

Advanced Legal Research (2 Credits) - Law 70207

Instructor: Warren Rees

2010 Syllabus

Description

This course will provide students with a practical understanding of the types of legal authority, including how to access and use them in print and online. Advantages and disadvantages of online and print resources will be covered as each type of authority is discussed. Methods for making research more efficient will also be discussed.

Schedule

This class will meet every Friday from 1:00 - 2:40 p.m. in Room 3130.

Attendance

Attendance is mandatory. Readings and assignments will be discussed and additional information will also be presented during class.

Readings

There is no required text for this course. Several readings will be assigned during the course of the semester. Reading assignments will consist of handouts in class, materials placed on reserve, and assigned materials available on the web.

Assignments

Use of the materials covered in class is essential for learning in a class of this nature. Approximately eight or nine assignments will be distributed throughout the semester to provide you with practical experience. Assignments will not be graded but must be completed and returned by the time specified. **No late assignments will be accepted.** Students will be expected to discuss their results during the following class. Answers to the questions on each assignment will be given to all students after we complete the in class discussion of the assignment.

Subject exams

The class is divided into three units: statutes/legislative history, administrative law, and cases. At the end of the first two units, the student must complete an examination. Each exam will consist of questions requiring use of the information covered during that unit and will require short or essay answers. Each examination is worth twenty percent of your grade, for a total of forty percent of your final grade. Exams are open note/book. Exams will be administered during regular class time.

Final Exam

The final exam will be an open book/open note exam over all information covered during the semester and is worth sixty percent of your final grade for the class. The final will consist of multiple choice, true/false, and short answer questions. The final exam will happen during the regular exam schedule.

Grading

Your final grade will be based upon the section exams (40%) and the final exam (60%). You may elect to take this class for a letter grade or pass/fail; **you must notify Anne Hamilton immediately if you wish to take the class pass/fail.** All students, whether taking the class for a

grade or pass/fail, are required to complete assignments, exams, and participate in class.

A class web page will be available online at <http://www.nd.edu/~lawlib/legalresearchadv>; all materials presented in class will be available in pdf format on this page.

Class Outline

1. Review of authority hierarchy (mandatory v. persuasive)
2. Overview of research options and basic features of each
3. General principles of searching online
4. Statutory law: the federal system
 - Bills, public laws, and codes
 - What is “the law?” - Legal status of public laws and codes
 - Research using codes: print and online (Westlaw (U.S.C.A.), Lexis (U.S.C.S.), and the web)
 - Predetermined outline
 - Free form searching online
 - Natural language v. terms and connectors
 - State statutory and local ordinance searching
 - Uniform laws
 - Model codes
5. Legislative history
 - Legislative process
 - Publications to look for when conducting a legislative history search
 - Determining which publications are available for a specific public law
 - Locating the text of relevant documents
 - Relative value and use by courts of the various legislative history materials
6. Administrative law
 - The administrative process - how rules are made
 - Issues surrounding modern administrative law
 - Registers and codes
 - Administrative research:
 - print
 - online - Westlaw, Lexis, web
 - Administrative agency powers
 - decisions
 - enforcement
 - Administrative research using the web
7. Case law: from complaint to final decision
 - Tracking cases
 - Documents available
 - Forms (Sources for sample litigation forms)
 - Court Rules - details of case process
 - Review of using print digests to locate cases by subject
 - Using online sources to access cases
 - principles of database selection
 - predetermined outline vs. full-text
 - issues using predetermined outline
 - issues with full-text searching

- terms and connectors v. natural language searches
- broad v. narrow searches
- database selection
- efficient full-text searching
- terms and connectors v. natural language searches
- working with a known authority
- using cases to locate other relevant cases
- using citators to locate other relevant cases
- using citators to determine if a case still represents good law

8. Use of specialized looseleaf sources

- Print and online
- Federal Income Taxation

9. General use of the web for legal information

- Type of information found on the web
- Reliability
- Status of information

10. Non-legal information sources