

**Legal Research
LAW 5803, Section 3B
Fall 2022 Syllabus**

Instructor

Professor Emily Mayers-Twist
HOL 175D
mayerstvist@law.ufl.edu
352-273-0709

Class Schedule

Fridays, 9:00 am -10:10 am
HOL 285B

Office Hours

Mon and Tues: 11am to 12pm

Course Canvas Page

All course materials are accessible on Canvas at: <https://ufl.instructure.com/courses/460990>

Textbook

Kent C. Olson, Aaron S. Kirschenfeld & Ingrid Mattson, Principles of Legal Research (3d ed. 2020); available through our West Academic Study Aids subscription (<https://subscription.westacademic.com/>) You will need to create an account for West Academic Study Aids while on campus in order access material off campus. See instructions posted in Canvas.

Course Objectives

The aim of this course is to introduce students to the basic principles of legal research. Students will develop legal research skills by learning how to formulate a research plan; identifying and consulting secondary legal materials; interpreting legal citations; locating, expanding, and updating relevant primary legal materials; and assessing research progress to determine next steps. Students will be able to effectively research and communicate the results of their research. For a more detailed discussion of the goals and learning objectives for the course, please see attached Appendix A.

Course Schedule

Legal Research is a fall semester course. We will meet for 10 classes in total. The course is worth one credit hour.

Grading

The components of the final grade for the course are listed below:

Homework Assignments (8)	20%
Midsemester Essay	10%
Midsemester Multiple Choice Quiz	5%
Word Training via OTT	5%
Participation	5%
Final Exam	55%

Per law school policy, this class will be graded on a curve. Points received for assignments during the semester represent raw scores only. Information on current College of Law grading policies for assigning grade points can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current%20students/academic-policies> and below:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Class Preparation

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Accordingly, you will have reading each week, from your textbook and other sources that will be posted on the course Canvas page. Additionally, you should review the PowerPoints posted on the course Canvas page and watch the assigned instructional videos. It is anticipated that you will spend approximately two and ½ hours out of class each week on reading, reviewing PowerPoints, watching videos, preparing for in-class exercises, and completing out-of-class assignments.

Homework Assignments

Homework assignments will be posted on the course Canvas page (under the “Assignments” tab) after class. The due date for each homework assignment is **11:59 p.m. on the Tuesday following class**. Full credit for assignments will be given to those who demonstrate a good faith effort. A good faith effort includes fully responding to all questions and turning in assignments on time. Cursory responses to questions that ask for an explanation will be penalized. A late submission, without prior consent from instructor, will be penalized at least 25% for lateness if submitted by 9:00 am (Eastern) on the Friday of the week it is due. A late assignment that is submitted after 9:00 am (Eastern) Friday on the week it is due will receive no credit. Completion of the 8 homework assignments is worth 20% of the final grade. **Students must work individually on homework assignments.**

Mid-semester Essay

The mid-semester essay is worth 10% of the final grade and will be graded to provide students with feedback about what to expect on the final exam. This essay will require students to

independently research a fact pattern, explain their research process, and provide an answer to the legal questions posed by the fact pattern.

Mid-semester Multiple Choice Quiz

The multiple-choice quiz is worth 5% of the final grade and will be graded to provide students with feedback about what to expect on the final exam. This quiz will consist of 20 multiple choice questions.

Office Technology Training for Law Students

In order to ensure that all UF Law students meet basic technology competency standards, you will be required to complete the Word 2019 Path of NSLT's Office Technology Training. Full credit for the assessments will be given to those who complete the assessments by 11:59 pm on Thursday, **November 3, 2022**. Completion of the Word 2019 Path is worth 5% of the final grade. Additional information about this assignment will be provided during class.

Final Exam

The final exam is a take-home exam that consists of multiple-choice questions and essays. The multiple-choice questions will test:

1. Your knowledge of the five-step legal research process, including identifying the steps, the actions taken in each step, and the proper order of the steps;
2. Your knowledge of the jurisdictional authority of the federal and Florida courts;
3. Your knowledge of the structure of the federal and Florida court systems;
4. Your ability to recognize proper citation formats for cases, statutes, and regulations (federal and Florida), and to identify publication and jurisdiction from a citation;
5. Your understanding of the meaning of "primary source" and "secondary source" in the context of legal research, and your ability to identify whether a given resource is a primary or secondary source;
6. Your understanding of the documents involved in the legislative process (federal and Florida) and their sequence, from bill through annotated code, including the ability to identify specific publications and what is contained in them;
7. Your ability to interpret the history of a statute (federal and Florida);
8. Your ability to identify the publications in which federal and Florida regulations are published and what is contained in them;
9. Your familiarity with the features of Westlaw Edge and Lexis+ (e.g., finding aids, annotations, filters, citators), including what happens when you click on a given tab, link, or symbol, and what different symbols mean;
10. Given a case (federal or Florida) and citator information about it, the ability to identify any negative treatment and the consequences of such treatment, and what jurisdictions are bound by the decision;
11. Your knowledge of strengths and weaknesses of different legal information finding tools and methods (e.g., terms and connectors searching, natural language searching, indexes, annotations, and legal classification systems such as headnotes);

12. Your knowledge of Boolean (i.e., terms-and-connectors) search commands and how to make a search broader or narrower;
13. Your knowledge of the difference between court rules of general applicability and specific court rules;
14. Your knowledge of the meaning of “municipal law” and where Florida municipal law can be found; and
15. Your knowledge of what a docket is and what information is included on a docket.

