

Legal Research and Writing
Fall 2017, Section H
Professor Levy

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Office hours: Mon. & Weds.: 4:00 – 5:00 p.m.
(or by appointment).

Class Schedule
Classroom - TBA
Tues. & Thurs., 1:30 p.m. – 3:30 p.m.

Syllabus

Mandatory LRW Course Texts

1. Shapo, Walter & Fajans, *Writing & Analysis in the Law*, revised 6th ed. (Foundation Press 2013) (**Shapo**).
2. Sloan, *Basic Legal Research* (6th ed. 2015) (**Sloan**).
3. *The Bluebook: A Uniform System of Citation*, 20th ed. (**BB**).
4. *Dworsky, User's Guide to the Bluebook (Revised for the 20th Edition 2015)* (**Dworsky**).

Course Objectives. By the end of the course:

- 1) Students should be able to read, analyze and synthesize the law including judicial opinions and statutes;
- 2) Students should be able to do legal research using both books and online resources to find state law and secondary sources;
- 3) Students should be able to apply the law to specific fact scenarios using the IRAC paradigm to organize and explain their analysis;
- 4) Students should be able to communicate their legal analysis in the form of the objective office memorandum used in practice;
- 5) Students should become familiar with several lawyering skills, including general problem solving, drafting, and legal research.

Grading Distribution

IRAC assignment	5%
Memo 1	20%
Memo 2	60%
Miscellaneous Grade	15% ¹

¹ I may give **several quizzes** during the semester; some will be announced, others will not. These will count toward the 15% miscellaneous grade. If you need special accommodations, please be sure to contact Student Services at (954) 262-7189 as soon as possible.

NOTES ABOUT CLASS & MEETING DATES

- **Class reading assignments:** [Blue links](#) are active. By right clicking the link with your mouse and selecting “open hyperlink” you will be able to access the material. Most of the non-textbook readings and handouts will be posted on the Westlaw TWEN web course page for this class. It is your responsibility to check TWEN regularly. **When registering for TWEN, you *MUST USE* your NSU LAW SCHOOL EMAIL ADDRESS.** Do not use any other email address.

Class	Topic	Text Reading	Web Reading	Assignments
<p>Orient. (L-3)</p> <p>Weds. 8/16</p>	<p>Introduction to LRW</p> <ul style="list-style-type: none"> • Overview of LRW – 1; “Policies & Procedures” <p>• Ethics and Professionalism</p> <p>U.S. Legal System</p> <ul style="list-style-type: none"> • Introduction to U.S. courts • Anatomy of a law suit 	<ul style="list-style-type: none"> • Shapo, pp. 1-27. (you do not need to prepare the exercises). • “The American Judicial System” (also available on my TWEN page). • LRW “Policies & Procedures” (also available on my TWEN page) 	<ul style="list-style-type: none"> • Read Carefully: Policies & Procedures –posted on my TWEN page. There <i>may</i> be an in-class quiz. • “A Primer on Plagiarism” (you’ll find it toward the end of “Policies and Procedures”) • Model Rules of Professional Responsibility Preamble and Scope, and Rule 1-1 Competence; Rule 3.3 Candor; Rule 4.1 Truthfulness; Rule 8.1 & 8.4 Integrity and Misconduct. (Click on the Preamble and Scope in Table of Contents and then click on the applicable rules). 	<p>DUE: <i>signed</i> Acknowledgment for “Policies & Procedures” and “A Primer on Plagiarism” (also available on my TWEN page).</p> <p>You can bring it to class today but you must turn it in no later than Tuesday, 8/22 at 1:30 p.m.</p> <p>We may do some in-class exercises from Shapo during classes 1-4 but you do not need to prepare them in advance.</p>
<p>1</p> <p>Tues. 8/22</p>	<p>U.S. Legal System, cont’d</p> <ul style="list-style-type: none"> • U.S. legal system • Primary & secondary authority • Relationship between statutes & cases <p>Introduction to Legal Office Memoranda & IRAC.</p>	<ul style="list-style-type: none"> • Shapo, pp. 1-27. • “The American Judicial System” (class hand-out). • “Closed Memo” Packet. • “Sample Office Memorandum” (on TWEN) 		<p>“Closed Memo” packet (hand-out you must bring with you through Class 5).</p> <p>ASSIGNED: Case briefing exercises #1 & #2</p>
<p>2</p>	<p>Intro to Legal Analysis</p> <ul style="list-style-type: none"> • Analysis of a single case- identifying the 	<ul style="list-style-type: none"> • Shapo, pp. 39-56, 58-63. 		<p>DUE: Case briefing exercises (bring to class).</p>

