

LEGAL RESEARCH II - LAW A599/LIS 592A – WINTER 2006
Professor Mary A. Hotchkiss -- Tuesday/Thursday 9:00-10:15 am, William Gates Hall 119

Office Hours: Wednesdays 9:00am-10:30am, and by appointment
(W) 616-9333 / e-mail hotchma@u.washington.edu

Required text: Armstrong & Knott, Where the Law Is: An Introduction to Advanced Legal Research (West 2004) [A& K] Recommended text: 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 courses are cross-listed with the Information School. 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, focusing on state law materials. Finding assignments and research projects focus on case law, statutes, finding tools and computer assisted legal research (CALR) systems. **In the winter, students build on the knowledge gained in the fall, and focus primarily on federal materials, in print and online; topics include federal legislative materials, looseleaf services, and specialized research tools. For students from outside the Law School, the fall course is normally a prerequisite but can be waived with instructor's permission.** Both are graded courses, with multiple assignments but no exams. (These skills courses do not use anonymous grading.)

Legal Research II uses a combination of lectures, library labs, online training sessions, and hands-on exercises to demonstrate the variety of tools and techniques used in legal research. Students should be fully prepared for each class. Students will be evaluated on the basis of **five** graded research assignments, **three** ungraded online exercises plus a **short presentation** and class attendance and participation. There will be **three online exercises** (worth 5 points each); **two research exercises** (worth 12 points each); **two research projects** (worth 20 points each); **one research guide or short paper on the topic of your choice** (worth 12 points), and **one oral presentation** (worth 3 points). The exercises typically take under 3 hours to complete, with a turn-around time of 5-7 days. The research projects involve memos of 3-5 pages plus a research log. The longer research projects will typically require at least 8 hours, with a turn-around time of 14-18 days.

Please read the syllabus carefully for both the distribution dates and due dates of assignments! If you must miss class, it is **your** responsibility to arrange to turn in materials on time and/or pick up class handouts.

Unless otherwise noted, all assignments are due at the beginning of the class hour on the date due. All late papers, except those excused based on illness, will be penalized. *

Students are expected to attend at least 80% of scheduled classes. In-class participation is crucial for understanding the tools and strategies of legal research. Questions and discussion are encouraged and expected. **Class attendance and participation will account for up to 6% of the final course grade.**

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

3 Online Exercises @ 4 points each	12 points
2 Research Exercises @ 12 points each	24 points
2 Research projects @ 20 points each	40 points
1 Research Guide (15 pts) & Presentation (3 pts)	18 points
Class attendance, participation, and optional exercises	<u>up to 6 points possible</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, F. Because this is a course that is directed to and includes significant numbers of non-law students, the mandatory distribution is not mandated. A and A- grades 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 a “B”.

Grading Note for Information School and/or LL.M. Students: You will receive a decile grade for this class. Grades of 4.0 to 3.7 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. Ideally, you should re-shelve most materials after use. At the very least, please do not remove materials from their original area. If materials are missing, (a) look around the copy machines, (b) check the re-shelving areas, (c) contact me and I will try to 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 individually by you.

The **Honor Code of the School of Law**, adopted in 1981, governs student conduct. Please note:

Section 2-201: A student may not incorporate into work the student offers for credit 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 as the student’s work any work prepared by another person.

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: Wednesdays 9:00am-10:30am, and by appointment.

MISCELLANEOUS Research and writing courses are challenging. At times it will seem as if there is more work than can be humanly done in a 24-hour day. This is true for even the most organized among us! If you are feeling overwhelmed, please schedule an appointment with me. As we review 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!

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

WINTER 2006 SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS

- Tues. 1/3 OVERVIEW; THE RESEARCH PROCESS; FEDERAL STATUTES**
Syllabus Review; Rombauer Method; Review of secondary sources (print & online); Focus on Statutes at Large; USC, USCA/USCS; Constitution; Treaties; Interstate Compacts.
- Reading for 1/3:** A & K, pp. 1-35 (through 2.17)
- Online Exercise #1 (Legislative Histories) (due by Noon on Monday, 1/9)
- Thurs. 1/5 NO CLASS – AMERICAN ASSOCIATION OF LAW SCHOOLS MEETING**
Please continue with Chapter 2 and work on the online research exercise due on Monday 1/9
- Reading for 1/5:** A & K, pp. 36-59 (2.18-2.40)
- Tues. 1/10 FEDERAL LEGISLATIVE HISTORY**
The legislative process generally; Congressional publications; CIS and bill-tracking services.
- Reading for 1/10:** A & K, pp. 60-82.
- Hand out Exercise A (due Tuesday, 1/17)
- Thurs. 1/12 LEGISLATIVE HISTORY & STATUTORY INTERPRETATION.**
The use of legislative history in litigation; Sutherland on Statutory Construction.
- Online Exercise #2 (Citators) (due by Noon on Monday, 1/16)
- Reading for 1/12:** Breyer, *On the Uses of Legislative History in Interpreting Statutes*, 65 S. Cal. L. Rev. 845 (1992).
- Tues. 1/17 CASE FINDING IN PRINT AND ONLINE**
Supreme Court and Federal Reporters; print and online resources for current awareness (summaries) and full-text opinions.
- Reading for 1/17:** A & K, pp. 98-130 (Chapter 5)
- Hand out Research Project #1 (due by 9:00am Thursday, 2/2)
- Thurs. 1/19 CASE VERIFICATION TOOLS & PROJECT MANAGEMENT STRATEGIES**
Shepard's and other citation-checking software. Research strategies for Project #1.
- Reading for 1/19:** Shepard's Tour <web.lexis.com/help/multimedia/shepards.htm>
- Tues. 1/24 QUERY FORMULATION & KEY SECONDARY SOURCES**
Prominent treatises, ALRs, etc. Research strategies for efficient and effective online research
- Reading for 1/24:** A & K, pp. 131-137.

