

LEGAL RESEARCH:
A COMPONENT OF LAWYERING
PROCESS

COURSE NUMBER 12079 & 12080

SECTION 2 & 8

FALL 2019

LAW LIBRARY DIRECTOR &
ASSOCIATE PROFESSOR

DECARLOUS Y. SPEARMAN

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THE PROFESSOR

NAME: DeCarlous Y. Spearman
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LOCATION: Law Library Room 132
OFFICE HOURS: Wednesday (2:00 p.m. – 5:00 p.m.)
(All other times by appointment only)

NOTE FROM THE PROFESSOR:

LP Section	Instructor	Class Day	Class Time	Room
2	Spearman	Tuesday	1:00 p.m. – 1:50 p.m.	TMSL – L 126
8	Spearman	Tuesday	10:00 a.m. – 10:50 a.m.	TMSL – L 126

COURSE BOOKS & MATERIAL

Required Books:

1. The Bluebook: The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 20th ed. 2015). (Hereinafter, "The Bluebook") (NOTE: You need this book in the practice of law.)
2. Amy E. Sloan, Basic Legal Research: Tools & Strategies (7th ed. 2018). (Hereinafter "Sloan") This book will not be referred to in class.

Recommended Books:

1. Amy E. Sloan, Basic Legal Research Workbook (Revised 5th ed. 2016).

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

Legal Research is a Fall Semester first year class that is a 20% portion of your Lawyering Process grade. This course involves intense preparation and learning in all legal sources and how to identify issues and develop research plans. 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.

OBJECTIVE:

To instruct each student on how to identify, analyze and research legal issues thoroughly and efficiently by providing:

- A. Distinguish between:
 - 1. Federal and state law,
 - 2. Primary and secondary sources, and
 - 3. Mandatory and persuasive authority.
- B. Understand the relationship between legal institutions.
- C. Conduct research using basic resources for state, federal and administrative law.
- D. Design an appropriate research strategy.
- E. Update research using citators.
- F. Identify and analyze legal issues.
- G. Apply the rules of citation that are appropriate for citing sources in legal documents using The Bluebook: A Uniform System of Citation.



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STUDENT LEARNING OUTCOMES

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By the completion of this course students will be able to demonstrate the ability to:

- 1 Generate legal search terms from a given fact pattern.
- 2 Create a research plan.
- 3 Interpret contemporary legal citations.
- 4 Understand court structures, hierarchies, and jurisdictions.
- 5 Evaluate the type and weight of a given legal authority in a given legal problem.
- 6 Given a legal topic, identify valuable secondary sources for researching that topic.
- 7 Given a citation to a contemporary U.S. case, statute, or federal regulation, locate the current full text of that case, statute, or federal regulation.
- 8 Given an annotated statute, use the annotations to locate cases interpreting the statute.
- 9 Given a case, determine if a holding of the case is still good law.
- 10 Interrelate legal resources in a jurisdiction using the topic and key number and headnote systems.
- 11 Discuss the strengths, weaknesses, and use of legal finding tools and methods, including electronic search terms, indexes, and annotations.
- 12 Given a case, statute, regulation, periodical, book, or constitution either in hardcopy or electronic format, create a correct Bluebook citation for that work.

GRADING

The grade that you receive in Legal Research is worth 20% of your final Lawyering Process grade. The final grade for each student in Legal Research is based on **five** criteria for a total of 200 points.

Criteria One: 100 Points
Five Research Assignments*

20 Points Each

Assignments Cover the Following:

The Bluebook Citations

Secondary Source Research

Case Research

Statutes

Shepards/ Keycite and Administrative Law

* Homework Submission protocol under **Assignments**

Criteria Two: 50 Points
One Multiple Choice Exam

50 Points

Criteria Three: 10 Points
Group Evaluation (GRAT)

5 Points to Group Score + 5 Points to Group Evaluations
10 Points Each

Criteria Four: 20 Points
Two Assessment Tests

Criteria Five: 20 Points
Teachers choice

Various Points Each

This grade may consist of Lexis Learn, RAT & ICW. ALL TO BE DETERMINED AS THE SEMESTER PROGRESSES.

