

LEGAL RESEARCH AND WRITING I: FALL 2017 SYLLABUS  
SECTION 5 - I – PROFESSOR JANI E. MAURER

Professor Contact Information:

Office – Room 212

Office Telephone Number – 954-262-6149

Additional Telephone Number – 561-392-4142

E-Mail: maurerj@nova.edu

Professor's faculty assistants – Ms. Karen Rose and Ms. Ben St. Juste

LRW I Class Meeting Dates and Times: Except as otherwise noted for Class 1,  
Mondays and Wednesdays from 8:15 p.m. to 10:15 p.m.  
Room – C1

Required Texts:

NOTE: THESE BOOKS ARE USED DURING BOTH SEMESTERS OF LRW, SO DO NOT RENT THEM FROM THE BOOKSTORE JUST FOR THE FALL SEMESTER. YOU ARE NOT REQUIRED TO PURCHASE ANY BOOKS FOR THIS COURSE OTHER THAN THOSE LISTED BELOW. YOU ARE REQUIRED TO HAVE THE TEXTBOOKS LISTED BELOW.

1. Shapo, Walter & Fajans, Writing and Analysis in the Law (6<sup>th</sup> ed. 2013) referred to in this syllabus as **Shapo** (ISBN: 978-1-609302924)
2. Sloan, Basic Legal Research (6th ed. 2015) (referred to in this Syllabus as **Sloan**) (ISBN: 9781454850403)
3. The Bluebook (20th ed.) (referred to in this Syllabus as **BB**) (ISBN: 9780692400197)
4. Rules Regulating the Florida Bar (referred to in this syllabus as **RRTFB**) (available on line at no cost) ([www.floridabar.org/rules](http://www.floridabar.org/rules))

Notes About Class & Meeting Dates

Blue links appearing in the Syllabus are active. By right clicking the link with your mouse and selecting “open hyperlink” you will be able to access the material.

Red links are NOT active; this material and any material assigned without a link will be posted on the Lexis/Nexis Web Course for this course. You must access these materials on line through the Web Course. When registering for the Web Course, you MUST USE your nova.edu address. Do not use any other e-mail address.

Understanding the Syllabus: All reading assignments listed for a given class are to be completed prior to the start of that class. Reading assignments not linked to the Syllabus are generally posted on the Lexis/Nexis Web Course. When reading is assigned in **Rules Regulating the Florida Bar (RRTFB)**, click on the link for that source under Required Texts (above) to locate the materials assigned.

Meeting Dates & Times: Except for the first class, this class meets on Mondays and Wednesdays. There may be weeks during the semester when we will meet for less than our scheduled two classes. The syllabus will be updated (and perhaps changed) periodically. It is your responsibility to check the Syllabus link on the Lexis/Nexis Web Course weekly to determine when we are meeting, if the Syllabus changed and what assignments are due. The professor will generally announce changes in scheduling in class, but you should not rely on the professor doing so. It is your responsibility to attend all classes and to have all assignments completed by the due date and time. Not knowing that we are meeting on a particular day or that an assignment is due is NO EXCUSE!

Class Handouts: You will receive numerous handouts and supplemental readings during class or from the professor by e-mail. This material will be useful to you, not only throughout the semester and your ongoing legal education, but it will be important to review these materials in preparation for your major assignments. Furthermore, anything distributed in class, discussed in class, or assigned as reading is fair territory for quizzes. You should keep all of these materials in one binder or folder.

Quizzes: The professor may administer several quizzes or class projects during the semester without prior notice. If you need special accommodations, please contact Student Services at 954-262-6129 NOW. Once a quiz or other in-class exercise for which you desire accommodation occurs, it is too late for you to be accommodated for that quiz or exercise if you failed to timely request and arrange for accommodations. Not contacting Student Services during the first two weeks of class is failing to timely arrange for accommodation.

