# duedates



#### **Syllabus**

# Spring 2014

Law 34 - Legal Research - 3:00 Units Spring 2014 - Section # 3307

On Campus/Hybrid Class

Meetings: Wednesday, 8:30 - 9:55 PM, <u>CSB 203</u>

Instructor: <u>David Jordan, Esq.</u>
Office: Faculty Office #20

Office hours: Wednesdays 4:00 – 5:00 PM, or by appointment.

Phone: 818/364-7720 - cell phone 818-415-2015

Email: abogado@pacbell.net

Calendar http://duedates.pbworks.com/w/page/72316616/Law34-Spring2014

etudes site <a href="http://etudes.org">http://etudes.org</a>



Textbook:

Lexis Nexis is required for the class

http://abogado.pbworks.com/w/page/63168047/lexisnexis

click on this link to order your textbook

Classwiki: <a href="http://legalresearch.pbworks.com/w/page/16128065/FrontPage">http://legalresearch.pbworks.com/w/page/16128065/FrontPage</a>

Legal Notes <a href="http://profj.us/legalnotes/">http://profj.us/legalnotes/</a>

Course Description: This course explores legal research. The student learns how to do legal research using primary and secondary legal resources and how to do federal and state law

reporting.

Course Organization: Law 34 is organized into assignments, quizzes, a final legal research and writing project, and and forum discussions.

#### **Student Learning Outcomes:**

Upon successful completion of this course, a student will be able to:

- 1. Brief law cases in including subject areas of the law from all of the other law classes in our paralegal program
- 2. Critically analyze and argue issues in case law, and learn the methods of finding and researching law cases. see <a href="http://profj.us/leganotes">http://profj.us/leganotes</a>

This includes the following:

- 1. Primary and Secondary Sources of the Law
- 2. Overview of legal research
- 3. Steps to take in Case Law Research
- 4. Intro to Basic Legal Citation
- 5. Statsky Carthwheel and developing "legal language"
- 6. Getting background information
- 7. Refining the statement of the "Legal Issue"
- 8. How to develop a legal argument
- 9. Finding constitutions, statutes, regulations, and ordinances
- 10. Improve your legal writing
- 11. Finding cases
- 12. Expand and update your legal research
- 13. How to write a legal memo sample
- 14. Final Legal Writing and Research Paper
- 3. Prepare a final legal research and writing paper. See format of the paper at <a href="http://profjordan.pbworks.com/format">http://profjordan.pbworks.com/format</a> . The final research paper will be in the form of a position or argumentative paper. It will train the student in legal analysis, finding of law cases, and improving legal argumentation. The paper will be graded by using the following grading

rubric -http://missionparalegal.pbworks.com/rubric-finalpaper

Students will read various law cases and write a case brief demonstrating their understanding and application of the essential facts and rules of law and legal principles of the case. see case brief rubric athttp://missionparalegal.pbworks.com/briefing

Skill Level: College level reading and writing; ability to access the internet. Necessary skills include proficiency using a word processing program, including spell checker, using a web browser, sending and receiving email, saving documents as RTFs (rich text format), uploading and attaching documents.

Estimated Time per Week: 10 hours (see Carnegie Rule)

Class format: The class is an entirely online class. We use the etudes course management system. readhttp://etudes.pbworks.com Carefully read our policies.

The class follows a weekly format. There are many opportunities for you to participate and earn points to attain a good grade.

Online classes require your attention and effort. If you fail to log into the class <u>during the first</u> <u>two weeksyou</u> will be excluded from the class. There are activities and assignments each week; you will need to log into the class several times a week.

To be a successful online/hybrid student, you need to do schedule a regular time for studying, read and complete on line activities, and more.

**Technical Requirements:** The minimum computer requirements are: Computer, either a Macintosh or IBM compatible; modem, minimum 28.8, broadband or high speed internet access is preferred and is required to view the videos. Software: Web browser software, preferably Firefox 3.5 or Internet Explorer 8, an e-mail address and a word processing program.

