LAW 1720: Legal Analysis, Writing, and Research I – Fall 2024 Syllabus

Professor Susan Greene

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https://hofstra.zoom.us/my/**s.greene**

Class Schedule: Tues & Fri; 10:10-12:00; Classroom: Rsvlt 0010; Section B1

TAs - Matt: mdemestrio1@pride.hofstra.edu; Chris: chanc3@pride.hofstra.edu;

Nicole: nguidi1@pride.hofstra.edu

*Professor Office Hours*: By appointment. Please email me to set up a time.

Welcome to law school and to Legal Analysis, Writing, and Research! This course, which spans two semesters (three credits in the fall, two in the spring) will teach you how to research the law, properly cite sources, analyze issues, and then effectively communicate our ideas and analysis with clear structure and language.

TEXTS (please be sure to purchase the correct editions):

1. Neumann*, Legal Reasoning and Legal Writing* (9th ed.); and
2. *The Bluebook, A Uniform System of Citation* (21st ed.).

Additionally, you must register for Westlaw & Lexis: https://register.lexisnexis.com; https://lawschool.westlaw.com/register[[1]](#footnote-1) and complete the following three research training sessions:

1. Intro to Legal Research, Westlaw.[[2]](#footnote-2) Register for one 45-min session at lawschool.tr.com – event training calendar: M, 8/26, 12:15; T, 8/27, 4:15; W, 8/28, 1:15; Th, 8/29, 5:15. Sessions will take place here: [https://us06web.zoom.us/j/7776514981?omn=81000581350](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus06web.zoom.us%2Fj%2F7776514981%3Fomn%3D81000581350&data=05%7C02%7CSusan.L.Greene%40hofstra.edu%7Cbc45b62b432b4ccee03808dcb0aa41ed%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C638579492491836265%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=klw1yXp3IWizTBL%2Fum5rBpCyD9Uu9cehwxQREN5SFm4%3D&reserved=0).
2. Intro to Legal Research, Lexis 1L Fall Training.[[3]](#footnote-3) Register for one 50-min Zoom session using one of the following links: **T, 9/3, 4:30**[**REGISTER HERE**](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Flexisnexis.zoom.us%2Fwebinar%2Fregister%2FWN_7e_P-v9MSK-SpVbZr3_F4A&data=05%7C02%7CSusan.L.Greene%40hofstra.edu%7Cf1ed44efa88a4750bdba08dcb1a44316%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C638580566254367386%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=StHDuj6wfSNejGD6dfazNkcdorcepberUWpMb2%2Fu17c%3D&reserved=0)**; W, 9/4, 12:30** [**REGISTER HERE**](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Flexisnexis.zoom.us%2Fwebinar%2Fregister%2FWN_9x4laqBjT1aiXX1Y3UA9ow&data=05%7C02%7CSusan.L.Greene%40hofstra.edu%7Cf1ed44efa88a4750bdba08dcb1a44316%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C638580566254377425%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=C%2FHn7pcS%2F0c4UbyDBpbgX6XzZK5zXlnqcFOV%2BpdhSlA%3D&reserved=0)**; Th, 9/5, 4:30**[**REGISTER HERE**](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Flexisnexis.zoom.us%2Fwebinar%2Fregister%2FWN_yDrSMuCcSXCXid474dmUUA&data=05%7C02%7CSusan.L.Greene%40hofstra.edu%7Cf1ed44efa88a4750bdba08dcb1a44316%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C638580566254384576%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=QPYrBMV8C2nOVw9hHUG7%2BFXBL3YC%2B1e3Hc7n9FAiD2k%3D&reserved=0); **F, 9/6, 12:30**[**REGISTER HERE**](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Flexisnexis.zoom.us%2Fwebinar%2Fregister%2FWN_CMKxqgtXSGCNPUP88zQUnA&data=05%7C02%7CSusan.L.Greene%40hofstra.edu%7Cf1ed44efa88a4750bdba08dcb1a44316%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C638580566254390681%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=way8Sei45eToI4JdkV6du9NbZun8osc%2BTX5Q%2BLs52WU%3D&reserved=0)**.**
3. Legal Research Strategies, Hofstra Library. <https://edpuzzle.com/assignments/64873974ddb1da42f69866c8/watch>. *Note that this is an “open” class, so you do not need a login or an email and you do not have to worry about a “class code.” The site does, however, ask for a nickname. Please use your full name so that I will know you have completed the assignment.* \*\*While watching this video, please refer to the “Research 101 Handout” at the end of this syllabus.\*\*

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| 8/27 | **Paradigm**.Readchs 1-3. |
| 8/30 | **Paradigm**.Read chs 4-6, 11 -14. |
| 9/3 | No new assignment. Clemons & Existing Gallery Exercises (on Canvas – do not complete before class). |
| 9/6 | Assignment 1 due by 9:00 am on Canvas and a hard copy to class. |
| 9/10 | **Memos & Authority**. Read chs 7-9, 16 & App’x C; Prepare Ex on pgs. 78 – 79 (you will not turn this in, but be prepared to discuss in class); Citation Exercises #1&2 (submit on Canvas). |
| 9/13 | No new assignment. |
| Week of 9/16 | No class; Indiv Conf (zoom, schedule in syllabus). |
| 9/24 | **Questions Presented; Brief Answers; Group Critique**. Read chs 16; 20-22. |
| 9/27 | **Research: Secondary Sources; Cases; Statutes**. No new assignment. |
| 10/1 | **Email Memos***.* Read ch 17. Citation Exercises #3&4 (submit on Canvas); Assignment 2 due by 9:00 am on Canvas and a hard copy to class. |
| 10/4[[4]](#footnote-4) | *Legal Research w/Librarians - Capstone.* No new reading assignment.Bring computer to class. |
| 10/8 | **Strategy Session**. Research Journals for Assignment 3 due by 9:00 am on Canvas and a hard copy to class. |
| 10/11 (zoom) | No new assignment. Zoom link: https://hofstra.zoom.us/j/94274365314?pwd=ZBmEAEqE0nDXbhY2rQhT4hStd6zaxK.1 |
| 10/15 | **Facts***.* Read ch 10; Ch 8 & Ex I, App’x A, Plagiarism & Board of Bar Examiners (submit on Canvas); Citation Exercise #5 (submit on Canvas). |
|  | 10/18 – no class |
| 10/22 (zoom) | **Discussion / Q&A on Assignment 3**. Zoom link: https://hofstra.zoom.us/j/97814266445?pwd=cK2rJT9EE9hhj8RJuaKki67QRO2fv3.1 |
|  | 10/25 – no class |
| 10/29 | **Persuasive Writing***.* Readchs 20-22 (again) & App’x F; *Bradwyn* ex, p. 244 (you will not turn this in, but be prepared to discuss in class). Assignment 3 due by 9:00 am on Canvas and a hard copy to class. |
| 11/1 | Bluebook review with TAs; bring bluebook to class. |
| 11/5 | Research Roundup & Edit Exercise (on Canvas – do not complete before class). |
|  | 11/8 – no class |
| 11/12 | Please bring a hard copy of Assignment 3 & a pen. In class, be prepared to put away *all* electronics. |
| 11/15 | No new assignment. |
| Week of 11/18 | No class 11/19; Indiv (zoom, schedule in syllabus); Assignment 4 due 1 wk from conf., 5pm on Canvas. |
| 11/22 (zoom) | **Discussion / Q&A on Assignment 4**. Zoom link: https://hofstra.zoom.us/j/98789900048?pwd=wB93lga3sgkxMA41jyl36bVKd2mzp4.1 |

*Have a wonderful break and I will see you in the Spring!*

**Conference Schedule, Assignments 1&3 at:**<https://hofstra.zoom.us/my/s.greene>. *If you are unable to attend your scheduled time or if I mistakenly omitted you, please let me know within the first week of class.*

