

# **PL1340**

## **Research and Writing for the Paralegal II**

### **[Onsite]**

#### **Course Description:**

Building on principles of legal research and writing, this course expands the research process to include analysis and validation of case law. Students write a case brief, an internal memorandum of law and other legal documents.

#### **Prerequisite(s) and/or Corequisite(s):**

Prerequisites: PL1240 Research and Writing for the Paralegal I or equivalent

**Credit hours: 4.5**

**Contact hours: 56 (34 Theory Hours, 22 Lab Hours)**

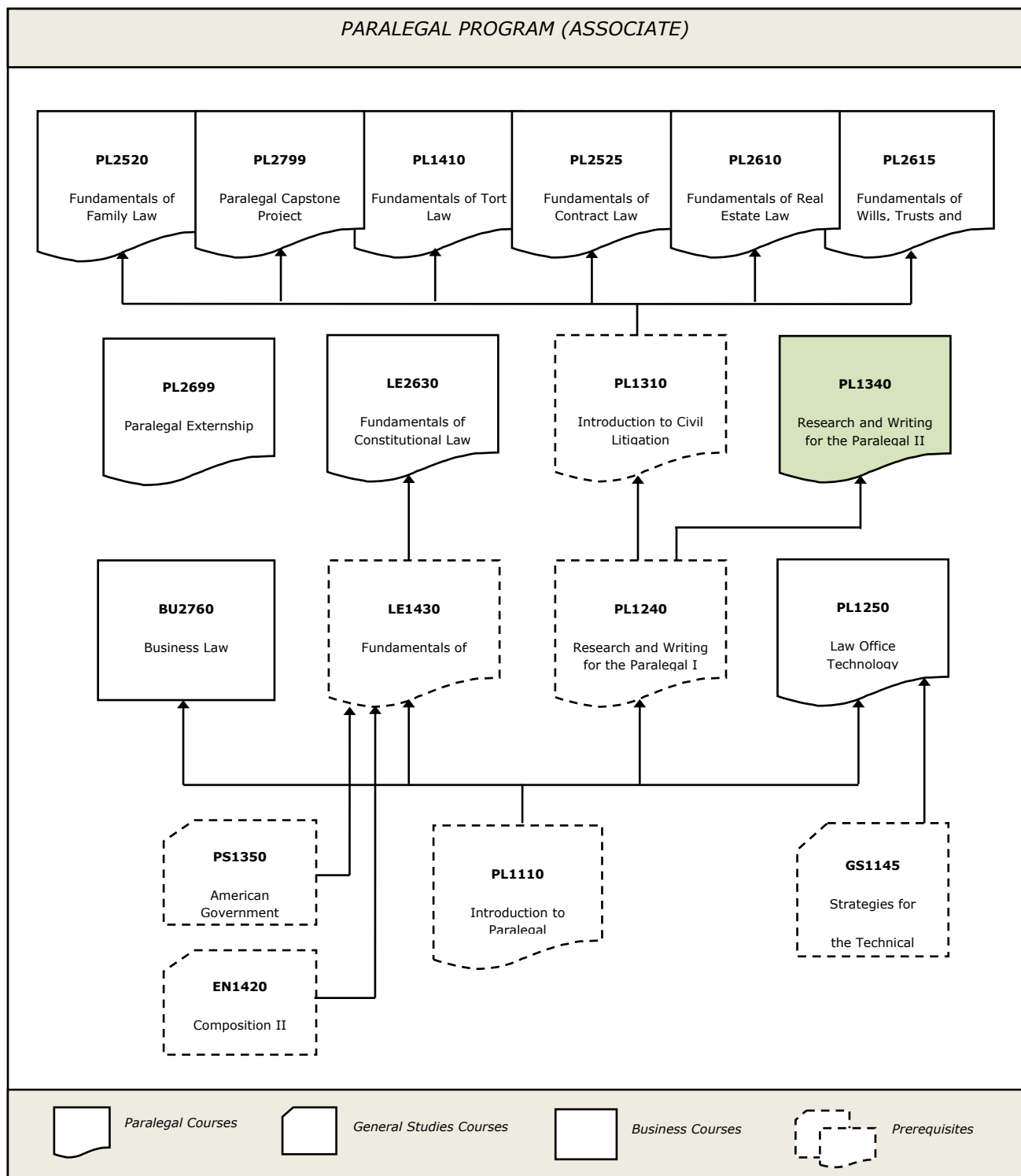
## Where Does This Course Belong?