Thurs. 8/24	facts, issue, holding, and reasoning. • Discuss “IRAC Assignment”			ASSIGNED: Case narrative assignment
3 Tues. 8/29	Legal Analysis (cont’d) • The “Rule” portion of IRAC; “Application.” • Discuss “IRAC Assignment.”	• Shapo, pp. 63-86 (skip exercises), 135-42 (“rule” & application” paragraphs), 145-50 (same).		DUE: Bring to class completed case narrative assignment and submit via TWEN. ASSIGNED: “IRAC Assignment.”
4 Thurs. 8/31	Legal Analysis (cont’d) • The “Application” portion of IRAC – applying the case law to the facts of the hypothetical. • Discuss “IRAC Assignment.”	• Shapo, review above readings.		Continue working on “IRAC Assignment.”
Mon. 9/4	NO CLASSES – Labor Day Holiday			
5 Tues. 9/5	Legal Analysis (cont’d) • The Big Picture – putting together the “IRAC Assignment.” • Editing Your Own Work • Concise Writing. • Question & Answer Session for “IRAC Assignment”	• Shapo, pp. 163-66; 196-202 (revising your writing); 203-19 (topic sentences, transitions, paragraph unity); 225-43 (concise writing).		Continue working on “IRAC Assignment.” DUE: “IRAC Assignment” via TWEN dropbox by Thursday, 9/7 at 1:30 p.m. and <u>bring a hardcopy to class that day.</u>

<p>6 Thurs. 9/7</p>	<p>Introduction to Legal Research</p> <p>How to get started and keep track of your research.</p> <ul style="list-style-type: none"> • Search terms • Indexes • Research Logs • Secondary Sources – legal encyclopedias, etc. 	<ul style="list-style-type: none"> • Sloan, pp. 1-18; 24-32 (background & generating search terms); pp. 33-37; 43-49; 50-60 (secondary sources – national coverage). 	<ul style="list-style-type: none"> • Model Rules of Professional Responsibility R. 1.1 & 3.1, 3.3 and compare • RRTFB 4-1.1, 4-3.1, 4-3.3(a), & comments. (in the Table of Contents for the “Rules Regulating The Florida Bar,” click on Ch. 4 “Rules of Professional Conduct,” and then go to the assigned rules). 	<p>DUE: “IRAC Assignment” via TWEN dropbox by 1:30 p.m. and <u>bring a hardcopy to class.</u></p> <ul style="list-style-type: none"> • ASSIGNED: “Open Memo” (aka “Memo Assignment 1”) and Research Log # 1” (handed out in class).
<p>7 Tues. 9/12</p>	<p>Research – cont’d</p> <ul style="list-style-type: none"> • Secondary sources – continued; legal encyclopedias and ALR, etc. • Case law research, indexes and digests. 	<ul style="list-style-type: none"> • Sloan, pp. 73-89 (secondary sources, visual aids & research checklist). • Sloan, pp. 91-111; 125-31; 135-42 (case law research, visual aids & checklists). 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Work on Research Log for “Memo Assignment 1.”