Get Firefox: <a href="http://www.mozilla.com/en-US/firefox/all.html">http://www.mozilla.com/en-US/firefox/all.html</a>

Get Internet Explorer: <a href="http://www.microsoft.com/windows/Internet-explorer/default.apx">http://www.microsoft.com/windows/Internet-explorer/default.apx</a>

Get a free email account at: www.mail.google.com

Students who do not have regular computer access may use computers in the campus Learning Resource Center. Be sure to save all your papers and assignments on a flash drive.

Course Login: <a href="http://etudes.org">http://etudes.org</a>

<u>First Assignment</u>: Introduce yourself to the class under the forum discussions for the first week. This is where you will get to know your classmates. Post your introduction by Sunday evening, 11:59 pm, 2/23/14. You may be dripped from class if you do not post your introductions by the end of the 2nd week of class.

Contacting Your Instructor: I check my email several times a day and respond to emails within 24 hours. Please don't hesitate to contact me with any questions; email me at: abogado@pacbell.net, in the subject line put: Law 34 #3307. I am also available in-person or by telephone on Wednesdays, 4:00 – 5:00 PM.

Discussion Forums: The discussion forums are the main area for class participation. The weekly discussions open on Mondays and close the following Sunday at 11:55 PM. Initial posts are due by Wednesdays at 11:55 pm. Initial posts should be at least two paragraphs in length (approximately 120-150 words), respond directly to the topic in a reflective manner, referencing the topic link and content provided, and applying the law or case materials. Respond to at least *two* students to each forum by Sunday evening at 11:55 pm.

<u>CLASS BIOGRAPHIES/INTRODUCTIONS</u>: You will find your instructor's autobiography posted in the "Discussion Board" of the class website. Please post your bio in the discussion board by Friday of week one. In your bio, please be sure to include:

Your name,

Class level,

Alternate email address,

Academic accomplishments,

Other items of interest, and Include any preliminary questions or concerns you have at this point.

<u>DISCUSSION FORUMS</u>: Every week a discussion questions posted to the website "FORUMS." You are required to post a answer to each discussion question by Wednesday of the forum week. Further, you are required to post, at least, one response to two or more of your classmates' initial responses. You are not required to respond to every classmate. You may, although this is a decision each student will make.

Minimum THREE different days per forum week. As we begin our online work together I want to discuss an important aspect of online learning, namely participation. Participation is an important part of this collaborative online learning environment. It is well documented that participation and collaboration does enhance learning & whether it be in-class or at a distance. You are encouraged to initiate and respond regularly and make sure your ideas are presented clearly and are substantive. Postings that lack substance will receive little or no credit. For example, "I agree," "Good posting," or similar messages that add little or nothing to the discussion will receive few, if any credits. Discussions posted to the website are an important part of the learning that takes place in this class. In essence, we learn from each other. Share ideas or questions with your colleagues. Ask them questions. Share your own experiences.

#### SOME SPECIFIC EXPECTATIONS ABOUT PARTICIPATION:

# **Class Meeting Discussions:**

- Please read, review, and reflect on each message PRIOR to posting to the forums. Remember: Others cannot get visual clues as to meaning, therefore, be careful in what and how you communicate. <u>Once posted, messages cannot be deleted!</u>
- All postings to any meeting in this class are to be considered CONFIDENTIAL and for consideration and discussion only by members of this class.
- Ask questions about areas of the subject that you wish to better understand or for clarification and/or amplification.
- Read your classmates comments and presentations, and respond constructively.
- Offer personal/professional experiences/observations relevant to the items being discussed.

# **Participation Rubric:**

	Unsatisfactory	Satisfactory	Exemplary
A minimum of 3	Less than 3 substantial	Three	More than the
postings per	postings.	required substantial	3substantial required
forum on at		postings.	posting.
least 3 separate			
days.			
Answers by	Posting answers after	Posting answers	Posting answers
Wednesday	Wednesday	on Wednesday	before Wednesday
-			
Respond to			
classmates by			
Sunday			
Well reasoned	No response or lacks	Response is applicable,	Thorough response
with	applicability.	but may not be thorough	with appropriate
appropriate 		or lacks depth.	depth.
analysis.			
Appropriate	Responses do not clearly	Responses relate to	Responses clearly
dialog with	relate to topic.	topic.	relate to topic.
classmates			
Appropriate	Spelling and/or grammar	No spelling or grammar	No spelling, grammar
grammar,	errors.	errors	errors, or punctuation
spelling, and			errors.
APA references.			

