

**LEGAL RESEARCH I - LAW A598/LIS 591A - Fall Quarter 2009**  
**Prof. Mary A. Hotchkiss**  
**William H. Gates Hall, Room 207 -- Tuesday/Thursday 9:00-10:20am**

*Office Hours: Wednesdays, 9:00am - 10:30am, or by appointment*  
*(UW) 206-616-9333 / e-mail hotchma@u.washington.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*, 18th ed. (2005).

**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 10 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 pass (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, Vickie Moor <vmoor@u.washington.edu> or 543-7283 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 2009 SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS**

- Tues. 9/29 BRIEF OVERVIEW; LEGAL SYSTEMS AND LEGAL MATERIALS**  
Introduction to Course; Review of Syllabus; Overview of the Legal System & Legal Materials.  
*Optional Reading for 9/29: Skim the State Government links provided on Project Vote Smart's Government 101: State Government < [http://www.vote-smart.org/resource\\_govt101\\_09.php](http://www.vote-smart.org/resource_govt101_09.php)>*
- Thurs. 10/1 THE PROCESS OF LEGAL RESEARCH & CORE SECONDARY SOURCES**  
Effective Research Strategies; Role of Core Secondary Sources like AmJur, CJS, and ALR.  
*Reading for 10/1: WLR 2d, pp. 3-15.*  
**Hand out Exercise A (due Thurs.10/8)**
- Tues. 10/6 LEGAL DICTIONARIES, CITATION FORM & ABBREVIATIONS**  
Bluebook Basics; Vendor-Neutral Citations; Other Citation Manuals (*ALWD, AALL, Chicago, Texas, Washington*); Abbreviations and Deciphering Tools (*Bieber's*, etc.)  
*Reading for 10/6: WLR 2d, pp. 187-209. Skim introduction to Basic Legal Citation <<http://www.law.cornell.edu/citation>>*  
*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](http://www.access-to-law.com/elaw/pwm/access_to_caselaw01.pdf)*
- Thurs. 10/8 SECONDARY SOURCES: WASHINGTON**  
Washington Encyclopedic Sources (Washington Practice and Washington Lawyers Practice Manual); Legal Periodicals; Bar Association Deskbooks, Manuals, and Treatises.  
*Reading for 10/8: WLR 2d, pp.33-50.*  
**Reminder: Exercise A is due by 9:00am on Thursday, 10/8**  
**Hand out Exercise B (due Thurs. 10/15)**  
**Hand out Research Project #1 (due by 1:00 pm on Friday, 10/23)**
- Tues. 10/13 STATE STATUTES: LOCATE, READ AND UPDATE**  
Session Laws; Official Codes and Annotated Codes; Constitutions. Discuss Research Project #1.  
*Reading for 10/13: 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. 10/15 STATE CASE LAW: LOCATE, READ AND UPDATE**  
Official & Unofficial Reports; Unpublished Cases; Using Digests to Locate Case Law.  
*Reading for 10/20: WLR, pp. 85-96 and pp. 105-120. Please skim Reporters & Digests Guide <<http://lib.law.washington.edu/ref/repdig.html>>*  
*Optional reading: Dabney, Daniel. The Universe of Thinkable Thoughts: West's Key Number System, 99 Law Lib. J. 14 (2006). [http://www.aallnet.org/products/pub\\_llj\\_v99n02/2007-14.pdf](http://www.aallnet.org/products/pub_llj_v99n02/2007-14.pdf)*
- Tues. 10/20 CITATORS: FINDING AND UPDATING TOOLS; BASICS OF ONLINE RESEARCH**  
**Reminder: Exercise B is due by 9:00am on Thursday, 10/15**

Guest Lecturer. *Shepard's & KeyCite*; Generating Effective Online Queries.

**Reading for 10/20:** WLR 2d, pp. 121-135.

*Please also skim* Online Citators <<http://lib.law.washington.edu/ref/oncite.html>>

**Thurs. 10/22 RESEARCH PROJECT STRATEGY SESSION**

Time reserved for individual conferences on research projects. No reading assignment.

