

KCC Paralegal Program
LAW 102 – Saturday - Section 31044 – Fall 2009

LEGAL RESEARCH
COURSE DESCRIPTION

- Class:** Saturday mornings from 9:00 a.m. to 12:00 p.m., August 29 to December 12 (total of 16 sessions).
- Location:** U.H. Law School, Classroom 4. We will also meet in the computer lab on the KCC campus for our two Westlaw orientations.
- Instructor:** Benjamin L. Carroll, III, Esq. Tel: (808) 734-9106 (MSG)
Email: carrollb@hawaii.edu
- Prerequisite:** Admission to Legal Education program or Instructor consent
- Westlaw:** You will be provided with a password allowing 24/7 online access to the Westlaw database from any computer connected to the Internet.
- Web Site:** Our course web page is located at: laulima.hawaii.edu. You should check it regularly between classes.
- Email:** We will use Laulima Private Messages and email to communicate between classes and the Laulima *Drop Box* to submit work. You will receive additional information about Laulima and email protocol (how to forward, use attachments, etc.)
- Overview:** The purpose of this course is to acquaint you with the major techniques of legal research and writing. You will complete assigned problems in legal research and prepare an office memorandum. Focus will be on practical, working knowledge, emphasizing Hawai'i resources.
- Objectives:** Upon successful completion of LAW 102, you should be able to:
- 1 locate relevant authority in law libraries, public libraries and on the Internet for use in drafting case memoranda and briefs;
 - 2 utilize Computer Assisted Legal Research (CALR), including legal databases (e.g., Lexis, Westlaw, etc.);
 - 3 work with accepted legal citation form, including the Blue Book;
 - 4 use printed and online citators to find, verify and update cited case law, statutes and other legal authority (e.g, Shepard's Citator and West KeyCite);
 - 5 demonstrate familiarity with federal and state legislative, statutory, and case materials;
 - 6 prepare an office memorandum exploring both sides of a legal issue.

- Materials:** Hawai'i Legal Research manual and Hawai'i Law Primer will be posted online and can be downloaded and printed. We will discuss other options for those who do not wish to or are unable to do the printing themselves.
- Citation Guides:** The Blue Book: A Uniform System of Citation (18th ed.) Cambridge, MA: Harvard Law Review Association (2005). This book will be used later in your Legal Writing (Law203) course. [*KCC/U.H. Bookstore*]
- If you prefer, you may use the Association of Legal Writing Directors ALWD Citation Manual (2d ed.), Aspen Publishing (2003).
- These citation manuals produce virtually identical citations; the ALWD is easier to use while the Blue Book is better known and more established. The Blue Book is also used in your Legal Writing class (Law 203).
- We will also use Peter Martin's online citation guide which includes both Blue Book and ALWD formats: <http://www.law.cornell.edu/citation>
- Sharing:** If you find additional materials during the year that you find helpful, please let the class know.
- Methods:** Exercises: We will be doing interactive exercises and small group work in class to illustrate certain procedures and become familiar with the research process.
- There will also be take-home assignments to be completed for grading. You will be advised whether work is individual or group.
- Reading:** We will assume everyone has done the assigned readings. Therefore, we will not cover them in detail during class, other than to clarify.
- Written Work:** Work should be typewritten and checked for spelling and grammar. You should have access to a computer with spell-checking capabilities. We will all be doing the same written assignments and will be discussing them in detail on the date turned in. Therefore, late work cannot be accepted. Please make arrangements to have your assignments emailed or delivered if you cannot turn them in yourself.
- Project:** We will be researching the law based on a fact scenario and writing an office memorandum as our final product for this course.
- Prior to doing this, we will do a "dry run" (practice) together using the dog bite case posed on the web site. Thus, you will have already performed all the steps necessary prior to the final project. You will receive detailed instructions early in the semester and we will check progress regularly.
- You may form teams to do the research and preliminary work. However, each person will do his or her own writing and turn in an individual memorandum.