Office Hours: My office hours are from 3:00 p.m. to 6:00 p.m. and after 10:15 p.m. on Mondays, and from 3:00 p.m. to 6:00 p.m. and after 10:15 p.m. on Wednesdays. I will remain after class on Monday and Wednesday until all students who desire an appointment meet with me. I will be in my office (Room 212) during that time, unless I advise you to the contrary in class or via e-mail. I am at school on days and at times other than during my official office hours for your class. In addition, I maintain an open door policy at all times I am in the office, excluding the LRW memo conference periods reflected on this Syllabus. During the LRW memo conference periods I meet only with students who have a conference scheduled. At other times, students are welcome to schedule appointments with me in advance, or to visit without an appointment. If you have an important matter to discuss with me, or would like to discuss one of your assignments at length, you may want to schedule an appointment. Students with appointments are given priority over walk-ins. See the professor's supplement to the LRW Policies and Procedures in respect to scheduling appointments. Note that you are invited to meet with the professor as frequently as you wish, while you are working on an assignment, as well as after the graded assignment is returned to you, except that during memo conference weeks you may have only one meeting with the professor.

Email:

Students are welcome to contact the professor by e-mail. The professor only responds to e-mails sent from a nsu or nova e-mail address. No assignments are to be submitted by e-mail to the professor. Please allow the professor adequate time to see and respond to your e-mail. If you need a quick answer, you are advised to call the professor rather than hoping an e-mail will be answered in time.

Course Objectives:

By the end of LRW I a student should be able to:

1. Identify legal issues and apply legal reasoning and analysis to solve problems in a logical and structured manner to issues covered in this course; and
2. Communicate orally or in writing, or both, the legal reasoning and analysis regarding issues covered in this course; and
3. Research legal issues thoroughly and efficiently; and
4. Demonstrate factual investigation, interviewing, and questioning skills; and
5. Demonstrate effective organization and management of legal work.

Grade Distribution

|                                     |     |
|-------------------------------------|-----|
| IREAC Assignment                    | 5%  |
| Memo I Assignment                   | 20% |
| Memo 2 Assignment                   | 60% |
| Miscellaneous -<br>(all other work) | 15% |

THE PROFESSOR RESERVES THE RIGHT TO INCREASE A STUDENT'S FINAL GRADE FOR REPEATED VALUABLE CONTRIBUTION IN CLASS, AND TO LOWER A STUDENT'S GRADE WHEN THE STUDENT IS REGULARLY UNPREPARED.

CLASS 1 – Orientation – Tuesday, August 15, 2017

THIS CLASS COMMENCES AT 7:45 P.M. AND ENDS AT 9:45 P.M. IN C1

Topic - Overview of LSV Program; Structure of the Court System; Importance of Ethics and Professionalism; Plagiarism

Bring your Lexis ID and Password to class and your laptop. Also bring to class any questions you have about the assigned reading for this class.

Reading - (1) LRW Policies and Procedures  
 (2) Professor Maurer's Supplemental Policies and Procedures  
 (3) Formatting Requirements for LRW  
 (4) Read **Shapo**: Chapter 1, pages 1-25 and 32-34. Think about Exercise 1-B on pages 24-25, and be prepared to discuss the exercise in class

(Items 1-4, above are available on the professor's Faculty Web Page and on the Lexis/Nexis Web Course under Course Materials. You will receive information on accessing the Lexis/Nexis Web Course during orientation.)

(5) **RRTFB** – Read Preamble and Rules 4-1.1, 4-1.3, 4-1.4 and 4-1.6 and the amendments to the rules  
 (6) **Sloan**: Chapter 1, parts A to C and pay attention to the Chart on page 7

REMINDER: ALL READING SET FORTH ABOVE IS TO BE COMPLETED PRIOR TO CLASS 1.

Assignment: (1) Carefully review the LRW Policies & Procedures and Professor Maurer's Supplemental Policies and Procedures. Once you have done so, sign the Acknowledgment Form, and deliver the original signed document to the professor's faculty assistant by Wednesday, August 23, 2017 at 6:00 p.m.  
 (2) Carefully review the Plagiarism reading assigned. Once you have done so, sign the Acknowledgment Form, and deliver the original signed document to the professor's faculty assistant by Wednesday, August 23, 2017 at 6:00 p.m.  
 (3) Prior to class on Monday, August 21, 2017, read the IREAC Assignment materials posted on the Lexis/Nexis Web Course. (These materials also appear on the professor's Faculty web page.) Bring hard (paper) copies of the statute excerpt, the partner's memo and all cases to class on Monday, August 21, 2017.

