



Meeting Learning Outcomes: Assessments and Rubrics for Legal Research Competency

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PRINCIPLES & STANDARDS FOR LEGAL RESEARCH COMPETENCY



GOVERNMENT
RELATIONS



Approved by the Executive Board July 11, 2013, Tab 22

[Introduction \(PDF\)](#)

[Principles, Standards & Competencies \(PDF\)](#)

<https://www.aallnet.org/advocacy/legal-research-competency/principles-and-standards-for-legal-research-competency/>

[Trifold Brochure \(PDF\)](#)

Principles &
Standards For
Legal Research
Competency

The Case For

INTRODUCTION

COMPETENCY I:

A successful legal researcher possesses foundational knowledge of the legal system and legal information sources.

- Many ways to assess that students are learning these concepts
- Easy to employ a “flipped” classroom model to teach students terminology and basics
- Easily assessed by quizzes or exams



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canvas

learning management

Please select an account type.



Standard Access Account

Limited Access Account

https://psu.instructure.com/courses/1934275/question_banks/3738880

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COMPETENCY II:

A successful legal researcher gathers information through effective and efficient research strategies.

- A tool to assess a student's research
 - Research Plan & Research Log
 - Journal
 - Table
 - Outline
- Assess over the time to see how students strategies have evolved



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Legal Research Tools and Strategies Section 202
Choosing Secondary Sources Exercise
Friday, September 7, 2018

James Franklin was about to start his first year of law school at Penn State Law. While visiting the school in June, he entered into a one-year lease for an apartment with Sandy Barbour, a landlord. The lease stated that the lease term was to start on August 1st and that rent of \$500 was due on the first of each month.

James showed up at the apartment on August 12th with a rental truck loaded with his furniture, having already paid the rent on the first of the month, but he was unable to move in because the prior tenant was still living there. James immediately called Sandy and informed her of the situation. Sandy said, "It's not my problem." Since orientation started the next day, James was forced to check into a motel and keep his furniture in the rental truck incurring nightly motel rates and additional charges on the rental truck. Two weeks later, the prior tenant moved out of the apartment, and James moved into the apartment on August 28th.

Since James has been so preoccupied with his law school orientation, he hasn't been paying attention during his Legal Research Tools and Strategies class. He has come to you asking where he should research this issue. He has asked you whether or not he can assert an action against Sandy for breach of the lease term.

Since James is looking for your help, you know that secondary sources are a good place to start. If you have any attention during class, you know that secondary sources are a good place to start. If you have any research plan, then answer the questions that follow.



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<u>Date</u>	<u>Source</u>	<u>Location/ database</u>	<u>Search Queries</u>	<u>Findings/ Value</u>	<u>Next Steps/ citations</u>	<u>Currentnes s/ good law</u>
10/15/18	West law <u>Copland v. Nathaniel</u> , 624 N.Y.S.2d 514 (N.Y. 1995)	WL → filtered to New York State → search query	Rescission of sale of house	The standard for the evidence to prove fraud is "by the most satisfactory evidence" which is higher than preponderance of the evidence. – important for discovery. There are two kinds of fraud: actual fraud and constructive fraud. Good to know for purposes of our legal issue. is when someone has over another amongst	Find broader resources because this has no good information but I have little context yet.	1995, kind of old. Have to make sure that more recent sources do not contradict this. It is not flagged on WL though.
10/15/18	NY REAL PROP § 462 Property condition disclose statement	WL -> New York State Filter → McKinney's Consolidated Laws of New York Annotated → Chapter 50 → article 14 Property Disclosure in the Sale of		by condition asks the seller to disclose the property's condition, including things like title, water lines, and other things of that nature, specifically in a disclosure statement that involves	Still too narrow but it helps to identify the normal things that would be disclosed prior to purchasing a house.	Effective march 1, 2002



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COMPETENCY III:

A successful legal researcher critically evaluates information.

- Focusing on analyzing their research results
- Choosing the best cases to support their argument



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COMPETENCY IV:

A successful legal researcher applies information effectively to resolve a specific issue or need.

- Focusing on whether the student accurately related their chosen sources to their client's legal issues
- Students are expected to apply reasoning behind their choices, not just repeat back a list of sources



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Legal Research Tools and Strategies Section 202
Final Research Project Assignment
Due: Monday, November 27, 2017 by 11:59 PM

Instructions

Use the hypothetical to complete each of the five parts of this assignment.

- **Part 1. Research Plan:** Before you begin your research, create a research plan based on the facts of the case.
- **Part 2. Short Answer:** Answer the specific questions as set forth under Part 2 below.
- **Part 3. Informal Memo:** Prepare a short memo (no more than 3 pages single spaced) to the supervising partner that analyzes your legal issues and states the likelihood that Mr. Banks would succeed on appeal.
- **Part 4. Research Log:** Create a research log to track your research to track the sources that might be important to your case.
- **Part 5. Timesheet:** Track your research with a detailed research timesheet that includes time spent researching (see fee chart below).

Please read the question that you are providing a **NOT PUT YOUR NAME** **Spreadsheet** or a combination of **PDF or Mac Pages documents** worth 20% of your grade.



the question asked and assignment to Canvas. **DO NOT submit a document or an Excel spreadsheet.** **Do not submit a PDF or Mac Pages document.** This assignment is worth 20% of your grade.

Grading will be based on:

- Identification of relevant issues
- Identification of preliminary research
- Research strategy and process
- Format and grammar
- Inclusion of all required documents
- Appropriate authorities retrieved
- Application of appropriate authorities to issue(s)

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Rubrics

- Makes grading easier for instructor
- Provide consistency and fairness across grading
- Can make explaining/justifying grades to students easier
- Clarify what you're expecting from your students in a given assignment



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Should you provide rubrics to students?

