

SYLLABUS



Fall 2009

LEGAL RESEARCH AND WRITING

Prof. D. A. Hughes

"Vita regulae applicatio."

A. Required Texts

B. Garner, The Redbook: A Manual on Legal Style (2d ed. 2006) - ISBN 9780314168917
R. Neumann, Legal Reasoning and Legal Writing (6th ed. 2009) - ISBN 9780735576667
A. Sloan, Basic Legal Research (4th ed. 2009) - ISBN 9780735576728
The Bluebook: A Uniform System of Citation (18th ed. 2005) - ISBN 9786000143299
West's Black's Law Dictionary (3d pocket ed. 2006) - ISBN 9780314158628

B. Course Description

The legal research and writing class will span two semesters but have only one final grade. The two primary goals of the course are to teach you how to do legal research and how to write certain legal documents. Of course, developing these two skills requires that you become proficient at legal analysis and that your work be as free as possible from solecisms of usage, syntax, and grammar.

C. Course Requirements

1. Attendance & Attention

Regular class attendance is required, and more than three unexcused absences per semester may, at the instructor's discretion, be sufficient reason to lower a student's grade. I expect that you will pay close attention in class and be quiet. It is not permissible for students to answer cell-phones or pagers during class, absent a medical emergency. Nor is it permissible for students to carry on side conversations in class. Please understand that I often require that students turn off their lap-tops to participate actively in class. Please also note that I expressly reserve the right to eject students from my classroom for improper conduct. Students who are asked to leave will be considered absent without an excuse for the purposes of the attendance policy.

2. Preparation

First, I expect each student to purchase his or her own copy of the current edition of each required text listed above. Second, I expect that you will complete all assigned readings prior to class. The assigned readings are the starting points for our class discussions, and it will not be possible for you to understand what is going on in class if you have not read the material closely and done your absolute best to understand it fully beforehand. As a general rule of thumb you should expect to spend 3 hours of preparation for each hour that we will spend together in class. Students should always be prepared to discuss the first of each set of problems from the Neumann book in class as we pass through them. From time to time I require some of the problems in the Neumann book to be written out and handed in.

3. Assignments

You will be expected to complete satisfactorily periodic graded and ungraded assignments to receive credit for this course. Students who fail assignments may be required to do them over again at my discretion. A one-hour examination on legal research will be administered during class on November 9th. All graded assignments are due in class on the date specified, unless otherwise indicated. Graded assignments that are turned in after the deadline will be docked 5 points for every hour they are late to a maximum of 50 points per day. A paper that is 5 minutes late incurs the first

hour's penalty, and so forth. Extensions for medical and other emergencies will be granted only if timely made for compelling reasons. Vocabulary assignments and library exercises, however, are not graded but are normally due in class.

4. Grade Determination

Grades will be calculated according to the following formula, except when any of the previously stated reasons for changing or withholding a student's grade is present:

Fall semester Assignment:	Point Value:
1. Closed Memo #1	5% (of final grade)
2. Memo # 1 Rewrite	10%
3. Research Exam	15%
4. Open Memo #1	20%
Spring semester:	
Various assignments	the other 50%

5. Accommodations for Disabilities

Any student who requires accommodation for a disability should advise me privately upon reading this syllabus. (Please note, however, that it is your responsibility to speak with the Associate Dean to request formally any accommodation for or exception to any academic procedure based on physical or mental handicap.)

6. Appointments

My office is room 456 in the library along the north wall; my office telephone number is 614-236-6476; my email address is dhughes@law.capital.edu; and my web page may be found at <http://users.law.capital.edu/dhughes>. I expect that each student will make an appointment to speak with me after each graded assignment is first returned to discuss that assignment. (I normally do not conference with students about "rewrites," since we have already discussed the paper once before.) Sign-up sheets for appointments are posted outside my office. Because of the anonymous grading system, students must cover their identification numbers when they come for a conference.

