

LEGAL RESEARCH I - LAW A598/LIS 591A - Fall Quarter 2010
Prof. Mary A. Hotchkiss
William H. Gates Hall, Room 127 -- Tuesday/Thursday 9:00-10:20am

Office Hours: Wednesdays, 9:00am - 10:30am, or by appointment
(UW) 206-616-9333 / e-mail hotchma@uw.edu

REQUIRED TEXTS: Cho-Heintz, Cobb, and Hotchkiss, *Washington Legal Research*, 2d ed (2009) (WLR 2d)
Recommended: (you will need access to) *The Bluebook: A Uniform System of Citation*, 19th ed. (2010).

COURSE OBJECTIVES:

Legal Research I and Legal Research II are designed as sequential classes, taught each fall and winter. These classes are cross-listed with the Information School and are required for attorneys enrolled in the UW Law Librarianship program. **The fall course does not require prior legal research experience.** [Please note that Legal Research I is **not** a prerequisite for Legal Research II.] This sequence gives students an opportunity to further develop their research skills by extensive assignments and an intensive examination of legal research tools and techniques. In the fall, students examine legal materials in depth, concentrating on **state** law materials and Westlaw. Finding assignments and research projects focus on primary law, finding tools, practice materials and online research. In the winter, students build on prior knowledge, and concentrate on **federal** materials, Lexis, and briefly on international and foreign law research; sessions focus on federal legislative materials, specialized sources, and topical research tools. Both LR I & LR II are graded courses, with feedback on multiple assignments but no examinations. Mastering any research process takes time and practice. With luck (and hard work), by the end of the quarter, you will be a more confident, competent, cost-effective legal researcher!

COURSE STRUCTURE AND GRADING

This course uses a combination of lectures, library labs, online training sessions, and hands-on exercises to alert each of you to the variety of tools and techniques used in legal research. Students will be expected to be fully prepared for each class meeting. At a minimum that means reading the assigned materials and completing class assignments on time. There will be a total of **six** written assignments due over the quarter, four exercises and two research projects. The exercises typically take under 3 hours to complete. The research projects involve memos of 3-5 pages plus research documentation. The research projects typically take at least 12 hours to complete.

Please read the syllabus carefully for the distribution and due dates of assignments! All assignments will be due before the Thanksgiving break. If you must miss class, it is **your** responsibility to arrange to turn in materials and/or pick up class handouts. **All late papers, except those excused based on illness, will be penalized.** *

Students are expected to attend at least 80% of scheduled classes. Participation is crucial for understanding the tools and strategies of legal research. Questions and discussion are encouraged and expected. Participation can include questions or commentary offered via email or in other written form. **Class attendance and participation will account for 8% of the final course grade.**

Your final course grade will be based on the following criteria:

Exercise A @ 6 points	6 points
Exercise B & C @ 10 points each	20 points
Exercise D @ 16 points	16 points
2 Research projects @ 25 points each	50 points
Class attendance and participation	<u>up to 8 possible points</u>

Total possible points = 100

* For each assignment not turned in by the time due, you will be penalized **1 full point per day**.

Grading Note for Law School Students: J.D. students will be evaluated using the grading system of A, A-, B+, B, B-, C, D, and F. This qualifies as a skills course. “Honors” grades (A or A-) are not capped. Students who turn in assignments on time, demonstrate superior academic effort, and actively participate in learning will be rewarded. Please note: I have in the past given low passing (C and D) grades.

Grading Note for MLIS and/or LL.M. Students: You will receive a decile grade for this class, with 4.0 being the highest grade and 2.7 being the lowest grade for which academic credit is given. “Honors” grades (3.7 to 4.0) are not limited. Students who turn in assignments on time, demonstrate superior academic effort, and actively participate in learning will be rewarded. Please note: I have in the past given grades below 2.8.

Disability-related needs: To request academic accommodations due to a disability, please contact Disabled Students Services, 448 Schmitz, (206) 543-8924 (V/TTY). If you have a letter from Disabled Student Services, please present the letter to me so we can discuss the accommodations you might need in this class.

ACADEMIC CONDUCT

While working on your assignments, you may often have to share materials with other students. Please be considerate. You should reshelve materials after use and not remove materials from their original area. If materials are missing, please contact me and I will suggest alternative resources.

You will be permitted to work collaboratively on most of the assignments. However, each assignment submitted must be your own original work, drafted and handwritten or typed by you.

The **Honor Code of the School of Law**, revised in 2009, governs student conduct. Please read carefully:

Section 2-201: A student may not incorporate into work the student offers for credit or other academic or professional benefit passages taken either word for word or in substance from work of another person unless the student credits the original author and identifies the original author’s work with quotation marks and footnotes or with an appropriate written explanation.