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This course is offered in the first year, third quarter of the Paralegal associate degree. The Paralegal degree from ITT Technical Institute helps to prepare students for meaningful careers as paralegals and legal assistants working in civil litigation, family law, criminal, real estate law, and/or probate law. Upon the completion of the program, students will be able to:

- Demonstrate skills necessary for analyzing information to solve problems associated with paralegal roles and responsibilities.
- Communicate proficiently orally, interpersonally, and in writing.
- Demonstrate the ability to anticipate and react to various legal situations in an appropriate and effective manner.
- Demonstrate the ability to work collaboratively with a group to accomplish an agreed-upon goal.
- Demonstrate the ability to apply current computer technology to do paralegal work.
- Demonstrate ethical behaviors in all legal matters.
- Apply critical thinking and research skills for the paralegal profession.

The following diagram demonstrates how this course fits in the program:





## Course Summary

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### Major Instructional Areas

1. Research responsibilities of a paralegal in the American legal system
2. Ethical considerations related to legal research
3. Analysis of case law and statutes
4. Use of secondary sources
5. Application of legal research products to client legal situations
6. The major products of legal writing
7. Preparation of motions, briefs, and legal correspondence

### Course Objectives

1. Apply research skills used by a paralegal to find authority for legal questions.
2. Articulate ethical issues related to legal research and writing.
3. Utilize the main products of legal research to find answers to legal questions.
4. Apply knowledge to analyze facts and legal issues in reported cases.
5. Analyze mandatory and persuasive authority.
6. Validate cases and statutes using Shepard's and other validation tools.
7. Analyze enacted law and apply to a client's legal situation in legal documents.
8. Analyze case law and apply to a client's legal situation in legal documents.
9. Evaluate secondary sources.
10. Create letters and other documents for client audiences.
11. Use the ITT Tech Virtual Library to locate and analyze cases and statutes.

12. Create analyses of legal issues in reports to attorney audiences.

13. Apply state and local court rules in legal documents.

## Learning Materials and References

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### Required Resources

Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Hames, J.B., & Ekern, Y. (2012). <i>Legal research, analysis, and writing</i> . (4th ed.). Upper Saddle River, NJ: Pearson Prentice Hall.		■	

### Recommended Resources

#### Books, Professional Journals

- Garner, B.A. (2009). *Black's law dictionary*. (9<sup>th</sup> ed.). Eagan, MN: West Publishing.
- Martin, E. A., & Law, J. (2009). *A dictionary of law*. New York City, NY: Oxford University Press.

#### Professional Associations

- American Bar Association: [www.americanbar.org](http://www.americanbar.org)

#### ITT Tech Virtual Library (accessed via Student Portal)

- Periodicals > LexisNexis Academic

### Other References

- United States Code

<http://www.gpoaccess.gov/uscode> (accessed 7/4/11)

The United States Code is the codification by subject matter of the general and permanent laws of the United States. This site from the U.S. Government Printing Office provides searchable access to the entire current and previous codes.