Thurs. 1/26 LEXIS TRAINING & RESEARCH PROJECT Q & A

No reading assignment

Tues. 1/31 ADMINISTRATIVE LAW: FEDERAL REGULATORY PROCESS

Federal Register, CFR; Regulatory tracking tools.

Reading for 1/31: A & K, pp. 138-158 (7.1 to 7.17).

Thurs. 2/2 ADMINISTRATIVE LAW: ADJUDICATIONS

Administrative decisions and other actions. Brief discussion of FOIA.

Reading for 2/2: A & K, pp.158-161 (7.18-7.20) and skim agency entries on the “Gov Info Virtual Reference Shelf” www.lib.virginia.edu/govdocs/fed_decisions_agency.html

Hand out Research Project #2 (due by Noon, Friday, 2/17)

[Research Project #1 due by 9:00am on Tuesday, 2/2]

Tues. 2/7 FEDERAL GOVERNMENT DOCUMENTS: PRINT AND ONLINE RESOURCES

Special Commissions (9-11), Statistics, Annual Reports, and much more. Guest Lecturer.

Reading for 2/7: Browse through the “Federal Resources on the Internet: An A to Z Sampler” < lib.law.washington.edu/ref/fedatoz.htm>.

Thurs. 2/9 GOOGLE AND BEYOND: EFFECTIVE SEARCH STRATEGIES

Strategies for uncovering information sources that search engines don't find.

Reading for 2/9: Michael K. Bergman, “The Deep Web: Surfacing Hidden Value,” < <http://www.brightplanet.com/technology/deepweb.asp> >

Tues. 2/14 FEDERAL PRACTICE MATERIALS & SPECIALIZED LOOSELEAF SERVICES

Court rules, litigation support, verdicts, forms, etc. Looseleaf services: one-stop shopping.

Reading for 2/14: A & K, pp. 162-174 and handout.

Hand out and Explain Research Guide Project (due by Noon on Wednesday, 3/1)

Thurs. 2/16 RESEARCH PROJECT STRATEGY SESSION

Time reserved for individual conferences on research projects.

√ **Research Project #2 due by Noon on Friday, February 17, 2006**

Tues. 2/21 INTERNATIONAL LAW: FOCUS ON TREATIES & ORGANIZATIONS

An overview of international law resources, in print and online.

Reading for 2/21: A & K, pp. 184-195. As time permits, browse through the ASIL Guide to Electronic Resources for International Law at <www.asil.org/resource/ergintr1.htm>.

Hand out Exercise B (due by 9:00am, Tuesday, 2/28)

Thurs. 2/23 FOREIGN LEGAL SYSTEMS

Resources for Understanding the Structure of the Foreign Legal System; Identifying Foreign Law by Subject or Region; Vernacular versus Translations.

Reading for 2/23: Browse through “World Legal Systems” materials at <<http://www.droitcivil.uottawa.ca/world-legal-systems/eng-monde.html>>

Tues. 2/28 INCORPORATING NONLEGAL MATERIALS & INTEGRATING TECHNOLOGY

Resources for business, medical, scientific, biographical, and statistical information. Essential elements of a research “library” based on resources, technology, and finances.

Reading for 2/28: Skim “Nonlegal research” at <http://lib.law.washington.edu/ref/nonlegal.htm>. Please skim spotlighted articles in the latest issue of the “Automated Lawyer” on Law.com <www.law.com/professionals/automated_lawyer>

Research Guides/Short Papers (**2 copies**) and summary sheets due by Noon on Wednesday, March 1. These materials must be submitted in **print** form, at Academic Services, Suite 361.

Thurs. 3/2 STUDENT PRESENTATIONS

Individual presentations of research guides or short papers.

Tues. 3/7 CLASS EVALUATION; STUDENT PRESENTATIONS

Individual presentations of research guides or short papers.

Thurs. 3/9 STUDENT PRESENTATIONS & COURSE WRAP UP

Individual presentations of research guides or short papers. Final comments on key resources, current awareness tools, and research design.

Reading for 3/9: A & K, pp. 196-204 (“Where the law is: a recap”)

Target return date for research guides or short paper is March 17.