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| **Monday, 9/16/24 & Monday, 11/18/24:** | | | |
| 9:00-9:15 | Abraham, Ruth | 12:15-12:30 | Chung, Liliko |
| 9:15-9:30 | Azar, Mal | 12:30-12:45 | Coleman, Rachel |
| 9:30-9:45 | Ben-Yosef, Yasmin | 12:45-1:00 | Constantis, Alexander |
| 9:45-10:00 | Benes, Zachary | 1:00-1:15 | De Luna, Andrea |
| 11:45-12:00 | Bukhari, Syed Muneeb | 1:15-1:30 | Delisse, Julia |
| 12:00-12:15 | Caradonna, Isabella | 1:30-1:45 | Dellacroce, Lorrie |

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| **Tuesday, 9/17/24 & Tuesday, 11/19/24 (no class on these days):** | | | |
| 10:15-10:30 | DelliBovi, Lindsey | 12:45-1:00 | Gomes, Veronika |
| 10:30-10:45 | Ebert, Jacob | 1:00-1:15 | Hasan, Mirsab |
| 10:45-11:00 | Faiella, Kenneth | 1:15-1:30 | Hellmann, Emily |
| 11:00-11:15 | Fiore, Elisa | 1:30-1:45 | Hoeller Ungar, Phillippe |
| 11:15-11:30 | Furman, Robert | 1:45-2:00 | Hoyt, Gemma |
| 11:30-11:45 | Fusco, Sean | 2:00-2:15 | Lerebours-Mejia, Natasha |
| 11:45-12:00 | Gerges, Sarah | 2:15-2:30 | Masure, Tyler |
| 12:00-12:15 | Ghatalia, Priyanka | 2:30-2:45 | Olsen, Jakob |

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| **Thursday, 9/19/24 & Thursday, 11/21/24:** | | | |
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| 9:15-9:30 | Pinos, Anna | 12:30-12:45 | Tortorella, Vanessa |
| 9:30-9:45 | Polisi, Selina | 12:45-1:00 | Walter, Brendan |
| 9:45-10:00 | Razeq, Vivyan | 1:00-1:15 | Wolfset, Elan |
| 11:45-12:00 | Richardson, Max | 1:15-1:30 | Zeituny, Michael |
| 12:00-12:15 | Scaccianoce, Michael | 1:30-1:45 | Zornberg, Jordan |
| 12:15-12:30 | Smith, Lauren |  |  |

GRADING:

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| Assignment | Task | Grading Scale[[5]](#footnote-5) | % of Course Grade |
| 1 | “Pre-Writing” for Closed Memorandum | √ + ; √ ; √ - ; X | 5% |
| 2 | Closed Memorandum of Law | Letter Grades | 25% |
|  | Research Journal for Open Memorandum | √ + ; √ ; √ - ; X | 10% |
| 3 | Open Memorandum of Law | Letter Grades | 25% |
| 4 | Trial Brief | Letter Grades | 25% |
|  | Professionalism[[6]](#footnote-6) |  | 10% |

I evaluate your writing assignments based on the following:

* Legal Writing: This includes organization, clarity, precision, conciseness, tone, proper presentation of authority and rules, use of quotations, citation form, use of the CREAC structure.
* General Writing: Grammar, punctuation, paragraph & sentence structure, spelling, style, etc.
* Analysis & Research: Identifying issues, selecting & interpreting authority, developing analysis, using appropriate legal reasoning and policy (if appropriate), addressing counterarguments.
* On each assignment, I will evaluate your work with substantial, individualized feedback. On some assignments, you will receive a letter grade. On others, you will receive a symbol:
  + √+ = work shows proficiency above the skills expected; comments are primarily for polishing or pointing out alternatives (while not exact, this mark *roughly* corresponds to an A/A-)
  + √ = improvements are necessary, but there is no cause for worry; work shows some (but not a complete) understanding and application of the expected skills (while not exact, this mark *roughly* corresponds to a B+/B)
  + √ - = work indicates some weaknesses that are cause for worry and may reflect a misunderstanding of the task at hand (while not exact, this mark *roughly* corresponds to a B-/C+)
  + X = work has fundamental deficiencies and reflects only a basic understanding of the skills involved; student should make special efforts (extra meetings with professor, for example) to bring skills to a level of adequacy (while not exact, this mark *roughly* corresponds to a C/C-/D)

Final grade for the course: At the end of the semester, I will weight your work on each assignment according to the assigned percentage of the course grade. *Note that the registrar mandates that the final grades for this course average between a B and a B+.*

**COURSE OBJECTIVES**:

* how to analyze statutes, cases, and other sources of law, including the process of legal research;
* how to discern relevant facts and apply legal principles to those facts;
* how to write more clearly and succinctly;
* how to prepare a variety of legal documents and to cite legal authorities correctly;
* how to tailor your writing to a variety of audiences and for specific purposes; and
* how to improve your oral communications with clients, judges, and opposing counsel.

**LEARNING OUTCOMES**:

Legal analysis & reasoning, research, problem-solving, communication. *Performance Indicators/Examples:*

* *Writing* – Writing analytically and persuasively, and drafting legal documents such as contracts, statutes, client communications, opinion letters and the like.
* *Basic legal analysis, fact development and law-finding* – Extracting rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes; conducting investigation of facts and constructing a coherent narrative based on that investigation; identifying legal issues in facts and applying rules and policy to facts; weighing evidence to reach factual inferences; constructing arguments and identifying flaws in an argument; performing comprehensive legal research; analyzing and structuring transactions; presenting analysis orally and arguing orally; using policy to analyze and persuade.

Exercise of proper professional & ethical responsibilities to clients & legal system. *Performance Indicators/Examples:*

* *Professional identity and perspectives* – A student shall learn how to: present written and oral communications and conduct him or herself in professional settings in a manner that meets the standards of the legal profession; conduct him or herself in accordance with standards of professional conduct; fulfill a lawyer’s commitment to competence, integrity, accountability, and social responsibility.

Entry-level lawyering capabilities needed for competent and ethical participation as a member of the legal profession. *Performance Indicators/Examples:*

* At the level of proficiency required for effectiveness as an entry-level lawyer, and in a manner appropriate to a student’s professional goals. Examples of such capabilities include: strategic planning to accomplish a goal; problem solving in light of a client’s objectives; anticipating consequences and assessing risks; recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards; negotiating in both dispute and transactional contexts; counseling and interviewing; working collaboratively; learning from experience through self-critique; managing projects within time and resource limitations; presenting orally outside of litigation; and using technology in legal practice.

**CLASSES AND WORKLOAD**:

This class is relatively front-loaded, so that you may complete your obligations prior to the end of the semester and then focus on studying for your exams in other courses. We work intensely, at times meeting four hours a week for a three-credit class, but the total hours will not exceed those required for a three-credit course.

The Law School has a “Credit Hour Policy.” A “credit hour” is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction (50 minutes of classroom time) and two hours (120 minutes) of out-of-class student work per week or the equivalent amount of work over a different amount of time. The time you will spend throughout the semester completing the homework for class as well as researching, drafting, and revising the graded writing assignments for this course will satisfy (and perhaps exceed) the out-of-class time commitment.

**LATE SUBMISSIONS AND EXTENSIONS OF TIME**:

I will not grant extensions absent documented illness or emergency. In the absence of an extension, I deduct one grade per 24 hours after the due date. I will not accept any submission more than 48 hours after the due date.

**MISSING CLASSES**:

You are responsible for the information I convey to you through any method of communication, including work I assign in class. Even an excused absence does not justify being uninformed or unprepared. Further, the rules of the NYS Court of Appeals, the ABA, and the Law School all require regular attendance. If you exceed the permitted number of absences (four classes), you will fail. *If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible.*

**REQUIRED FORMAT FOR GRADED ASSIGNMENTS**:

Please type all assignments on 8.5 x 11-inch pages with one-inch margins on all sides. Use 12-point, Times New Roman font and double space (except headings and block quotations). Include page numbers and a footer with your name. When submitting electronically, please submit in Microsoft Word. All citations must conform to the Bluebook.