### **Information Search**

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

- *Stare decisis*
- Motion of summary judgment
- Case validation (e.g., Shepardizing)
- Cited authorities

**NOTE:** All links are subject to change without prior notice.

## **Course Plan**

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### **Suggested Learning Approach**

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none"> <li>▪ Do take a proactive learning approach.</li> <li>▪ Do share your thoughts on critical issues and potential problem solutions.</li> <li>▪ Do plan your course work in advance.</li> <li>▪ Do explore a variety of learning resources in addition to the textbook.</li> <li>▪ Do offer relevant examples from your experience.</li> <li>▪ Do make an effort to understand different points of view.</li> <li>▪ Do connect concepts explored in this course to real-life professional situations and your own experiences.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Don't assume there is only one correct answer to a question.</li> <li>▪ Don't be afraid to share your perspective on the issues analyzed in the course.</li> <li>▪ Don't be negative about the points of view that are different from yours.</li> <li>▪ Don't underestimate the impact of collaboration on your learning.</li> <li>▪ Don't limit your course experience to reading the textbook.</li> <li>▪ Don't postpone your work on the course deliverables - work on small assignment components every day.</li> </ul>

## Course Outline

### ***Unit 1: ADVANCED USE OF SECONDARY LAW***

*Out-of-class work:*

*6 hours*

Upon completion of this unit, students are expected to:

- Create a research plan for a client's legal situation.
- Evaluate case law relevant to a client's legal issues.



- Evaluate statutory law relevant to a client's legal issues.
- Summarize the proper ethical procedures for conducting legal research.
- Evaluate case law to distinguish from a client's legal issues.
- Evaluate case law to analogize to a client's legal issues.
- Evaluate secondary sources of law.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>• Hames &amp; Ekern, Chapters 7 &amp; 8</li> </ul>	Assignment	Unit 1 Assignment 1: Find Primary Sources Using Secondary Sources	2%
	Lab	Unit 1 Lab 1: Examine Secondary Sources	2%

### ***Unit 2: ADVANCED ANALYSIS OF ENACTED LAW***

*Out-of-class work:*

*9 hours*

Upon completion of this unit, students are expected to:

- Create a research plan for a client's legal situation.
- Apply knowledge to compose complex searches in LexisNexis Academic.
- Summarize the proper ethical procedures for conducting legal research.
- Evaluate statutory and administrative law.
- Examine constitutions.
- Utilize various state and court online resources to locate cases, rules, and statutes.

<ul style="list-style-type: none"> <li>Apply the law to the facts of a client's legal situation.</li> </ul>			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>Hames &amp; Ekern, Chapter 5 &amp; 6</li> </ul>	Assignment	Unit 2 Assignment 1: Analyze Enacted Law	2%
		Unit 2 Assignment 2: Conduct Case Analysis	2%
	Lab	Unit 2 Lab 1: Apply Enacted Law	2%

### ***Unit 3: ADVANCED ANALYSIS OF CASE LAW***

*Out-of-class work:*

*13 hours*

Upon completion of this unit, students are expected to:

- Create a research plan for a client's legal situation.
- Apply knowledge to compose complex searches in LexisNexis Academic.
- Evaluate case law relevant to a client's legal issues.
- Evaluate statutory law relevant to a client's legal issues.
- Summarize the proper ethical procedures for conducting legal research.
- Distinguish the difference between mandatory and persuasive authority.
- Cite and interpret case law using the appropriate format.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)

<ul style="list-style-type: none"> <li>Hames &amp; Ekern, Chapter 3</li> </ul>	Discussion	Unit 3 Discussion 1: Locate and Analyze Case Law	1%
	Lab	Unit 3 Lab 1: Conduct Online Search	2%
	Assignment	Unit 3 Assignment 1: Analogize and Distinguish Facts and Law	2%
	Quiz	Unit 3 Quiz 1	5%
	Project	Unit 3 Project Part I Due (PORTFOLIO)	5%

#### ***Unit 4: ADVANCED VALIDATION OF RESEARCH***

*Out-of-class work:*

*9 hours*

Upon completion of this unit, students are expected to:

- Utilize the main products of legal research to find answers to legal questions.
- Apply knowledge to compose complex searches in LexisNexis Academic.
- Evaluate case law relevant to a client's legal situation.
- Evaluate statutory law relevant to a client's legal situation.
- Summarize the proper ethical procedures for conducting legal research.
- Distinguish the difference between mandatory and persuasive authority.
- Cite and interpret case law using the appropriate format.
- Evaluate case law to distinguish from a client's legal issues.
- Evaluate case law to analogize to a client's legal issues.
- Utilize various state and court online resources to locate cases, rules, and statutes.