Student deliverables should be submitted on the specified date by midnight of the student's time zone. For purposes of scheduling, each week or module begins on Monday 12:01 AM and concludes the following Sunday at Midnight.

# **EXPECTATIONS FOR WRITTEN WORK:**

VOCABULARY - You are expected to read and understand the material presented in the assigned text and articles you locate.

FORMAT - Papers submitted should be written in accordance with the *APA*, *Bluebook*, or *other recognized formatting style*.

GRAMMAR - Use active voice in your writing. Also use the spelling and grammar check feature of your Word Processor before submitting your papers.

Homework Assignments: Assignments require you to read and brief law cases. Read the information on "briefing law cases". Below is the grading rubric for your case "briefs"

#### **CASE BRIEF GRADING RUBRIC**

	Outstanding	Proficient	Adequate	Inadequate
	Α	В	С	D/F
Case Name	Complete case name	Complete case	Complete case	Neither the case
and	and properly	name is provided	name is provided	name nor the
Citation	formatted citation	but citation is	but no citation is	citation appears at
	appear at the top of the case brief	incomplete	give	the top of the case brief OR both case name and citation are incorrect.
Operative Facts	Operative facts are relevant to the issue being examined by the court and are logically organized.	relevant to the question being answered but lack coherence or organization.	Irrelevant facts are included. Lack of logical organization.	Relevant facts are omitted or lost in discussion of unrelated information.
Procedural	Procedural history of	Procedural	Some procedural	No procedural

Facts	the case is clearly and logically presented in proper chronology.	history of the case is presented but chronology is confusing.	history is presented.	history is presented.
Issue/Short Answer	Includes all elements (applicable law, issue being examined and relevant facts) in a well crafted, grammatically correct question. Answer responds to question being posed.	issue being examined and	Issue is not separately articulated, but implied through description of facts or discussion of law. Answer does not respond to question being posed.	Issue is not articulated  No answer is given.
Law	Law is correct and is relevant to the question being answered. Rule(s) of law succinctly paraphrased rather than quoted.	Law is correct and is relevant to the question being answered, but is not paraphrased	Rules of law are used in providing answer, but it is unclear if writer understands the law and is properly applying it.	Rules of law are omitted from answer or incorrect law is used.
Rationale	The court's reasoning is presented in a clear and logical fashion, leading the reader to an understanding of the rationale behind the law.		•	No analysis of the law is given.
Writing Mechanics	Sentence structure, grammar, punctuation are substantially correct.	Sentence structure, grammar, punctuation are	Adherence to rules of writing is poor. Material lacks	Rules of writing are ignored or misunderstood.  No apparent logic to

Each component's substantially organization the organization of

material is logically correct. and/or is unclear, the

organized and Organization is making it difficult material. Writing

presented in a clear, logical but needs to understand. lacks clarity.

concise manner. better

consistency and

clarity.

Students who plagiarize will receive zero credit on the assignment.

Quizzes: The class is divided into weekly quizzes (which is primarily finding law cases) which are submitted under etudes (they are not timed quizzes like other classes). This is 30% of your grade.

Assignments: This includes performing legal research and finding law cases. This is 30% of your grade.

Final Writing and Research Paper. You will follow the format for your paper at . This is 25% of your grade.

Forum Discussions: The class is divided into weekly discussion forums. This is 15% of your grade.

Late Assignments Our "Late Work" Policy is firm.

<u>Dropping your class/Exclusion:</u> See <u>Academic Calendar</u> for specified dates to drop the class with a "W"

College regulations state that a student <u>may be excluded</u> from a course <u>following accumulation</u> <u>of absences equal to a week of course work</u>. The 12th week of class is the last date a student may drop a class with a "W". (or the 8th week in a "Late Start" class). Thereafter, the student must receive a grade in the class.