**Reminder: Project #1 is due by 1:00pm on Friday, 10/23.**

**Tues. 10/27 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 10/27:** 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. 10/29 STRATEGIC DECISIONS: EFFECTIVE & EFFICIENT RESEARCH & WRITING**

Return and Discuss Project #1. Real-world legal research and writing considerations, focusing on issue identification, time management, and concise communication of results.

**Reading for 10/29:** TBD

**Tues. 11/3 WASHINGTON LEGISLATIVE HISTORY, INITIATIVES, & BILL TRACKING**

Process and Documentary Sources; Researching Initiatives & Referenda; Legislative Resources

**Reading for 11/3:** 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 Thurs. 11/12)**

**Hand out Research Project #2, due by 8:30am on Monday, 11/23**

**Thurs. 11/5 WASHINGTON LITIGATION MATERIALS**

Review of subject-specific resources such as deskbooks and manuals. Focus on Court Rules; Pattern Forms; Jury Instructions; Jury Verdicts; Benchbooks; and Judicial Biographies.

**Reading for 11/5:** WLR 2d, pp. 50-55 and 80-84.

**Tues. 11/10 MULTI-STATE PRACTICE MATERIALS**

*AmJur Trials; AmJur Proof of Facts; Causes of Action*, etc.; Use of Records and Briefs.

**Reading for 11/12:** Handout “Westlaw Research Tips: Litigation Practice Tips” and *skim* Briefs and Oral Arguments < <http://lib.law.washington.edu/collect/briefs.html>>

**Thurs. 11/12 WESTLAW TRAINING – MASTER CLASS**

Focus on topical resources, litigation, news, and practice guides. Explore Low Cost or Public Access Alternatives such as LoisLaw, Casemaker, etc. No reading assignment.

**Reminder: Exercise C is due by 9:00am on Thursday, 11/12**

**Tues. 11/17 SPECIALIZED LEGAL RESEARCH: INDIAN LAW RESEARCH**

Guest lecturer. Indian Law: Terminology; Jurisdiction; Practitioner's Checklist; Research Tools.

*Reading for 11/17:* Indian Law Research <<http://lib.law.washington.edu/ref/indian.html>>.

*Optional Reading for 11/17:* Time permitting, please review the chapter on *Indian Legal Research* in the Washington Legal Researcher's Deskbook, 3d. pp. 212-234 (on Reserve).

**Thurs. 11/19 RESEARCH PROJECT STRATEGY SESSION**

Time reserved for working on research projects. No reading assignment

**Reminder: Project #2 is due by 8:30am on Monday, 11/23.**

**Tues. 11/24 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 11/24:* None.

**Thurs. 11/26 THANKSGIVING HOLIDAY – NO CLASS**

**Thurs. 12/1 UNIFORM AND MODEL LEGISLATION; 50 STATE SURVEYS**

Return and Discuss Second Project; Model and uniform acts (such as the Uniform Commercial Code, Uniform Interstate Family Support Act, etc.); Finding tools for multistate surveys.

*Reading for 12/1:* 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 <http://www.llrx.com/columns/reference56.htm>

**Thurs. 12/3 PUBLIC RECORDS AND INFORMATION ETHICS**

Free and Fee-Based City and County Materials – Property Records, Marriage Records, Court Dockets, Lien Records, Civil Judgments etc.; Appropriate Use and Disclosure of Public Records.

*Reading for 12/3:* Please skim materials posted on the Washington State Practice of Law Board at <[www.wsba.org/lawyers/groups/practiceoflaw/default.htm](http://www.wsba.org/lawyers/groups/practiceoflaw/default.htm)>

**Exercise D distributed through Catalyst: opens at 11:30am and closes at 9:30pm on 12/3**

*Reading for 12/3:* None.

**Tues. 12/8 EVALUATION; PERSPECTIVES FROM PRACTICE**

Course Wrap-up. Strategies for Keeping Skills Sharp in a Variety of Practice Settings.

*Reading for 12/8:* 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.*