**ACADEMIC HONESTY**:

Your work, including research and drafting, should represent your independent effort. No one may review your written work prior to the point at which you hand in that work. Further, you may not ask for, or obtain, another person’s work on similar law school assignments. For information regarding Hofstra’s policies with respect to academic honesty, see [https://www.hofstra.edu/faculty/senate/senate\_fps.html](https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hofstra.edu%2Ffaculty%2Fsenate%2Fsenate_fps.html&data=02%7C01%7CMaryam.Franzella%40hofstra.edu%7C94943182dd034193785808d671934513%7Ce32fc43d7c6246d9b49fcd53ba8d9424%7C0%7C0%7C636821274837800546&sdata=YDND34dttOiw7%2BNF2zYzZIwgJ7c4C%2BqLPSKVBlv5S8g%3D&reserved=0).[[7]](#footnote-7) I am required to report any violation of any part of the Code of Academic Conduct to the Vice Dean.

**USE OF ARTIFICIAL INTELLIGENCE:**

You may not use Artificial Intelligence tools, such as ChatGPT or Dall-E, in this course. You must complete each assignment without assistance from others, including AI automated tools. The use of ChatGPT or similar AI tools for work submitted in this course is “unauthorized assistance for academic work” and is a violation of the Hofstra University Honor Code.

**A WORD ABOUT GRAMMAR AND STRUCTURE**:

This is a legal writing class, not a creative writing class. Lawyers have an established mode of communicating their analysis and that mode is what we will learn in this class. It is also how I expect you to write your assignments. Individualism and creativity are admirable qualities (really!), but not here – legal writing is traditional and formulaic. The person to whom you send your memo or brief does not want to see a new take on the office memo or legal brief. Rather, that person wants to see your analysis in the expected structure. Try to embrace this new writing structure.

I am a stickler for correct grammar and spelling and I expect that you will patrol your writing for such errors. Doing so is an indication to your reader that you are attentive to detail and failing to do so can be perceived as carelessness. Proper grammar can also save lives and prevent bodily injury! Consider the following examples:

* + Let’s eat Grandpa!
  + Residents refuse to be placed in bins.

As a lawyer, your writing is often all another person sees of you. Make sure it reflects your best.

**MEMORANDUM[[8]](#footnote-8)**

To: 1L Students

From: Professor Greene

Date: [Insert Date Assignment is Due]

Re: Standard Structure for Memoranda

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**Questions Presented[[9]](#footnote-9)**

1. Is [*insert legal issue court must examine*] where [*insert legally relevant facts,[[10]](#footnote-10) that is, those that a court will consider in ruling on the issue*]?
2. Repeat for each legal issue in the memo.

**Brief Answers**

1. Yes. [or No.] [*Insert reasoning: why, under the facts, do you reach that conclusion? One or two sentences.*]
2. Repeat to answer each Question Presented.

**Statement of Facts**

Begin with a reminder to the supervising attorney of who our client is, what our client wants, and what the supervising attorney asked you to look into. After that, present background facts and all legally relevant facts in a clear, logical order. If you mention a fact later, in your rule analysis, it must appear here first. Use paragraphs and topic sentences for clear organization. A citation to your factual source (transcript, record, etc) must follow every sentence *in the real world*, but for purposes of this class, you do not need to use citations for your statement of facts.

**Discussion**

If your discussion section addresses more than one issue, then the first paragraph[[11]](#footnote-11) of your discussion should be a thesis/umbrella/roadmap paragraph. The first sentence or two lays out the **conclusions** for every issue you analyze. The next sentence (or two or three) lays out the broad **rules** that govern those issues (no nuance here, no synthesis, just the big picture). The last sentence (or two or three) briefly **applies the rules** to the facts (again, no nuance, no counterarguments, just the big picture).

After the thesis, present a **paradigm[[12]](#footnote-12)** for each issue in the memo (number of paradigms = number of issues). Each paradigm will be multiple paragraphs, but the specific length depends on the complexity of the issue. The first sentence is the **conclusion**, telling the reader how a court is likely to rule on the issue that is the subject of this paradigm. After the conclusion, present a **rule synthesis**, showing the reader the rule a court will apply to resolve the issue. Note that this is a *synthesis* and not merely a rule from one source. You will likely be looking at multiple sources from within your jurisdiction to glean a full sense of the state of the law on your issue. A citation must follow every sentence (likely a string citation).

After the rule synthesis, present the **rule explanation**.[[13]](#footnote-13) Show the reader how the rule applies under various fact scenarios, by presenting cases that illustrate the application of the rule. For each case, present only: *legally relevant* ***facts****[[14]](#footnote-14)**first, then the* ***holding*** *on the issue that is the subject of the paradigm, and then the* ***reasoning*** *the court supplied in reaching its holding*.[[15]](#footnote-15) If you mention a case in your rule analysis, you must first present it here, to introduce it to the reader. A citation must follow every sentence. It is likely that the rule explanation will span multiple paragraphs.

After the rule explanation, present the **rule analysis**.[[16]](#footnote-16) For purposes of the rule analysis, in this class you do not need to use citations.

Often, the first word of your *first* rule analysis paragraph will be “Here, . . .” as this is a strong, clear transition to establish that you are moving from precedent (the rule explanation) to your analysis of our case. Show reader how the rule applies to the facts of our case. The best way to do this is through *fact comparisons*. Look back to your rule explanation and identify facts that are comparable in some way to the facts of our case. Make a clear and direct comparison (for ex: In *Johnson*, the purported agent agreed that the principal would pay $40 per pound more than the market price. That overpayment is nearly identical to the case here, where Jackson promised that Sarah would pay $38 per pound more than the market price). The key is to show the reader that your prediction with respect to how a court will rule on our facts is based on how other courts have applied the rule – if you can show the reader that facts align, then it is reasonable to say that the court will rule the same way. By contrast, if facts are clearly very different, then it is reasonable to say that a court will rule differently.

The rule analysis should also present counterarguments (for ex: “While one may argue that . . .” ) and then clearly show the reader why that line of thinking would not prevail – refute the counterargument through analysis of the counterargument itself. The idea is to instill confidence in the reader that you have already considered every angle. Try to bring up counterarguments as they arise naturally within your RA – avoid grouping counterarguments together and presenting them at the beginning or end of your RA section.

It is likely that your rule analysis will span multiple paragraphs. Use clear thesis sentences (as the topic sentence) asserting the proposition that you will prove in the body of your paragraph. Often, it is best to organize the rule analysis around your rule synthesis, so that each paragraph within the rule analysis considers the application of a particular aspect of the rule synthesis and how a court will apply it to the facts of our case. The best and most clear thesis sentences in the rule analysis will, therefore, come from your rule synthesis and begin with helpful transitional words (“Moreover, a court will consider . . .” “Nevertheless, a court is likely to . . .” “Finally, it is likely that . . .”) Do not refer to precedent cases in your thesis sentences, rather use precedent cases in the body of the paragraph to support your prediction regarding how a court will apply the rule to our facts. After the rule analysis, the paradigm is done.

After you complete a paradigm, move on to the next paradigm. Each paradigm should stand alone. Do not expect the reader to go back to look at a previous paradigm. If you want to use a case again in the next paradigm, do not rely on what you have already written in a previous paradigm.

After you complete all of your paradigms, the memo is done (congratulations!). You do not need to include an overall conclusion to the memorandum.

**Rubric for Assignments**

*For any memorandum or brief assignment, please print this rubric, answer every question, unless I have instructed you to omit a section for the assignment, in which case you may leave those questions blank, and attach it to your assignment as the final pages. It will not count towards the page limit of the assignment.*

YOUR NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FORMATTING

1. Have I double spaced, included page numbers, and used Times New Roman, size 12 font?
2. Do I have a footer on each page with my name on it?
3. For a memo, did I write “Memorandum” across the top; did I include “To; From; Date; Re”?
4. Did I include headings indicating “Questions Presented,” “Facts,” “Brief Answers,” and “Discussion”?

BLUEBOOKING

1. Have I included a pin cite every time I cite a case, whether it is a full cite or a short cite?
2. Have I ended every textual sentence with a period before I begin the citation sentence?
3. Have I checked each cite to be sure it conforms with anything we have learned thus far in class?

