I. COURSE DESCRIPTION:

A. Legal Research and Writing provides students with an introduction to the legal research and writing process. Students will explore ways to address a legal problem using online and print research sources and writing principles. Throughout the course, students will focus on critical thinking skills, legal research and writing skills, and computer skills as they approach legal and ethical problems. Students will also apply organizational skills and general communication skills. The content helps students practice legal analysis through legal research and writing.

B. LGLA 1301, Legal Research and Writing, is a required course in the Legal Assistant/Paralegal degree program.

C. This course is occupationally related and serves as preparation for careers in law.

D. Prerequisites: None

II. LEARNING OUTCOMES

General Objectives: To help students integrate their knowledge of theoretical concepts and practical competencies of research, writing and critical thinking.

Specific Objectives: Upon successful completion of this course the student will:

A. Describe the sources of legal authority in the United States.

B. Analyze a legal problem by applying relevant legal authority of facts.

C. Conduct legal and factual research, and verify the reliability of cited legal authority, using print, electronic, and Internet sources.

D. Draft legal documents and memoranda in an appropriate format, using a writing style that conveys legal theory clearly and concisely.
E. Describe the ethical principles that govern paralegal conduct to help you identify and avoid ethical dilemmas.

F. Describe skills required of the paralegal to competently perform legal research and writing.

**Student Objectives:**

A. To demonstrate knowledge the ability to identify and retrieve relevant primary and secondary print and electronic sources of law.
   **Measure:** Students will complete written, collaborative research assignments utilizing print and electronic sources of law.
   **Standard:** At least 80% of all students will receive a grade of “C” or better on each of these assignments.

B. To demonstrate knowledge of English grammar and rules of writing.
   **Measure:** Students will complete written, independent research assignments that will be graded, in part, for correct grammar and adherence to the rules of writing.
   **Standard:** At least 80% of all students will receive a grade of “C” or better on each of these assignments.

C. To demonstrate effective critical analysis, resolution of legal research problems and the ability to communicate these results in a clear and concise manner.
   **Measure:** Students will critically analyze several legal problems. For each problem, students will be required to locate, evaluate and properly cite relevant print and electronic sources of law, apply these sources to the problem and report the results in a properly formatted legal memorandum.
   **Standard:** At least 80% of all students will receive a grade of “C” or better for this project.

**III. INSTRUCTIONAL MATERIALS**

A. Instructional Materials for this course may be found at [www.cted.edu/books](http://www.cted.edu/books).

**IV. COURSE REQUIREMENTS**

A. **Reading Assignment:** As assigned by Instructor.

B. **Projects, Oral Reports, Case Studies, On-line research and assignments, and Research Papers:** Students will be expected to complete and submit all assigned projects, reports, and other assignments as indicated by the instructor.

C. **Class Performance:** All students are required and expected to maintain the highest standards of scholastic honesty in the preparation of all course work and during examinations. For a description and consequences of scholastic dishonesty see the CTC Catalog.
D. **Traditional Class Participation:** The Student is expected to be on time to class, to have read the assigned materials, and be prepared to discuss the assignment in class. All persons must be present on exam day unless properly excused in advance. Students who are late for or absent from class have the absolute responsibility for obtaining the missed information. Students will be expected to take all scheduled examinations in the class period in which they are assigned. Students are expected to observe the Central Texas College policy for attendance as explained in the current catalog.

E. Each student is expected to act in a manner consistent with the College’s functions and goals as an institution of higher education. The Board of Trustees of Central Texas College states the following examples of misconduct constitute an interference with the lawful and orderly use of college premises, facilities, and activities for which students may be subject to disciplinary action. This is not an all-inclusive list of prohibited behavior.

   a. Interference with teaching, research, administration or CTC’s other responsibilities through disorderly conduct or disruptive behavior. This includes the use of or ringing of cell phones in the classroom. The instructor has the right to ask the student to leave the classroom and if the incident is repeated, the instructor has the right to ask the student to leave the class.

   b. Refusing to depart from any property or facility of the College upon direction by College officials.

   *For more information on Non-Academic Misconduct please see the Student Handbook.*

F. **Academic Dishonesty:** The College and its official representatives may initiate disciplinary proceedings against any student accused of any form of academic dishonesty. Academic dishonesty includes, but is not limited to, cheating on academic work, plagiarism and collusion.

   a. Cheating on academic work includes:
      1. Copying another student’s test paper, research paper or term paper.
      2. Using materials during a test that are not authorized by the test administrator.
      3. Collaborating with another student during a test or in academic preparation without permission.
      4. Using, buying, selling, stealing, transporting, or soliciting the contents of an un-administered test.

   b. Plagiarism is defined as presentation for credit as one’s own idea or product derived from an existing source.
c. Collusion is defined as the unauthorized collaboration with another person in preparing written work for credit.

