



STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK

COURSE OUTLINE

LEST 310 LEGAL RESEARCH

LAST REVISED BY: Alexander Lesyk

SCHOOL OF BUSINESS AND LIBERAL ARTS
March 2015

LEST 310 - LEGAL RESEARCH

- A. TITLE: Legal Research
- B. COURSE NUMBER/SHORT TITLE: LEST 310/Legal Research
- C. CREDIT HOURS: 3
- D. WRITING INTENSIVE COURSE (OPTIONAL): No
- E. COURSE LENGTH: 15 weeks
- F. SEMESTER(S) OFFERED: Spring
- G. HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY: Lecture 3 hours per week.
- H. CATALOG DESCRIPTION: An overview of the sources of law in the American system and specific instruction in finding and analyzing the sources needed to answer legal questions, including case law, statutes, administrative law, and secondary sources.
- I. PRE-REQUISITES/CO-COURSES: Successful completion of LEST 101 – The American Legal System and Expository Writing (ENGL 101) or Oral & Written Expression (ENGL 102), or permission of the instructor.
- J. STUDENT LEARNING OUTCOMES: Students will be able to:

<u><i>Course Objective</i></u>	<u><i>Institutional SLO</i></u>
a. Explain the concepts of mandatory and persuasive law.	1. Communication 2. Crit. Thinking 3. Prof. Competence
b. Explain the concepts of primary and secondary authority.	1. Communication 2. Crit. Thinking 3. Prof. Competence
c. Cite legal materials properly.	3. Prof. Competence
d. Formulate and apply appropriate, efficient and successful research strategies resulting in locating and relevant legal authority such as cases, statutes, and secondary sources	2. Crit. Thinking 3. Prof. Competence

- K. TEXT:

Foundations of Legal Research and Writing (5th Edition), Carol Bast and Margie Hawkins, Delmar/Cengage, Albany, NY (2013)

L. REFERENCES:

Legal Research in a Nutshell, (10th Edition), Morris Cohen and Kent Olson, Thomson/West, Eagan, MN (2010)

The Bluebook: A Uniform System of Citation. (19th Edition), Harvard Law Review Association, Cambridge, MA. (2010)

Articles and other resources placed on online course site.

M. EQUIPMENT: Internet Access/Technology Enhanced Classroom

N. GRADING METHOD(P/F,A-F, etc.): A-F

O. MEASUREMENT CRITERIA:

Attendance/participation, research projects, in-class exercises, assignments, quizzes, and examinations, as determined by instructor

P. DETAILED TOPICAL OUTLINE:

TOPICS

- I. Sources of Law
 - A. Statutory
 - 1. Hierarchy of statutes
 - 2. Place within the legal system
 - B. Case law
 - 1. Precedent
 - a. Mandatory authority
 - b. Persuasive authority
 - 2. Place within the legal system
 - C. Primary vs. secondary sources of law
- II. Case law
 - A. Generally
 - 1. Reporters
 - a. Official
 - b. Unofficial
 - c. State
 - d. Federal
 - e. Specialized

- 2. Citing cases
 - a. Elements of a citation
 - b. Parallel citations
- 3. Reading a case
 - a. Heading
 - b. Synopsis
 - c. Body
 - 1) Majority opinion
 - 2) Concurrence(s)
 - 3) Dissents
 - 4) Facts
 - 5) Issues
 - 6) Holding
 - d. Analyzing and briefing cases
- B. Finding case law
 - 1. From known authority
 - 2. From digests
 - a. Descriptive word
 - b. Topic search
 - c. Keyword search
 - 3. Via keyword search
- C. Updating case law
 - 1. Importance
 - 2. Via print sources
 - 3. Electronically

III. Statutes

- A. Generally
 - 1. Sources
 - 2. Federal
 - 3. State
- B. Finding statutes
 - 1. Federal
 - a. By citation
 - b. By popular name
 - c. By keyword
 - 2. State
 - a. By citation
 - b. By keyword
 - 3. Possible sources
 - a. Annotated codes
 - 1) Definition
 - 2) Uses
 - b. Unannotated codes
 - 1) Definition
 - 2) Uses

- C. Updating statutes
 - 1. Print methods
 - 2. Electronic methods
- D. Citing statutes
 - 1. Elements
 - 2. Parallel citations
- E. Administrative law
 - 1. Definition
 - 2. Importance
- F. Finding regulations
 - 1. Federal
 - a. CFR
 - b. LSA
 - c. Federal Register Index
 - 2. State
- G. Updating administrative law
 - 1. Print methods
 - 2. Electronic methods
- H. Citing administrative law

IV. Secondary authorities

- A. Importance and uses
 - 1. To find a case or statute
 - 2. Overview of the law in an area
 - 3. Persuasive authority
- B. Legal Encyclopedias
 - 1. CJS
 - a. General description
 - b. Use
 - c. Updating
 - d. Citation
 - 2. AmJur
 - a. Description
 - b. Use
 - c. Updating
 - d. Citation
- C. Restatements
 - 1. Definition
 - 2. Use
 - a. As authority
 - b. Finding topics
 - 3. Citation
- D. Law journals
 - 1. Purpose/definition
 - 2. Use

- 3. Finding a topic
 - a. Electronic sources
 - b. Index of Legal Periodicals
 - c. LegalTrac
 - 4. Updating
 - a. Citation
 - E. Treatises
 - 1. Purposes
 - 2. Use
 - 3. Finding a topic
 - 4. Updating
 - 5. Citation
 - F. ALR annotations
 - 1. Overview
 - 2. Use
 - 3. Finding a topic
 - 4. Updating
 - 5. Citation
 - G. Looseleaf services
 - 1. Overview
 - 2. Use
 - 3. Finding a topic
 - 4. Updating
 - 5. Citation
- V. Electronic research
 - A. Lexis/ Westlaw
 - 1. Search methods
 - a. Boolean
 - b. Freestyle
 - 2. Restrictions
 - a. Date
 - b. Court
 - c. Jurisdiction
 - 3. Use as citator/updater
 - 1. Cautions
 - a. Cost
 - b. Focus
 - B. Internet
 - 1. Specific sites and areas
 - a. Findlaw
 - b. Government sites
 - 2. Search methods
 - 3. Cautions
 - a. Reliability of information
 - b. Overly broad coverage

- VI. Specific research tips
 - A. Formulating a strategy
 - 1. Questions to be answered
 - 2. Objective
 - 3. Best sources
 - 4. Keywords/topics
 - 5. Known authority, if any
 - 6. Multiple plans
 - 7. Updating
 - B. Specific considerations
 - 1. Efficiency
 - 2. Specificity
 - 3. Currency