- Pros:
 - Provide transparency for students
 - Create a perception of fairness
- Cons
 - Can make grading less flexible
 - Provide too much guidance to students



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RUBRIC

Legal Research Tools & Strategies Section 202
Administrative Law Group Project & Presentation
Written Submissions Due by 10/31/2018 at 11:59 PM
Group Presentations held during class on 11/2 and 11/7

This assignment will require you to create a timeline and summary for a promulgated regulation and present your findings in class. There are two parts to this assignment:

Part 1. Canvas Group Written Assignment

- Each group will create a written Canvas page/document that contains the following:
 - A timeline of your regulation that includes:
 - The date that the proposed rule was published,
 - The length of time and date of the notice and comment period,
 - The date that the final rule was published,
 - The date that the rule became effective.
 - Additional information:
 - Citation(s) to the regulation,
 - A summary of the regulation (at least 2 paragraphs), and
 - A summary of the agency's response to the comment period.
- Feel free to be creative in your presentation. The final product cannot change after the presentation.
- The Canvas Group page must be used for communication and division of work.
 - This means that work should be documented in a Canvas Group. Communication and division of work should be documented in a Canvas Group. You may also communicate with your group members directly through the discussion feature within the Canvas Group.
 - I will begin the discussion by posting a message to your group on your Canvas Group discussion board.

Part 2: In-Class Presentation

- Each group will do a short presentation providing a summary of your promulgated regulation and

communications and contributions from the discussion. Please note: If I do not see evidence of individual participation, this will be reflected in your individual part of the grade.

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RUBRIC

Legal Research Tools and Strategies Section 202
Final Research Project Assignment
Due: Monday, November 27, 2017 by 11:59 PM

MEMORANDUM

TO: SUMMER ASSOCIATE
FROM: SUPERVISING PARTNER
DATE: NOVEMBER 6, 2017
RE: RESEARCH FOR NEW CLIENT

We recently took on representation of a new client, Everett Banks, Las Vegas, Nevada his entire life, is a widower with three children, Alexis, age 9, Kevin, age 6 and Derek, age 4. Mr. Banks's wife has been a single parent for the past 4 years. He does not have any living relatives and cannot afford to hire additional help. Mr. Banks handles all parental duties on his own. Mr. Banks started and ran a successful job recruitment firm in Las Vegas, however, most job hunters and employers use online job websites rather than recruiters. As a result, Mr. Banks has been desperately

After attempting to sell drugs to an undercover cop, Mr. Banks was convicted of distribution of drugs, a category B felony, and sentenced to 13 months in Nevada state prison. This is his second criminal conviction. His second child, Mr. Banks was convicted of misdemeanor assault and served six months in Nevada state prison.

During his prior incarceration, Mr. Banks exchanged letters, drawings and pictures with his oldest daughter, Alexis, and developed a relationship with his infant son, Kevin. His youngest son, Derek, had not been born yet. During his current incarceration, Mr. Banks continues to call and speak with his children on a bi-weekly basis and often sends letters and drawings, and, while he can't provide significant financial support for his children, he does include small monetary payments for his children's allowances which he earns from his prison work payments. He also sends special cards and presents for birthdays and holidays.

several months ago. The Briggs, who are not attempting to adopt the children, are claiming that Alexis, Kevin and Derek are too afraid to visit their father in prison. The Division of Child and Family Services hired a child psychologist, Dr. Sara Martin, who evaluated the Banks children. Her report stated that the two younger children are apprehensive about visiting Mr. Banks in prison, but that Alexis, has expressed that she still wishes to continue visiting her father. Last month, the Clark County District Court Family Division entered an order terminating Mr. Banks's parental rights to his three children stating that there was clear

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MEMORANDUM

TO: SUMMER ASSOCIATE
FROM: SUPERVISING PARTNER
DATE: NOVEMBER 6, 2017
RE: RESEARCH FOR NEW CLIENT

We recently took on representation of Mr. Banks, who has lived in Las Vegas, Nevada his entire life, is a widower with two children, Kevin, age 6 and Derek, age 4. Mr. Banks's wife died while giving birth to Kevin for the past 4 years. He does not have any living relatives and is currently in need of childcare or housekeeping and so he handles all parental duties. Mr. Banks is a successful job recruitment firm in Las Vegas, however, but many employers use online job websites rather than recruiting agencies. Mr. Banks is trying to find way to provide for his children.

After attempting to sell his home, Mr. Banks was convicted of the sale and distribution of drugs, a misdemeanor assault and battery, and a second criminal conviction. Mr. Banks was convicted of misdemeanor assault and battery.

During his prior incarceration, Mr. Banks had pictures with his oldest daughter, Alexis, and developed a relationship with his youngest son, Derek, had not been born yet. During his current incarceration, Mr. Banks is able to call and speak with his children on a bi-weekly basis and often sends letters to his children. While he can't provide significant financial support for his children, he does include small monetary payments for his children's allowances which he earns from his prison work payments. He also sends special cards and presents for birthdays and holidays.

Because Mr. Banks has no living relatives, his children have been placed in a foster home by the Nevada Division of Child and Family Services. They are currently living with Mr. and Mrs. Robert Briggs, who have been foster parents in the Nevada's foster care system for many years. Mr. Banks has requested that

Martin, who evaluated the Banks children. Her report stated that the two younger children are apprehensive about visiting Mr. Banks in prison, but that Alexis, has expressed that she still wishes to continue visiting her father. Last month, the Clark County District Court Family Division entered an order terminating Mr. Banks's parental rights to his three children stating that there was clear and convincing

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