7. Supplemental Writing Program

In the spring of 2004, the law school's full faculty voted to modify the first-year curriculum by requiring participation in the "Supplemental Writing Program" for all entering first-year students who are identified as having writing problems. The faculty put in place a two-part system to provide help to first-year students with writing problems.

First, all entering students will be given three separate writing diagnostics: a client letter assignment, a "free-write" exercise, and a grammar test. The client letter assignment will be evaluated by the legal writing faculty; the "free-write" exercise and grammar test will be evaluated by Dr. Kevin R. Griffith of the English Department of Capital University. Any student who performs unsatisfactorily on two of the three diagnostic exercises will be required to take the Supplemental Writing Program in either the Fall or the Spring, depending on the ability of the school to schedule everyone.

Second, after evaluating the various assignments in the Legal Research and Writing I class, the legal writing faculty will identify students who were not caught by the initial diagnostics but whose work evidences difficulties in writing. Students so identified by their legal writing teachers, and, indeed, students so identified by teachers of the other first-year courses, will also be required to attend the Supplemental Writing program in the spring semester. Further, those students who do not make sufficient progress in the Supplemental Writing Program will be required to attend it again.

The law school faculty as a whole decided that the failure to complete satisfactorily the

Supplemental Writing Program if one has been required to take it will cause a student's combined grade in LRW I & LRW II to be lowered by one full letter grade! Please understand that the Supplemental Writing Program was not designed by the legal writing faculty but rather by the law faculty as a whole, and thus it is not within the control of the legal writing faculty but rather the law school administration. If you are required to attend the Supplemental Writing Program, it will be your individual responsibility to make sure that you comply with all of its requirements. No one on the legal writing faculty will insure your compliance, so don't be caught unaware!

8. Reading Schedule

Date	Subject	Read (in all of the sources below)				
		Neumann	Sloan	Garner	BB	BLD
M 8-24	Introduction	Ch.1-2	Ch. 1	143-147		List 1
W 8-26	Opinions & Statutes	Ch. 5-6		147-158		
M 8-31	Intro. to Memo	Ch. 7-9		339-352		List 2
W 9-02	Paradigm of Proof	Ch. 10-13		158-173		
M 9-07	Labor Day	No Class Meeting				
W 9-09	Paradigm & Cases	Ch. 14-15		173-176		
M 9-14	Paradigm & Statutes	Ch. 16		176-178		Lists 3 & 4
W 9-16	Facts & Paragraphs	Ch. 17-19		178-181		
M 9-21	Intro. to Citation	Ch. 20		123-134	pp. 1-24	List 5
W 9-23	Cases		Ch. 2 & 4	3-11		
M 9-28	Digests		Ch. 4	12-15		List 6
W 9-30	CALR		Ch. 10	15-19		
M 10-05	Shepard's & Keycite		Ch. 5	19-23		List 7

W 10-07	Statutes		Ch. 6	24-28		
M 10-12	Statutes, Cont'd		Ch. 6	29-31		
W 10-14	Legislative History		Ch. 7	31-34		
M 10-19	Administrative Law		Ch. 8	34-37		
W 10-21	More On Citation				pp. 45-99	
M 10-26	Secondary Sources		Ch. 3	38-45		
W 10-28	Subject Matter Services		Ch. 9	48-52		
M 11-02	Court Rules, Practice Books & Form Books					
W 11-04	Research Plan		Ch. 11			
M 11-09	Research Exam					

8. Assignment Schedule

M 8-24	Vocabulary List 1 Due in Class. Client Letter Assigned.
W 8-26	Client Letter Due in Class.
M 8-31	Vocabulary List 2 Due in Class.
W 9-09	Initial Westlaw & Lexis Vendor Sessions - Room 242 @ 2:10 p.m.
M 9-14	Vocabulary Lists 3 & 4 Due in Class.
M 9-21	Vocabulary List 5 Due in Class.
W 9-23	Closed Memo Assigned.
M 9-28	Vocabulary List 6 Due in Class. Library Exercise #1 Assigned.