The essay portion of the exam will test your ability to synthesize the skills you learned and apply them to a hypothetical situation. It will be graded anonymously on a curve. The final exam will be accessible at 1 pm on **Friday, November 4, 2022** and will close at 11:59 p.m. on **Sunday, November 6, 2022**. You will have a **maximum of eight hours** to complete the exam once you have gained access. The law school policy on exam delays and accommodations can be found at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Participation

The participation grade is determined by attendance, preparation for class, participation in class, and overall effort to complete the weekly assignments, including contacting the instructor when encountering difficulties with the assignment. Repeated lack of preparedness or participation, including not working on/participating in in-class exercises, will impact your participation grade.

Attendance

Attendance will be taken at the beginning of each class. Missing 3 or more classes without prior notice to the instructor will result in referral to Student Affairs. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

Office Hours

Office Hours will be held on Mondays and Tuesdays from 11am to 12pm. I will be available both in-person in my office (HOL 175D) and via Zoom during my office hours. If you wish to use Zoom, the meeting link for office hours is <https://ufl.zoom.us/j/97414765855>

Preferred Name and Pronouns

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or via the Getting to Know You form at <https://forms.gle/Qbi23t8qx7Vewgu38>. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records

Discourse, Inclusion, and the Classroom Ethos

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As a class, I encourage each of us to commit to self-examination of our values and assumptions, speak honestly, thoughtfully, and respectfully, listen carefully and respectfully, reserve the right to change our mind and allow for others to do the same, and allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

Requesting Accommodation

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester.

University Policy on Academic Misconduct

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.”” The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Click [here](#) to read the Honor Code. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

University Policy on Course Evaluation

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email

they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#)

Recordings

Class Recording Policy: The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Getting Technical Assistance

For technical difficulties with E-learning in Canvas, please contact the UF Help Desk at:

- helpdesk@ufl.edu
- (352) 392-HELP
- <http://elearning.ufl.edu/> (See "Message Us" at the top)

Disclaimer

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

Class Schedule/Topics	Before Class	Homework Assignments
Week 1 Aug. 26 Introduction	Review Course Canvas Page Review Syllabus Register for West Academic Study Aids Collection access Read Olsen, pp. 1-5. Go to the Week 1 module in Canvas: 1. Review the Welcome to Course PowerPoint 2. Watch State and Federal Jurisdiction [5:25] (Link to external site opens in a new tab.) Watch Florida Bar Association Know Your Court System [2:17] (Link to external site opens in a new tab.) Watch Binding and Persuasive Authorities (Stare Decisis) (Link to external site opens in a new tab.) 3. Complete Getting to Know You form at: https://forms.gle/DiYhm82SaeN2nKuw7	Complete Homework Assignment #1 – Jurisdiction by 11:59 p.m. Tuesday, August 30.
Week 2 Sept. 2 Formulating a Research Plan	Read Olsen, pp. 9-30. Go to the Week 2 module in Canvas and complete required items.	Complete Homework Assignment #2 – Formulating a Research Plan by 11:59 p.m. Tuesday, September 6.
Week 3 Sept. 9 Using Secondary Sources	Read Olsen, pp. 31-32; 34-41, 57-70. Go to the Week 3 module in Canvas and complete required items.	Complete Homework Assignment #3 - Secondary Sources by 11:59 p.m. Tuesday, September 13.
Week 4 Sept. 16 Finding and Using Statutes	Read Olsen, pp. 99-140. Go to the Week 4 module in Canvas and complete required items.	Complete Homework Assignment #4 - Primary Sources: Statutes by 11:59 p.m. Tuesday, September 20.
Week 5 Sept. 23 Finding and Using Case Law	Read Olsen, pp. 255-325. Go to Week 5 module in Canvas and complete required items.	Complete Homework Assignment #5 – Primary Sources: Cases by 11:59 p.m. Tuesday, September 27.