QUESTIONS PRESENTED

1. Have I numbered my questions presented and started each on a new line?
2. Is each question presented one sentence, ending with a question mark?
3. Have I made sure that there are no proper nouns in my questions presented?
4. Does each question presented follow the structure of issue plus material/relevant facts a court will consider in resolving the issue I have identified?

BRIEF ANSWERS (only for memos – not for briefs)

1. Have I numbered my brief answers (to match the QPs) and started each on a new line?
2. Have I begun each brief answer with a “Yes” or a “No,” giving a clear answer to the QP?
3. Do I follow the Yes or No with reasoning that clearly relates to the facts from the QP?

FACTS

1. For a memo, do my facts begin with an intro, orienting reader to the client and what the client wants?
2. Have I made sure to include only facts, not law?
3. Memo: Have I included only mat’l facts? Brief: Have I included mat’l facts & those evoking sympathy?

THESIS PARAGRAPHS

1. If I have multiple paradigms in my discussion section, is the first paragraph of my discussion a thesis paragraph (aka umbrella / roadmap)? If I have sub-divided any of my paradigm issues into sub-issues, do I have an additional thesis paragraph to begin that paradigm?
2. Does my thesis begin with a conclusion on each issue for each paradigm; then present a brief overview of the rule for each; then succinctly apply the rule for each issue to the facts of my case, omitting nuance and counterargument?

PARADIGMS

* CONCLUSION
  + Does each paradigm begin with a conclusion, clearly answering how a court is likely to (for a memo) or should (for a brief) rule on an issue?
* RULE SYNTHESIS
  + Have I brought together multiple sources to show state of the law in in my jurisdiction on this issue? Is there a citation after every sentence (likely a string citation)?
* RULE EXPLANATION
  + Have I presented a RE about any case that I will raise in the RA?
  + For each case in the RE, have I presented the facts, holding, and reasoning?
  + For facts: have I presented *only* the material facts – that is, only facts that are relevant to how the court resolved the legal issue that is the subject of my paradigm?
  + For holding: have I limited presentation of holding to the issue of my paradigm?
  + For reasoning: have I identified why the court ruled as it did, under the facts of that case?
  + Have I omitted: any proper nouns, any statement of the issue, any statement of the rule, any procedural history or procedural outcomes?
  + Is there a citation after every sentence in my RE section?
* RULE APPLICATION
  + Did I make a clear transition from the RE to the RA, the easiest way being by beginning the first sentence of my RA with the word “Here ….” (to show the reader that I am no longer focusing on what courts have done in the past, in precedent cases, but rather on what a court will do under the facts of this case, our case).
  + Have I organized my RA around the RS, working through the RS in the same way the court will, applying it to my facts, piece by piece?
  + Have I omitted any reference to precedent cases in thesis sentences within the RA, instead focusing thesis sentences on the aspect of the RS I am analyzing in that paragraph?
  + Do I raise precedent cases only as they help me explain what a court is likely to do in applying the RS to my facts? And when I do raise a precedent case, is it to compare facts (and nothing else – not to recap the case or to compare law/holding/conclusions, etc)?
  + For a memo: Have I brought up counterarguments explicitly within RA paragraphs, where they arise naturally in my analysis, to show the reader that I have considered this analysis from all perspectives? Have I then immediately refuted the counterarguments, as I bring each up, by analyzing the counterargument to show the reader that each is not correct?
  + For a brief: Have I debunked counterarguments implicitly, without giving attention or oxygen?

PROOFREADING

1. Have I read my final draft out loud?
2. Have I read only my topic sentences out loud? Do they give a good sense of my overall memo?
3. Have I annotated each sentence of my discussion section (on a draft, not the final version)?
   1. For my thesis paragraph, do my annotations look like this? **C;RR..;AA..**
   2. For my paradigm, do my annotations look like this? **C;RS RS…;RE RE RE RE….;RA RA RA RA…..**
   3. For each RE within each paradigm, do my annotations look like this? **Facts; Holding; Reasoning**
4. Are all paragraphs < 2/3 of a page? Does each paragraph begin with a helpful topic sentence that is narrow enough to introduce just the paragraph’s idea, but broad enough to include everything in that paragraph? Within the RA, are my topic sentences thesis sentences, setting forth a proposition that I will prove in the body of the paragraph?
5. Have I been economical with my language, harnessing the power of strong, short, clear sentences?
6. Have I checked every sentence to omit the passive voice (unless for a specific reason, like it’s in a quote or I am distancing an actor from action)? When I use pronouns, is the antecedent clear? Have I omitted legalese? Have I used active verbs? (ex: “presented,” not “made a presentation”)?
7. Have I maintained a proper tone throughout? (neutral for a memo; persuasive for a brief)?

**Citation Exercise #1**: *Please print this exercise and hand write your answers. Please turn in one copy at the beginning of class on the day the exercise is due and please keep one copy for yourself.* **[[17]](#footnote-17)**

**Bluebook Reading**: Contents; Introduction (pp. 1-3); B2; Index; T1-16[[18]](#footnote-18)

1. Why do we cite?

\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_­\_

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1. When do we cite?

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1. What is the difference between the blue pages[[19]](#footnote-19) and the white pages of the Bluebook?

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. As between the blue pages and the white pages, which is more useful to law students in a legal writing class (such as this one, where we draft memoranda and briefs)?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. As between the blue pages and the white pages, which is more useful to law students on a journal, who are drafting or editing law review articles?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What Table would you look to for:
   1. Abbreviations for case names? \_\_\_\_
   2. Jurisdiction specifics for cases, statutes, and administrative materials? \_\_\_\_\_\_\_\_
   3. Geographical terms (useful in parentheticals for full case citations)? \_\_\_\_
   4. Court abbreviations (useful in parentheticals for full case citations)? \_\_\_\_\_\_\_

**Citation Exercise #2**: Please *print this exercise and hand write your answers. Please turn in one copy at the beginning of class on the day the exercise is due and please keep one copy for yourself.*

**FULL CASE CITATIONS (PUBLISHED CASES)[[20]](#footnote-20): Bluebook Reading**: B2; B10 (& B10.1-10.1.3); R10.1-10.4; T1

This is the case name. See B10.1.1 for rules on abbreviations / inclusions & exclusions.

Underline *or* italicize the case name, but *not* the comma that comes after it. B2; B10.1.1.

Thompson v. Hanson, 174 P.3d 120, 125 (Wash. Ct. App. 2007).

The source (a book) that published the case – this is called a “reporter.” Here, that’s P.3d (the Pacific Reporter). Often, more than one reporter publishes a case. If that happens, look at T1, for your jurisdiction. It will tell you which reporter to use. (*Ex: T1 -- in NY, for Court of Appeals, cite to N.E.*)

The first number, 174, is the volume of the reporter.

The next number, 120, is the first page of case in the reporter (the page on which case begins in that book).

The next number, 125, is the pin cite (aka jumpcite/pinpoint cite). It directs the reader to pages within case. Every cite must have a pin cite. B10.1.2.

This is a parenthetical indicating the court and the year of the decision. Sometimes the reporter unambiguously conveys the court because the reporter only publishes decisions of one court. In such situations, omit the court and give only the year in the parenthetical. See R10.4 and B10.1.3 for further rules & T7 for abbreviations. (Ex. Citations to the Supreme Court)

Do not include name of court where decision is from highest court of the state. R10.4

*E.g.*, *People v. Armour*, 590 N.W.2d 61 (Mich. 1999) 🡨 not (Mich. Sup. Ct. 1999)

Do not include the jurisdiction or court if the reporter unambiguously conveys it. R10.4

*E.g.*, *DiLucia v. Mandelker*, 493 N.Y.S.2d 769 (App. Div. 1985) 🡨 not (N.Y. App. Div. 1985)

*E.g.*, *Dubreuil v. Witt*, 80 Conn. App. 410 (2003) 🡨 not (App. Ct. 2003)

***A few additional rules to keep in mind:***

1. **United States as a Party in a Case: R6, 10.2.2, T10**

Shorten United States to U.S. only when used as an adjective. When the United States of America is the full name of the party, shorten to “United States.” If United States is only a part of the name of the party, shorten to “U.S.” (T10) and include the rest of the name, abbreviated as appropriate (see T6).