M 10-05	Vocabulary List 7 Due in Class. Library Exercise #1 Due in Class. Library Exercise #2 Assigned.
10-05 to 10-16	Westlaw and Lexis Sessions - Electronic Sign-Up for Room 223
W 10-07	Closed Memo Due in Class.
M 10-12	Library Exercise #2 Due in class. Library Exercise #3 Assigned.
M 10-19	Library Exercise #3 Due in class. Library Exercise #4 Assigned.
W 10-21	Closed Memo Rewrite Assigned. Student Conferences.
M 10-26	Library Exercise #4 Due in class. Library Exercise #5 Assigned.
M 11-02	Library Exercise #5 Due in class.
W 11-04	Rewrite of Closed Memo Due in Class.
M 11-09	Research Examination. Open Memo Assigned.
F 11-20	Westlaw and Lexis: Keycite & Shepard's - Room 242 @ 9:35 a.m. Research Outline Due by 5:00 p.m. via email to Prof Hughes.
W 11-25	Open Memo Due by noon in Prof. Hughes's Office.

9. Legal Vocabulary Lists

You are to write a brief definition for each word in each list by hand using West's Black's Law Dictionary. You are specifically required not to use a computer, a word processor, or a printer in the preparation of these vocabulary lists! These lists are to be turned in on the dates assigned.

List 1	List 2	List 3	List 4	List 5	List 6	List 7
M 8-24	M 8-31	M 9-14	M 9-14	M 9-21	M 9-28	M 10-05
Adversary System	Appellate Court	Allegation	Affirmative Defense	Abuse of Discretion	At Bar	Bona Fide
Affirmance	Cause of Action	Answer	Authority	Actionable	Burden of Allegation	Constructive

Appeal	Certiorari	Civil Procedure	Binding Precedent	Administrative Law	Burden of Persuasion	De Facto
Appellant	Civil law	Complaint	Criminal Procedure	De Novo Review	Burden of Production	De Jure
Appellee	Common Law	Conclusion of Fact	Demurrer	Discovery	Burden of Proof	De Minimis
Client	Court of Last Resort	Conclusion of Law	Equitable Defense	Evidence	Caption	Deposition
Defendant	Criminal Law	Concurrence	Harmless Error	Headnote	Criminal Statute	Interrogatory
Dictum	Executive	Damages	Jurisdiction	Per Curiam Opinion	Docket	Legal Ethics
Error	Federalism	Defense	Legal Defense	Rebuttable Presumption	En Banc	Legal fiction
Holding	Judicial Review	Dismissal	Majority Opinion	Record	Enabling Statute	Legal Formalism
Issue	Judiciary	Dissenting Opinion	Minority Opinion	Regulations	Ex Parte	Legal Positivism
Judgment	Legislature	Equity	Motion	Repeal	Good Faith	Legal Realism
Opinion	Petition	Finding of Fact	Persuasive Precedent	Court Report	In Camera	Per Se
Overrule	Question of Fact	Injunction	Plain Error	Reporter of Decisions	Motion for Summary Judgment	Plagiarism
Petitioner	Question of Law	Party	Plurality Opinion	Slip Opinion	Motion in Limine	Privilege
Plaintiff	Relief	Pleading	Private law	Summary Judgment	Motion to Dismiss	Quasi
Ratio Decidendi	Remand	Precedent	Public Law	Syllabus	Open Court	Res (Rem)
Respondent	Remedy	Prima Facie Case	Reversible Error	Theory of the Case	Probative	Scienter

Reversal	Separation of Powers	Stare Decisis	Seriatim Opinions	Trial on the Merits	Public Policy	Sub Judice
Trial	Trial Court	Statute	Standard of Review	Unpublished Opinion	Venue	Writ



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