- Argue the client's legal position in a written motion.
- Argue the client's legal position in a written appellate brief.
- Evaluate authorities using Shepard's and/or other case validation tools.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>• Hames &amp; Ekern, Chapter 9</li> </ul>	Discussion	Unit 4 Discussion 1: Validate Enacted Law	1%
	Lab	Unit 4 Lab 1: Apply Ethical Consideration in Case Law Validation	2%
	Assignment	Unit 4 Assignment 1: Research Online Resources	2%

### ***Unit 5: ADVANCED CASE BRIEFING***

*Out-of-class work:*

*8 hours*

Upon completion of this unit, students are expected to:

- Summarize the proper ethical procedures for conducting legal research.
- Distinguish between mandatory and persuasive authority.
- Cite and interpret case law using the appropriate format.
- Devise a case brief, internal memorandum, and/or other legal documents for legal professionals.

- Evaluate case law to distinguish from a client's legal issues.
- Evaluate case law to analogize to a client's legal issues.
- Utilize various state and court online resources to locate cases, rules, and statutes.
- Evaluate authorities using Shepard's and/or other case validation tools.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>• Hames &amp; Ekern, Chapter 4 &amp; Appendix G, pages 501-505</li> </ul>	Assignment	Unit 5 Assignment 1: Brief a Case Using the Comprehensive Method	2%
	Lab	Unit 5 Lab 1: Brief a Case Using the IFRAC Method	2%
	Quiz	Unit 5 Quiz 2	5%

### ***Unit 6: THE MEMORANDUM OF LAW***

*Out-of-class work:*

*13 hours*

Upon completion of this unit, students are expected to:

- Summarize the proper ethical procedures for conducting legal research.
- Distinguish between mandatory and persuasive authority.
- Cite and interpret case law using the appropriate format.
- Devise a case brief, internal memorandum, and/or other legal documents to legal professionals.
- Evaluate case law to distinguish from a client's legal issues.
- Evaluate case law to analogize to a client's legal issues.

<ul style="list-style-type: none"> <li>Identify and articulate the legal issues of a case.</li> <li>Apply the law to the facts of a client's legal situation.</li> </ul>			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>Hames &amp; Ekern, Chapter 13</li> </ul>	Discussion	Unit 6 Discussion 1: Write an Internal Memorandum of Law	1%
	Lab	Unit 6 Lab 1: Build Your Writing & Analysis Skills	2%
	Project	Unit 6 Project Part II Due (PORTFOLIO)	5%

### ***Unit 7: PREPARING PERSUASIVE WRITINGS***

*Out-of-class work:*

*7 hours*

Upon completion of this unit, students are expected to:

- Apply knowledge to compose complex searches in LexisNexis Academic.
- Evaluate case law relevant to a client's legal issues.
- Evaluate statutory law relevant to a client's legal issues.
- Summarize the proper ethical procedures for conducting legal research.
- Distinguish the difference between mandatory and persuasive authority.
- Cite and interpret case law using the appropriate format.
- Devise a case brief, internal memorandum, and/or other legal documents to legal professional(s).

- Evaluate the legal issues of a case.
- Evaluate case law to distinguish from a client's legal issues.
- Evaluate case law to analogize to a client's legal issues.
- Utilize various state and court online resources to locate cases, rules, and statutes.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>• Hames &amp; Ekern, Chapter 14 pages 334-364</li> </ul>	Discussion	Unit 7 Discussion 1: Demonstrate Persuasive Writing	1%
	Lab	Unit 7 Lab 1: Prepare Table of Contents and Table of Authorities	2%
	Assignment	Unit 7 Assignment 2: Locate Cases Using Table of Authorities (TOA)	2%
	Quiz	Unit 7 Quiz 3	5%

### ***Unit 8: MOTION PRACTICE***

*Out-of-class work:*

*8 hours*

Upon completion of this unit, students are expected to:

- Evaluate case law relevant to a client's legal issues.
- Summarize the proper ethical procedures for conducting legal research.
- Cite and interpret case law using the appropriate format.
- Evaluate the legal issues of a case.
- Utilize various state and court online resources to locate cases, rules, and statutes.