*E.g.*, *Ctr. for Nat’l Sec. Stud. v. U.S. Dep’t of Just.*

*E.g.*, *Alvarez-Machain v. United States*

**(2) Ordinals (comes up frequently in parentheticals)[[21]](#footnote-21): R7**

Do not use superscripts. When ordinals end in “d,” drop the “r” or the “n” immediately before it.

*E.g.*, 4th, not 4th; 2d and 3d, not 2nd or 3rd

**(3) District Courts and Circuit Courts: T7, R10**

“District” in Federal Courts is abbreviated as “D.” “District” in state court is abbreviated as “Dist. Ct.”

*E.g.*, S.D.N.Y.

Federal courts of appeal for numbered circuits are always indicated as, for example, 1st Cir.; 2d Cir.; 3d Cir.; etc. (never CA2, C.C.A.2d, or any other designation you may come across).

1. Do you ever need to include “Supreme Court of the United States” in the parenthetical for a full case citation from that court? Why or why not? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Is this citation correct?[[22]](#footnote-22) Why or why not? *Andres v. Jones*, 498 A.3d 86, 91 (Vt. Sup. Ct. 2021).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Which reporter should you cite to for a case from the Supreme Court of the United States? \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Do you need to include a court in the parenthetical for a full citation to a case reported in 42 Mass. 392? Why or why not? \_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_\_
3. Just by looking at the citation 42 F. Supp. 392, what do you know about the jurisdiction that decided this case? (Bonus, what are two things?) \_\_\_\_\_\_\_\_\_\_\_*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*
4. Do you need to include a court in the parenthetical for a full citation to a case reported in 42 F. Supp. 392? Why or why not? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How would you give a proper case name with the following litigants: Automobile Injury Institute d/b/a AII and Joseph Franks, et al versus Digital Diplomacy Importers.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Let’s say you want to cite certain pages within Smith v. Smith, 367 U.S. 482 (2010).
   1. Give a full cite for the material on page 482:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Give a full cite for the material on pages 484 through 496:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Give a full cite for the material on pages 485, 496, and 499 through 502:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Give a full cite for the material in footnote 6.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Citation Exercise #3**: Please *print this exercise and hand write your answers. Please turn in one copy at the beginning of class on the day the exercise is due and please keep one copy for yourself.*

1. Give a proper citation for the highlighted language in the case below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### 506 U.S. 357; 113 S.Ct. 835; 122 L.Ed.2d 103; 61 USLW 3497

Supreme Court of the United States

**Wilburn DOBBS**

**v.**

**Walter D. ZANT, Warden.**

No. 92–5579.

Jan. 19, 1993.

The court denied this motion without explanation. No. 90–8352 (CA11, Nov. 1, 1990).**\*\*836** Affirming the District Court's denial of relief on other claims, the Eleventh Circuit held that the law of the case doctrine prevented it from revisiting its prior rejection of petitioner's ineffective-assistance claim. The court acknowledged the manifest injustice exception to law of the case, but refused to apply the exception, reasoning that its denial of leave to supplement the record left petitioner unable to show an injustice. [963 F.2d 1403, 1409 (1991)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1992103897&pubNum=350&originatingDoc=I8231e2ab9c7e11d9bdd1cfdd544ca3a4&refType=RP&fi=co_pp_sp_350_1409&originationContext=document&transitionType=DocumentItem&ppcid=09a38bee799543478bb9a8a1e48c1375&contextData=(sc.Default)#co_pp_sp_350_1409). [1](https://1.next.westlaw.com/Document/I8231e2ab9c7e11d9bdd1cfdd544ca3a4/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=(sc.Default)#co_anchor_F11993029586)We hold that the Court of Appeals erred when it refused to consider the full sentencing transcript. We have emphasized before the importance of reviewing capital sentences on a complete record. [*Gardner v. Florida,* 430 U.S. 349, 361, 97 S.Ct. 1197, 1206, 51 L.Ed.2d 393 (1977)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1977118750&pubNum=708&originatingDoc=I8231e2ab9c7e11d9bdd1cfdd544ca3a4&refType=RP&fi=co_pp_sp_708_1206&originationContext=document&transitionType=DocumentItem&ppcid=09a38bee799543478bb9a8a1e48c1375&contextData=(sc.Default)#co_pp_sp_708_1206) (plurality opinion). Cf. [*Gregg v. Georgia,* 428 U.S. 153, 167, 198, 96 S.Ct. 2909, 2922, 2936, 49 L.Ed.2d 859 (1976)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1976142447&pubNum=708&originatingDoc=I8231e2ab9c7e11d9bdd1cfdd544ca3a4&refType=RP&fi=co_pp_sp_708_2922&originationContext=document&transitionType=DocumentItem&ppcid=09a38bee799543478bb9a8a1e48c1375&contextData=(sc.Default)#co_pp_sp_708_2922) (joint opinion of Stewart, Powell, and STEVENS, JJ.) (Georgia capital sentencing provision requiring transmittal on appeal of complete transcript and record is important “safeguard against arbitrariness and caprice” **\*359** ). In this case, the Court of Appeals offered no justification for its decision to exclude the transcript from consideration. There can be no doubt as to the transcript's relevance, for it calls into serious question the factual predicate on which the District Court and Court of Appeals relied in deciding petitioner's ineffective-assistance claim. As the Court of Appeals itself acknowledged, its refusal to review the transcript left it unable to apply the manifest injustice exception to the law of the case doctrine, and hence unable to determine whether its prior decision should be reconsidered.[\*](https://1.next.westlaw.com/Document/I8231e2ab9c7e11d9bdd1cfdd544ca3a4/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=(sc.Default)#co_footnote_B0011993029586)

[2](https://1.next.westlaw.com/Document/I8231e2ab9c7e11d9bdd1cfdd544ca3a4/View/FullText.html?originationContext=typeAhead&transitionType=Default&contextData=(sc.Default)#co_anchor_F21993029586)On the facts of this case, exclusion of the transcript cannot be justified by the delay in its discovery. That delay resulted substantially from the State's own erroneous assertions that closing arguments had not been transcribed. As the District Court found: “[T]he entire transcript should have been made available for Dobbs' direct appeal, and the State represented to this Court that the sentencing phase closing arguments could not be transcribed. Dobbs' position that he legitimately relied on the State's representation is well taken.” Civ. Action No. 80–247 (ND Ga., Mar. 6, 1990), p. 4.

1. Give a proper citation for the reference to the Full Faith and Credit Clause in the United States Constitution, below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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49 A.D.3d 238, 849 N.Y.S.2d 262, 2008 N.Y. Slip Op. 00434

