

ACADEMIC COURSE SYLLABUS

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| COURSE TITLE: | LEGAL RESEARCH AND WRITING |
| COURSE NUMBER: | LAW I402 |
| UNITS: | 2 |
| COURSE TYPE: | Required |
| PROFESSOR(S) NAME: | Paul Lozada, Esq. and Labs: Bob Swanson, Esq. |
| PROFESSOR CONTACT INFO: | PAUL LOZADA, (707) 495-8761 voicemail and text messages, paul@paullozadalaw.com BOB SWANSON, (707) 490-6209 voicemail and text messages. ceramics83@yahoo.com |
| SCHEDULE: | Feb. 4, 2019 term - Mondays 6-9 p.m., Room # 212 Law Library Labs begin Feb. 13, 2019, Wednesdays, 6-8 p.m. in Empire College Law Library, 5 sessions (4 classes, 1 make-up). |
| PREREQUISITES: | None |
| COREQUISITES: | None |
| TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.) | <i>California Style Manual, A Handbook of Legal Style for California Courts and Lawyers:</i> 4 th Edition; Jessen; ISBN # 0-314-23370-9. <i>Legal Writing in Plain English</i> Garner, Bryan A., NEW ISBN #978-0226283937 2 nd edition <i>Introduction to the Study and Practice of Law in a Nutshell</i> 7 th Edition, Hegland, Kenny F., ISBN 9781640201231 <i>Basic Legal Research, Tools and Strategies,</i> Sloan, Amy E., 6 th Edition, ISBN #9781454850403 Aspen publishing, 2015 <i>Legal Analysis, The Fundamental Skill,</i> David S. Romantz, Kathleen Elliott Vinson, 2 nd Edition. ISBN: 978-1594602795 (Also used in Introduction to Law) Handouts will be distributed as needed. |
| COURSE DESCRIPTION: | An introduction to legal analytical thought, including practical exercises in writing and the fundamentals of legal research that provides a foundation for writing legal papers. |
| COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.) | Specific learning objectives and outcomes are listed aligned with the weekly assignments which follow at the end of this syllabus. 1. Learn and understand the differences between a “Civil” law system and “Common Law” system. 2. Learn and understand the concept of “Stare Decisis” 3. Learn and understand the concept of “Jurisdiction” and how it relates to legal research and writing. 4. Learn how to use a Law Library. |

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| | <ol style="list-style-type: none"> 5. Learn and understand “Secondary Source” research methodology. 6. Learn and understand “Primary Source” research methodology. 7. Learn and understand case research methods. 8. Learn and understand statutory research methods. 9. Learn and understand basic California Style Manual citation formats for California and Federal sources. 10. Understand how to use a “Law Library” 11. Introduction to Electronic Research Sources 12. Introduction to Legal Analysis methods. 13. Review of formal and informal logic fallacy theories and how that relates to legal argument and writing. 14. Learn and understand IRAC method of legal analysis. 15. Learn and understand how to make a legal argument. 16. Learn to write appropriately for your audience. 17. Learn how to write a “Case Brief” 18. Learn how to write a legal memo. 19. Introduction to basic pleading formats. 20. Learn to “Shepardize” cases and statutes and how to use this service for research purposes. 21. Learn and understand the differences between “persuasive” and “informative” writing. <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p> <p>There are also 4 required Law Library Lab session (8-Hours Total) that must be completed.</p> |
| <p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p> | <p>Course material will be presented in a lecture-discussion and Socratic method format.</p> <p>Students should be prepared to brief all cases and complete all homework assigned.</p> <p>Students must participate in all in class writing assignments. Publish and brief writing assignments to the class orally.</p> <p>Prepare and complete assigned legal memos, briefs and other documents.</p> <p>Participate in guided tour of the law library.</p> <p>Complete guided Lab activities in the law library.</p> <p>Demonstrate competence in basic research activities in the Law Library.</p> |
| <p>EXAMS:</p> | <p>Due by 6pm Mon., April 22, 2019: Final Project, (Final Research Memo) No separate written final examination administered.</p> |
| <p>GRADING / ASSESSMENT CRITERIA / CLASS POLICIES:</p> | <p>Empire College uses the following grading system: <u>Pass/Fail Classes:</u> 65 - 100 P Pass/Credit 64 and Below F Fail/No Credit</p> |

