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Fall 9-1-2005

LEG 286T.02: Legal Research and Writing II

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Thompson, Teresa Ann, "LEG 286T.02: Legal Research and Writing II" (2005). *Syllabi*. 9981.
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**UNIVERSITY OF MONTANA
COLLEGE OF TECHNOLOGY
Student Syllabus for Legal Research and Writing II**

COURSE NUMBER AND TITLE: T 286-02, Legal Research and Writing II

Meeting times: TUESDAYS, 3:10 p.m. to 5:00 p.m. We will meet at the law school in Room 182, unless notified otherwise.

REVISED: August 2005

PREREQUISITE: Legal Research and Writing I

INSTRUCTOR NAME, E-MAIL ADDRESS, PHONE NUMBER, OFFICE LOCATION, OFFICE HOURS: Teresa Thompson, teresa.thompson@mos.umt.edu; 406-544-2847, 121 Hickory Street, Suite 3, Missoula, Montana 59801. Office hours by appointment.

COURSE DESCRIPTION: Advanced legal research and writing with emphasis on drafting and composing legal memoranda; legal research skills and development of legal writing ability.

COURSE OBJECTIVES: Students will be able to: (1) conduct advanced legal research; (2) interpret research findings such as constitutions, statutes and case law; (3) synthesize research findings into legal memoranda; (4) draft all elements of legal memoranda including Issues, Brief Answers, Facts, Discussion, and Conclusion; (5) verify and validate research findings; (6) conduct legal research with computerized assistance through such services as LEXIS and WestLaw.

STUDENT PERFORMANCE ASSESSMENT METHODS AND GRADING PROCEDURES:

Students will be graded in three areas:

Attendance/Class Participation: 28% **

Class assignments and Quizzes: 22%

Final Examination/Final Memorandum: 50%

Grade Scale:

A: 100-90%

B: 80-89%

C: 70-79%

D: 60-69%

F: 60% and below

Assignments: Due dates for writing assignments will be given at the time the assignment is given. Assignments are due on the date provided. Late assignments will be given no credit. If a student cannot meet a deadline/due date, contact the instructor immediately for further instruction. Do not wait until the due date to seek an extension of time for assignment completion as one will not be given.

Further, **ALWAYS KEEP A COPY OF YOUR ASSIGNMENT.**

****attendance is rewarded with 2 points for each of the 14 classes attended = 28% of your final grade**

REQUIRED TEXT: The Legal Research and Writing Handbook, Third Edition
Authors: Samborn and Yelin
Publisher: Little, Brown and Company

SUGGESTED REFERENCE MATERIALS:
As announced or distributed by the instructor

FALL 2005 CALENDAR:

Week 1 Tuesday: August 30, 2005

Introduction
Review of Syllabus
General Review of Skills Learned in Legal Research and Writing I
Brief overview of Legal Research and Writing II
***Assignment:** Review Chapters 1 & 2: Intro to Legal Research and What Law Governs

Week 2 Tuesday: September 6, 2005

Discussion of Chapters 1 and 2
Review of Federal and State Government and their Court Systems; Jurisdiction, primary and secondary authority, research strategies
***Quiz - 6 questions relating to chapters 1 and 2**
Research Assignment in Jamison Law Library
***Assignment:** Review Chapter 3: Court Decisions

Week 3 Tuesday: September 13, 2005

Discussion of Chapter 3: Court Decisions
Treasure Hunt per exercises on page 88
***Assignment:** Review Chapter 4: Validating

Week 4 Tuesday: September 20, 2005

Discussion of Chapter 4: Validating
In Class use of Shepard's as a validating tool; and also as a research tool
***Quiz - 6 questions relating to chapters 3 and 4**
***Assignment:** Review Chapter 5: Secondary Authority

Week 5 Tuesday: September 27, 2005

Discussion of Chapter 5: Secondary Authority
Selection of topic for Memorandum
In class research of general topic in various sources of Secondary Authority
One-to-one consultation with instructor regarding memorandum topic
***Assignment:** Review Chapter 6: Constitutions and Statutes