**Jean Boudreaux et al., Appellants**

**v**

**State of New York Department of Transportation et al., Defendants-Respondents.**

Supreme Court, Appellate Division, First Department, New York

111287/06, 247

January 24, 2008

[portions omitted]. . . The Full Faith and Credit Clause of the United States Constitution states that “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial proceedings of every other State” ([US Const, art IV, § 1](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000583&cite=USCOARTIVS1&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=LQ&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle))). Its purpose **\*\*263** is to avoid conflicts between the state in adjudicating the same matters, and functions to “weld the independent States into a Nation” ([*Matter of Farmland Dairies v Barber*, 65 NY2d 51, 55 [1985]).](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&pubNum=605&cite=65NY2D51&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_605_55&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_605_55) In accordance therewith, a “ ‘judgment of a state court should have the same credit, validity, *and effect*, in every other court of the United States, which it had in the state where it was pronounced’” (**\*241** [*O'Connell v Corcoran*, 1 NY3d 179, 184 [2003]](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&pubNum=0007048&cite=1NY3D179&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_7048_184&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_7048_184) [emphasis added], quoting [*Underwriters Nat. Assurance Co. v North Carolina Life & Accident & Health Ins. Guaranty Assn.*, 455 US 691, 704 [1982],](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1982113137&pubNum=780&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_780_704&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_780_704) quoting [*Hampton v McConnel*, 3 Wheat [16 US] 234, 235 [1818];](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1800118350&pubNum=780&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_780_235&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_780_235) *see also*[*A.J. Pegno Constr. Corp. v Highlands Ins. Co.*, 39 AD3d 273, 274 [2007]).](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&pubNum=7049&cite=39AD3D273&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_7049_274&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_7049_274) Thus, New York is only required to give the Louisiana judgment the same preclusive effect that Louisiana would give under its own law ([*Matter of Luna v Dobson*, 97 NY2d 178, 183 [2001];](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&pubNum=605&cite=97NY2D178&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=RP&fi=co_pp_sp_605_183&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)#co_pp_sp_605_183) *see also*[Restatement [Second] of Conflict of Laws § 111](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=0289353510&pubNum=0101576&originatingDoc=Idf94fdd1cabf11dc9876f446780b7bdc&refType=TS&originationContext=document&transitionType=DocumentItem&ppcid=d8fbfac48ad545479b523196988a1733&contextData=(sc.Toggle)) [“(a) judgment will not be enforced in other states if the judgment is not subject to enforcement in the state of rendition because the judgment is subject to a condition not yet performed”]). . . . [portions omitted]

**Citation Exercise #4**: Please *print this exercise and hand write your answers. Please turn in one copy at the beginning of class on the day the exercise is due and please keep one copy for yourself.*

**FULL CASE CITATIONS, UNREPORTED CASES / ELECTRONIC DATABASES: Bluebook Reading**: B10.1.4.

In general, the Bluebook directs you to cite to the print editions – reporters (books) that publish cases. Sometimes, cases are “unreported.” In such situations, you would cite to the electronic database locations for those cases, usually Westlaw or Lexis.

In practice, many courts do not consider unpublished cases to have precedential value. However, for purposes of this class, unless the instructions on an individual assignment tell you otherwise, you MAY use unpublished cases on your assignments.

Components of electronic database citation: (1) case name; (2) case docket number; (3) database identifies and electronic report number; (4) “at” and a star (\*) and then the pincite (page number); (5) parenthetical with court and full date.

Examples:

Albrecht v. Stranczek, No. 87 C9535, 1991 U.S. Dist. LEXIS 5088, at \*3, \*5 (N.D. Ill. Apr. 15, 1991).

Kvaas Constr. Co. v. United States, No. 90-266C, 1991 WL 47632, at \*2-3 (N.D. Ill. Apr. 8, 1991).

**SHORT CITATIONS, GENERALLY**

The Bluebook provides for short forms of a number of citations. The first time you provide a citation to any source within a document, it must be a full citation. After that, any citation following it, within that same document, may be a short citation.

**SHORT FORM CASE CITATIONS:**

**Bluebook Reading**: B10.2; R10.9.

Example: *full cite* 🡪 Palsgraf v. Long Island R.R. Co., 162 N.E. 99 (N.Y. 1928).

Refer only to the first party (unless the first party is a common litigant, like a government entity). B10.2

Omit the first page of the case.

Add an “at” between the reporter and the pincite.

Omit the court/year parenthetical.

*Becomes*:

Palsraf, 162 N.E. at 100.

*OR*

If you include the name of the case in the textual sentence (and if there is no ambiguity – you only make reference to one case name in the textual sentence – you may omit the case name.

162 N.E. at 100.

**SHORT FORM CASE CITATIONS FOR UNREPORTED CASES / ELECTRONIC DATABASES:**

**Bluebook Reading**: R10.9(a)(ii).

*Full cite 🡪* Albrecht v. Stranczek, No. 87 C9535, 1991 U.S. Dist. LEXIS 5088, at \*3 (N.D. Ill. Apr. 15, 1991).

*Becomes* 🡪 Albrecht, 1991 U.S. Dist. LEXIS 5088, at \*3.

*Full cite* 🡪 Kvaas Constr. Co. v. United States, No. 90-266C, 1991 WL 47632, at \*2 (N.D. Ill. Apr. 8, 1991).

*Becomes* 🡪 Kvaas, 1991 WL 47632, at \*2.

**ID. AS A SHORT FORM CITATION:**

**Bluebook Reading**: B10.

Id. is a short form citation that you may use for any kind of immediately preceding authority (not only for cases). Id. is capitalized if it begins the citation sentence, but id. is not capitalized if it is not the first word of the citation sentence. Underline (or italicize) id. **including the period**.

Id. refers to the exact same authority and the exact same page (pincite) within that authority as the one in the citation immediately preceding it.[[23]](#footnote-23) If you want to cite to the same authority as the one in the immediately preceding citation, but a different page, add a pincite.

You may never use id. when the preceding citation is a string cite (may only use id. when the preceding citation was a citation to a single source). B10.2.

*Example*: Id. // Id. at 584. // Id. at \*2 🡨 the star means that this is a page in an electronic database

Questions:

(1) What are three differences between a citation for a case reported in an electronic database and a published case?

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(2) Why doesn’t a case reported in an electronic database include the first page on which the case appears in the citation?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

743 F.2d 1465

United States Court of Appeals, Eleventh Circuit.

**UNITED STATES of America, Plaintiff-Appellee,**

**v.**

**Ricardo R. ESLE, Roberto Diaz Gomez, a/k/a Robert Redruello, and Luis G. Arango, Defendants-Appellants.**

Sept. 26, 1984.

In March 1980, DEA Agent Rubin Prieto, operating undercover, met appellant Santoya **\*1468** and attempted to arrange a cocaine buy through him. That attempt failed, but Prieto left a telephone number with Santoya in case Santoya could arrange a purchase.

2008 WL 828032

United States District Court, W.D. Pennsylvania.

**James ZANKEL, as Administrator of the Estate of Justin D. Zankel, Deceased and James and Barbara Zankel, in their own right, Plaintiffs,**

**v.**

**UNITED STATES of America and William E. Dreyer, Defendants.**

Civil Action No. 06-0308.

March 25, 2008.

Upon consideration of the evidence presented the court finds that Dreyer met his burden with respect to prong two of the scope of employment test set forth in section 228 of the Restatement (Second) of Agency. **(3) *The conduct was actuated at least in part to serving the employer.***

**\*9** 12. Dreyer's use of the government vehicle on the evening of January 26, 2005 and the morning of January 27, 2005 was actuated at least in part to serving the Marine Corps.

*Assume that the following questions relate to a single discussion section of a memo and that you have not yet cited these cases above within that discussion section until now.*

1. Cite the material highlighted in blue: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. The material highlighted in pink is the next sentence. How would you cite that?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The material highlighted in gray is the next sentence. How would you cite that?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The material highlighted in yellow is the next sentence. How would you cite that?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Citation Exercise #5**: Please *print this exercise and hand write your answers. Please turn in one copy at the beginning of class on the day the exercise is due and please keep one copy for yourself.*

**FULL STATUTE CITATIONS (FEDERAL):**

**Bluebook Reading**: B12.1.1; R12[[24]](#footnote-24) (and R12.1-12.3)

Federal statutes are published in the United States Code. The United States Code is broken down into major subject matters, called “titles.” (You can think of a “title” as you would a reporter – it is a book that publishes statutes.) Each title has a number and within each numbered title are statutes. Each statute has a section number and, often, has several subsections.

Proper citation for a federal statute:

Title Number U.S.C. § Section. **29 U.S.C. § 2601.**

* T1 indicates that the United States Code (U.S.C.) is the preferred citation for federal statutes. If necessary, however, you may also cite to the current, unofficial, annotated version: United States Code Annotated (U.S.C.A.) or United States Code Service (U.S.C.S.). When citing to such a version, add the appropriate database identifier. R12.1.[[25]](#footnote-25)

Example: 18 U.S.C.A. § 1426 (West).

* Use a single § for multiple subsections within same section and a double § for multiple sections.

Example: 29 U.S.C. §2601(a)-(c); 29 U.S.C. §§2601-2603, 2605.