Due - No written assignment is due in Class 1

CLASS 2 – Monday, August 21, 2017

Topic - Introduction to Legal Analysis: How to read and analyze an opinion in a court case

- Parts of a reported court opinion
- Case Analysis: Reading and Briefing a Court Case
- Review of IREAC Assignment

Reading - (1) **Shapo**: Chapter 2, Parts I and II

Assignment- (1) Read the partner's August 14, 2017 memorandum/IREAC Assignment prior to class, and bring the memorandum to class on August 23, 2017.  
 (2) Read the cases mentioned in the memorandum. After class, prepare a case brief for each of the cases assigned by the partner. Leave a case brief for the case of Mehar v. Skyline Credit Ridgeline, Inc. with the professor's faculty assistant by 6:00 p.m. on August 28, 2017. Assure that your case brief (and all future assignments) complies with the LRW Policies and Procedures and all LRW Formatting Requirements.  
 (3) Bring all typed case briefs to class on August 28, 2017.  
 (4) Label each sentence in In re Estate of Winter in Exercise 2-C of the **Shapo** text: action (A); facts (F); legal issue (L); rule (R); reasoning/rule explanation (RE); holding (H); or decision (D). Bring this information with you to class on August 23, 2017. You may copy the case and label the sentences on the copy.  
 (5) Bring copy of court opinion in Olistin v. Winston Wellington to class 2.

DUE: No written assignment is due for Class 2.

CLASS 3 – Wednesday, August 23, 2017

Topic - Understanding Rules of Law and Comparing Cases (Synthesis)

- Locating and understanding rules of law
- Ascertaining why cases using the same rule or rules of law reach different conclusions

Reading - **Shapo**: Chapter 2, Parts III and IV

Assignment - (1) Continue work on case briefs of all cases assigned by the partner in connection with the IREAC Assignment. By August 28, 2017 at 6:00 p.m. give one case brief to the professor's faculty assistant.  
 (2) After class, commence work on synthesis chart. The chart is due on September 6, 2017 by 6:00 p.m. Deliver your synthesis chart to the professor's faculty assistant.  
 (3) Bring copy of court opinion in Singleton v. Angora to class 3.

Due - In re Estate of Winter assignment. (Bring to class)  
 Signed acknowledgment forms for LRW Policies & Procedures and Plagiarism are due to the professor's faculty assistant by 6:00 p.m.

**CLASS 4 – Monday, August 28, 2017**

Topic - Writing a Working Draft – IREAC

Reading - (1) **Shapo:** Chapter 5  
(2) Read the Sample IREAC under Course Materials on the Lexis/Nexis Web Course

Assignment - (1) Start writing IREAC Assignment (due on September 11, 2017)  
(2) Complete synthesis chart due to professor's faculty assistant by 6:00 p.m. on September 6, 2017.  
(3) Bring sample IREAC posted on webcourse to class in hard copy.

Due: One case brief is due to the professor's faculty assistant by 6:00 p.m. today

**CLASS 5 – Wednesday, August 30, 2017**

Topic - IREAC Continued

Reading - (1) **Shapo:** Chapter 4 (pay particular attention to part 4)

Assignment- Continue work on Synthesis Chart  
Continue writing IREAC Assignment  
Bring to class all questions about your IREAC Assignment

Due - No written assignment is due for Class 5

**CLASS 6 – Wednesday, September 6, 2017**

Topic - Editing your Own Work; Punctuation; Grammar

Reading - (1) **Shapo:** Chapter 10 and Appendix A, Parts A and B

Assignment – Continue writing IREAC Assignment

Due - Synthesis Chart is due to professor's faculty assistant by 6:00 p.m.

**CLASS 7 – Monday, September 11, 2017**

Topic - Introduction To Legal Research And The Bluebook  
- Selecting search terms  
- Research methods  
- Keeping track of research

**For this class and for every subsequent class you will need to have your Bluebook and your laptop in class.**

Reading - (1) **BB**: Locate and peruse the BB table of contents, practitioner's notes, general rules, tables and index; read the Introduction on page 3 of the BB  
 (2) **Shapo**: Chapter 1, part VI

Assignment – (1) Read Memo 1 Assignment materials posted by partner on Web Course  
 (2) Read Research Log assignment posted by partner (Do NOT start work on the log until after this class)  
 (3) **RRTFB** 4-3.1, 4-3.2(a) and comments to both rules  
 (4) **Sloan**: Chapter 2

Due - IREAC Assignment is due today to the professor's faculty assistant by 6:00 p.m.