Week 6 Tuesday: October 4, 2005

Discussion of Chapter 6: Constitutions and Statutes
Review of topic selection and narrowing the topic to manageable size
In class research to determine whether topic involves a constitutional or statutory issue
***Quiz - 6 questions relating to chapters 5 and 6**
***Assignment:** Review Chapters 14 & 19: Research Strategy and The Legal Memorandum

Week 7 Tuesday: October 11, 2005

Review of Chapters 14 and 19: Research Strategy and The Legal Memorandum

Refining the memorandum topic and framing the issue or "Question Presented"

One-to-one consultation with instructor regarding memorandum topic and issue

In class research in law reviews, restatements, treatises, codes, and citators

***Assignment: Prepare first draft of Question Presented;** Review Chapters 15 and 20:

Getting Ready to Write, and Questions Presented and Conclusions or Brief Answers

Week 8 Tuesday: October 18, 2005

Discussion of Chapters 15 and 20: Getting Ready to Write, and Questions Presented and

Conclusions or Brief Answers

In class - independent research in law library - primary and secondary authority

One-to-one consultation with instructor regarding Question Presented and research strategy

***Quiz - 8 questions relating to chapters 15 and 20**

***Assignment:** Review Chapters 18 and 21: Anatomy of a Case Brief and Facts

Week 9 Tuesday: October 25, 2005

Discussion of Chapters 18 and 21: Anatomy of a Case Brief and Facts

In class - team research of case law; defining and finding *dicta*; understanding head notes

Discussion of methods for finding and synthesizing relevant case law; researching and

revising; identifying legally significant facts and rules of law and holdings

***Assignment: Prepare first draft of Facts section of memo;** Review chapters 22

and 23: Synthesizing Cases and Authorities and The IRAC Method

Week 10 Tuesday November 1, 2005

Discussion of Chapters 22 and 23: Synthesizing Cases and Authorities, and

The IRAC Method

Discussion of legally Significant Facts, facts v. conclusions

In class - independent research of primary and secondary authority relating to memo

One-to-one consultation with instructor regarding Facts section, writing style, and

research strategy

***Quiz - 6 questions relating to chapters 22 and 23**

*** Assignment:** Review Chapter 24, Outlining and Organizing a Memorandum

Week 11 Tuesday November 8, 2005

Discussion of Chapter 24: Outlining and Organizing a Memorandum

Review of the Memo components: Question Present, Brief Answer, Facts, Discussion and Conclusion

In class independent research and one-to-one consultation re: applicable

***Assignment: Prepare Second Draft of Question Presented, First Draft of Brief**

Answer, Second Draft of Facts and outline of authority for Discussion section

Week 12 Tuesday November 15, 2005

Discussion of use of Shepard's & other citators to check research strategy; ALWD manual

In class independent research and one-to-one consultation regarding Question, Brief

Answer, Facts, and outline of authority

***Quiz - 6 questions relating to ALWD manual and citation to authority**

***Assignment: Prepare first draft of Discussion section of memo**

Review chapters 16 and 17: Editing and Writing Basics

Week 13 Tuesday November 22, 2005 NO CLASS - THANKSGIVING HOLIDAY

Week 14 Tuesday November 29, 2005

Review Chapters 16 and 17: Editing and Writing Basics; further discussion related to citation to authority, use of quotations, parallel citation, and use of ALWD manual
In class independent research and one-to-one consultation with instructor regarding first draft of Discussion section

***Quiz - 6 questions relating to chapters 16 and 17**

***Assignment: Second Draft of Discussion section; first draft of Conclusion and put all together into First Draft of Entire Memorandum**

Week 15 Tuesday December 6, 2005

First Draft of Entire Memorandum Due

One-to-one consultation with instructor for review of Entire Memorandum

Week 16

Final Memorandum due December 15, 2005 3:20 - 5:20

Additional Information: If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter prior to any situation that may give rise to the special consideration requested.

“Make-up” tests or quizzes will not be given without prior notice to the instructor. Again, it is the student’s responsibility to contact the instructor at least one hour prior to any anticipated missed test or quiz. At that time a decision will be made as to what action, if any, can be taken to remedy the conflict.

Note: The instructor reserves the right to amend or alter this syllabus in any form at any time.