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American Public University System

The Ultimate Advantage is an Educated Mind

Legal Studies
LSTD 205
Legal Research and Writing
3 Credit Hours
8 Weeks
Prerequisite(s): (ENG101)

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Instructor Information

Please see Instructor's contact and biography in the syllabus section of your class.

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Course Description (Catalog)

Students will learn and practice the basic skills necessary for identifying, locating, and using legal resources, including primary sources of statutory and case law; secondary authority; and research reference tools, to include computer research tools, commonly used in the practice of law. Students will also be introduced to basic Bluebook citation method. Students will explore the process of legal analysis, incorporating the results of their legal research into case briefs and

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office memoranda. The course presents the student with techniques for effective writing in the legal environment. Students should have taken the English course "Proficiency in Writing" or its equivalent prior to enrolling in this course.

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Course Scope

Students will learn that legal research and writing are processes, with discrete steps, articulable strategy choices, and discernible standards of excellence. To this end the students will learn how to understand legal authority structures, identify legal issues, assess sources' credibility and accuracy, and formulate a line of legal reasoning using those sources. Emphasis will be placed on legal research and the key role it plays in legal problem solving, as well as on effective writing.

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Course Objectives

After completing this course the Student will be able to:

- 1) Define various legal research terms
- 2) Distinguish between primary and secondary legal authority
- 3) Distinguish between binding and persuasive authority
- 4) Locate and correctly apply primary and secondary legal authority to given facts
- 5) Author legal citations in Bluebook formats
- 6) Locate legal authority with electronic research
- 7) Validate case law
- 8) Research and draft a legal memorandum
- 9) Read a case and identify its component parts

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Course Delivery Method

This course delivered via distance learning will enable students to complete academic work in a flexible manner, completely online. Course materials and access to an online learning management system will be made available to each student. Online assignments are due by Sunday evening of the week as noted and include Forum questions (accomplished in groups through a threaded discussion board), examination, and individual assignments submitted for

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review by the Faculty Member). Assigned faculty will support the students throughout this eight-week course.

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Course Materials

Required Course Textbooks:

Pemala R. Tepper & Neal R. Bevans, *Legal Research and Writing for Paralegals*, (2009).

Recommended Reading:

Lynn B. Bahryeh & Majorie Dick Rombauer, *Legal Writing in a Nutshell*, 4th Edition, (2009).

The Blue Book: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).

You can access the Blue Book for free at <http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

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Evaluation Procedures

PHONE CALLS/E-MAIL:

Contact between students and instructor can occur by phone or email. However, the school strongly encourages correspondence between instructors and students to take place via email. Students are expected to maintain routine contact with instructor throughout the course. The number of these contacts may vary according to the specific course and individual student need. **FOR ALL EMAIL, PLEASE PUT YOUR NAME AND COURSE NUMBER IN THE SUBJECT HEADING.** If you have not received a response from me within 72 hours, it is YOUR responsibility to follow up, as the email may not have been received.

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ASSIGNMENTS:

There will be six forum questions drawn from our textbook entitled, “Legal Research and Writing for Paralegals.” The forum questions will be due in Weeks 1, 2, 3, 5, 6, and 7. In answering these forum questions which are drawn from the “You Be the Judge” question, students will be expected to post a weekly forum of at least 250 words and to file two responses to the postings of other students. Further information regarding the forum questions will be provided in the class.

In addition to the six forum questions, students will be expected to complete, two research assignments, two case briefs and two legal memos of law during Weeks 2, 3, 5, 6, 7, and 8. Instructions on how to complete these assignments will be posted in the classroom. The breakdown of the point allocation is described later in this syllabus.

FINAL AND MIDTERM EXAMINATIONS:

The midterm exam will be taken open book. This exam will be posted in the electronic classroom under “exams.” This exam is composed of a number of short answers. There is no final exam in this class. The midterm exam counts for 20% of a student’s grade.

EXTRA-CREDIT:

Students will have the opportunity to earn up to 5 points in extra-credit upon completion of a “You Be The Judge” question not previously addressed by one of the forum questions. Extra-credit assignments can be turned in any time during the semester and should be no longer than 3 pages double-spaced.

CITATION AND REFERENCE STYLE

All assignments must follow Blue Book citation guidelines set forth in *The BlueBook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 20th ed. 2015).