<ul style="list-style-type: none"> <li>Evaluate case law to distinguish from a client's legal issues.</li> <li>Evaluate case law to analogize to a client's legal issues.</li> <li>Apply the law to the facts of a client's legal situation.</li> </ul>			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>Hames &amp; Ekern, Chapter 15</li> </ul>	Lab	Unit 8 Lab 1: Prepare a Memorandum in Opposition to a Motion	2%
	Assignment	Unit 8 Assignment 1: Locate Rules of Court	2%
		Unit 8 Assignment 2: Draft Basic Motions	2%

***Unit 9: THE APPELLATE BRIEF****Out-of-class work:**13 hours*

Upon completion of this unit, students are expected to:

- Evaluate case law relevant to a client's legal issues.
- Summarize the proper ethical procedures for conducting legal research.
- Cite and interpret case law using the appropriate format.
- Evaluate the legal issues of a case.
- Utilize various state and court online resources to locate cases, rules, and statutes.
- Evaluate case law to distinguish from the client's legal issues.
- Evaluate case law to analogize to the client's legal issues.
- Apply the law to the facts of a client's legal situation.



READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>Hames &amp; Ekern, Chapter 14, pages 364-373, &amp; Appendix F, pages 481-500</li> </ul>	Discussion	Unit 9 Discussion 1: Prepare Sections of an Appellate Brief	1%
	Lab	Unit 9 Lab 1: Rules of Court	2%
	Quiz	Unit 9 Quiz 4	5%
	Project	Unit 9 Project Part III Due (PORTFOLIO)	5%

***Unit 10: PREPARING LEGAL CORRESPONDENCE****Out-of-class work:**12 hours*

Upon completion of this unit, students are expected to:

- Create a research plan for a client's legal situation.
- Summarize the proper ethical procedures for conducting legal research.
- Devise a case brief, internal memorandum, and /or other legal documents to legal professional(s).
- Evaluate the legal issues of a case.
- Utilize various state and court online resources to locate cases, rules, and statutes.
- Draft demand letters and other correspondence directly to clients.
- Apply the law to the facts of a client's legal situation.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>Hames &amp; Ekern,</li> </ul>	Lab	Unit 10 Lab 1: Write an Opinion	2%

Chapter 16		Letter	
	Assignment	Unit 10 Assignment 1: Write a Demand Letter	2%
		Unit 10 Assignment 2: Research & Write a Transmittal Letter	2%

### ***Unit 11: REVIEW, FINAL EXAM, AND LABORATORY FINAL***

*Out-of-class work:*

*14 hours*

Upon completion of this unit, students are expected to:

- All Learning and Course Objectives apply.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> <li>• Review all previously assigned readings</li> </ul>	Lab	Unit 11: Final Laboratory	6%
	Project	Unit 11 Project Part IV Due (PORTFOLIO)	5%
	Exam	Unit 11 Final Exam	7%

Note: Your instructor may add a few learning activities that will change the grade allocation for each assignment in a category. The overall category percentages will not change.

## **Evaluation and Grading**

### **Evaluation Criteria**

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Discussion	5%
Assignment	22%
Lab	26%
Project	20%
Quiz	20%
Exam	7%
<b>TOTAL</b>	<b>100%</b>

### Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90-100%	4.0
B+	85-89%	3.5
B	80-84%	3.0
C+	75-79%	2.5
C	70-74%	2.0
D+	65-69%	1.5
D	60-64%	1.0
F	<60%	0.0

## Academic Integrity

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All students must comply with the policies that regulate all forms of academic dishonesty, or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.

*(End of Syllabus)*