### CLASS 8 – Wednesday, September 13, 2017

Topic - Secondary Sources of Law: Legal Dictionaries and Legal Encyclopedias  
 - What these sources provide  
 - How to conduct research in these sources  
 - How to cite to these sources

Reading - (1) **Sloan**: Chapters 3 and 4 (including parts of chapters relating to legal encyclopedias, plus all illustrations for legal encyclopedias).  
 (2) **BB**: B1.1, B15.1, B6, Rules (in white pages) 15.8(a), 15.9(a) and 18.2

Assignment - (1) Complete the sections of your Research Log titled To Be Completed Before You Enter The Library, Legal Dictionaries and Legal Encyclopedias  
 (2) In Class Legal Encyclopedias research exercise is DUE at the end of class

### CLASS 9 – Monday, September 18, 2017

Topic - More Secondary Sources of Law: A.L.R. and Restatements  
 - What these sources provide  
 - How to conduct research in these sources  
 - How to cite to these sources  
 Pinpoint Cites: Why they are used and how to create them

Reading - (1) **Sloan**: Chapter 4 (parts of chapter relating to A.L.R. and Restatements, and all illustrations in chapter pertaining to A.L.R. and Restatements)  
 (2) **BB**: B12.1.3, Rules 12.9.4 and 16.7.6

Assignment - (1) Conduct research for Memo 1 and work on Research Log for Memo

- 1.
- (2) In-Class A.L.R. Research Exercise is DUE at the end of class

CLASS 10 – Monday, September 25, 2017

- Topic - Researching Primary Sources of Law – State Statutes
- Research state statutes in hard bound Codes and on line
  - Reading and analyzing state statutes – Rules of statutory construction
  - Basic citation to state statutes
  - Introduction to use of Shepards

- Reading - (1) **Sloan**: Chapter 7  
 (2) **BB**: Rules B12.1.2, Rules 12.3.1, 12.3.2, 18.2, 18.2.1 and Table 1  
 (3) **Shapo**: Chapter 3

- Assignment - (1) Continue work on Research Log for Memo 1-do the statutes section of the research log  
 (2) In-class state statutes research exercise is DUE at the end class

CLASS 11 – Wednesday, September 27, 2017

- Topic - Researching Primary Sources of Law – State Cases
- Researching state court cases in digests and on-line
  - Citation to state court cases

- Reading - (1) **Sloan**: Chapter 5  
 (2) **BB**: Rules B1.1, B6, B10.1, B10.1.1, B10.1.2, B10.1.3, Rules 1.4(d), 6.1, 6.2, 10, 10.2, 10.2.1, 10.2.2, 10.4, 10.5; Review T1 and T7, Index and Table of Contents

- Assignment - (1) Continue work on Research Log for Memo 1 – do the cases section of the log  
 (2) Bring to class hard copy of Colin v. Express Private Car case from your IREAC assignment  
 (3) In-class state cases research exercise is DUE at the end of class

CLASS 12 – Monday, October 2, 2017

- Topic - State Cases Research Continued
- Citation to state court cases
  - Use of Shepards in researching state cases

- Reading - (1) **Sloan**: Chapter 6 and read Chapter 5 again



(2) **BB:** Rules B1.1, B6, B10.1, B10.1.1, B10.1.2, B10.1.3, Rules 1.4(d), 6.1, 6.2, 10, 10.2, 10.2.1, 10.2.2, 10.4, 10.5; Review T6 and T7, Index and Table of Contents

Assignment - (1) Complete the Shepards section of the Research Log for Memo 1  
(2) Complete Research Log DUE on October 9, 2017 to the professor's Faculty assistant

CLASS 13 – Wednesday, October 4, 2017

Topic - Objective/Office Memorandum of Law

- Overview: Purpose, Format, Statement of Facts, Legal Issues, Discussion and Conclusion Sections of Memorandum
- Focus on Heading, Introduction, Statement of Facts and Legal Issues Sections of Memorandum

Reading - (1) **Shapo:** Chapter 7 and Appendix C and D (Sample Office Memorandum)  
(2) Read Sample Memorandum of Law (posted on Webcourse)  
(3) Read instructions about memo conferences

Assignment - (1) Draft Memorandum of Law Heading, Introduction, Statement of Facts and Legal Issues for Memo 1 Assignment  
(2) Finish Research Log for Memo 1.