Week 6 Sept. 30 Expanding and Updating Case Law Analyzing and Organizing Your Results	Read Olsen, 326-334; 342-349. Go to Week 6 module in Canvas and complete required items.	Complete Homework Assignment #6 by 11:59 pm Tuesday, October 4. Complete the Midsemester Essay by 11:59 pm Tuesday, October 11.
Week 7 Oct. 14 (NO CLASS OCT. 7) Terms & Connectors v. Natural Language Searching Additional Secondary Sources	Read Olsen, pp. 46-56, 336-341. Read Lexis' Search Commands and Connectors Read Westlaw's Terms and Connectors Searching Go to Week 7 module in Canvas and complete required items.	Complete the Multiple-Choice Quiz by 11:59 pm Tuesday, October 18.
Week 8 Oct. 21 Administrative Law: Florida and Federal Regulations	Read Olsen, pp. 205-227 Read A Primer on Florida's Administrative Procedure Act , pp. 1-13. Go to Week 8 module in Canvas and complete required items.	Complete Homework Assignment #7 by 11:59 pm Tuesday, October 25.
Week 9 Oct. 28 Court Rules, Dockets and Municipal Law	Read Olsen, pp. 349-364; 248-251. Go to Week 9 module in Canvas and complete required items.	Complete Homework Assignment #8 by 11:59 pm Tuesday, November 1.
Week 10 Nov. 4 Review	Go to Week 10 module in Canvas: 1. Review the Summary and Review PowerPoint BRING QUESTIONS TO CLASS!	Complete Word 2019 Path of NSLT's Office Technology Training by 11:59 pm Thursday, November 3.

Appendix A

Course Goals and Learning Objectives

Course Goals

Goal 1: Identify and apply the principles and processes of legal research

Goal 2: Understand the different sources of primary law when conducting legal research

Goal 3: Utilize secondary legal sources to locate relevant primary sources of law

Goal 4: Conduct legal research using subscription-based and free electronic resources

Goal 5: Identify and locate documents generated during litigation in federal and state courts.

Learning Objectives

Goal 1: Identify and apply the principles and processes of legal research

- A. Apply the five steps of the research process
 1. Formulate a research plan including framing the legal question, generating key terms / search terms, and determining jurisdiction.
 2. Consult a secondary source to start your research.
 3. Navigate from a secondary source to primary law.
 4. Expand and update your research using headnotes, citing references and citators.
 5. Analyze and organize your research results.

Goal 2: Understand the different sources of primary law when conducting legal research

- A. For case law:
 1. Identify the parts of a case law citation and be able to locate an opinion based on a citation.
 2. Understand the jurisdiction of the court issuing an opinion.
 3. Identify different parts of an opinion and understand what portions are citable.
 4. Use headnotes/citing references/KeyNumbers to expand case law research. Demonstrate how to use each tool, explain what each tool contains, and analyze the pros and cons of each.
 5. Use KeyCite/Shepard's to update a case. Analyze later-in-time statutes or cases to determine whether a case is still good law, explain the meaning of the different signals, demonstrate the process for updating a case, and justify the importance of updating.
 6. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.

B. For a statute:

1. Identify the parts of a statutory citation and be able to locate a statute based on a citation.
2. Identify the different parts of statute.
3. Explain the difference between an annotated and an unannotated statute.
4. Identify a statute's history and be able to explain what happened to the statute from passage to most recent amendment.
5. Use citing references/notes of decision/Table of Contents (TOC) to expand statutory research. Demonstrate how to use each of these tools.
6. Use the TOC or index of a statute. Demonstrate how to find a statute section using either method; and reflect on when TOC/index/search should be used and why specific instances would dictate use of one method over the others.
7. Use Keycite/Shepard's to update a statute, determining whether a statute is still good law, explaining the meaning of the signals, analyzing the cases/statutes to determine how the statute applies, and demonstrating how to find what changed in a statute through an amendment.
8. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.

C. For a regulation

1. Identify the parts of a regulatory citation and be able to locate a regulation based on a citation.
2. Understand the regulatory rulemaking process in Florida and at the federal level.
3. Explain what a regulation is and where to find them.
4. When given a regulation, determine enacting statute and agency.
5. Understand when to use F.R.A.P. 9.800 and when to use the Bluebook and the differences between the two formats.

Goal 3: *Utilize secondary legal sources to locate relevant primary sources of law*

A. Understand secondary sources

1. Identify the parts of a citation to a secondary source and be able to locate a secondary source based on a citation.
2. Explain what a secondary source is, where to find, and the difference between general and specific secondary sources.
3. Compare searching broadly for a secondary source and searching within a secondary source using the TOC/index to locate a relevant section.
4. Demonstrate how to navigate from a secondary source to a primary source.

Goal 4: Conduct legal research using subscription-based and free electronic resources

- A. From a hypothetical, analyze the situation and determine which search method to use, explain why that method was chosen, and demonstrate that method to find relevant secondary sources.
- B. Demonstrate how to filter a search to find a statute or case within a specific jurisdiction. Craft search terms to find a statute or case on a certain topic and run the search. Analyze the results of the search for relevancy. Do the same with a secondary source.

Goal 5: Identify and locate documents generated during litigation in federal and state courts.

- A. Understand how courts use dockets and understand the general type of documents that can be accessed via dockets.
- B. Demonstrate how to locate a federal court or Florida court docket.