ASSIGNMENTS

Regular Homework Assignments

A. **Required Heading:** The following information is required at the indicated place on each assignment. If no place is indicated, then place this information at the top left. DO NOT USE TITLE PAGES.

Name, Section, Date

B. **Assignment Format Requirements:** All assignments must be:

1. Typed directly into the Word document downloaded from Lexis web courses.
2. Typed in 12 point Times New Roman font.
3. Double space between answers.

C. **Submission of Assignments:**

All Assignments are to be submitted in Lexis on the due date BEFORE class time.

Assessments Tests

There will be 2 assessment tests. Each given through Exemplify.

D. **Required Statement:** The statement "I have neither given nor received unauthorized aid" must appear on each assignment. Assignments without this statement are incomplete.

E. **Process Questions:** Any question calling for you to describe your process is a short essay question. The answer would be grammatically correct and unambiguous. Like a recipe, it should describe each step taken in the process. These questions are graded by following exactly the process you describe. If I cannot get to the answer you got using the process you provide, the answer is incorrect.

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you as soon as it has been made aware of your situation.

Also, please contact Dean Virgie Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton
Assistant Dean for Student Development and Academic Support
Phone: (713) 313-7909
Email: virgie.mouton@tmslaw.tsu.edu

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

PARTICIPATION:

Class participation will be considered in determining your final course grade. You must be prepared for all classes. If you do not actively participate in class discussion and exercises, you may lose “Participation, Professionalism and Attentiveness” points (“PPA points”). You must prepare all assignments to the very best of your ability even if they are not submitted for a grade or feedback. In addition, if you fail to bring all relevant materials with you to class or do not have these materials open and ready for use in class, you will lose PPA points. You will need to have the required texts in class (or access to them) to fully participate in the discussion. Lastly, as you know, you must be on time for class.

ATTENDANCE:

1. **Attendance is required in this course.** Two (2) absences are allowed for the Legal Research portion of Lawyering Process.
2. **There are no excused absences.** See Student Rules of Matriculation p. 22 & 9.
3. **Beginning with the third absence,** I reserve the right to reduce the Legal Research portion of your final grade in accordance with the *Student Rules of Matriculation* cited above.

PROFESSIONALISM:

A. Electronic Devices: Laptop computers, tablets, or mobile devices may be used for accessing your e-textbook, Texas codes, the UPC, or Uniform Trust Code and for class-related note taking and reference. During class, however, it is inappropriate to use these devices for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device in class is a privilege. In addition to any other sanction, I will rescind use of these devices, individually or collectively, if it is abused. Cell phones, smart watches, and similar devices must have the ringer turned off (or the volume muted).

B. Classroom Conduct: Also, as you well know, at all times, you must respect your fellow colleagues. Please refrain from excessive side conversations or other distracting conduct during class. Also, ***please refrain from leaving the classroom during instruction***. Once class begins, you should remain seated and fully engaged in the discussion. If you have a medical condition that requires you to regularly leave after class has begun, please see Dean Mouton for approval. Otherwise, **such disruption of class will result in a loss of PPA points**. Further, any other conduct that displays a lack of professionalism will result in a loss of PPA points



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ACADEMIC CALENDAR



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*****TENTATIVE*****ACADEMIC CALENDAR 2019–2020

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
Mid Term Examinations	Monday–Friday	October 14–18, 2019
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors’ Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thursday–Friday	November 28–29, 2019
Reading Period (NO CLASS)	Saturday–Sunday	November 30–December 1, 2019
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (No Classes)	Monday	January 20, 2020
<i>Purge of all unpaid course selections</i>	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
Spring Break (University Closed)	Wednesday–Friday	March 18–20, 2020
Last Day to Drop a Class	Thursday	April 9, 2020
Good Friday (No Classes)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors’ Grades due	Tuesday	April 28, 2020
Reading Period (No Classes)	Wednesday–Sunday	April 29–May 3, 2020
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.
Updated July 2019



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POLICIES & PROCEDURES

COURSE MANAGEMENT SYSTEM

- A. This course will be placed in the LEXIS “Classroom”: course management system (hereinafter “Classroom”). Students are required to enroll in the appropriate section for this course and are expected to regularly check the course page for updates, announcement, and changes.
- B. All important course documents and information will be posted to the “Classroom” and updated as needed. Students should assume that versions of documents, including the one, on the “Classroom” are the most current versions of those documents.
- C. All assignments will be posted on the Classroom after they are given.
- D. Copies of PowerPoint slides used in class lectures will be posted to the Classroom as .pdf files.
- E. Additional helpful resources may also be posted to the Classroom for your optional use.

