet

Week 11

K. K. Constitutions, Statutes and Administrative Law

6. Identify how and where federal and state agency regulations are published.
7. Demonstrate how to locate a relevant agency rule, regulation, or decision.
8. Explain how to update agency rules, regulations, and decisions.
9. Identify how and where to find Presidential Documents.
10. Explain how to locate copies of the US Constitution and state constitutions.
11. Explain how to locate court interpretations of constitutions.
12. Explain how to locate scholarly and historical interpretations of constitutions.

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**Week 12**

**L. L. Federal and State Legislation and Legislative History**

1. Describe the legislative process a bill goes through to become law (federal and state).
2. Identify documents that are generated at each step of the legislative process (federal and state), and explain how each could be helpful in legal research.
3. Explain how a new law is published (federal and state).
4. Identify sources containing federal statutes and explain how the sources differ.
5. Explain how to locate relevant statutes within the sources.
6. Identify sources containing state statutes.
7. Explain how the statutory sources are kept current.
8. Demonstrate how to use various finding tools when compiling legislative history.
9. Explain how to locate legislative materials on the Internet.

**Week 13**

**M. M. Persuasive Writing to the Court**

1. Identify advocacy position
2. Analyze strengths and weaknesses of your position
3. Analyze strengths and weaknesses of opponent's position
4. Components of brief to the Court
5. Locate and apply applicable Court rules
6. Draft brief

**Week 14**

**N. N. Secondary Sources**

1. Explain what ALRs are and how they differ from the National Reporter System.
2. Describe the organizational structure of the ALR series.
3. Explain how to find an ALR annotation and how to update it.
4. Explain what a treatise is and how it is used in legal research.
5. Explain how to locate a treatise.
6. Explain the history of the Restatements and their usefulness for legal research.
7. Describe the features of the Restatements.
8. Explain how to locate a Restatement section and how to update it.
9. Describe what type of matters are covered by court rules.
10. Explain how to locate court rules as well as interpretations of the rules.
11. List several sources where court rules can be found and discuss how these sources differ.
12. Define the purpose of periodicals.
13. List the various types of periodicals available and describe the features of each.
14. Explain how to locate a periodical and how to update it.
15. List other Indices available for locating periodical literature.
16. Describe the two main general encyclopedias.
17. List what other types of encyclopedias are available to use in legal research.

## **Legal Research and Writing**

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To view the complete list of the program student learning outcomes, and see how this particular course fits into the overall plan, see Appendix A.

The Secretary's Commission on Achieving Necessary Skills (SCANS) was appointed by the Secretary of Labor to determine the skills our young people need to succeed in the world of work. The Commission's fundamental purpose is to encourage a high-performance economy characterized by high-skill, high-wage employment. The learning objectives of this course have been linked to the SCANS Competencies and Foundational Skills. See Appendix B.

#### **Course Outline or Schedule:**

This schedule is subject to change. Changes will be announced in the classroom.

Homework for each chapter will include, but is not limited to the following:

Questions For Review

Can You Figure It Out?

Building Your Research Skills: Assignments and Activities

Building Your Analysis Skills: Assignments and Exercises

Building Your online Research Skills: Assignments and Exercises

NOTE: \*\*You will have a reading quiz each week.\*\*

#### **Week 1**

Ch. 1 Introduction to Legal Research, Writing, and Analysis

Homework: Questions at the end of Chapter 1 and 2

#### **Week 2**

Ch. 2 The Starting Point: Analyzing Facts and Identifying Legal Issues

Homework: Questions at the end of Chapter 3

#### **Week 3**

Library meeting & Ch. 3 Finding and Analyzing Case Law

Homework: Questions at the end of Chapter 4

#### **Week 4**

Ch. 4 How to Brief A Case

Homework: Questions at the end of Chapter 11

#### **Week 5**

TEST: Materials from Weeks 1 - 4

Ch. 11 Basic Legal Writing Tools

Homework: Questions at the end of Chapter 12

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Week 6

Ch. 12 Predictive Legal Writing: The Memorandum of Law

Homework: Questions at the end of Chapter 14

Week 7

Ch. 14 Legal Correspondence

Homework: Questions at the end of Chapter 8

Assign final project--research and brief cases

Week 8

Ch. 8 Digests

Homework: Questions at the end of Chapter 9

Week 9

TEST: Materials from Weeks 5 - 8

Ch. 9 Validating Your Research: Using Shepard's, Keycite, and Other Citators

Homework: Questions at the end of Chapter 10

Week 10

Ch. 10 Computer-Assisted Legal Research

Homework: Questions at the end of Chapter 5

Week 11

Ch. 5 Constitutions, Statutes, and Administrative Regulations

Homework: Questions at the end of Chapter 6

Week 12

Ch. 6 Statutory and Constitutional Analysis

Homework: Questions at the end of Chapter 13

Week 13

Ch. 13 Persuasive Writing: Writing to the Court

Homework: Questions at the end of Chapter 7

Final Project due

Week 14

TEST: Materials from Weeks 9 - 13

Ch. 7 Secondary Sources

Week 15

Review



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Week 16  
Final Exam

**Course Grading Information:**

The system of grading will be based on the following standard:

A = 90 - 100  
B = 80 - 89  
C = 70 - 79  
D = 60 - 69  
F = Below 60

1. Tests

There will be chapter tests. If you miss one of the tests, the final exam project will be used as your grade on the missed test as well as your final exam project grade. If you miss any additional tests, those test grades will be zero.