GRADES

FINAL GRADES BASED UPON:

<u>Grade Instruments</u>	<u>Points Possible</u>	<u>% of Final Grade</u>
Introduction	100	2.86%
Forum Assignment for	100	2.86%

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Week # 1		
Forum Assignment for Week #2	100	2.86%
Research Assignment #1	100	10%
Research Assignment #2	100	10%
Forum Assignment for Week #3	100	2.86%
Forum Assignment for Week #5	100	2.86%
Practice Case-briefing Assignment	100	2%
Forum Assignment for Week #6	100	2.86%
Case-briefing Assignment #2	100	8%
Forum Assignment for Week #7	100	2.86%
First Internal Memo	100	15%
Midterm Examination	20	20%
Second Internal Memo	100	15%

Please see the APUS Student Handbook for the University’s grading scale. The current grading scale is available at: <http://www.apus.edu/student-handbook/grading/>

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8 – Week Course Outline

Week	Reading	Learning Objectives	Assignment
1	<p>Text: Chapters 1, 2, 8, and 14</p> <p>United States Supreme Court:</p>	<p>A. Explain different types of secondary authorities.</p> <p>B. Demonstrate the ability to accurately cite secondary</p>	<p>Explore Lexis/Nexis</p> <p>Post a Response and</p>

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	<p>www.supremecourtus.gov</p> <p>Slides found in Week 1 Packet</p> <p>Review: Georgetown Law Library's Research Guides & Treatise Finders: http://guides.ll.georgetown.edu/home/research-process</p> <p>In Thurgood Marshall Law Library Law Library's "Guide to Legal Research 2016-2017 Edition" Read and Review Chapters 1 & 2. https://www.law.umaryland.edu/marshall/researchguides/TMLLguide/</p>	<p>authorities.</p> <p>C. Summarize the most efficient methods of performing research in secondary authorities.</p> <p>D. Learn how to do legal research using LexisNexis.</p>	<p>Two Replies to "Forum Question for Week #1."</p>
2	<p>Text: Chapters 3, 5, and 6</p> <p>Findlaw: www.findlaw.com</p> <p>Slides found in Week 2 Packet</p>	<p>A. Differentiate between mandatory and persuasive precedent .</p> <p>B. Analyze subsequent case history and treatment.</p> <p>C. Demonstrate the ability to use a case citator.</p> <p>D. Learn your way around the</p>	<p>Research Assignment #1</p>

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	<p>In Thurgood Marshall Law Library's "Guide to Legal Research 2016-2017 Edition," Read and Review Chapters 3, 7 & 8</p> <p>https://www.law.umaryland.edu/marshall/researchguides/TMLLguide/</p> <p>Access the Bluebook by going to school's Library for this class and spend some time looking around. If you have a hard copy of the book, review that instead.</p> <p>Review the slides in Week 2 Folder. Orient yourself to the Bluebook.</p>	<p>Bluebook using an on-line version and the hard copy (either in electronic or hardcopy versions).</p>	<p>Post a Response and Two Replies to "Forum Question for Week #2"</p>
<p>3</p>	<p>Text: Read Chapters 7, 9, and 10</p> <p>American Bar Association: http://www.abanet.org/cpr/mrpc/mrpc_toc.html</p> <p>Slides found in Week 3 Packet</p> <p>In Thurgood Marshall Law Library's "Guide to Legal Research 2016-2017 Edition," Read and Review Chapter 10</p> <p>https://www.law.umaryland.edu/marshall/researchguides/TMLLguide/</p>	<p>A. Distinguish between substantive and procedural law.</p> <p>B. Demonstrate the ability to properly cite Rules of Procedure</p> <p>C. Summarize and identify the Rules of Professional Conduct</p>	<p>Research Assignment #2</p> <p>Post a Response and Two Replies to "Forum Question for Week #3"</p>

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	edu/marshall/researchguides/TMLLguide/		
4	<p>MIDTERM</p> <p>Text: Read Chapter 4</p> <p>Slides found in Week 4 Packet</p>	<p>1. Take the midterm exam covering Weeks 1-4. This midterm exam will count towards 30% of your final grade. The exam is open book. The midterm exam may be found under the section titled exams. This is a timed exam in which you will have 3 hours to complete. Be careful not to exceed the time limit, as you will have only one chance to take this exam.</p> <p>2. Contact the professor only for “procedural” questions such as clarification of the question or other requirements regarding the midterm. Advice on correct responses to questions on the midterm exam cannot be provided during the exam. However, post exam inquires and clarification of responses may be made after the exams have been graded.</p>	MIDTERM
5	<p>Text: Read Chapters 11 and 12</p> <p>Slides and Lecture Notes found in Week 5 Packet</p> <p>Suggested Reading:</p> <p>Read Chapters 1, 2 & 3 in “Legal Writing in a Nutshell”</p>	<p>A. Demonstrate the ability brief a legal case.</p> <p>B. Analyze a case using the appropriate format.</p> <p>C. Differentiate between predictive and persuasive writing.</p>	<p>Brief the case of <i>Costanza v. Seinfeld</i>, 693 N.Y.S.2d 897 (Sup. Ct. N.Y. County 1999.) See Practice Brief Assignment for more information on this assignment.</p> <p>Post a Response and Two Replies to “Forum Question for Week #5”</p>

