I. Catalog Information

PARA 96A Introduction to Legal Research and Writing 4 Unit(s)

Prerequisites: Paralegal 94 or 95, or professional experience appropriate to the topic.
Advisories: English Writing 1A or English as a Second Language 5.

Four hours lecture.

Organization and publication of American and California law; using print and online legal resources to find the law; using the law to analyze legal issues arising from factual disputes; writing a memorandum of law utilizing acceptable legal citation format.

II. Course Objectives

A. Explain the organization of published state, federal and international legal materials
B. Explain the types and characteristics of published legal materials, including electronic publication
C. Locate reported case law in print and online
D. Analyze case law and write a case brief
E. Find constitutional and statutory law
F. Analyze Constitutional and Statutory Law
G. Locate and use secondary sources
H. Locate and use foreign treaties and laws of foreign nations
I. Validate and update legal research
J. Create a legal research plan
K. Write a Memorandum of Law, analyzing hypothetical facts in light of case law, statutory law and constitutional law
L. Use proper citation form for cases, codes, constitutions and secondary sources

III. Essential Student Materials

None

IV. Essential College Facilities

Library with legal materials including state code, case reporter, state constitution and miscellaneous secondary sources including a legal encyclopedia and digest.
Classroom access to the Internet and either LEXIS, Westlaw or Loislaw.

A. Explanation of the organization of published state, federal and international legal materials
   1. Difference between primary and secondary sources of law
   2. Types of primary sources
      a. Case Reporters
      b. Statutes
      c. Constitutions
   3. Publication of federal materials
   4. Publication of state materials
   5. Publication of international law
   6. Organization of a law library
B. Explanation of the types and characteristics of published legal materials including electronic publication
1. The difference between official and unofficial publications

2. Types of publications
   a. Books
   b. Periodicals
   c. Loose Leaf Services
   d. CD ROM
   e. Electronic/Online

3. Common publication characteristics
   a. Table of Contents
   b. Index
   c. Table of Abbreviations
   d. Table of Cases Cited
   e. Table of Statutes Cited

4. Editorial enhancements to unofficial sources
   a. Case Reporters
   b. Codes and Constitutions

5. Supplementing legal materials
   a. Pocket part supplements
   b. Loose leaf inserts

C. Locating reported case law in print and online

1. Federal case reporters
   a. U.S. Supreme Court reporters
   b. Circuit Courts of Appeal and District Court reporters
   c. Special federal court reporters

2. State case reporters
   a. West's National Reporter System
   b. Official state reports
   c. Unofficial state reports

3. Topical indexing and finding tools for case law
   a. West's Digest System
   b. Specialized federal digests
   c. American Law Reports
   d. Words and phrases

4. Finding cases online
   a. Free services such as www.findlaw.com
   b. Fee based services including LEXIS, Westlaw and Loislaw
   c. Search methods

D. Analyzing case law and writing a case brief

1. Components of a reported case
   a. Judicial history
   b. Facts
   c. Legal Issue or issues
   d. Holding
e. Rationale
f. Dicta

2. Briefing a reported case
3. Comparing a reported case to a client's case
4. The rule of stare decisis

**E. Finding constitutional and statutory law**

1. U.S. Constitution
   a. Library of Congress publication
   b. U.S. Code Annotated copy
   c. U.S. Code Service copy

2. State constitutions
   a. Index of State Constitutions
   b. Annotated copies

3. Federal statutes
   a. Statutes at Large
   b. Unannotated code
   c. USCA and USCS
   d. USCCAN

4. State statutes
   a. Session laws
   b. Annotated and unannotated copies
   c. Indexes (LARMAC)

5. Legislative history research
   a. Federal
      1. USCCAN
      2. CIS
      3. Congressional Record
      4. Committee reports and hearings
   b. State
      1. Annotated codes
      2. Legislative journals

6. Municipal ordinances and rules of court
   a. Municipal and county codes
   b. Federal rules of court
   c. State and local rules of court

7. Finding constructional and statutory information online

**F. Analyzing Constitutional and Statutory Law**

1. Identifying the elements of a constitutional provision or statute
2. Effect of case interpretation
3. Determining the meaning of individual words or phrases
4. Applying a constitutional provision or statute to a factual situation

**G. Locating and using Secondary Sources**

1. Encyclopedias
2. Digests
3. Hornbooks and treatises
4. Looseleaf services
5. Periodicals
6. American Law Reports
7. Form books
8. The Restatement
9. Legal Dictionaries

H. Locating and using foreign treaties and laws of foreign nations
1. Locating treaties
2. Locating laws of foreign nations
3. Application of treaties and laws of foreign nations to domestic disputes

I. Validating and updating legal research
1. Shepards
2. Key Cite
3. Pocket part supplements

J. Creating a legal research plan
1. Obtaining, evaluating and analyzing a client’s factual situation
   a. Interviewing clients and witnesses
   b. Reviewing written information
   c. Assessing influences of gender, culture and age on reliability of information
2. Creating a research vocabulary
3. Starting point for research
4. Organizing research findings
5. Validating research findings

K. Writing a Memorandum of Law analyzing hypothetical facts in light of case law, statutory law and constitutional law
1. Purpose of memorandum
2. Distinguishing a memorandum of law from other legal writings
   a. opinion letters
   b. memo of points and authorities
   c. appellate briefs
3. Format for memorandum of law
4. Importance of court rules
5. Applying law to hypothetical facts

L. Using proper citation form for cases, codes, constitutions and secondary sources
1. Harvard Bluebook
2. California Style Manual
3. ALWD Citation Manual

VI. Assignments

A. Oral
1. Preparation for small group discussions of course content
2. Preparation for class discussions

B. Written
1. Reports of research assignments using cases, constitutions, codes and secondary sources
2. Drafting a case brief
3. Drafting a memorandum of law
4. Objective and essay midterm and final examinations

C. Reading
1. Assigned readings from text and other references
2. Library research
3. Online research

VII. Methods of Instruction

None

VIII. Methods of Evaluating Objectives

A. Oral and written assignments
B. One midterm and one final exam
C. Attendance and participation

IX. Texts and Supporting References

A. Examples of Primary Texts and References

B. Examples of Supporting Texts and References