Advanced Legal Research  
Spring 2017  

SYLLABUS  

Friday, 9:30 p.m.-11:20 a.m.  
Rm. 107  

Professor Helane Davis  
Office: Room 116 (off the library staff area workroom)  
Phone: 208-885-2160  
Email: hedavis@uidaho.edu  
Office hours: By appointment  

I. About the Syllabus  
This syllabus is an evolving document which may be revised based on instructional, student, or instructor needs. Any revisions will be announced and posted. Please read the syllabus carefully, as it sets out the requirements and expectations for the course.  

II. About the Course  
This course provides a deeper look at legal research materials, processes, and strategies. It will include an overview of primary and secondary legal sources and techniques for using those resources; practice materials; electronic and Internet research (including free legal resources); and, topical and specialized research. An attempt will be made to particularly emphasize electronic research -- Westlaw, Lexis, Bloomberg Law, and other electronic or digital sources. The schedule is also designed to be flexible enough to accommodate additional topics that might be of interest to the class, or to adjust the time spent on any given topic as necessary.  

Anticipated learning outcomes include a student being able to:  
• Identify the appropriate legal research resource for performing any given research task  
• Construct a research strategy and use that strategy to find and synthesize legal information to answer a research question  
• Effectively use advanced search techniques to perform electronic legal research  
• Effectively use internet resources to identify and locate basic legal information  
• Analyze the credibility of online legal and non-legal information  
• Present legal research results in customary written formats  

III. Texts and Materials  
The required text is Where the Law is: An Introduction to Advanced Legal Research (4th ed., West Academic) by J.D.S. Armstrong and Christopher A. Knott. Materials from other sources may also be assigned or suggested.  

IV. TWEN  
Additional materials and information will be posted on the course TWEN site. Registration for the site is required. Please register ASAP.
V. Preparation, Attendance, and Participation

You are required to read the assignments prior to each class, attend class regularly, participate in class discussions, and participate in any in-class exercises or labs. Laptops are allowed for use in class; however, I reserve the right to disallow laptop use in class if I determine students are using laptops inappropriately.

School attendance policies are in effect. Please be prompt. Arriving late to class may result in being marked absent. (I will make allowances for tardiness due to weather, within reason and at my discretion.) Please make every attempt to resolve attendance conflicts or issues before a class is scheduled to meet. I greatly appreciate knowing in advance if you’re unable to attend a class.

If you get the flu or other communicable illness, do not come to class until you are sure you’re no longer contagious. If such an illness requires you to miss a significant number of classes, please discuss your circumstances with me as soon as your health permits.

Non-weather related class cancellations will be announced via email.

VI. Topics & Schedule

We’ll cover the topics listed below. This schedule is tentative and may change. Some topics will be covered in one week; others may take more than one week. Reading assignments for each topic are included and will be confirmed in advance of every class. Readings for a given date are to be completed before that week’s class. For certain weeks, additional resources may be provided.

Readings from Where the Law is: An Introduction to Advanced Legal Research (4th ed., West Academic) are referred to in this schedule as A&K4th.

January 13: Introduction & Overview
- Read A&K4th, Ch. 1

January 20: Case Law & Citators
- Read A&K4th, Ch. 5

January 27 & February 3: Statutes, Codes, and Session Laws
- Read A&K4th, Ch. 2
- Read McKinney, Basic Overview on How Federal Laws Are Published, Organized and Cited
- Assignment 1 available 2/3

February 10: Legislative History Research
- Read A&K4th, Ch. 3
- Read McKinney, Federal Legislative History 101
- Read Orsini, How to Compile a Federal Legislative History
- Assignment 1 due

February 17: Administrative Law
- Read A&K4th, Ch. 8
- Read McKinney, A Research Guide to the Federal Register and the Code of Federal Regulations
- Read McKinney, Federal Administrative Law: A Brief Overview
- Optional: Questions and Answers in Legislative and Regulatory Research
- Assignment 2 available
February 24: Secondary Sources
- Read A&K4th, Chaps. 4 & 6
- Assignment 2 due

March 3 & March 10: Practice Materials & Litigation Research
- Read A&K4th, Chaps. 7 & 10
- Assignment 3 available

March 17: NO CLASS (Enjoy Spring Break!)

March 24: Topical & Specialized Research
- Read A&K4th, Ch. 9
- Read Cummings, Legal Research in Federal Taxation
- Assignment 3 due

March 31: Legal Ethics Research
- Read A&K4th, Ch. 11
- Final Assignment available

April 7: Internet/Online Legal Research
- Reading TBA

April 14: Internet/Online Legal Research
- Reading TBA

April 21: Internet/Online Legal Research
- Reading TBA

April 28: Reference, Non-legal Resources, and Wrap-up
- Skim A&K4th, Ch. 15
- Final Assignment DUE

VII. Submitting Your Work
All important dates are noted in the Topics & Schedule section herein.

Assignments are due at the beginning of class – i.e., no later than 9:45 a.m. – on announced due dates. Please submit your assignments to me via email at hedavis@uidaho.edu. I will reply to submissions within 24 hours (sooner if possible) to confirm receipt and to confirm that I can open and read your submission.