All questions of academic dishonesty are reviewed by the faculty member. If the student does not accept the decision of the faculty member, the student may appeal to the department chairperson. If the student disagrees with the decision of the department head, the student’s case will be referred to the Dean of the Central Campus. The student will be allowed to remain in class until the process is exhausted except when immediate suspension or expulsion is deemed necessary for the continuance of the educational mission or when the safety of persons or property is in jeopardy. (See Student Handbook for more details.)

G. Feedback is the return of data about the result of a process. Feedback will be provided via test scores, graded assignments, and/or instructor evaluation of the students’ progress. Each student is encouraged to take advantage of the many avenues for feedback available to them. For example, office hours are established primarily to provide students access to their instructors to discuss their academic performance, to answer their substantive questions, and in some cases, to give them other academic guidance. While adjunct faculties do not normally have office hours, they are generally available before or after class to meet with you. E-mail is another easily available medium to obtain feedback. Additional feedback may be provided at the discretion of the instructor or upon the request of the student.

V. EXAMINATIONS

A. There will be a comprehensive exam for this course. The Instructor may substitute a drafting project or final project.

B. The student must be present for all examinations. No make-up examinations will be given. Students who know in advance they will be absent from an examination due to valid reasons must arrange to take an early examination. Unexpected absences due to illness or extenuating circumstances will require the student to see the instructor about individual make-up work in lieu of the missed examination.

C. Students without excused absences will be given a zero for the examination missed.

VI. SEMESTER GRADE COMPUTATIONS

As per the Instructor.

VII. NOTES AND ADDITIONAL INSTRUCTIONS FROM COURSE INSTRUCTOR

A. Withdrawal from Course: There are occasions when it may be necessary to drop a course. In order to be officially withdrawn from the course, a student must obtain and complete a withdrawal form and have it signed thereon. The student’s
transcript will show “W” or “F”, depending on whether the student is passing or failing in his/her course at the time of withdrawal.

- Friday of 3rd week for 5-week courses
- Friday of 4th week for 6-week courses
- Friday of 6th week for 8-week courses
- Friday of 7th week for 10-week courses
- Friday of 9th week for 12-week courses
- Friday of 12th week for 16-week courses

B. **Administrative Withdrawal:** A student may be administratively by a designated member of the Registrar’s Office under the following conditions:
   - The student has been placed on Academic Suspension or Disciplinary Suspension;
   - The student has an outstanding financial obligation owed to the college; or
   - The student registered for a course without the required prerequisite or departmental permission;
   - The college is under no obligation to refund tuition and fees, or other costs associated with a student who is administratively withdrawn.

C. **Incomplete Grade:** May be given only in those cases where, because of personal illness, death in the immediate family, school sponsored trip, or military orders, the student is unable to complete the final examination for a course. Prior approval from the instructor is required before the grade of “IP” is recorded. A student who merely fails to show for the final examination will receive a zero for the final and “F” for the course.

D. **Cellular Phones and Beepers:** Cellular phones and beepers will be turned off while the student is in the classroom or laboratory.

E. **American’s with Disabilities Act (ADA):** Disability Support Services provide services to students who have appropriate documentation of a disability. Students requiring accommodations for class are responsible for contacting the Office of Disability Support Services (DSS) located on the central campus. This service is available to all students, regardless of location. Review the website at [www.ctcd.edu/disability-support](http://www.ctcd.edu/disability-support) for further information. Reasonable accommodations will be given in accordance with the federal and state laws through the DSS office.

F. **Instructor Discretion:** The instructor reserves the right of final decision in course requirements.

G. **Civility:** Individuals are expected to be cognizant of what a constructive educational experience is and respectful of those participating in a learning environment. Failure to do so can result in disciplinary action up to and including expulsion.
H. **Non-attribution Policy:** In order to facilitate the free flow of information, no statements of personal opinion concerning lawyers, judges, cases, or the legal system may be attributed to the speaker and is meant to be confidential communication. This educational institution encourages complete freedom of expression in all academic endeavors. Comments made by instructors and students will not be attributed to them in any public forum or to any individual likely to transmit such statements to a public forum. However, participation in CTC academic events does not create a category of privileged communication. Our nonattribution policy protects all participants in our program -- staff, faculty, students, speakers, and other guests -- against having their remarks and opinions publicly quoted or otherwise attributed to them without their express consent; allows such statements to be discussed, away from CTC, provided care is taken to avoid publicly identifying the speaker; and encourages speakers to be responsible for the substantive content of their statements.

