

Midstate College
411 West Northmoor Road
Peoria, Illinois 61614
(309) 692.4092 - 800.251.4299
Fall 2018

Course Number and Name: LEG 209 - Legal Research II

Credit Hours: 4 Quarter Credit Hours

Method of Delivery: On-Campus Night (N): Wednesday Nights

Course Description: This course provides a continuation of LEG 116 Legal Research I providing a more in-depth, hands-on experience in the process of legal writing, research, and analysis. The student will continue to develop their analytical skills and their ability to conduct effective legal research. The student will be required to develop several writing projects, including a memorandum of law and an appellate brief.

Prerequisites: Successful completion of LEG 116 Legal Research I or permission of Department Director.

Textbooks:

1. Basic Legal Writing for Paralegals (Aspen College Series) 5th Edition (ISBN: 978-1454852230)
2. ALWD Citation Manual, 6th Edition (ISBN 9781454887768)

Authors:

1. Hope Viner Samborn and Andrea B. Yelin
2. Coleen Barger

Publisher:

1. Wolters Kluwer; 5 edition (January 18, 2016)
2. Wolters Kluwer Law & Business (2017)

Materials needed for this course: Access to computer (including Internet/email).

Topics: The following topics will be covered in this course:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. Ethical behavior in the legal field (focusing on the paralegal profession).
8. The ability to write in the accepted form and style using proper grammar.

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

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.

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4. Understand the components of initial and responsive pleadings (complaint and answer) pursuant to Illinois law.
5. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
6. Distinguish between ethical and unethical practices of behavior pursuant to the National Federation of Paralegal Associations 8 ethical guidelines (affecting all paralegals) in the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.
7. Demonstrate the ability to write in the accepted form and style using proper grammar.

Midstate Grading Scale:

A = 100% to 90%

B = 89% to 80%

C = 79% to 70%

D = 69% to 60%

F = 59% to 0%

All students must have a 70% or better to pass this course.

Academic Integrity:

Academic integrity is a basic principle of the College's function. Midstate College students are expected to maintain a high level of academic honesty. Contrary actions may result in penalties such as failure of the assignment(s), a lesser grade on assignment(s), failure of the course and/or suspension from the College. The course instructor will review all submitted documents and supporting evidence in connection to the infraction. The course instructor will also review the student's personal file for other notifications of academic dishonesty before determining the level of action to be applied. The course instructor will complete the Academic Dishonesty Report form to document and describe the incident and actions taken, then kept on file. The student may appeal the decision to administration, whose decision will be final.

The following (**plagiarism, cheating, deception, sabotage, computer misuse and copyright infringement**) are included in the actions Midstate College considers behavior contrary to the academic integrity policy; however, the policy is not limited to these examples. Further discussion of consequences regarding academic dishonesty are addressed in the Student Handbook.

Plagiarism:

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Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of Turnitin which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

Student Success and Tutoring:

Contact Student Success: Room 110; (309) 692-4092, ext. 1100; studentsuccess@midstate.edu;

The Office of Student Success offers help in the following areas:

- Tutoring: Tutoring is encouraged for students who are doing their best to complete assignments yet still are experiencing difficulty in this course. Tutoring may be provided by the instructor outside of scheduled class times or through the office of Student Success.
- Writing assignment assistance: This may include learning how to conduct research; using proofreading tools such as Turnitin; outlining a topic; and applying MLA/APA standards.
- Math, accounting, and computer skills (including file management).
- Test-taking techniques.
- Note-taking skills development.
- Study skills development.
- Time management.

Assessment Portfolio Reminder:

Students (depending on your program major) may be required to prepare an assessment portfolio for graduation. Keep a copy of this syllabus in the portfolio. Use the "Evidence for Success" list from your program portfolio (or consult your Program Director) and instructions from the instructor to determine the assignment(s) that should be placed in the assessment

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portfolio. These professional portfolios will be completed/graded in Legal Research II and will constitute part of the final grade (portfolios are worth 100 points).

Instructor: Ashley Miller, Attorney
National Labor Relations Board
Adjunct Faculty Professor, Legal Studies
ammiller4@midstate.edu

*Office Hours (in classroom): 1 hour before class, after class as needed, and by appointment.

Assistant Instructor: Mark Wiltse, Legal Studies Director
mwiltse@midstate.edu

Legal Studies Department
Office: 219
Phone: (309) 692-4092, Extension 2190
Fax: (309) 692-3893

Participation Requirements: Each student is expected to participate in research/homework assignments relating to the subject materials for the week. Discussions will take place each week relating to the required weekly research/homework assignments. Attendance is mandatory in this class. Students will be deducted 10 points from participation grade for each course missed. If a student does not attend the entire class (arrives late, leaves early, etc.), partial points (at the instructor's discretion) will be assessed from the class participation grade. See Instructor's Final Grade Determination Below. Students that miss 30% or more of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).