Assistance: If this is your first paralegal course, or you have other concerns, let the instructor know. Many people have no prior legal background. There are a primer and glossary posted on the course web page.

Procrastination: Much of this class builds on what has been previously learned. People who have had problems in the past did not seek assistance when they fell behind. If things get that bad, it is suggested you go through the formal procedure to drop the class before the deadline.

Grading: Grades will be based on the following points/percentages:

100	Class Participation (including attendance, in-class work)
200	Assignments (out-of-class work)
200	Midterm Quiz(zes) (open book)
250	Research Project
250	Final Exam (open book)

Grades will be based generally as follows:

A	900 – 1000 points
B	800 – 899 points
C	700 – 799 points
D	600 – 699 points
F	Less than 600 points

Disability: If you have a disability or special need and have not voluntarily disclosed the nature of your disability and support that you need, you are invited to contact the Special Student Services Office, 734-9552, Ilima 103 for assistance.

Other: Please review the rules that apply to all your paralegal classes – the Legal Education Addendum – posted on the class web site.

Please let me know how I can assist in making the course more useful or valuable to you.

LEGAL RESEARCH

COURSE SYLLABUS

There may be adjustments to the syllabus, particularly for Westlaw training.

1. **August 29**

Topic: Introduction to Legal Process Sources of American Law; Uses of Research; Primary and Secondary Authority; Legal Terminology; Hawai'i Legal Resources; Course Expectations.
LR Manual: *Hawaii Law Primer* (online); *Hawaii Legal Research* Sect. 1.
Uniform System of Citation - Blue Book: Introduction, Bluepages, 1-44.
Online Citation Guide: §§1-000 (Basic Legal Citation); 4-000 (Abbreviations); 5-000 (Underlining), 7-500 (State Specific)
In-Class Exercise: The Bite. Berring Video 1 (tentative).
Out of Class Assignment: Study U.H. & Supreme Court Library Guides.
2. **September 5
Law Library**

Topic: Using the Library: Primary & Secondary Sources Finding and Citing the Law; Encyclopedias; Treatises; Restatements; Periodicals; A.L.R.; Digest & Index Systems; Introduction to Citation.
LR Manual: Sections 2 & 3.
BB: Rules 1-9. **Online:** §§2-700, 3-700 (Books), 2-800, 3-800 (Articles)
In-Class Exercise: Distinguishing Authority (A).
Out of Class Assignment: **Ex. 1** Authority (B); **Ex. 2** Fun with Citations.
3. **September 12**

Topic: Analyzing and Using Cases Legal Thinking; Valuing & Selecting Authorities; Comparing Factual Situations; How Cases are Published.
LR Manual: Section 6.
Blue Book: Rule 10; **Online:** §§ 2-200, 3-200 (Cases)
In-Class Exercise: Parts of a case; Analysis of *Hubbell*
Out of Class Assign.: Use of *Hubbell* & scenario; **Ex. 3** *Apex*
4. **September 19**

Topic: Case Interpretation Extracting Issues; How to Handle Contrary Case law; Use of Shepards (Keycite); Federal Reporters.
LR Manual & Citation: Review Case sections.
In-Class Exercise: *Farrior* analysis; Prisoner Case; Berring Video 2 (tent.).
Out of Class Assign.: **Ex. 4** *Mahoe* case; **Ex. 5** Bad Cites.