VIII. **COURSE OUTLINE**


1. **Chapter 1: Introduction to Legal Principles and Authorities**
   
a. **Learning Objectives:** Upon successful completion of Chapter 1, the student should be able to understand:
   
i. The main sources and types of law.
   
   ii. The basic structure of the state and federal court systems.
   
   iii. The hierarchy of the various sources of law.
   
   iv. The types of legal authority.
   
   v. When and how legal authority applies.

b. **Chapter 1 Outline:**
   
i. Introduction
   
   ii. Sources of Law: Enacted Law and Case Law
   
   iii. Hierarchy of the Law
   
   iv. Authority: Types of Authority and Role of Authority
   
   v. Introduction to Legal Citation
   
   vi. Key Points Checklist: Legal Principles and Authorities
   
   vii. Application
2. **Chapter 2: Introduction to Legal Research and Analysis**

   a. **Learning Objectives:** Upon successful completion of Chapter 2, the student should be able to understand:

      i. The definition of legal analysis

      ii. Legal research and the elements of legal analysis

      iii. How the elements of legal analysis apply in specific situations

      iv. The importance of focus and intellectual honesty

      v. When and how legal authority applies

   b. **Chapter 2 Outline:**

      i. Introduction

      ii. Legal Analysis Defined

      iii. Legal Research and the Analysis Process

      iv. General Considerations

      v. Key Points Checklist: Legal Research and Analysis

      vi. Application.

B. **Part 2: Legal Research**

1. **Chapter 3: Constitutions, Statutes, Administrative Law and Court Rules—Research and Analysis**

   a. **Learning Objectives:** Upon successful completion of Chapter 3, the student should be able to understand:

      i. The meaning of statutory law

      ii. The components of a statute

      iii. How to find constitutional, statutory, and administrative law and court rules

      iv. How to analyze a statute and apply it to specific problems

      v. The role of legislative history and canons of construction
b. **Chapter 3 Outline:**
   
i. Introduction
   
ii. Anatomy of a Statute
   
iii. Statutory Research—Locating Statutes
   
iv. Administrative Law
   
v. Court Rules
   
vi. Analysis—The Process
   
vii. General Considerations
   
viii. Citing Constitutions, Statutes, Administrative Law, and Court Rules
   
ix. Key Points Checklist: Working with Statutes
   
x. Application

2. **Chapter 4: Case Law—Research and Briefing**
   
a. **Learning Objectives:** Upon successful completion of Chapter 4, the student should be able to understand:
   
i. The role and importance of court opinions
   
ii. The elements of a court opinion
   
iii. How to find court opinions
   
iv. The role and importance of a case brief
   
v. The elements of a case brief
   
vi. How to brief a case

b. **Chapter 4 Outline:**
   
i. Introduction
   
ii. Court Opinions—In General
   
iii. Court Opinions—Importance
   
iv. Court Opinions—Elements
   
v. Court Opinions—Researching
vi. Court Opinions—Briefing (Case Briefing)

vii. Citing Case Law

ix. Key Points Checklist: Locating, Reading, and Briefing Court Opinion

3. **Chapter 5: Secondary Authority and Other Research Sources—Encyclopedias, Treatises, American Law Reports, Digests, Shepard’s**

   a. **Learning Objectives:** Upon successful completion of Chapter 5, the student should be able to understand:

      i. The role of secondary authority in general

      ii. The role of encyclopedias, treatises, annotated law reports, digests, and citators in research

      iii. How to locate and conduct research using encyclopedias, treatises, annotated law reports, digests, *Shepard’s* and *KeyCite*

   b. **Chapter 5 Outline:**

      i. Introduction

      ii. Legal Encyclopedias

      iii. Treatises

      iv. *American Law Reports*

      v. Digests

      vi. Updating and Validating Research

      vii. Research Using Citators

      viii. Citing Legal Encyclopedias, Treatises, and *American Law Reports*

      ix. Key Points Checklist: Secondary Authority

      x. Application

4. **Chapter 6: Secondary Authority—Periodicals, Restatements, Uniform Laws, Dictionaries, Legislative History, and Other Secondary Authorities**

   a. **Learning Objectives:** Upon successful completion of Chapter 6, the student should be able to understand:

      i. The role of periodicals, *Restatements*, uniform laws, dictionaries, legislative history, and miscellaneous secondary sources in legal research
ii. How to conduct research using periodicals, Restatements, uniform laws, dictionaries, legislative history, and other secondary sources

iii. How to compile legislative histories

b. Chapter 6 Outline:
   i. Introduction
   ii. Legal Periodicals
   iii. Restatements of the Law
   iv. Uniform Laws and Model Acts
   v. Dictionaries and Words and Phrases
   vi. Legislative History
   vii. Jury Instructions—Other Research Sources
   viii. Citing Periodicals, Restatements, Dictionaries, and Other Legislative History
   ix. Key Points Checklist: Periodicals, Restatements, Uniform Laws, Dictionaries, Legislative History, and Other Secondary Authorities
   x. Application