Course Policies and Procedures:

1. This course is taught from a lecture format with integrated discussion of examples and assignments. The student is encouraged to take an active role in the learning process. Students that miss 30% (or more) of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).
2. All assignments in this course must have a professional appearance (submitted in typewritten form, using 12-point Times New Roman font, double spaced, with proper grammar/spelling/structure).
3. In the event you are absent, you will need to email the assignments for the class you miss. In return, I will email the assignments you need to have completed by the following class period. If assignments are not turned-in on their due date, they (if accepted by the instructor) may be assessed a late penalty. Late assignments will only be accepted up to 7 days after their due dates. Any assignment turned in after

this 7-day period expires will receive no credit. Please see the Final Grade Determination section below for more information on late assignments.

4. Exams must be taken on the dates scheduled by the instructor. Failure to take an exam on the scheduled date will result in a grade of "F" (0 points). Make-up exams will be given only when special circumstances are approved by the instructor. Make-up exams must be taken in the testing center. It is the student's obligation to make the appropriate arrangements to have a test administered.
5. "Pop-Quizzes" will be given throughout the term covering the weekly reading assignments (textbook chapters). Make-up quizzes will not be given.
6. All work must be completed by week 12 (Wednesday, November 07, 2018 at 8:00 PM).
7. Academic dishonesty (cheating / plagiarism) in any form will not be tolerated in this course and may result in the dismissal / suspension from the course / program / college.
8. Cell phones / beepers are prohibited from use in this course.
9. Extra Credit: Opportunities for extra credit may be provided throughout the term at the instructor's discretion. However, extra credit points will only be factored into a student's final grade if all homework assignments have been turned in by the night of the final exam. This policy is to make it clear that extra credit is not available in place of homework assignments, but rather to make up points missed due to absence from class or points missed on exams or completed homework/drafting assignments.
10. This class may require a tour of the law library located in the county courthouse (324 Main Street, Peoria, IL). Two weeks advance notice will be provided by the instructor.
11. This is a tentative syllabus and outline and is subject to change at the discretion of the instructor.

Examination Information:

1. Midterm Examination - will consist of 50 points and it will cover chapters 1-11. It will be given in class in week 6.
2. Final Examination - will consist of 100 points and it will cover chapters 12, 13, and the supplemental ethics materials (Ethical Rules). It will be given in class in week 12.

Methods of evaluating student performance: See Instructor's Final Grade Determination Below.

Instructor's Grading Scale (student's final grade will be based on 790 points):

1. Homework Assignments: 190 Points (19 assignments at 10 points each)
2. Appellate Brief: 130 Points
3. Class Participation: 120 Points (12 classes at 10 points each)
4. Quizzes (Assigned Reading): 100 Points

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5. Program Portfolio: 100 Points
6. Midterm Examination: 50 Points
7. Final Examination: 100 Points

All students must have a 70% or better to pass this course.

Legal Research II - LEG 209
Fall Term 2018
Course Outline

Week 1: Wednesday, August 22:

1. Pretest
2. Introduction to Legal Research and Course Goals
3. Chapter 1: Introduction to Legal Research
4. Chapter 2: Legal Authorities and How to Use Them
5. Chapter 3: Getting Ready to Write

Topics Covered in Week 1:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. Ethical behavior in the legal field (focusing on the paralegal profession).
8. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 1:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of initial and responsive pleadings (complaint and answer) pursuant to Illinois law.
5. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
6. Distinguish between ethical and unethical practices of behavior pursuant to the National Federation of Paralegal Associations 8 ethical guidelines (affecting all paralegals) in the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.

7. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 2: Wednesday, August 22:

1. Chapter 4: Clear Writing and Editing
2. Chapter 5: Writing Basics
3. Chapter 14: In-House and Objective Client Documents
4. Chapter 15: Letter Writing

Topics Covered in Week 2:

Objectives Covered in Week 2:

Week 3: September 05:

1. Chapter 6: Case Briefing and Analysis
2. Chapter 7: The Legal Memorandum

Topics Covered in Week 3:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. Proper citation (ALWD format rules).
5. The components of initial and responsive pleadings.
6. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 3:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 4: September 12:

1. Chapter 8: Questions Presented and Conclusions or Brief Answers
2. Chapter 9: Facts
3. Chapter 10: The IRAC Method

Topics Covered in Week 4:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).