Due - No written assignment is due.

CLASS 14 – Monday, October 9, 2017

Topic - The Office Memorandum of Law Continued

- Developing the rule, rule explanation and rule application
- Determining how the rules apply to the facts

Reading - (1) **Shapo:** Chapters 8 and 9  
(2) **BB:** Rule B3 and Rules 1.2-1.4

Assignment - (1) Sign up for a memo conference with the professor (after you read the instructions)  
(2) Draft Memorandum of Law

Due - (1) Research Log for Memo 1 is due today to professor's faculty assistant by 6:00 p.m.

CLASS 15 –

## No class – attend memo conference

### CLASS 16 – Monday, October 23, 2017

- Topic - Fact Gathering and Interviewing
- The role of facts in resolving legal problems
  - Interviewing theory, techniques and ethics
  - The initial client interview
- Reading - (1) **RRTFB** 4-1.4 and 4-1/6 (Click on the link in the beginning of this Syllabus. Then in the Table of Contents click on Ch. 4 Rules of Professional Conduct, and then click on 4-1 Client-Lawyer Relationship, and read the rules assigned)
- (2) **Shapo**: Chapter 12
- Assignment - (1) Before class 16, read the partner's memorandum about the new client
- (2) Draft three questions you wish to ask the new client during the interview to aid you in determining what the client's problem is. Be prepared to hand in a hard copy of your three questions to the professor at the beginning of class 16.
- (3) After class 16 commence work on research for the Memo 2 Assignment
- Due - (1) Memorandum of Law 1 is due to professor's faculty assistant by 6:00 p.m. today

### CLASS 17 – Wednesday, October 25, 2017

- Topic - Citation: Prior and Subsequent History; Short Cites; String Cites; Order of Cites
- Selecting Cases and Sources to Include in Memorandum 2
- More on State Statutes: The Relationship Between Statutes and Cases
- Reading - (1) **BB**: Rules B2, B4, B6, B10.1.6, Rules 1.4, 4.1, 4.2, 10.7, 10.7.1, 10.9(i), T8 and T10 (Remember to bring your Bluebook to Class 17)
- (2) **Shapo**: Appendix B1, Parts A, B and C
- (3) Steps of Common Law Analysis (posted on Web Course)
- Assignment - (1) Conduct research and work on Memo 2
- (2) Read Partner's instructions re: Memo 2 conference

### CLASS 18 – Monday, October 30, 2017

- Topic - Organization of the Discussion Section of a Memorandum
- Developing Rules and Rule Explanations
  - Applying the Rules to the Facts of Your Client's Case

- Strengthening Your Discussion By Including Public Policy

Reading - (1) **Shapo**: Chapter 6

Assignment - (1) Read partner's instructions for Memo 2 conference  
 (2) Write Memorandum of Law 2

Due - No written assignment is due today.

CLASS 19 – Wednesday, November 1, 2017

Topic - Focus on Writing: Editing and Finalizing the Memorandum of Law;  
 Citation Signals

Reading - (1) **Shapo**: Chapter 9  
 (2) **BB**: B1.2, Rules 1.2, 1.3, 1.4, 2.1(f) and T10.1

Assignment - (1) Continue drafting Memorandum of Law 2  
 (2) If you have not yet done so, sign up for a Memo 2 Conference  
 (3) If you have not yet done so, get your anonymous number from student services to use instead of your name on Memo Assignment 2

CLASS 20 –

**No class – attend memo conference**

CLASS 21 – Monday, November 13, 2017

Topic - Negotiation – Basic Theories and Techniques

Reading - (1) Read Trey Bergman, Negotiating to Win, 45 Hous. Law. 30 (Oct. 2007) posted on the Web Course

Assignment - (1) Meet with your partner prior to class 24 to prepare for negotiation  
 (2) After class, review the Negotiation Assignment handed out in class  
 (3) Continue drafting Memorandum of Law 2

Due - No written assignment is due today.

CLASS 22 – Wednesday, November 15, 2017

Topic - Negotiation

Reading - (1) **RRTFB** 4-4.1

- Assignment - (1) Conduct a negotiation in class, and hand in settlement agreement to professor before class ends
- (2) Have a great restful winter break after you study and do very well on your final exams
- (3) Over the break check the Web Course for the Winter LRW II class syllabus