

## ADVANCED LEGAL RESEARCH

Law 4800 / Spring 2017 / Section E886 / Room N-1108 / Th 6-8:30pm

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Office hours: Monday 1-2:30pm, Wednesday 4:15-5:45pm, and by appointment

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### COURSE DESCRIPTION

This course involves a series of research, writing and oral assignments of increasing complexity on various topics of substantive law. Topics include legal analysis, preparation of outlines and rough drafts of legal documents such as appellate briefs, trial briefs and memoranda of law; correct use of citation, and proper legal research techniques. Particular emphasis is placed on oral and written presentation. Three credits; pre- or corequisites are (1) completion of 90 required credits, (2) ENG 1161 or any LIT course, and (3) LAW 4704.

**This course is Writing Intensive (WI).** City Tech students must complete two courses designated WI for the associate level, one from GenEd and one from the major; and two additional courses designated WI for the baccalaureate level, one from GenEd and one from the major. Per City Tech's Writing Intensive Guidelines, WI courses should include: (a) critical reading, logical thinking, and the use of writing to help the student understand a given topic; (b) the use of appropriate style and disciplinary conventions in writing and speaking; (c) the productive use of legal research resources; and (d) a minimum of fifteen pages of writing per student.

#### **Texts:**

- Andrea B. Yelin & Hope Viner Samborn, The Legal Research and Writing Handbook: A Basic Approach for Paralegals (7th ed. 2015) ("Yelin & Samborn" or "Y&S"), available at City Tech library reserve desk.
- The Bluebook: A Uniform System of Citation (20th ed. 2015).
- New York Law Reports Style Manual, available on Blackboard.
- A law dictionary, such as Black's, and an English language dictionary, such as Merriam-Webster's, in print or online. Online law dictionaries include thelawdictionary.org, dictionary.law.com, and legal-dictionary.thefreedictionary.com. Online English language dictionaries include dictionary.reference.com, merriam-webster.com/dictionary.htm, and thefreedictionary.com.

#### **Course objectives** include:

- strengthening critical reading and logical thinking skills;
- using writing to facilitate understanding of a topic;
- using appropriate legal styles and conventions in writing and speaking;
- using legal research resources productively;
- producing at least fifteen pages of high-quality legal writing;
- completing research, writing and oral assignments of increasing complexity on various topics of substantive law;
- sharpening skills in legal analysis, preparation of outlines and rough drafts of legal documents;
- using proper citation styles including The Bluebook and New York Law Reports Style Manual;
- employing effective legal research techniques; and
- recognizing, and responding appropriately to, ethical issues in research, writing and oral presentation.

#### **General Education Student Learning Outcomes** (SLOs) include:

- Knowledge: pursue disciplined, inquiry-based learning in the major; acquire tools for lifelong learning.
- Skills: communicate in diverse settings and groups, using written and oral means; employ logical thinking.
- Integration: gather, interpret, evaluate, and apply information discerningly from various sources.
- Values, Ethics and Relationships: demonstrate intellectual honesty and personal responsibility; work with teams, including those of diverse composition; apply knowledge and analyze legal issues.

**Course grades** will be calculated as follows:

Writing skills oral presentation	5%
Quizzes	10%
Case briefs, litigation drafting, and other assignments	20%
Draft trial brief	20%
Final trial brief	30%
Oral argument	10%
Participation and professionalism (see below)	5%

**There will be no make-up exams or quizzes without advance permission. Late homework and other assignments will be declined or penalized. All written assignments, including homework, must be typed and double-spaced.** Grammar and spelling count; proofread! Retain copies of your graded work; if you believe there is an error in grading, you will be required to demonstrate it.

**Participation and professionalism:** You are required to participate meaningfully in all class sessions, including: (i) completing all required readings and assignments before class and being prepared to discuss them intelligently; (ii) being present, fully attentive, and actively engaged in all class activities; and (iii) having all necessary materials with you. Professionalism includes conducting yourself in a manner appropriate to the legal profession at all times, and taking responsibility for your own learning and progress.

**You may not use cell phones in class, at any time, for any purpose.**

**Attendance:** You are permitted up to two absences; two late arrivals equal one absence.

**NYCCT statement on academic integrity:** "Students and all others who work with information, ideas, texts, images, music, inventions, and other intellectual property owe their audience and sources accuracy and honesty in using, crediting, and citing sources. As a community of intellectual and professional workers, the College recognizes its responsibility for providing instruction in information literacy and academic integrity, offering models of good practice, and responding vigilantly and appropriately to infractions of academic integrity. Accordingly, academic dishonesty is prohibited in The City University of New York and at New York City College of Technology and is punishable by penalties, including failing grades, suspension, and expulsion." (NYCCT Academic Integrity Policy Manual at 4.) You are responsible for understanding and following CUNY's and NYCCT's policies on academic integrity. They are available at [http://www.citytech.cuny.edu/about-us/docs/CUNY\\_ACADEMIC\\_INTEGRITY\\_6-2011.pdf](http://www.citytech.cuny.edu/about-us/docs/CUNY_ACADEMIC_INTEGRITY_6-2011.pdf) (CUNY) and [http://www.citytech.cuny.edu/academics/docs/academic\\_integrity\\_policy.pdf](http://www.citytech.cuny.edu/academics/docs/academic_integrity_policy.pdf) (NYCCT).