All of the work you submit should be typed, neat, and professionally presented. It should also be well-formatted. (Please check with me if you have any questions about this.) Improper grammar, punctuation, style, usage, and formatting will negatively affect your grade.

Plagiarism will not be tolerated in any form. Your work must be your own, original, and properly attributed to original sources if quoted or sourced. There are no group assignments in this course with the possible exception of an in-class lab. Any student determined to have submitted plagiarized work will receive a failing grade and be referred to law school administration for possible disciplinary action.
VIII. Grading and Assessment

Anonymous grading is not in effect in this class. Grades will be calculated based on your performance and participation in the following categories:

Class participation (5%)
Students are expected to read all reading assignments in advance of class. A fully participating student will contribute at least two questions per week. These questions should be a consequence of reading assignments, personal research experience, or a need to further understand a class topic or research issue. These questions will be used to stimulate class discussions and will count towards this portion of your grade.

Lab exercises (pass/fail or minus one point each – see below)
For several of the topics we’ll cover, you’ll have a chance to do hands-on, in-class lab exercises. Completed lab exercises will be either submitted electronically to hedavis@uidaho.edu at the end of each class or recorded by me manually at the end of class. (Any in-the-library labs assigned should be physically handed in at the end of class.)

As long as you make a good faith effort to complete and turn in ALL labs, they will be treated as pass/fail assignments and they will be grade-neutral. One point will be deducted off your final raw total point score for every lab assignment not submitted as directed. Missed in-class labs may not be made up; however, labs missed due to an absence excused by me in advance will not be counted against you.

Assignments (40%)
For selected topics there will be written, out-of-class assignments. These assignments may vary in length, scope and point value depending upon the topic. Cumulatively, they will be worth 40% of your final grade. A sample assignment is included at the end of this syllabus.

Final Project (55%)
Most of your grade will come from a final, written research project. Information and instructions will be made available separately.

If I determine during the term that students are not doing the reading or that class participation is lacking, I reserve the right to add evaluative elements to the course and accordingly reconfigure how final grades will be calculated. Such elements may include, among other things, written assignments, short papers, or quizzes.

IX. Required Disclosures

Disability Support Services Reasonable Accommodations Statement:
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Students should meet with Disability Support Services (DSS) by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by DSS to Dean Dodge for final approval. DSS serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without DSS first submitting a recommendation. You may contact DSS by:

- Visiting the Idaho Commons Building, Room 306
- Calling 208-885-6307
• Emailing dss@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by DSS and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about DSS, visit its website at http://www.uidaho.edu/studentaffairs/taap/dss. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Human Rights, Access, & Inclusion (885-4285).
Sample Assignment

Cases: Finding, Using & Updating (15 points)

Due: __________

Part 1

Below, you'll find an unidentified case synopsis for a U.S. Supreme Court decision. Read it carefully and identify the key concepts stated therein. Then, assuming that you've been asked to locate this case with only this information and using only print digests, locate this case.

In a short summary (2-3 paragraphs), 1) list each step you took in your research, 2) identify the digest(s) you used, and, 3) list the full title and citation of the case.

Synopsis:

Action was brought challenging amendment to the Arkansas Constitution which precluded persons who had served certain number of terms in the United States Congress from having their names placed on the ballot for election to Congress. The Circuit Court found that the provision violated the United States Constitution. The Arkansas Supreme Court affirmed, 316 Ark. 251, 872 S.W.2d 349. On certiorari, the Supreme Court, Justice Stevens, held that: (1) states may not impose qualifications for offices of the United States representative or United States senator in addition to those set forth by the Constitution; (2) power to set additional qualifications was not reserved to the states by the Tenth Amendment; and (3) state provision is unconstitutional when it has likely effect of handicapping a class of candidates and has the sole purpose of creating additional qualifications indirectly.

Part 2

Using both Shepard’s (via Lexis) and Keycite (via WestlawNext), check the validity of the case you located in Part 1 of this assignment. Answer the questions below.

1. Is the case still good law? Briefly explain the reasoning for your conclusion.
2. Generally, how have the state courts reacted to this case? Have they followed it or not? Provide the names of at least two cases as examples to support your conclusion.
3. How many cases citing your case have specifically referred to West headnotes 15 of the cited case? How many have specifically referred to Lexis headnote 10 of the cited case?
5. What is the citation of the 2007 Wisconsin Attorney General Opinion that cites the cited case? Briefly explain how you located your answer.