<sup>\*\*</sup>above adopted from case grading rubric - AAFPE.org website

If a student has a accumulated score of 50 or below in the 12th week (or the 8th week in a "Late Start" class), it is deemed that the student has accumulated absences in excess of a week of course work, and the instructor MAY, but is NOT required to DROP the student from class, with or without notice. It is the sole responsibility of the student, and not the instructor, to drop the class.

In addition, students who fail to login and post their introduction to class within the first (ten) days of class may be dropped from their online class.

Grading Policy: Letter grades will be determined based upon the following:

#### **Grade Distribution**

Tests are 30% of your grade

Assignments are 30% of your grade

Final Legal Research and Writing Paper = 25 % of your grade

<u>Discussion Forums</u> = 15% of your grade and entered at the end of the semester

Grade Scale: A 90-100

B 80-89

C 70-79

D 60-69

F ≤ 60

Please note that a grade of C or higher is required for each of the 12 paralegal certificate classes.

Points will be posted on the class website after each activity closes.

Reasonable Accommodation: For students requiring accommodation the DSPS office provides special assistance in areas like: registering for courses, specialized tutoring, note-taking, mobility assistance, special instruction, testing assistance, special equipment, special materials, instructor liaisons, community referrals, and job placement. The phone number for the Office

of Students with Disabled Student Programs and Services is: (818) 364-7732. see their website at http://lamission.edu/dsps

Website opens Sunday 2/9/14 @ 8 am

After September 8, 2013 please note: This is an earlier and revised deadline. A "W" will appear on your transcript record after this date. This is a new LACCD enrollment limit. The limit is now three times to take a class and includes both substandard grades and withdrawals.

Drop classes with a "W" - Letter grade is required after this date and forward

If you stop attending a class (or wish to drop a class), <u>YOU MUST DROP THE CLASS YOURSELF</u>

<u>ONLINE- OFFICIALLY - Failure to do so may result in a grade of "F" in that class.</u>

REGISTRATION INFORMATION Website - <a href="http://www.laccd.edu">http://www.laccd.edu</a> (Student Information System)

Admission Regular Office Hours (Subject to change) Monday and Thursday – 8am-5pm Tuesday and Wednesday – 8am-7pm Friday – 8am-12noon

REMINDER: There is a new LACCD enrollment limit. The limit is now three times to take a class and includes both substandard grades and withdrawals. (See Important Notice, page 3 of the College Catalog)

New 3 Repeat Rule

**IMPORTANT NOTICE** 

All Students Please Read

**Beginning Summer 2012: New 3 Repeat Rule** 

EFFECTIVE SUMMER 2012, course withdrawal ("W") or a substandard grade ("D," "F," or "NP") count as an attempt at a course. Only three attempts at any one course will be allowed, with some exceptions. Listed below are the new rules that all students need to know about.

• Students who drop or are excluded after the last day to drop without a grade of "W" will have a "W" appear on their transcript. The "W" will count as an attempt for that course.

- For the Fall semester, Septrember 8, 2013 is the last day to drop a 16-week semester length class without a "W." Students will be able to drop a class online until this date. Contact the office of Admissions and Records for deadlines on late start, short-term and special program classes.
- A course in a student's transcript which currently shows a recorded "W" counts as an attempt for that course.
- Students will not be allowed to register for any course within the LACCD if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
- Add permits for a course within the LACCD will not be processed if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
- For courses specifically designated as "repeatable," students may repeat up to three times (See Title 5 California Code of Regulations sections 55040, 55041, 58161).
- Where the student's number of enrollments in a course exceeds the allowable amount, the student may petition for an additional enrollment in cases of extenuating circumstances.

#### What students should do:

- Be sure you are academically ready for classes you enroll in.
- If you must drop a course, drop before the specifi ed deadline for dropping a class without a grade of "W."