* *Note: the Bluebook does not require that you include the year when citing the federal code, whether official or unofficial*. R12.3.2.[[26]](#footnote-26)
* *Note: the Bluebook does not require the inclusion of the statute’s name, unless the statute is commonly cited with the name or if the information is helpful. (In other words, use your discretion.)* R12.3.1(a).

Example with statute name: **Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601.**

**FULL STATUTE CITATIONS (STATE):**

**Bluebook Reading**: B12.1.2; R12 (and R12.1-12.3)

For any state, consult T1 for a template for that state’s statutory compilation.

Note that, unlike citations to the federal code, citations to state code must include the year. Note further that this is the year that the code was *published*, not the year the code was enacted.

New York example: McKinney’s Consolidated Laws of New York Annotated (West)

N.Y. [subject[[27]](#footnote-27)] Law § [number] (McKinney [year]).

Delaware example: Delaware Code Annotated (LexisNexis)

Del. Code Ann. tit. [number], § [number] ([year]).

**SHORT FORM STATUTE CITATIONS (STATE AND FEDERAL):**

**Bluebook Reading**: B12.2; R12.10(b)

Id. is available as a short cite for statutes (under the same conditions described above, for id.).

Other available short cites are in R12.10(b), for example:

42 U.S.C. § 1983 § 1983

Del. Code Ann. tit. 28, § 1701 (1999) § 1701

**SECONDARY SOURCES:**

**Bluebook Reading**: B15-16; B18; R15-18.

We will not address each type of secondary source citation here, as there are too many. Rather, I encourage you to be familiar enough with the Bluebook that, when you encounter a secondary source you would like to use, you are comfortable looking it up in the Bluebook for the proper citation form.

**QUOTATIONS:**

**Bluebook Reading**: R5.

The Bluebook has special rules for block quotes (quotes of 50 words or more); alterations within quotes; and omissions from quotes. Please review R5 for the specific rules.

**STRING CITATIONS & ORDER OF AUTHORITIES:**

**Bluebook Reading**: R1.4

You may cite multiple sources for one textual sentence using a string citation. Cite each source using its proper citation form, with semicolons between each source. Place a period at the end of the string citation. Order the authorities in a “logical manner” within the string citation. See R1.4.

**Questions:**

1. How would you cite section 1448 of title 36 of the current United States Code, published in 2018?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How would you cite to section 35.98 of Oregon Revised Statutes, enacted in 1991, published in 2020?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Rewrite the quote below: (1) omitting the language highlighted in yellow; and (2) changing the word highlighted in pink to “defendant’s.”

“In the context of covenants not to compete, an appeal following the denial of a motion for preliminary injunction may be moot if the covenant expires before the court of appeals issues its mandate.  Ashfield challenges the district court's denial of preliminary injunctive relief pursuant to a one-year non-competition agreement, which would have enjoined Jacobson from working for Ashfield's competitors. The one-year non-competition agreement went into effect on April 2, 2021, when Jacobson's employment terminated, and ended in April 2022. Because the covenant not to compete is no longer in force, and because the covenant “d[id] not provide for automatic extension upon a breach of the covenant,” Ashfield's request for preliminary injunctive relief to enforce the covenant is moot.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Some Odds and Ends on Citations for This Class:**

* Please place all of your citations in citation sentences, *after* your textual sentences.
  + A textual sentence refers to the sentence that you have written/quoted/paraphrased in your memo/brief. Like any other sentence, it begins with a capital letter and ends with a period (or question mark or exclamation mark).
  + A citation sentence refers to the sentence that immediately follows that textual sentence and contains the source to which you are directing your reader (your citation). Like any other sentence, it begins with a capital letter and ends with a period. If it has multiple sources, they are separated by semi-colons (this is called a string citation).
  + You will note on pp. 3-4 that a citation can be in a clause (in the middle of the textual sentence) or it can be in a citation sentence of its own. *For your work in this class, please place all of your citations in citation sentences after your textual sentences.*
* Signals are a useful tool to indicate a relationship between the source and the proposition you state. See B1.2. However, “no signal” is the most useful signal for this class, because most sources we cite will directly support the proposition in our textual sentences.
* Explanatory Parentheticals are another useful tool to offer additional information about a source. See B1.3 & R1.5. In this class, however, at least for the first few writing assignments, I ask that you discuss precedent cases in textual sentences and *not* in explanatory parentheticals.
* Parallel Citations are citations that show the reader multiple reporters in which the reader can find the same case. The Bluebook instructs us *not* to use parallel citations unless local court rules instruct practitioners to use them. See R10.3. Because we follow the Bluebook rules in this class (and not local court rules), you should not use parallel citations. Therefore, if you find a case which multiple reporters publish, select the appropriate reporter for your citation by consulting T1 for that jurisdiction.

**Additional Information: New York Specific Rules[[28]](#footnote-28)**

For purposes of this class, we always follow the rules in the Bluebook. However, if you one day practice in state court in New York, you will likely find that many practitioners and indeed many courts do not! Below are a few noteworthy points of distinction, which you may find useful in the future:

Citing to the New York Court of Appeals (NY’s Highest Court)

The BB T1.3 instructs practitioners to cite to the North Eastern Reporter. New York practitioners often cite to the New York Reports, thereby obviating the need to include the jurisdiction in the parenthesis.

*Correct citation according to the BB*: *Kassis v. Teacher’s Ins. & Annuity Ass’n*, 717 N.E.2d 674 (N.Y. 1999).

*Common citation among NY practitioners*: *Kasses v. Teacher’s Ins. & Annuity Ass’n*, 93 N.Y.2d 611 (1999).

Citing to the Appellate Division of the Supreme Court (NY’s Intermediate Courts)

BB T1.3 instructs practitioners to cite to West’s New York Supplement. New York practitioners, however, often cite to the Appellate Division Reports, as this is the official publication for the Appellate Division.

Further, while BB R10.4(b) instructs that practitioners omit the department or district of a state court in citing decisions of lower state courts, New York practitioners always note the Appellate Division departments, because trial courts in New York are bound by a decision of the Appellate Division within the department within which the court sits, but not by contrary decisions in another department. Further, and contrary to the BB, New York practitioners do not indicate the N.Y. Appellate Division in the parenthetical. Instead, they merely indicate the department using the following abbreviations: 1st Dep’t; 2d Dep’t; 3d Dep’t; 4th Dep’t.

*Correct citation according to BB*: *Milea v. Ames Dep’t Store, Inc.*, 632 N.Y.S.2d 363 (App. Div. 1995). [[29]](#footnote-29)

*Common among NY practitioners*: *Milea v. Ames Dep’t Store, Inc.*, 219 A.D.2d 798 (4th Dep’t 1995).

Citing to the Supreme Court of the State of New York (NY’s Trial Courts)

The BB T1.3 instructs practitioners to cite to West’s New York Supplements when citing to “other lower courts,” including the New York Supreme Court. New York practitioners, however, generally cite to the New York Miscellaneous Reports instead.

Further, while BB R10.4(b) instructs that practitioners omit the department or district of a state court in citing decisions of lower state courts, New York practitioners do include the county of the trial court, including the New York Supreme Court (the trial court of general jurisdiction).

*Correct citation according to BB*: *Green v. DeMarco*, 812 N.Y.S.2d 772 (Sup. Ct. 2005).[[30]](#footnote-30)

*Common among NY practitioners*: *Green v. DeMarco*, 11 Misc. 3d 451 (Sup. Ct. Monroe Cnty. 2005).

***Research 101 Handout – Please refer to this for the Library Research Video***

Joe Sixpack attended a raucous party at his friend’s Hofstra University campus apartment last week. Hofstra University is a private school. Joe rode his bicycle to and from the party. After the party, Joe was biking his way back to his campus dorm room when he was pulled over by county police on one of the streets around campus. The police stopped Joe because he appeared to be driving erratically on his bicycle. The police administered a breathalyzer test and found that he exceeded the legal limit for the blood alcohol level while driving in New York. Joe was arrested, and his bicycle was impounded. (NOTE: At this time, we will not research issues related to the legality of the breathalyzer test and results.)