5. Chapter 7: Computers and Internet Legal Research

a. Learning Objectives: Upon successful completion of Chapter 7, the student should be able to understand:
   i. The role of computers in legal research
   ii. The role of non-fee-based Internet sources in legal research
   iii. The role and types of non-fee-based legal websites
   iv. How to conduct basic legal research using non-fee-based Internet sources
   v. Limitations of using non-fee-based law-related websites

b. Chapter 7 Outline:
   i. Introduction
   ii. Conducting Legal Research Using Non-fee-based Internet Sources
   iii. Non-fee-based Law-Related Websites
iv. Citing Internet Resources

v. Key Points Checklist: Computers and Internet Legal Research

vi. Application

6. **Chapter 8: Commercial Internet Research**

a. **Learning Objectives:** Upon successful completion of Chapter 8, the student should be able to understand:

i. The role of computers in legal research

ii. An overview of legal research using the most frequently used commercial services: Westlaw and LexisNexis

iii. The role and types of other fee-based online legal research sources such as FastCase, Versuslaw, Casemaker, and others

iv. How to conduct legal research using commercial Internet legal research sources

v. What to consider when citing legal sources obtained from commercial Internet legal research websites

b. **Chapter 8 Outline:**

i. Introduction

ii. Westlaw

iii. LexisNexis

iv. Other Commercial (Fee-Based) Internet Research Services

v. Citing Commercial Internet Sources

vi. Key Points Checklist: Commercial (Fee-Based) Internet Research

vii. Application

C. **Part 3: The Specifics of Legal Analysis**

1. **Chapter 9: Legal Analysis—Key Facts**

a. **Learning Objectives:** Upon successful completion of Chapter 9, the student should be able to understand:

i. What key facts are

ii. What background and irrelevant facts are

iii. The role and importance of key facts
iv. How to identify key facts in a client’s case
v. How to identify key facts in a court opinion

b. Chapter 9 Outline:
   i. Introduction
   ii. Facts in General—Definition
   iii. Importance of Facts
   iv. Types of Facts in General
   v. Key Facts—Definition and Types
   vi. Key Facts Identification—Client’s Case
   vii. Key Facts Identification—Case Law
   viii. Key Points Checklist: Key Facts
   ix. Application

2. **Chapter 10: Legal Analysis: Issue Identification—Spotting The Issue**
   a. Learning Objectives: Upon successful completion of Chapter 10, the student should be able to understand:
      i. What a legal issue is and the various types of issues
      ii. The elements of an issue
      iii. How to identify (spot) the issue in a client’s case
      iv. How to identify the issue in a court case
   b. Chapter 10 Outline:
      i. Introduction
      ii. Definition and Types
      iii. Elements
      iv. Issue Identification—Client’s Case
      v. Issue Identification—Case Law
      vi. Key Points Checklist: Spotting the Issue
      vii. Application

3. **Chapter 11: Legal Analysis: Stating the Issue**
   a. Learning Objectives: Upon successful completion of Chapter 11, the student should be able to understand:
i. The elements of a well-crafted issue

ii. The value and importance of phrasing the issue narrowly and comprehensively

iii. The best way to assemble the elements to effectively communicate the issue

iv. The importance of stating the issue objectively

b. Chapter 11 Outline:
   i. Introduction
   ii. Shorthand or Broad Statement of the Issue
   iii. Comprehensive or Narrow Statement of Issue
   iv. Issue—Law Component
   v. Issue—Question Component
   vi. Issue—Significant or Key Facts Component
   vii. Ethics—Objectively Stating the Issue
   viii. General Considerations
   ix. Key Points Checklist: Stating the Issue
   x. Application