Section 2-202: A student may not offer for credit or other academic or professional benefit as the student’s work any work prepared by another person. A student may not knowingly allow his or her own work to be offered for credit or other academic or professional benefit by another person except insofar as group submissions have been authorized and the identity of all students and the participation of each has been disclosed as required by the instructor or person in charge.

The **Student Conduct Code of the University of Washington**, adopted in 1972, also sets high standards of academic and professional honesty and integrity.

Legal research and writing relies heavily on careful documentation of controlling and persuasive authority. Deliberate failure to provide proper attribution constitutes plagiarism and warrants disciplinary action.

OFFICE HOURS

Fall office hours are Wednesdays, 9:00am-10:30am, and by appointment. From time to time my administrative responsibilities may impinge on my formal office hours. Please contact my assistant, Bernadette O’Grady, at bogrady@uw.edu or 616-5822 to identify additional meeting times.

MISCELLANEOUS

Research and writing courses are challenging. If you are feeling overwhelmed, please schedule an appointment with me. As we go over the class assignments, we’ll talk about developing efficient research habits, including ways to divide projects into smaller, conquerable tasks. Remember that we’re in this learning process together!

FALL 2010 SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS

- Tues. 9/27 BRIEF OVERVIEW; LEGAL SYSTEMS AND LEGAL MATERIALS**
Introduction to Course; Review of Syllabus; Overview of the Legal System & Legal Materials.
Optional Reading for 9/27 Skim the State Government links provided on Project Vote Smart's Government 101: State Government < http://www.vote-smart.org/resource_govt101_09.php>
- Thurs. 9/30 THE PROCESS OF LEGAL RESEARCH & CORE SECONDARY SOURCES**
Effective Research Strategies; Role of Core Secondary Sources like AmJur, CJS, and ALR.
Reading for 9/30: WLR 2d, pp. 3-15.
Hand out Exercise A (due Thurs.10/7)
- Tues. 10/5 LEGAL DICTIONARIES & ABBREVIATIONS; BASICS OF LEGAL CITATION**
Dictionaries & Abbreviation Resources; Bluebook Basics & Improvements in the 19th edition; Vendor-Neutral Citations; Other Citation Manuals (*ALWD, Chicago, Texas, Washington, etc.*)
Reading for 10/5: WLR 2d, pp. 187-209. Skim Legal Dictionaries Guide <<http://lib.law.washington.edu/ref/dict.html>> and Bluebook 101 Guide <<http://lib.law.washington.edu/ref/bluebook101.html>>
Optional Reading: Peter W. Martin, Neutral Citation, Court Web Sites, and Access to Authoritative Case Law, 99 Law Lib. J. 329, ¶52 (2007), available at http://www.access-to-law.com/elaw/pwm/access_to_caselaw01.pdf
- Thurs. 10/7 SECONDARY SOURCES: WASHINGTON**
Washington Encyclopedic Sources (Washington Practice and Washington Lawyers Practice Manual); Legal Periodicals; Bar Association Deskbooks, Manuals, and Treatises.
Reading for 10/7: WLR 2d, pp.33-50.
Reminder: Exercise A is due by 9:00am on Thursday, 10/7
Hand out Exercise B (due Thurs. 10/14)
Hand out Research Project #1 (due by 3:30 pm on Friday, 10/22)
- Tues. 10/12 STATE STATUTES: LOCATE, READ AND UPDATE**
Session Laws; Official Codes and Annotated Codes; Constitutions. Discuss Research Project #1.
Reading for 10/12: WLR, pp. 61-77 and pp. 173-185 (re Research Strategies & Organization). Please skim Statutory Research Checklist < <http://lib.law.washington.edu/ref/statute.htm>>
- Thurs. 10/14 STATE CASE LAW: LOCATE, READ AND UPDATE**
Official & Unofficial Reports; Unpublished Cases; Using Digests to Locate Case Law.
Reading for 10/14: WLR, pp. 85-96 and pp. 105-120. Please skim Reporters & Digests Guide <<http://lib.law.washington.edu/ref/repdig.html>> and West's Key Number System <<http://lawschool.westlaw.com/KNumbers/default.asp?mainpage=16&subpage=4>>
Reminder: Exercise B is due by 9:00am on Thursday, 10/14
- Tues. 10/19 WESTLAW MASTER CLASS: USING WestlawNext & WESTLAW EFFECTIVELY**

Guest Lecturer; Focus on WestlawNext, an advanced algorithm that ranks relevant results, and other Westlaw features

Reading for 10/19: TBA.

Thurs. 10/21 CITATORS: FINDING AND UPDATING TOOLS; RESEARCH STRATEGY SESSION
Shepard's, KeyCite, WestCheck & BriefCheck. Time reserved for conferences on Project #1.

Reading for 10/21: WLR 2d, pp. 121-135.

Reminder: Project #1 is due by 3:30pm on Friday, 10/22.