ASSIGNMENT PENALTIES

- A. I expect all work to be executed to professional standards of quality.
- B. Late assignments will not be accepted, and will receive a zero.
- C. The practice of law is a computerized profession; students are expected to be able to perform certain functions with their computer platforms of choice, including, but not limited to:
 - i. Make special characters with their word processors including “§”
 - ii. Take and insert screenshots into their word processing files.
- D. The first time you omit required information from an assignment you will be penalized through loss of points. All times afterward the assignment will be deemed incomplete.
- E. All of your answers must be arrived at independently. By submitting your work you confirm that you, and only you, had a role in completing the assignment. Failure to abide by this rule will be considered an Honor Code violation.
- F. Lawyers are always working against deadlines; therefore, extensions on due dates will NOT generally be granted.
 - i. All requests for extensions must be made in writing by 4pm on the day BEFORE the assignment is due (in other words, by 4pm Wednesday). If you do not receive your extension in writing, assume that the assignment is due as scheduled.



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TEAM BASED LEARNING

This course is structured to maximize the benefits of team-based learning. In a recent study of over 20,000 attorneys, 3 out of 4 attorneys agreed that the ability to work with others is a skill graduating law students must have; almost all of the respondents believed that this ability is essential to law practice. In addition, research and my own experience demonstrate that team-based learning improves student learning of the subject matter of a course.

You will stay in your assigned team throughout the semester. While all of your assignments will be done individually, much of the in-class exercises will be run through the teams. To ensure your teams work together effectively and efficiently, and that each team member has notice as to what is expected, you must design team ground rules. When you have conflict in your team, refer back to the rules and keep communicating respectfully with your team members.

If you have problems within your team that you cannot work out as a team, you may come to meet with me. But you should always consider that a solution that comes from me is less effective than a solution you work out as a team. In the rare case of alleged student misconduct, I will intervene.

READINESS ASSURANCE TEST & GROUP READINESS ASSURANCE TEST (RAT & GRAT)

We will take a readiness assurance test (RAT) each time we introduce a research element. The RATs cover the initial reading assignment before we review that material in class **Criteria Five**. Once you take the RAT, you will hand in your answer sheets to me. Your individual scores on the RAT are recorded and will count towards your **final grade** in the course. I will not count your lowest RAT score of the semester.

After everyone has turned in the RATs, your team will take the RAT as a team (the GRAT), and the team score will count toward your team grade **Criteria Three**. In well-functioning teams, the team usually outperforms the highest scoring individual team member because you will be bringing to bear all the intellectual resources of the team and the deeper learning that comes from debate and discussion as you work together on your answers. As your team takes the GRAT you will fill-in a scantron and submit your answers for grading. Answers will be revealed as we cover PowerPoint presentations.

NOTE: On RAT/GRAT days you may not have your cell phone or computer out until the RAT and GRAT are over. You are free to take notes as we go through the questions together, but you may not record the questions themselves. Violating these rules and copying questions are violations of the Code of Academic Student Conduct.

PEER ASSESSMENT

At the end of the semester, you will assess anonymously the performance of your team members, and you yourself will be similarly assessed using the Team Rubric. These assessments will factor into final grades **Criteria Three**.



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CAMPUS CARRY POLICY

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have the right to designate my office as a gun-free zone.

I have elected to make my office a firearm-free space. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. (Conforme a la secciòn 30.06 Del Còdigo Penal (traspasar portando armas de fuego con licencia), personas con licencia bajo del sub-capitulo 411, Còdigo Del Gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultada.).

For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.