<p>8 Thurs. 9/14</p>	<p>Research – cont’d</p> <ul style="list-style-type: none"> • Case law research – continued. • Statutes, indexes, annotations. 	<ul style="list-style-type: none"> • Sloan, pp. 91-111; 125-31; 135-42 (case law research). • Sloan, pp. 167-80; 182-82 (statutory research). 		<ul style="list-style-type: none"> • Work on Research Log for “Memo Assignment 1.”
<p>9 Tues. 9/19</p>	<p>Research – cont’d</p> <ul style="list-style-type: none"> • Statutes, indexes, annotations – continued. • Updating your research with “citators” like “Shepards” & “KeyCite.” 	<ul style="list-style-type: none"> • Sloan, pp. 167-80; 182-83; 196-200; 207-08 (statutory research & visual aids). • Sloan, 143-66 (including visual aids & “citor” checklist). 		<ul style="list-style-type: none"> • Work on Research Log for “Memo Assignment 1.”
<p>Wed. 9/20</p>	<p>Rosh Hashanah “Make-up Friday”</p>		<p>Friday classes meet instead of Wednesday classes.</p>	
<p>Thurs. 9/21</p>	<p>NO CLASSES – Rosh Hashanah</p>			
<p>Optional class Tues. 9/26</p>	<p>Research – cont’d</p> <p>This is an optional class for general research questions only</p>			<ul style="list-style-type: none"> • Work on Research Log for “Memo Assignment 1.”

<p>10 Thurs. 9/28</p>	<p>Introduction to Basic Citation Form</p> <ul style="list-style-type: none"> Bring Bluebook and Dworsky book to class 	<ul style="list-style-type: none"> Dworsky, pp. 1-35 (or TBA) Shapo, Appendix B-1, pp. 519-26, 528; 532-39. Sloan, pp. 121-23. 		<ul style="list-style-type: none"> DUE: “Research Log for Memo Assignment 1” via TWEN dropbox by 1:30 p.m. and bring a hardcopy to class too. BRING BLUEBOOK AND DWORSKY BOOK TO CLASS
<p>11 Tues. 10/3</p>	<p>Putting together an objective office memo.</p> <ul style="list-style-type: none"> Review - sections of an objective office memo. Large & small scale organization. The “Discussion” section. 	<ul style="list-style-type: none"> Shapo, review readings from classes 4-7 (overview of complete “objective office memo”). 		<ul style="list-style-type: none"> ASSIGNED: work on rough draft of “Memo Assignment 1.” <p>Due in-class on Tues., 10/10.</p>
<p>12 Thurs. 10/5</p>	<p>Putting together an objective office memo.</p> <ul style="list-style-type: none"> Review - sections of an objective office memo. Large & small scale organization. The “Discussion” section 	<ul style="list-style-type: none"> Shapo, continue above reading. 		<ul style="list-style-type: none"> Continue working on “Memo Assignment 1.”
<p>13 Tues. 10/10</p>	<p>De-Briefing on “IRAC Assignment.”</p>			<ul style="list-style-type: none"> DUE IN CLASS: Rough draft of “Memo Assignment 1.”

<p>14 Thurs. 10/12</p>	<p>Putting together an objective office memo.</p> <ul style="list-style-type: none"> • The “fact” section • “Questions Presented” • “Short Answers” <p>The importance of clear, concise writing</p> <ul style="list-style-type: none"> • Discuss “Fog Factor” – how clear is your writing and techniques for improving its clarity. 	<ul style="list-style-type: none"> • Shapo, pp. 166-81;182; 185-88 (fact section, questions presented, short answers, conclusion and checklists). • Shapo, pp. 163-66; 203-19; 225-43; Appendix A, pp. 499-515. • Shapo, review pp. 135-42, 145-150. 		<ul style="list-style-type: none"> • Bring draft of “Memo Assignment 1” to class. • DUE: “Memo Assignment 1” via TWEN dropbox no later than Sunday, 10/15 at 6:00 p.m. • DUE: Portfolio in my faculty in-box no later than Monday, 10/16 at 9:00 a.m.
<p>15 Tues. 10/17</p>	<p>Fact Gathering</p> <ul style="list-style-type: none"> • The role of facts in determining the pertinent legal issues. • Interview theory, techniques & ethics • Mock interview <p>The Client Interview</p>	<ul style="list-style-type: none"> • Shapo, pp. 281-90. 	<ul style="list-style-type: none"> • Model Rules of Professional Responsibility R. 1.4 & 1.6 and comments and compare Rules Regulating the Florida Bar R. 4-1.4 & 4- 1.6 : (in the <i>Table of Contents</i> for the “<i>Rules Regulating the Florida Bar</i>,” click on Ch. 4 “Rules of Professional Conduct” and then go to the assigned rules. 	<ul style="list-style-type: none"> • ASSIGNED: “Memo Assignment 2” • ASSIGNED: Research Log for “Memo Assignment 2.”
<p>16 Thurs. 10/19</p>	<p>Research Overview –</p> <ul style="list-style-type: none"> • Online Research • Updating Research 	<ul style="list-style-type: none"> • Sloan, pp. <i>review</i> pp.112-21; 132-34 (researching case law online); 143-66 (citators). 		<ul style="list-style-type: none"> • Work on Research Log for “Memo Assignment 2.”