No makeup tests are allowed. If you make below a 70 on any of your major tests, you must meet with me to discuss your score; it is your responsibility to schedule a time for that meeting.

**Tests will cover information presented in lectures, assignments, as well as any information contained in your required textbook.**

2. Quizzes

Reading quizzes may be given covering your reading assignments. These quizzes will be available on Blackboard. No make-ups are allowed on these quizzes and deadlines will not be extended.

3. Assignments

You will have one major final exam project assignment due during the semester. Assignment details will be distributed separately.

If I have an indication that students are not preparing for class and studying effectively (via quiz scores, test grades, class participation, etc.).

All assignments must be completed on time. **No late work will be accepted! Do NOT ask!**

Notwithstanding anything to the contrary, because all assignments are considered necessary to your success in preparation for your career, it is within the instructor's discretion to require that all assignments be completed for you to receive a final grade in the course; if an assignment remains undone, the instructor may assign a final grade of "incomplete", which over time automatically changes to an "F" if the assignment remains uncompleted.

The activities used to determine the grade will be weighted as follows:



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#### **Make Up Work**

Students will be permitted to make up class work and assignments missed due to absences caused by (1) authorized participation in official college functions, (2) personal illness, (3) an illness or a death in the immediate family, or (4) the observance of a religious holy day. Also, the instructor has the prerogative of determining whether a student may make up work missed due to absences for other reasons. It is the student's responsibility to inform the instructor of the reason for an absence and to do so in a timely fashion.

#### **Student Behavioral Expectations or Conduct Policy:**

In general, students are expected to maintain classroom decorum that includes respect for other students and the instructor, prompt and regular attendance, and an attitude that seeks to take full advantage of the education opportunity.

Students should demonstrate courtesy and respect to all instructors, guests, and fellow learners. While honest discussion and debate of topics is expected and encouraged, such interactions should not involve aggressive, derogatory, or hostile behaviors (verbal or otherwise). The instructor reserves the right to act to protect the decorum of the learning environment and the image of MCC.

**LIABILITY RELEASE FORM:** You may not attend activities off-campus until I receive a completed and signed release form from you.

**PERSONAL TECHNOLOGY POLICIES:** Electronic devices should be off or silenced and put away during class and exams. Laptops used for note-taking purposes will be permitted. However, if I find that laptops in the room turn out to be more of a distraction (for example, Facebook, twitter, email, etc.) than as a learning tool, this policy may change. **If your electronic device makes noise and interrupts class, you will have 10 points deducted from that day's grade.** Please do not bring in food or drinks. Only water in a re-sealable container is allowed.

The determination of student conduct as unacceptable is in the sole discretion of the instructor and the consequences of unacceptable conduct is in the instructor's sole discretion and can include removal from the classroom on a temporary or permanent basis and withdrawal of the student from the course by the instructor, possibly with a grade of "F".

The Highlander Guide describes the rights, privileges, and obligations of students affiliated with MCC. The complete guide may be accessed by clicking here: [Highlander Guide](#)

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\* **[Click Here for the MCC Academic Integrity Statement](#)**

([www.mclennan.edu/academic-integrity](http://www.mclennan.edu/academic-integrity))

The link above will provide you with information about academic integrity, dishonesty, and cheating.

\* **[Click Here for the MCC Attendance/Absences Policy](#)**

([www.mclennan.edu/highlander-guide-2016-17/policies](http://www.mclennan.edu/highlander-guide-2016-17/policies))

Click on the link above for the college policies on attendance and absences. Your instructor may have guidelines specific to this course.

**Disabilities/ADA Statement**

Any student who may require special arrangements in order to meet course requirements because of a disability should contact Disability Services as soon as possible to make necessary arrangements. Once that process is completed, appropriate verification from Disability Services will be provided to the student and instructor. Please note that instructors are not required to provide classroom accommodations to students until appropriate verification from Disability Services has been provided. For additional information, please visit [mclennan.edu/disability](http://mclennan.edu/disability).

Students with questions or who require assistance with disabilities involving physical, classroom, or testing accommodations should contact:

Jana Zuehlke Bennette, Success Coach, Disability Services

[disabilities@mclennan.edu](mailto:disabilities@mclennan.edu)

254-299-8122

Room 249D, Completion Center, in the Student Services Center

\* **[Click Here for more information about Title IX](#)**

([www.mclennan.edu/titleix](http://www.mclennan.edu/titleix))

We care about your safety, and value an environment where students and instructors can successfully teach and learn together. If you or someone you know experiences unwelcomed behavior, we are here to help. Individuals who would like to report an incident of sexual misconduct are encouraged to immediately contact the Title IX Coordinators at [titleix@mclennan.edu](mailto:titleix@mclennan.edu) or to call Dr. Drew Canham (Vice President for Student Success) at 299-8645. Individuals also may contact the MCC Police Department at 299-8911 or Counseling Services at MCC by calling 299-8210. The MCC Student Counseling Center is a confidential resource for students.

McLennan's Title IX webpage (<http://www.mclennan.edu/titleix/>) contains more information about definitions, reporting, confidentiality, resources, and what to do if you or someone you know is a

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victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence.

*\* You will need to access each link separately through your Web browser (for example: Internet Explorer, Mozilla, Chrome, or Safari) to print each link's information.*