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4. Proper citation (ALWD format rules).
5. The components of initial and responsive pleadings.
6. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 4:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 5: September 19:

1. Chapter 11: Synthesizing Cases and Authorities
2. Chapter 12: Outlining and Organizing a Memorandum
3. Chapter 13: Persuasive Writing

Topics Covered in Week 5:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. Proper citation (ALWD format rules).
5. The components of initial and responsive pleadings.
6. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 5:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of initial and responsive pleadings (complaint and answer) pursuant to Illinois law.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 6: Wednesday, September 26:

1. Midterm Examination (50 Points)
2. The Appellate Brief (Supplemental Materials)

Topics Covered in Week 6:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).

4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. The ability to write in the accepted form and style using proper grammar.

Along with our Midterm Exam assessing your knowledge of the Course Objectives covered in weeks 1 – 5, our week 6 lecture/assignments will be covering the following objectives:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 7: Wednesday, October 03:

1. The Appellate Brief (Supplemental Materials)

Topics Covered in Week 7:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 7:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 8: Wednesday, October 10:

2. The Appellate Brief (Supplemental Materials)

Topics Covered in Week 8:

8. Researching the Law (primary and secondary sources).

9. The components in the development of a case brief.
10. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
11. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
12. Proper citation (ALWD format rules).
13. The components of initial and responsive pleadings.
14. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 8:

6. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
7. Locate and properly cite primary and secondary sources applying ALWD format rules.
8. Understanding the components in the development of a case brief.
9. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
10. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 9: Wednesday, October 17:

1. The Appellate Brief (Supplemental Materials)

Topics Covered in Week 9:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 9:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 10: Wednesday, October 24:

1. The Appellate Brief (Supplemental Materials)

Topics Covered in Week 10:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 10:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 11: Wednesday, October 31:

1. The Appellate Brief Due
2. Ethical Rules (Supplemental Materials)

Topics Covered in Week 11:

1. Researching the Law (primary and secondary sources).
2. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
3. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
4. Proper citation (ALWD format rules).
5. Ethical behavior in the legal field (focusing on the paralegal profession).
6. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 11:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
4. Distinguish between ethical and unethical practices of behavior pursuant to the National Federation of Paralegal Associations 8 ethical guidelines (affecting all paralegals) in the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.
5. Demonstrate the ability to write in the accepted form and style using proper grammar.

Week 12: Wednesday, November 07:

1. The Appellate Brief Review
2. Ethical Rules (supplemental materials)
3. Final Examination (100 points), covering the Appellate Brief Materials and Ethical Rules.
4. Posttest

Topics Covered in Week 12:

1. Researching the Law (primary and secondary sources).
2. The components in the development of a case brief.
3. Legal research & writing practices (analyze, argue, and distinguish court cases/ legal issues).
4. The components of the appellate process including the appellate brief requirements pursuant to Illinois law.
5. Proper citation (ALWD format rules).
6. The components of initial and responsive pleadings.
7. Ethical behavior in the legal field (focusing on the paralegal profession).
8. The ability to write in the accepted form and style using proper grammar.

Objectives Covered in Week 12:

1. Demonstrate the ability to analyze, argue, and distinguish court cases/ legal issues.
2. Locate and properly cite primary and secondary sources applying ALWD format rules.
3. Understanding the components in the development of a case brief.
4. Understand the components of initial and responsive pleadings (complaint and answer) pursuant to Illinois law.
5. Understand the components of the appellate process including the appellate brief requirements pursuant to Illinois law.
6. Distinguish between ethical and unethical practices of behavior pursuant to the National Federation of Paralegal Associations 8 ethical guidelines (affecting all paralegals) in the Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.
7. Demonstrate the ability to write in the accepted form and style using proper grammar.

Chapter 1: Introduction to Legal Research

Chapter 2: Legal Authorities and How to Use Them

Chapter 3: Getting Ready to Write

Chapter 4: Clear Writing and Editing

Chapter 5: Writing Basics

Chapter 6: Case Briefing and Analysis

Chapter 7: The Legal Memorandum

Chapter 8: Questions Presented and Conclusions or Brief Answers

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Chapter 9: Facts
Chapter 10: The IRAC Method
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Chapter 14: In-House and Objective Client Documents
Chapter 15: Letter Writing

Wednesday, August 22
Wednesday, August 29
Wednesday, September 05
Wednesday, September 12
Wednesday, September 19
Wednesday, September 26
Wednesday, October 03
Wednesday, October 10
Wednesday, October 17
Wednesday, October 24
Wednesday, October 31
Wednesday, November 07