| | <p>This class is mandatory; if you fail it, you must repeat it to graduate from law school. The overall course is graded on a pass/fail basis. Individual assignments are graded on; a high pass (80 or above), pass (70-80), low pass (65-70) and no pass basis (64 or lower).</p> <p>Your grades will be based on quality of writing and research, clarity of thought, and overall product. Special attention will be paid to applying the content covered during the course to your assignments. Basic spelling, grammar, punctuation and proof reading are also an essential part of your grade.</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Percent</th> <th style="text-align: left;">Assignment</th> </tr> </thead> <tbody> <tr> <td>20%</td> <td>Homework Assignments (Case Briefs, Research Memos, Law Library Lab Assignments)</td> </tr> <tr> <td>20%</td> <td>Lab Assignments</td> </tr> <tr> <td>10%</td> <td>Class Participation</td> </tr> <tr> <td>50%</td> <td>Final (Final Research Brief)</td> </tr> </tbody> </table> <p>Time is of the essence in this course because there are only ten meetings to cover a great deal of material. Class attendance and participation are mandatory. Disruptive conduct such as; cell phone use, text messaging devices and other electronic communications, as well as discussions between students are strictly prohibited during class time.</p> <p>Two (2) absences in class or the Law Library Labs or failure to turn in any one assignment results in a no pass grade and student must repeat the class in order to graduate from law school. Law Library Labs are required and included in the “Two Absences” policy.</p> <p>Refusal to or inability to participate in class because you are unprepared on three separate occasions results in a no pass grade and student must repeat the class in order to graduate from law school.</p> <p>Show up late for class on two occasions and that counts as one absence.</p> <p>All assignments must be typed, spell checked, proof read, stapled, paginated and are due by 6:15 p.m. on date assigned. No exceptions. No emails. Turn assignment in on paper.</p> <p>All citations to authority must comport substantially with the <i>California Style Manual</i> or you will fail the assignment.</p> <p>Electronic research of every kind is prohibited in this class. Any student who uses any form of electronic, internet, or non-hard copy research will fail the class and will be reported to the Dean’s Office for academic dishonesty.</p> | Percent | Assignment | 20% | Homework Assignments (Case Briefs, Research Memos, Law Library Lab Assignments) | 20% | Lab Assignments | 10% | Class Participation | 50% | Final (Final Research Brief) |
|---------------------------|--|----------------|-------------------|-----|---|-----|-----------------|-----|---------------------|-----|------------------------------|
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| <p>ATTENDANCE:</p> | <p>Under the standards of the Committee of Bar Examiners of the State Bar of California, “regular and punctual attendance” at classes is necessary to satisfy residency requirements. Students should plan to attend all classes. A minimum of 80 percent attendance is required in each course. The instructors will take roll at each class session. A student must attend the entire class session in order to be counted as present for that class session.</p> | | | | | | | | | | |

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| | Students who arrive excessively late, as determined by the instructor, or who leave class before it is dismissed by the instructor, will not be counted as present for that class session. Make-up classes will be scheduled on evenings when classes are not usually held or on weekends. Attendance at make-up classes, while strongly encouraged, is not required. Class sessions which are delayed or canceled because of holidays or policy of Empire College School of Law, and which are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements. |
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ASSIGNMENTS:

| WEEK # | ASSIGNMENT <i>(To be completed before class)</i> | CLASS OBJECTIVES |
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| #1) 02/04/19 | Introduction to the Study and Practice of Law (ISPL), 1-85. Basic Legal Research (BLR), 1-25, All sections except D Legal Analysis, The Fundamental Skill (LAFK), Chapter 1. California Style Manual (CSM), Read Table of Contents. | Introductions, overview of the course and law school. Overview of basic legal systems, jurisdiction, <i>Stare Decisis</i> , legal analysis and argument. Handouts: Writing Exercise. |
| #2) 02/11/19 There will be no class on 02/18/2019 for the Pres. Day holiday. | ISPL, 87-106 CSM, 1-40 Legal Writing in Plain English (LWPE), Part I, §§1, 3, 4. LAFK, Chapter 2. | Case authority and citations. Briefing Cases In class exercises, <i>Rewrite, rewrite, rewrite, Legalese to Plain English</i> . Due: Writing Exercises. Handouts: Citation Exercise, Briefing Assignment I |
| Law Library Lab #1 – 02/13/19 | Review relevant portions of assigned reading; <i>Research Methodology, Secondary Sources</i> BLR: Chaps. 1-4 CSM: pgs. 87-109, 128-141 | Discussion of Secondary Sources; Library Tour: finding Secondary Sources; Handouts: <i>Secondary Source exercises</i> |
| Law Library Lab #2 – 02/20/19 | Review relevant portions of assigned reading; <i>Case Research, Citations, Locating Primary Sources in the Library</i> BLR: Chaps. 5, 7 CSM: pgs. vii-xxiv, 16-38, 47-58, 75-77 | Discussion of Primary Sources; Library Tour: finding Primary Sources; Handouts: <i>Primary Source exercises</i> Due: <i>Secondary Source Exercises</i> |
| #3) 02/25/19 Students must complete reading before Lab | BLR: 27-91 CSM: 41-109 LWPE: §§ 5-8, 10-11 LAFK: Chapter 3 | Research Methodology, Secondary Sources. Introduction to I.R.A.C. Due: Citation Exercise, Briefing Assignment I Handouts: IRAC Exercise I, Writing Exercises |

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| Law Library Lab #3 – 02/27/19 | Review relevant portions of assigned reading; Citators discussion, with emphasis on Shepard's and Shepardizing. BLR: Chap. 6 | Discussion of Shepard's and Shepardizing; In-class group project: Shepardizing Handout: <i>Research and Shepard's exercises</i> Due: <i>Primary Source Exercises</i> |
| #4) 03/04/19 | BLR: 93-142, CSM: Review 111-168. LWPE: §§ 12-20. LAFK: Chapter 4 | Introduction to Case Research. In class exercises: <i>Review of Citation Exercise, Write How You Speak.</i> Due: IRAC Exercise I, Writing Exercises Handouts: Citators Handout, Briefing Assignment II. |
| Law Library Lab #4 – 03/06/19 | Review relevant portions of assigned reading; Continued review / discussion of citators, emphasis on Shepard's. | Review / Continuation of Shepard's; <i>Research and Shepard's exercises</i> Due: Re-dos |
| #5) 03/11/19 | BLR: 143-171, 173-217 Review Citators Handout LWPE: §§21-26. LAFK: Chapter 5 | Statutory Research Handouts: IRAC Exercise II Due: Rewrite of Case Brief I, Briefing Assignment II, |
| Law Library Lab Make-Up Day 03/13/19 | Review relevant portions of assigned reading and exercises. | Make up any missed Law Library - Lab session assignments. Due: Any remaining exercises/re-dos |
| #6) 03/18/19 | BLR: 271-298 LWPE: §§27-30 LAFK: Chapter 6 | Introduction to Electronic Research Introduction to Argument and Counterargument. Organization and Planning. In Class Exercises: <i>Client Letters.</i> Handouts: Research Memo Due: Rewrite Briefing Assignment II, IRAC II Exercise |
| #7) 03/25/19 | LWPE: §§46-50 | Editing is more than spell and grammar check. In Class Exercises: <i>Persuasive versus informative writing. Guided Research Time in Library</i> Due: Rewrites of previous writing assignments. |
| #8) 04/01/19 | ISPL: 107-137. | In Class Exercises: <i>Revision, revision, revision.</i> In Class Exercises, <i>Timed IRAC Exercise, Research time in the library</i> |
| #9) 04/08/19 | ISPL: 139-151 Review relevant portions of past reading based on comments you received on your assigned writing. | Final Brief Workshop. In Class Exercise, <i>Using Outlines, outline final project memo.</i> Due: Draft Research Memo |
| #10) 04/15/19 | Review relevant portions of past reading based on comments you received on your assigned writing | Draft Research Memo Returned, Reviewed Handouts: Final Project. Law Study and Exams, Guest Speaker. |
| MAKE UP CLASS | Final Review of Research Memo | Due: Final Draft of Research Memo |
| 04/22/19 by 6:00pm | FINAL EXAM | Due: Final Project, (Final Research Memo) |

Syllabi subject to change.