You are clerking for an attorney in NY handling this case. She asks you to research the issue of whether Joe can be charged for driving his bicycle while intoxicated under New York law.

*Issue:*

*Under New York law, can a person be charged with driving while intoxicated (or another similar offense) where that person is riding a bicycle while intoxicated?*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Essential Elements of the Research Process**

1. Frame the question(s) and develop search terms.
2. Identify, prioritize, and consult relevant sources.
3. Make sure your research is responsive to the question(s) presented.
4. Expand and update your research.
5. Know when to stop.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Framing Issue and Developing Search Terms**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Who** | **What** | **When** | **Where** | **Why** | **Other?/ Legal Theory** |
|  |  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Things** | **Actions** | **Relief** | **Persons** | **Other?** |
|  |  |  |  |  |

**-------------------------------------------------------------------------------------------------------------------------------**

3. Update and validate your research by using Shepard’s or KeyCite. These tools can also help you expand your research.

2. Examine primary authority, looking for controlling authority in your jurisdiction.

1. Build your foundation with legal encyclopedias, law review articles, treatises, ALR annotations, Restatements, and practice aids.

**Smart Folks Take Notes**





P83#yIS1

Use the right tools:

* Understand the sources – difference between Secondary and Primary sources ; Understand the roles of statutes, case opinions and regulations
* Beware of AI – use *very* cautiously and **not until you understand the sources**
* Google it! (just don’t stop there)
* Wikipedia is not your enemy (unless you rely on it blindly or cite to it). Learn terminology and explore the footnotes.
* Find out how the online databases available to you are billed (then make smart decisions for using them)
* Cornell’s Legal Information Institute (LII) (both free and awesome) <http://www.law.cornell.edu/>
* Are there other free state or federal research resources available? (Cornell’s LII can help you find out)
* Check for signs of intelligent (carbon-based) life (find people around you with good information and ask questions)

Questions? – ask them!

1. If you have any problems registering, please contact a reference librarian [↑](#footnote-ref-1)
2. Our Westlaw Rep contact is: estee.waxman@thomsonreuters.com. [↑](#footnote-ref-2)
3. Our LexisNexis Rep contact is: Kacey.Murphy@lexisnexis.com. [↑](#footnote-ref-3)
4. If any student is unable to attend this class due to a religious observance, please let me know and I will provide a recording of the class and excuse the absence. [↑](#footnote-ref-4)
5. In assignments I grade with a check system, I may also award a grade of √ -/√ or √/√+. [↑](#footnote-ref-5)
6. Class participation will factor into your professionalism grade. Professional behavior includes, but is not limited to: attending all classes and arriving on time; preparing for and participating in class; preparing for individual conferences; completing all written assignments in a timely and diligent fashion; and timely attending research training classes. [↑](#footnote-ref-6)
7. For other policies, including those relating to: Academic Dishonesty; Student Access Services; Deadlines and Grading Policies; Absences for Religious Observance; Discrimination, Harassment, Sexual Misconduct: <https://www.hofstra.edu/about/administration/provost/provost-hofstra-policies.html> [↑](#footnote-ref-7)
8. You may follow this layout, but see the formatting rules in the syllabus (double spaced, font size 12 / Times New Roman, etc) [↑](#footnote-ref-8)
9. Do not use proper nouns in the Question Presented. Instead, use helpful, common nouns that signify meaningful relationships. Ex: driver, police officer, landlord, tenant, victim, perpetrator, owner etc. (Plaintiff/Defendant is rarely helpful.)

   *Note: you may also see “Question Presented” referred to as “Issue.” I prefer to call it the Question Presented.* [↑](#footnote-ref-9)
10. Be very careful not to confuse facts with conclusions or assumptions. Your facts should come directly from the assigning memo. [↑](#footnote-ref-10)
11. No paragraph should ever exceed 2/3 of a page. Every paragraph should start with a helpful, clear Topic Sentence. [↑](#footnote-ref-11)
12. **Note that if any issue within a paradigm is one that you will subdivide into sub-issues, then you would start that paradigm with its own thesis paragraph, to introduce the sub-issues that will arise within the paradigm.** [↑](#footnote-ref-12)
13. A few notes about writing your rule explanation. First, remember that these are events that already happened. Therefore, you should always write about them in the past tense. Second, you should never use proper nouns in the rule explanation. The names of parties in other cases are not relevant and it will be burdensome for the reader to have to keep track of who each person is. Instead, use helpful common nouns that signify relationships and help the reader understand the significance of each person’s role. Ex: driver, police officer, landlord, tenant, victim, perpetrator, owner etc. (Plaintiff/Defendant is rarely helpful.)

    When presenting cases in the rule explanation, think about what the reader needs to know to understand how the rule operates on facts. You should write them with an eye towards how you will be analyzing the facts of our case in the rule analysis. [↑](#footnote-ref-13)
14. It is critical here to recognize what is a legally relevant fact and what is not. Who sued whom is not legally relevant. Procedural history is not legally relevant. The parties’ arguments or requests of the court are not legally relevant. A fact is only legally relevant if it moves the dial on how a court decides the issue. [↑](#footnote-ref-14)
15. Notice that you do not include the issue (the reader can safely assume that, if you are talking about the case in this paradigm, then the case dealt with the same issue you are discussing) nor do you present the rule (you already did that in the rule synthesis – here you are just showing how that rule applies in the real world, to a specific set of facts). [↑](#footnote-ref-15)
16. *Note: you may also see “rule analysis” referred to as “rule application*.*”* [↑](#footnote-ref-16)
17. There are many rules in the Bluebook and it is not my intention to cover all of them. What we learn in class and through these exercises will be sufficient for this course. If you are interested in further practice or additional topics, you may want to consider a resource such as the “Interactive Citation Workbook for the Bluebook.” [↑](#footnote-ref-17)
18. T1-16 are the tables in the back of the white pages of the Bluebook. You will also find that there are tables at the end of the blue pages of the Bluebook – BT1-BT2 – which have some court and jurisdiction-specific information. We will not be using the blue pages tables in this class. [↑](#footnote-ref-18)
19. Note that blue pages and white pages do not conflict – often you may start with one and look to the other. [↑](#footnote-ref-19)
20. “Published cases” refer to cases that are published (printed) in a reporter (which is a book). [↑](#footnote-ref-20)
21. An “ordinal” is a number that defines a position (first, second, third, etc). Compared to a “cardinal” number that just gives a quantity (one, two, three, etc). [↑](#footnote-ref-21)
22. Note that the citations in these exercises frequently are not citations to real cases. [↑](#footnote-ref-22)
23. An older version of the Bluebook limited the number of times you could use id. in a row to five. The updated edition of the bluebook does not have any such limit. [↑](#footnote-ref-23)
24. You will notice that the white pages utilize large and small caps for statutes. The blue pages, however, instruct you to use normal typefaces. Therefore, do not use small caps for statutes or for any other citations in this class. [↑](#footnote-ref-24)
25. See also R12.5(a) – in some cases you will also need additional parenthetical information. For purposes of this class, you may use just the identifier (West) or (Lexis), as listed in R12.1. [↑](#footnote-ref-25)
26. Rules for inclusion of years change if you are citing to material in the supplement (this is an annual update meant to keep the Code up to date between publications, which only occur every six years). See R12.3.2. [↑](#footnote-ref-26)
27. Immediately beneath is a list of “subjects,” e.g., Eminent Domain Procedure – Em. Dom. Proc.; and Financial Services – Fin. Serv. [↑](#footnote-ref-27)
28. Special thanks to Nicole Case, TA extraordinaire, 2022. [↑](#footnote-ref-28)
29. App. Div. and not N.Y. App. Div. because the reporter, N.Y.S.2d, unambiguously conveys the ct is in NY. [↑](#footnote-ref-29)
30. Sup. Ct. and not N.Y. Sup. Ct. because the reporter, N.Y.S.2d, unambiguously conveys the ct is in NY. [↑](#footnote-ref-30)