#### **Distribution of Grades**

Tests is 30% of your grade

Assignments are 30% of your grade

Final Legal Research Paper = 25 % of your grade

**Discussion Forums** = 15% of your grade and entered at the end of the semester

A = 90% or above

B = 80% or above

C = 70% or above

D = 60% or above

A grade of C or greater is required to pass the class

#### Week 1 - Due 2/16/14

Read the syllabus for the class there is no required textbook for class. If you would like a
book on "Hows to Do Legal Research" - look at the Nolo Book under <u>textbooks</u> go
to <a href="http://lamission.edu/online">http://lamission.edu/online</a> - and login to your class

- Read the Overview of Legal Research at http://profj.us/24sp/law34/overview.htm
- Read Dear Online Student
- Post your <u>Introduction</u>
- Read Dear Online Student
- Discuss <u>Law Study</u>
- Discuss Legal Argumentation
- Discuss Learning Ethics
- Discuss Strategies against Procrastination
- Discuss Reading Law Cases-Codes

#### Week 2 - Due Due 2/23/14

- Read Primary and Secondary Legal Resources <a href="http://profj.us/24sp/law34/primary.htm">http://profj.us/24sp/law34/primary.htm</a>
- #1 Review California Legal Primary Resources
- #2 Review Federal Legal Primary Resources
- post to discussion forum

# Week 3 - DueDue 3/2/14

- Read Overview of Legal Research -http://www.law.cornell.edu/wex/index.php/Legal research
- #3 Malicious Prosecution case
- Test #A Civil Rights case
- Post the topic of your final paper
- post to discussion forum

#### Week 4 - Due Due 3/9/14

- Read Steps to Take in case law research <a href="http://profj.us/24sp/law34/steps.htm">http://profj.us/24sp/law34/steps.htm</a>
- #4 Yelling Fire case
- #5 "Constructive Possession" in Criminal Law cases
- Test #B Crib/Manger case
- post to discussion forum

## Week 5 - Due 3/16/14

- Read Introduction to Basic Legal Citation http://www.law.cornell.edu/citation/index.htm
- #6 "Resolution of Conflicts" Calif. Appellate case
- #7 Student's Vulgar Blog
- Test #C case Prosecutorial Misconduct
- post to discussion forum

#### Week 6 - Due 3/23/14

- Read "Developing Keywords" to do Legal Research http://www.profj.us/keywords/
- NEW #8 employee fired when he would not fix costs of car gas June 1980 Calif. Sup. Ct. case
- Test #D JD Salinger and "Catcher in the Rye"
- Test #E Post your Research Topic for your Research Paper
- post to discussion forum

#### Week 7 - Due 3/30/14

- Read Getting Background Information <a href="http://profj.us/25sp/law34/background.htm">http://profj.us/25sp/law34/background.htm</a>
- WEW #9 case Plastic Wishbone case
- NEW #10 case General Acceptance Test
- Test #F case Motel Owner cae
- post to discussion forum

#### Week 8 - Due 4/6/14

- Read Refining Statement of the Legal Issue <u>refining legal issues</u>
- Read How to Develop a Legal Argument developing your legal argument
- NEW #11 Purse Search case
- **NEW** #12 Exclusion of Jurors case
- Test #G case Christian Group Case
- post to discussion forum
- Spring Break 4/7 to 4/13

#### Week 9 - Due 4/20/14

- Read Finding Constitutions, Statutes, Regulations and Ordinances http://profj.us/25sp/law34/finding.htm
- WEW #13 case "Save the Whales, Dolphins and Porpoises"
- NEW #14 case "Kill the kittens and dogs"
- NEW Test #H case Security guards chase, mace and search and seize
- post to discussion forum

#### Week 10 - Due 4/27/14

- Read Finding cases http://profj.us/legalnotes/findingcases.htm
- NEW #15 case Restaurant servers required to pool their tips
- WEW #16 case De Facto spouse alleges emotional distress
- NEW Test #I Is Colorado prohibition against corporate politicial contributions constitutional?
- post to discussion forum

# Week 11 - Due 5/4/14

- Read Improve your Legal Writing http://www.criticalreading.com/improve writing.htm
- Read Expand and Update your Legal Research -<a href="http://www.law.harvard.edu/library/services/research/guides/grfs/basics/cases.php">http://www.law.harvard.edu/library/services/research/guides/grfs/basics/cases.php</a>
- NEW #17 "As Is" purchase of government vehicle which contained concealed drugs
- Test #J post your "thesis" law34-thesis for your Final Research paper
- NEW Test #K Classified advertisements website posted discriminatory housing ads
- post to discussion forum