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READING ASSIGNMENTS

Pre-Class 8.12.19	❖ Introduction & Purpose ❖ Court structure
Reading	Sloan- Chapter 1
Assignment Given	Court Structure Power Points

WEEK 1 8.19.19	❖ Search Terms and Weight of Authority
Reading	Sloan – Chapter 2 Handout: Syllabus & Court Structure
Assignment Given	Register for Interactive Citation Workstations (ICW) & Lexis Learn (LL). Review Sheet for Court Structure Given Out. Register for CALI Lesson. <i>Lexis Learn Module 1 & 2</i>
Assignment Due	<u>Assessment Opens Wed. August 28, 2019 at 8 a.m.</u> <u>Assessment Closes Friday. August 30, 2019 at 5 p.m.</u>

WEEK 2 8.26.19	❖ The Bluebook
Reading	Sloan – Chapter 2 The Bluebook – pp. 1-2 Tables 1, 6-7, 10
Assignment Given	Assignment 1: The Bluebook <i>Lexis Learn Module 3</i>
Assignment Due	<u>Court Structure Review Sheet Due</u>



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WEEK 3 9.02.19	❖ Secondary Sources I
Reading	Sloan – Chapter 4 <i>The Bluebook</i> – B15, B16, & Rules 15 & 16
Assignment Given	Assignment 2: Secondary Sources
Assignment Due	Assignment 1: The Bluebook

WEEK 4 9.9.19	❖ Secondary Sources II
Reading	Sloan – Chapter 4 <i>The Bluebook</i> – B15, B16, & Rules 15 & 16
Assignment Given	ICW In-Class Work <i>Lexis Learn Module 5 & 7</i>

WEEK 5 9.16.19	❖ Case Research I
Reading	Sloan – Chapter 5 <i>The Bluebook</i> – B10 & Rule 10
Assignment Given	Assignment 3: Case Research <i>Lexis Learn Module 5 & 7</i>
Assignment Due	Assignment 2: Secondary Sources

WEEK 6 9.23.19	❖ Case Research II ❖ Citators
Reading	Sloan – Chapter 6 <i>The Bluebook</i> – B10 & Rule 10
Assignment Given	ICW In-Class Work <i>Lexis Learn Module 6</i>



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WEEK 7 9.30.19	❖ Statutory Research I NOTE: we will not cover Legislative History in Class
Reading	Sloan – Chapter 7 <i>The Bluebook</i> – B12, B13, & Rules 12 & 13
Assignment Given	Assignment 4: Statutory Research
Assignment Due	Assignment 3: Case Research

WEEK 8 10.07.19	❖ Statutory Research II
Reading	Sloan – Chapter 7 & 8 <i>The Bluebook</i> – B12, B13, & Rules 12 & 13
Assignment Given	<i>Lexis Learn Module 4 & 8</i>

WEEK 9 10.14.19	❖ Electronic Legal Research
Reading	Sloan – Chapter 10 <i>The Bluebook</i> – B18 & Rule 18
Assignment Given	<i>Lexis Learn Module 8</i>
Assignment Due	Assignment 4: Statutory Research

WEEK 10 10.21.19	❖ Federal Administrative Law
Reading	Sloan – Chapter 9 <i>The Bluebook</i> – B14 & Rule 14 Handout: Fact Pattern
Assignment Given	Assignment 5: Administrative Law Research <i>Lexis Learn Module 13</i>



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WEEK 11 10.28.19	❖ Developing A Research Plan
Reading	Sloan – Chapter 11 Handout: Research Plan
Assignment Given	<i>Lexis Learn Module 10 & 11</i>
Assignment Due	None

WEEK 12 11.4.19	❖ Forms
Reading	
Assignment Given	In Class: Draft a Pleading Using Either ProDoc or Forms Manual Practice Exam
Assignment Due	Assignment 5: Administrative Law Research

WEEK 13 11.11.19	❖ Exam Review
Reading	
Assignment Due	Practice Exam (Due 11.12.19) CALI Lesson & Peer Evaluation (Due 11.22.19 @ 5 P.M.)

WEEK 14 11.18.19	EXAMINATION (BLUEBOOK ALLOWED)
Assignment Given	EXAMINATION ON TUESDAY, <u>NOVEMBER 19, 2019 during normal class time</u> Location : TBA
Assignment Due	Assessment opens Thurs. Nov. 21, 2019 at 8:00 a.m. Assessment closes Mon., Nov. 25, 2019 at 5:00 p.m.