**Blackboard:** Blackboard will be used extensively to provide assignments, materials, and other important information, including some that may not be provided in class. You are responsible for all information and instructions posted on Blackboard. Check it frequently.

**Email:** Per college policy, please email me only from your City Tech account, not gmail or other personal accounts. Please allow 24 hours for a response, and longer if you email me during a weekend or when classes are not in session. The college Welcome Center (Atrium 1st floor) can assist you with City Tech email.

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**CLASS SCHEDULE**

Below is a general schedule of topics and assignments. It is subject to change. Readings and additional assignments will be given in class and on Blackboard.

<u>Class</u>	<u>Date</u>	<u>Topics</u>	<u>Legal Writing Skills Presentation</u>
1	Feb. 2	<ul style="list-style-type: none"> <li>• Course intro; review legal research basics</li> <li>• Briefing cases, to help understand them</li> <li>• Case briefing assignment</li> </ul>	
2	Feb. 9	<p><b>**Case briefing assignment due.</b></p> <p><b>**BRING BLUEBOOKS!!</b></p> <ul style="list-style-type: none"> <li>• Review briefing assignment</li> <li>• Citation: Bluebook, NY Law Reports</li> </ul>	Why Plain English?
3	Feb. 16	<ul style="list-style-type: none"> <li>• Introduction to litigation drafting</li> <li>• Litigation drafting assignment</li> </ul>	Omit Surplus Words
4	Feb. 23	<p><b>**Litigation drafting assignment due</b></p> <ul style="list-style-type: none"> <li>• Intro to trial briefs (memos of law)</li> <li>• Trial brief assignment</li> </ul>	Use Base Verbs
5	March 2	<ul style="list-style-type: none"> <li>• Components of a trial brief</li> <li>• Researching trial briefs: primary sources, ethical issues</li> </ul>	Prefer the Active Voice
	<i>Tues. March 7</i>	<b>**Trial brief issues memo due (no class)</b>	
6	March 9	<ul style="list-style-type: none"> <li>• Components of a trial brief <i>cont'd</i></li> <li>• Researching trial briefs <i>cont'd</i>: effective use of secondary sources</li> <li>• Individual conferences on research</li> </ul>	Use Short Sentences
	<i>Tues. Mar. 14</i>	<b>**Components TBA due (no class)</b>	
7	March 16	<ul style="list-style-type: none"> <li>• The trial brief argument: outlining</li> <li>• Individual conferences on components</li> </ul>	Arrange Your Words with Care
	<i>Tues. Mar. 21</i>	<b>**Argument outlines due (no class)</b>	
8	March 23	<ul style="list-style-type: none"> <li>• Trial brief argument; persuasive techniques</li> <li>• Individual conferences on arguments</li> </ul>	Choose Your Words with Care
	<i>Fri. March 24</i>	<b>**Draft trial brief due (no class)</b>	
9	March 30	<ul style="list-style-type: none"> <li>• Individual conferences on draft briefs</li> <li>• Revising briefs</li> </ul>	Avoid Language Quirks
10	April 6	<ul style="list-style-type: none"> <li>• Individual conferences on draft briefs</li> <li>• Revising briefs</li> </ul>	
	<i>M 4.10 - Tu 4.18</i>	<b>SPRING RECESS!!</b>	
	<i>Wed. Apr. 19</i>	<b>**Last day to withdraw with a "W" (no class)</b>	
11	April 27	<ul style="list-style-type: none"> <li>• Additional issues in litigation drafting</li> </ul>	Punctuate Carefully I
12	May 4	<ul style="list-style-type: none"> <li>• Oral argument: purposes, preparation and ethics</li> </ul>	Punctuate Carefully II
	<i>Fri. May 5</i>	<b>**Final trial brief due (no class)</b>	
13	May 11	<ul style="list-style-type: none"> <li>• Preparation for oral arguments</li> </ul>	
14	May 18	<ul style="list-style-type: none"> <li>• Oral arguments presented</li> </ul>	
	<i>Fri. May 19</i>	<b>**Optional book review due (no class)</b>	
15	May 25	<ul style="list-style-type: none"> <li>• Oral arguments presented</li> <li>• Course wrap-up</li> </ul>	

**HAPPY SUMMER! ☺**