◆ **REVIEW FOR QUIZ 1.**
5. **September 26**

Topic: Constitutions and Statutes Constitutional Law; Internal Rules of Interpretation; HRS; Uniform & Model Acts.
LR Manual: Section 7.
Blue Book: Rules 11 & 12; **Online:** §§ 2-300. 3-300
In-Class Exercise: **Ex. 6** Beach Trash

◆ **QUIZ 1: OPEN BOOK & NOTES. Remember to bring materials.**

6. **October 3
Kopiko KCC** *Topic: Introduction to Westlaw* [tentative] Analyzing Research Problems; Impact of Computerization; Key Word Searching; Databases.
LR Manual: Sections 4 & 5. Westlaw materials.
Blue Book: Rule 18; *Online:* §§2-100, 3-100 (Electronic Sources); 2-220, 3-220 (Variants)
In-Class Exercise: Westlaw searching; Project Discussion.
Out of Class Assignment: Westlaw searches; Draft Project Issues
7. **October 10** *Topic: Statutory Analysis* Judicial Interpretation; Ordinances; Federal Statutes; Interplay of State and Federal law.
LR Manual: Same as prior class.
Blue Book: Rules 11 & 12; *Online:* §§ 2-300. 3-300
In-Class Exercise: Ex. 7 Statutory Analysis.
◆ *Project:* Written Issues Due
Out of Class Assignment: Work on project outline.
8. **October 17** *Topic: Legislative History* How Laws are Made; What Materials are Available; Finding Aids; Legislative Reference Bureau; LRB Reports.
LR Manual & Citation: Same as prior class.
In-Class Exercise: Comparing online & library legislative searches.
Out of Class Assignment: Ex. 8 Bad Memo
9. **October 24** *Topic: Administrative Rulemaking & Decisions* How State and Federal Agencies and Departments Function; How Regulations are Promulgated; Agency Decisions; Resources.
LR Manual: Section 8.
Blue Book: Rule 14; *Online:* §§ 2-400, 3-400 (Agency Material)
In-Class (Project): Discuss Project Approach & Outline
Out of Class Assignment: Ex. 9 Bluebook 3; Project Research.
◆ **REVIEW FOR QUIZ 2.**
10. **October 31** *Topic: Legal Analysis & Writing* Project format & Structure; Handling Quotations; Review of cite-checking; Flow & transitions.
◆ **QUIZ 2: OPEN BOOK & NOTES. Remember to bring Blue Book.**
Project: Individual Draft Review (after Quiz) Review organization and writing issues; Revising, improving, proofing memoranda.
◆ *Project: First Rough Sh*tty Draft Due.*
11. **November 7
Kopiko 103** *Topic: Westlaw Refresher* Review of Search Strategies; KeySearch; Selecting Databases; KeyCiting; Questions & Answers.
LR Manual: Westlaw Paralegal Guide.
In-Class (Project): Searching with KeySearch; Review Searching Options.
Project: Continue Westlaw Research.

12. November 14 *Topic: **Writing & Revising*** Review of Westlaw session; Unusual citation forms; Research questions & problems.
BB: Rules 17, 20 – 21; *Online:* §§ 6-000 (Placing Citations in Context)
In-Class (Project): Discuss Drafts.
◆ *Project: Second Draft Due.*
13. November 21 *Topic: **Bringing it All Together*** Integrating Research Strategies; Trying Different Approaches; Creativity; What to Do When You Hit a Deadend.
LR Manual: Review Section 4.
In-Class (Project): Group and individual work on project.
Out of Class Assignment: Finalize Project memo.
- November 24 ◆ **PROJECT DUE IN DROP BOX (Midnight)**
14. November 28 *Topic: **Court Rules & Special Material*** Review of federal & International research; Special Citation Forms; Other Citation & Reference Guides.
LR Manual: Section 9 & 11.
Blue Book: Rules 17, 20 – 21; *Online:* §§ 3-500 (Arbitration Decisions), 3-600 (Court Rules)
Out of Class Assignment: Ex. 10 Federal Citations.
15. December 5 *Topic: **Debriefing the Research Project*** Discussion of Memo examples from class; Different Approaches and Found Authorities; Unique Techniques
In-Class: Discussion of Westlaw Certification. CALR.
◆ **REVIEW for Final Exam.**
16. December 12 ◆ **FINAL EXAM (2 hours) - Cumulative but emphasis on statutory law and administrative law. OPEN BOOK & NOTES. Remember to bring manual, notes, and citation materials.**