# Week 12 - Due 5/11/14

- Read How to Write Legal Memorandums sample http://happybob.com/econjustice/articles/lawcmemo\_snt.htm
- #18 case Leg iron and shackles restraints during trial
- Test #L Develop your Strategy -<u>http://www.library.cornell.edu/africana/faculty/asrc100\_5.html</u> and post it
- Test #M Post your outline of your legal research paper
- post to discussion forum

# Week 13 - Due 5/18/14

- Read How to Write Legal Memorandums sample
- #19 Software Developers Case
- #20 State Regulation of the Bedroom
- Test #N Post your footnotes law34-footnotes for your Final Research Paper you must include your cases and codes upon which you support your "thesis"
- post to discussion forum

## Week 14 - Due 5/25/14

- Read Citing Sources at <a href="http://en.wikipedia.org/wiki/Wikipedia:Citing">http://en.wikipedia.org/wiki/Wikipedia:Citing</a> sources
- post to discussion forum

#### **Week 15** - Due 6/1/14

- Read How to Write an A+ Research Paper -<a href="http://www.aresearchguide.com/1steps.html">http://www.aresearchguide.com/1steps.html</a>
- Test #O Post your Final Research Paper along with footnotes (at least 5 cases/codes cited)
- post to discussion forum

# Week 16 - Due 6/8/14

- Take End of Class Survey
- What did you learn in Legal Research Class Forum

#### SPECIAL ACCOMMODATIONS

If you require special accommodations for a disability, religious holiday, or any other reason please inform your instructor(s) within the first week of the course and we will accommodate you if at all possible. For accommodations due to disability, you must consult with the Disabled Students Programs and Services Office after which we will abide by their recommendations.

#### **COLLEGE RESOURCES FOR LAMC STUDENTS**

see http://lamission.edu/de/student-services

**Admissions and Records:** Students can register for classes, request transcripts, file petitions for graduation, and drop classes at this office. For more information call 818-833-3322 or visit:http://www.lamission.edu/admissions/

**Assessment Center:** Offers student assessments in English, English-as-a-Second-Language (ESL) and Mathematics. Please contact the Assessment Center at (818) 364-7613 for more information or visithttp://www.lamission.edu/assessment/

**Bookstore:** For hours of operation, book availability, buybacks, and other information call 818-364-7767 or 7768 or visithttp://eagleslanding.lamission.edu/default.asp

**Counseling Department:** For appointments and information call 818-364-7655 or visit <a href="http://www.lamission.edu/counseling/">http://www.lamission.edu/counseling/</a>

**Disabled Students Programs and Services (DSP&S):** For appointments, eligibility and information call 818-364-7732 or visit <a href="http://www.lamission.edu/dsps/">http://www.lamission.edu/dsps/</a>

**Extended Opportunity Programs and Services (EOP&S)**: For appointments, eligibility and information call 818-364-7645 or visit <a href="http://www.lamission.edu/eops/">http://www.lamission.edu/eops/</a>

**Financial Aid:** For information and applications call 818-364-7648 or visit http://www.lamission.edu/financialaid/

**Library:** For information on hours, resources, workshops, and other services contact 818-364-7106 or visithttp://www.lamission.edu/library/

**STEM Office:** For information on free tutoring, resources and academic counseling for STEM (Science, Technology, Engineering, and Technology) students visit: http://www.lamission.edu/stem

**Tutoring Services in Learning Center:** Laboratories for Learning, Writing, Math & Science. Walk-in and appointment services offered. Call 818-364-7754 or visit <a href="https://www.lamission.edu/learningcenter/">www.lamission.edu/learningcenter/</a>

# **Three Attempt Limit**

A new state policy in effect as of 2012 limits students to **three attempts per course**. Receiving a grade or a "W" for a course counts as an attempt, **regardless of when the course was taken**. Withdrawal by the deadline to avoid a "W" will not count as an attempt.

• updated: 1/30/14