

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



MASTER SYLLABUS

LEGAL RESEARCH

LEST 310

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**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

- A. **TITLE: Legal Research**
- B. **COURSE NUMBER: LEST 310**
- C. **CREDIT HOURS: 3**
- D. **WRITING INTENSIVE COURSE: NO**
- E. **GER CATEGORY: NONE**
- F. **SEMESTER(S) OFFERED: SPRING**
- G. **COURSE 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.

H. **PRE-REQUISITES/CO-REQUISITES:**

a. Pre-requisite(s): Successful completion of LEST 101 – The American Legal System and Expository Writing (ENGL 101), or permission of the instructor.

b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
a. Explain the concepts of mandatory and persuasive law.	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p> <p>Understand and articulate the role of</p>		Industry, Professional, Discipline Specific Knowledge and Skills

	<p>common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>
<p>b. Explain the concepts of primary and secondary authority.</p>	<p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p>

	<p>areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>
<p>c. Cite legal materials properly.</p>	<p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p> <p>Critical Thinking <i>Critical Analysis</i> [CA]</p>

	<p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		
<p>d. Formulate and apply appropriate, efficient and successful research strategies resulting in locating and relevant legal authority such as cases, statutes, and secondary sources</p>	<p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Understand the impact of existing and emerging technologies on the legal system.</p> <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Critical Thinking <i>Critical Analysis [CA]</i></p>

	and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.	
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KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA], Inquiry & Analysis [IA], Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

J. APPLIED LEARNING COMPONENT: Yes No

K. TEXTS: Bast, C. and Hawkins, M. (2012). *Foundations of Legal Research and Writing (5th Edition)*, Delmar/Cengage, ISBN: 978-1133278290; and Cohen, M. and Olson, K.. *Legal Research in a Nutshell, (11th Edition)*, Thomson/West, ISBN: 978-0314286659

L. REFERENCES: Articles of current interest and other resources placed on the course online learning site.

M. EQUIPMENT: Technology Enhanced Classroom.

N. GRADING METHOD: A-F

O. SUGGESTED MEASUREMENT CRITERIA/METHODS: Participation, in-class exams, final exam, assignments and research paper.

P. DETAILED COURSE OUTLINE:

- 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
 - c. Updating
 - 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
 - a. Cautions
 - b. Cost
 - c. 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

Q. **LABORATORY OUTLINE:** N/A