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<p>6</p>	<p>Text: Read Chapter 13</p> <p>Latin Legalese: http://www.dummies.com/WileyCDA/DummiesArticle/id-1435.html</p> <p>Slides found in Week 6 Packet</p> <p>Suggested Reading:</p> <p>Read Chapters 4, 5 & 6 “Legal Writing in a Nutshell”</p>	<p>A. Describe and interpret rule proof and application in legal authority. B. Analyze <i>dicta</i>. C. Analogize and distinguish precedent. D. Identify determinative facts. E. Differentiate between probative and descriptive paragraphs. F. Demonstrate effective writing style.</p>	<p>Brief one of the Supreme Court cases attached to Case Brief #2 Assignment.</p> <p>Please see Case Brief #2 Assignment for more information on this assignment.</p> <p>Post a Response and Two Replies to “Forum Question For Week #6”</p>
<p>7</p>	<p>Text: Read Chapters 15 and 16</p> <p>Slides found in Week 7 Packet</p> <p>Suggested Reading:</p> <p>Read Chapter 8 & 9 in “Legal Writing in a Nutshell”</p>	<p>A. Demonstrate the ability to write an office memorandum. B. Demonstrate general analytical skills C. Demonstrate basic writing skills.</p>	<p>Draft office memorandum. See “Internal Memo#1-Assignment #6” for specific details.</p> <p>Post a Response and Two Replies to “Forum Question for Week #7”</p>
<p>8</p>	<p>FINAL ASSIGNMENT</p> <p>(NO FINAL EXAM)</p>	<p>1. Your final assignment will test everything you have learned over the past 7 weeks. You will be required to do legal research, use the Blue Book to properly cite your sources, and you will write an office memorandum that may not exceed five (5) pages in length. You have no time limit on this assignment.</p> <p>2. Contact the professor only for “procedural” questions such as clarification of the question or</p>	<p>FINAL ASSIGNMENT – SEE “INTERNAL MEMO#2-ASSIGNMENT #7 (WEEK#8)”</p> <p>(NO FINAL EXAM)</p>

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		<p>other requirements regarding the midterm. Advice on correct responses to questions on the final exam cannot be provided during the exam. However, post exam inquires and clarification of responses may be made after the exams have been graded.</p>		Table of Contents
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Policies

Please see the [Student Handbook](#) to reference all University policies. Quick links to frequently asked question about policies are listed below.

[Drop/Withdrawal Policy](#)

[Plagiarism Policy](#)

[Extension Process and Policy](#)

[Disability Accommodations](#)

Writing Expectations

All written submissions should be submitted in a font and page set-up that is readable and neat. It is recommended that students try to adhere to a consistent format, which is described below.

- Typewritten in **double-spaced format** with a readable style and font and submitted inside the electronic classroom (unless classroom access is not possible and other arrangements have been approved by the professor).
- Arial 11 or 12-point font or Times New Roman styles.
- Page margins Top, Bottom, Left Side and Right Side = 1 inch, with reasonable accommodation being made for special situations and online submission variances.

CITATION AND REFERENCE STYLE

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in *The Bluebook: A Uniform System of Citation, 20th ed.*, (2015). More information can be found in the Web Resources and Course Material links in the classroom.

Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment please contact me before the due date so we can

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discuss the situation and determine an acceptable resolution. Routine submission of late assignments is unacceptable and may result in points deducted from your final course grade.

I may impose at my discretion the following deductions for unexcused lateness:

Late forum posts can be penalized up to 5 points per day

Late assignments can be penalized up to 5 points per day

Netiquette

Online universities promote the advance of knowledge through positive and constructive debate--both inside and outside the classroom. Discussions on the Internet, however, can occasionally degenerate into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting--basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the fun and excitement of learning that does not include descent to personal attacks, or student attempts to stifle the discussion of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Educator classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and--especially--satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :), ☺

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Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to librarian@apus.edu.

- **Charles Town Library and Inter Library Loan:** The University maintains a special library with a limited number of supporting volumes, collection of our professors’ publication, and services to search and borrow research books and articles from other libraries.

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- **Electronic Books:** You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.
- **Electronic Journals:** The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.
- **Turnitin.com:** Turnitin.com is a tool to improve student research skills that also detect plagiarism. The site provides resources on developing topics and assignments that encourage and guide students in producing papers that are intellectually honest, original in thought, and clear in expression. This tool helps ensure a culture of adherence to the University's standards for intellectual honesty. Turnitin.com also reviews students' papers for matches with Internet materials and with thousands of student papers in its database, and returns an Originality Report to instructors and/or students.

Request a Library Guide for your course (<http://apus.libguides.com/index.php>)

The AMU/APU Library Guides provide access to collections of trusted sites on the Open Web and licensed resources on the Deep Web. These are specially tailored for academic research at APUS:

- Program Portals contain topical and methodological resources to help launch general research in the degree program. To locate, search by department name or navigate by school.
- Course Lib-Guides narrow the focus to relevant resources for the corresponding course. To locate, search by class code (e.g., SOCI111) or class name.

If a guide you need isn't available yet, let us know by emailing the APUS Library:
librarian@apus.edu

DISCLAIMER STATEMENT

Course content may vary from the outline to meet the needs of this particular group.

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Selected Bibliography

Kunz, Christna L. et. al., *The Process of Legal Research* (6th ed. 2004).

Neumann, Richard K. *Legal Reasoning and Legal Writing* (5th ed. 2005).

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