4. Chapter 12: Case Law Analysis—Is a Case on Point?

   a. Learning Objectives: Upon successful completion of Chapter 12, the student should be able to understand:
      i. What on point means in relation to case law
      ii. The role and importance of a case being on point in legal analysis
      iii. How to determine if a case is on point

   b. Chapter 12 Outline:
      i. Introduction
      ii. Definition—On Point
      iii. On Point—Importance
      iv. Determining If a Case Is On Point
      v. Key Points Checklist: Is a Case On Point?
      vi. Application
5. **Chapter 13: Counteranalysis**
   a. **Learning Objectives:** Upon successful completion of Chapter 13, the student should be able to understand:
      i. What counteranalysis is
      ii. Why counteranalysis is important
      iii. The techniques of counteranalysis
      iv. Where to place counteranalysis in an interoffice research memorandum or a court brief
   b. **Chapter 13 Outline:**
      i. Introduction
      ii. Counteranalysis—Definition
      iii. Counteranalysis—Why?
      iv. Counteranalysis—When?
      v. Counteranalysis—Research Sources
      vi. Counteranalysis—Techniques
      vii. Counteranalysis Techniques—Comments
      viii. Counteranalysis—Where?
      ix. Key Points Checklist: Counteranalysis
      x. Application

D. **Part 4: Legal Writing**

1. **Chapter 14: Fundamentals of Writing**
   a. **Learning Objectives:** Upon successful completion of Chapter 14, the student should be able to understand:
      i. Sentences and paragraphs
      ii. Word selection and usage
      iii. Grammar and punctuation
      iv. Formal writing conventions
b. **Chapter 14 Outline:**
   i. Parts of Speech
   ii. Sentences
   iii. Paragraphs
   iv. Word Selection and Usage
   v. Grammar
   vi. Punctuation
   vii. General Considerations
   viii. Key Points Checklist: Fundamentals of Writing
   ix. Application

2. **Chapter 15: The Writing Process for Effective Legal Writing**
   a. **Learning Objectives:** Upon successful completion of Chapter 15, the student should be able to understand:
      i. The importance of writing skills
      ii. What a legal writing process is and its importance in legal writing
      iii. The three stages of the legal writing process
      iv. The importance and use of an expanded outline in the legal writing process.
   b. **Chapter 15 Outline:**
      i. Introduction
      ii. Importance of Writing Skills
      iii. Goal of Legal Writing
      iv. Legal Writing Process
      v. General Research Suggestions
      vi. Key Points Checklist: The Writing Process
      vii. Application
3. **Chapter 16: Office Legal Memorandum: Issues and Facts**
   
a. **Learning Objectives:** Upon successful completion of Chapter 16, the student should be able to understand:
   
i. The importance of an office legal memorandum
   
ii. The purposes and uses of an office legal memorandum
   
iii. The sections of a basic office legal memorandum
   
iv. How to draft the sections of an office legal memorandum: heading, statement of assignment, issue, brief answer, and facts
   
b. **Chapter 16 Outline:**
   
i. Introduction
   
ii. Definition
   
iii. Purposes, Uses, and Importance
   
iv. Prewriting Stage
   
v. Sections of the Office Memorandum
   
vi. Key Points Checklist: Office Legal Memorandum—Issues and Facts
   
vii. Application

4. **Chapter 17: Office Legal Memorandum: Analysis to Conclusion**
   
a. **Learning Objectives:** Upon successful completion of Chapter 17, the student should be able to understand:
   
i. The elements and format of the analysis, conclusion, and recommendations sections of an office legal research memorandum
   
ii. How to draft the analysis, conclusion, and recommendations sections of an office legal research memorandum
   
iii. General considerations to keep in mind when drafting a legal research memorandum
   
b. **Chapter 17 Outline:**
   
i. Introduction
   
ii. Analysis Section
iii. Conclusion

iv. Recommendations

v. General Considerations

vi. Key Points Checklist: Office Legal Memorandum—Analysis to Conclusion

vii. Application

5. Chapter 18: External Memoranda: Court Briefs

a. Learning Objectives: Upon successful completion of Chapter 18, the student should be able to understand:

i. The similarities and differences between court briefs and office memoranda

ii. Techniques of persuasive writing

iii. The elements of trial and appellate courts briefs

iv. How to draft trial and appellate court briefs

b. Chapter 18 Outline:

i. Introduction

ii. General Considerations

iii. Trial Court Briefs

iv. Appellate Court Briefs

v. Key Points Checklist: External Memoranda—Court Briefs

vi. Application

6. Chapter 19: Correspondence

a. Learning Objectives: Upon successful completion of Chapter 19, the student should be able to understand:

i. The basic components of correspondence

ii. The types of law office correspondence that communicate the results of legal research and analysis

iii. The elements of information, opinion, and demand letters

iv. How to draft information, opinion, and demand letters
b. Chapter 19 Outline:

i. Introduction

ii. Basic Components

iii. Types of Correspondence

iv. Key Points Checklist: Correspondence

v. Application