<p>17 Tues. 10/24</p>	<p>Memo Assignment 2</p> <ul style="list-style-type: none"> Organizing the “Rule” portion of IRAC. Selecting the right cases to illustrate the rule. 	<ul style="list-style-type: none"> Shapo, review pp. 163-82; 185-88 (editing checklist). 		<ul style="list-style-type: none"> Work on Research Log for “Memo Assignment 2.”
<p>18 Thurs. 10/26</p>	<p>Memo Assignment 2</p> <ul style="list-style-type: none"> Writing the “Rule” portion of IRAC. Selecting the right cases to illustrate the rule. 	<ul style="list-style-type: none"> Shapo, review pp. 163-82; 199-243 (writing process; revising; polishing; concise writing); 185-88 (editing checklist). 		<ul style="list-style-type: none"> Work on Research Log for “Memo Assignment 2.” DUE: Research Log for “Memo Assignment 2” via TWEN dropbox and my faculty in-box no later than Monday, 10/30 at 9:00 a.m. DUE IN CLASS: Draft of “Rule” portion of IRAC for “Memo Assignment 2” and descriptions of two cases that illustrate the rule.
<p>19 Tues. 10/31</p>	<p>Memo Assignment 2</p> <ul style="list-style-type: none"> The “Application” portion of IRAC – applying the case law to the facts of the hypothetical. 			<ul style="list-style-type: none"> DUE: Bring draft of “Memo Assignment 2” to class.
<p>20 Thurs. 11/2</p>	<p>Memo Assignment 2</p> <ul style="list-style-type: none"> Putting it all together. Thesis Paragraph; the fact section; Questions Presented; Short Answers; and Conclusion. 	<ul style="list-style-type: none"> Shapo, review pp. 163-82; 199-243; 185-88 (editing checklist). 		<ul style="list-style-type: none"> DUE: Bring draft of “Memo Assignment 2” to class.

<p>Mon. 11/6 to Mon. 11/13</p>	<p>Individual Conferences for “Memo Assignment 2”</p>			<p>Must bring final draft to get a conference</p>
<p>21 Tues. 11/14</p>	<p>The importance of clear, concise writing</p> <ul style="list-style-type: none"> • Discuss “Fog Factor” – how clear is your writing and techniques for improving its clarity. 	<ul style="list-style-type: none"> • Shapo, pp. 163-66; 203-19; 225-43; Appendix A, pp. 499-515. • Shapo, review pp. 135-42, 145-150. 		
<p>22 Thurs. 11/16</p>	<p>The importance of clear, concise writing – continued</p> <p>Memo Assignment 2 – final review and Q & A.</p>			<p>DUE: “Memo Assignment 2” via TWEN dropbox no later than Sunday, 11/19 at 6:00 p.m.</p> <p>DUE: Portfolio in my faculty in-box no later than Monday, 11/20 at 9:00 a.m.</p>
<p>23 Tue. 11/21</p>	<p>LAST CLASS</p> <ul style="list-style-type: none"> • No assignment • Short 10 minute meeting to complete course evals 	<p>“Make-up Thursday” (Thursday classes meet instead of Tuesday).</p>		
<p>Weds. 11/22</p>	<p>LAST DAY OF CLASSES.</p>			

Fall 2017 Law Center Academic Calendar

Events	Dates
1L Orientation Program begins	Week of Aug. 14
Fall classes begin	Monday, August 21
No classes: Labor Day Holiday	Monday, September 4
No classes: Rosh Hashanah	Thursday-Friday, September 21 & 22
Last day of classes	Wednesday, November 22
Thanksgiving	Thursday, November 23
Reading days	Thursday, November 23 to Sunday, November 26
Exams	Monday, November 27 – Friday, December 8