Tues. 10/26 STATE ADMINISTRATIVE LAW & LOCAL GOVERNMENT LAW
Washington State Register; Washington Administrative Code (WAC); Regulatory History; City and County Codes; Special Districts; Finding Tools and Practice Materials

Reading for 10/26: WLR 2d, pp. 137-147.

Optional Reading: Peter Egler, *What Gives Cities and Counties the Authority to Create Charters, Ordinances, and Codes?* 9 Perspectives: Teaching Legal Res. & Writing 145 (Spring 2001)
<<http://west.thomson.com/pdf/perspec/930110.pdf>>.

Thurs. 10/28 STRATEGIC DECISIONS: EFFECTIVE & EFFICIENT RESEARCH & WRITING
Return and Discuss Project #1. Examine real-world legal research and writing considerations, focusing on issue identification, time management skills, and concise communication of results.

Reading for 10/28: TBA

Tues. 11/2 WASHINGTON LEGISLATIVE HISTORY, INITIATIVES, & BILL TRACKING
Process and Documentary Sources; Researching Initiatives & Referenda; Legislative Resources

Reading for 11/2: WLR 2d, pp. 151-168 (stop at Federal materials). *Skim* Washington State Legislative History Guide <<http://lib.law.washington.edu/ref/washleghis.html>>

Hand out Exercise C (due by 3:30pm on Wednesday, 11/10)

Hand out Research Project #2, due by 3:30 pm on Tuesday, 11/23

Thurs. 11/4 LEGISLATIVE HISTORY OUTSIDE WASHINGTON STATE
Legislative Resources for Other States; Relative Value & Use by Courts; In-Class Lab Session

Reading for 11/4: *Skim* a non-WA link on "State Legislative History Research Guides on the Web" <<http://www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml>>

Tues. 11/9 WASHINGTON LITIGATION MATERIALS
Review of Subject-Specific Resources. Focus on Court Rules; Pattern Forms; Jury Instructions; Jury Verdicts; Desk Books; Benchbooks; and Judicial Biographies.

Reading for 11/9: WLR 2d, pp. 50-55 and 80-84.

Reminder: Exercise C is due by 3:30pm on Wednesday, 11/10

Thurs. 11/11 VETERANS DAY – NO CLASS

- Tues. 11/16 MULTI-STATE PRACTICE MATERIALS**
Hands-on Lab. *AmJur Trials; AmJur Proof of Facts; Causes of Action*, etc.; Records and Briefs.

Reading for 11/16: Handout “Westlaw Research Tips: Litigation Practice Tips” and *skim* Briefs and Oral Arguments < <http://lib.law.washington.edu/collect/briefs.html>>
- Thurs. 11/18 UNIFORM AND MODEL LEGISLATION; 50 STATE SURVEYS**
Model and Uniform Acts (such as the Uniform Commercial Code, Uniform Interstate Family Support Act, etc.); Finding Tools for Multistate Surveys.

Reading for 11/18: Handout to be distributed in class.

Optional Reading: Jan Bissett and Margi Heinen, *Learning to Love Those 50 State Surveys*, published on LLRX, 1-19-08; See <http://www.llrx.com/columns/reference56.htm>
- Tues. 11/23 RESEARCH PROJECT STRATEGY SESSION**
Time reserved for individual conferences on research projects. No reading assignment

Reminder: Project #2 is due by 3:30pm on Tuesday, 11/23.
- Thurs. 11/25 THANKSGIVING HOLIDAY – NO CLASS**
- Tues. 11/30 NONLEGAL RESEARCH: ESSENTIAL RESOURCES FOR ATTORNEYS**
Hands-on lab. Tools for Finding Facts and Statistics, Business Information, Medical or Scientific Information, Biographical and Directory Information, Pithy Quotations and more.

Reading for 11/30: None.
- Thurs. 12/2 PUBLIC RECORDS AND INFORMATION ETHICS**
Free and Fee-Based City and County Materials: Property Records, Marriage Records, Liens, Civil Judgments etc.; Appropriate Use and Disclosure of Public Records.

Reading for 12/2: *Skim* “Complaints” and “Advisory Opinions” headings on the Washington State Practice of Law site at <www.wsba.org/lawyers/groups/practiceoflaw/default.htm>

Exercise D distributed through Catalyst: opens at 10:30am and closes at 6:30pm on 12/2

Reading for 12/2: None.
- Tues. 12/7 EVALUATION; PERSPECTIVES FROM PRACTICE**
Return and Discuss Final Assignments; Course Wrap-up. Strategies for Keeping Skills Sharp in a Variety of Practice Settings.

Reading for 12/7: None.

Feedback is essential in a legal research class. All papers will be returned promptly after receipt. It is the student's responsibility to notify the instructor promptly if an assignment will not be submitted when due.