

**STUDENT WARNING:** This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

## American Public University System

*The Ultimate Advantage is an Educated Mind*

### School of Public Service and Health

#### Masters of Legal Studies Program

Course Number: LSTD 505

Course Name: Methods of Legal Research and Writing II

Credit Hours: 3

Length of Course: 8 Weeks

Prerequisite: LSTD 504

### Table of Contents

<a href="#">Instructor Information</a>	<a href="#">Evaluation Procedures</a>
<a href="#">Course Description</a>	<a href="#">Grading Scale</a>
<a href="#">Course Scope</a>	<a href="#">Course Outline</a>
<a href="#">Course Objectives</a>	<a href="#">Policies</a>
<a href="#">Course Delivery Method</a>	<a href="#">Academic Services</a>
<a href="#">Course Materials</a>	<a href="#">Selected Bibliography</a>

### Instructor Information

**Instructor:** See information provided in the Syllabus link in the classroom

**Email:** Please use internal classroom messaging system

[Table of Contents](#)

## Course Description (Catalog)

### **Methods of Legal Research and Writing II**

Part two of a two-part intensive legal writing program designed to develop students' research and writing skills. Students will further develop their research, legal analytical, and writing, with emphasis on logical reasoning and clear, concise, and convincing writing. Students will complete several legal writing assignments, which will synthesize research, analytical, and technical writing skills. Prerequisite: Methods of Legal Research and Writing I.

[Table of Contents](#)

## Course Scope

The purpose and scope of this course is to provide non-lawyer professionals enrolled in the Masters of Legal Studies Program with additional skills and knowledge necessary to identify, understand, and respond to the legal issues they are likely to encounter in a legal setting. Students will complete a number of practical exercises requiring effective research, citation, and writing skills. Students will build on the knowledge and skills learned in Methods of Legal Research and Writing I, learn how to more effectively office memoranda, client letters, and motions, in addition to drafting appellate briefs. Students will also gain further expertise in rhetoric and persuasive writing and will practice appropriately tailoring an argument for different audiences.

[Table of Contents](#)

## Course Objectives

After completing this course, you will be able to:

- Dissect complex factual / legal issues, applying the basics of legal reasoning and analysis
- Devise and execute a sound, efficient, cost effective research plan for the factual / legal issue(s) presented
- Analyze the applicability of legal research results to the factual / legal issue(s) presented
- Assess the relative merits of various legal positions on the factual / legal issue(s), using advanced legal and logical reasoning, identifying key factual questions requiring investigation and anticipating / appraising various branches and sequels likely to flow from further investigation

- Construct convincing arguments, synthesizing research results, legal reasoning and analysis, and applying them to the factual / legal issue(s) presented
- Write professional, technically correct, clear, and concise legal memoranda, briefs, motions, and letters appropriate to the audience that are error free with correct Bluebook citations

[Table of Contents](#)

### Course Delivery Method

This course delivered via distance learning will enable students to complete academic work in a flexible manner, completely online. Course materials and access to an online learning management system will be made available to each student. Online assignments are due by Sunday evening of the week as noted and include Forum questions (accomplished in groups through a threaded forum), examination, and individual assignments submitted for review by the Faculty Member). Assigned faculty will support the students throughout this eight-week course.

[Table of Contents](#)

### Course Resources

#### Required Course Textbooks:

William H. Putman, Legal Research, Analysis, and Writing, (2d ed. 2004).

The Bluebook: A Uniform System of Citation, (Columbia Law Review Ass'n et al. eds., 19th ed. 2010).

**Required Readings:** You will find these in the weekly assignments.

**Additional Resources:** You will find these in the weekly assignments.

#### Web Sites:

In addition to the required course texts, the following public domain web sites are useful. Please abide by the university's academic honesty policy when using Internet sources as well. Note web site addresses are subject to change.

Site Name	Web Site URL/Address
Findlaw	<a href="http://www.findlaw.com">http://www.findlaw.com</a>
Cornell Legal Information Institute	<a href="http://www.law.cornell.edu">http://www.law.cornell.edu</a>
Basic Outlining (from the John Jay College of Criminal Justice)	<a href="#">Basic Outlining</a>
Library of Congress	<a href="http://thomas.loc.gov/home/thomas.php">http://thomas.loc.gov/home/thomas.php</a>
United Nations	<a href="http://www.un.org/en/">http://www.un.org/en/</a>

[Table of Contents](#)**Evaluation Procedures**

**Reading Assignments:** The readings from the text and other sources are geared to help students complete their written assignments and answer discussion forum questions. Students who do not complete the required readings will not be able to successfully complete the written assignments.

**Supplemental Readings:** Students will be required to find supplemental readings using LexisNexis. These readings will also help the students complete their written assignments and answer their discussion forum questions.

**Forum Assignments:** Forum assignments will compliment the written assignments each week. In the forums, students must post a primary submission that is at least 500 words in length, and must also submit at least two responses to classmates' posts. These responses must be at least 300 words long. Students must also respond to any follow-up questions posed by the faculty member. These responses do not count as responses to classmates. Students must give credit to their sources using Bluebook format. Forum submissions will be graded based upon content, writing mechanics, proper Bluebook citation and ability to follow instructions / timeliness.

**Homework Assignments:** Written homework assignments will be graded based upon content, writing mechanics, proper Bluebook citation and ability to follow instructions / timeliness.

**Quizzes:** There are no exams in this course. The quizzes will be graded based upon technical correctness of answers given.

<u>Grade Instruments</u>	<u>Points Possible</u>	<u>% of Final Grade</u>
Assignment 1	5	5%
Assignment 2	5	5%
Bluebook Quizzes	10	10%
Assignment 3	10	10%
Assignment 4	11.67	11.67%
Assignment 5	5	5%
Assignment 6	11.67	11.67%
Assignment 7	11.67	11.67%
Assignment 8 Appellate Brief	15	15%
Book Review	15	15%

[Table of Contents](#)

## Course Outline

Please see the [Student Handbook](#) to reference the University's [grading scale](#).

### [Table of Contents](#)

Week	Reading	Learning Objectives	Assignment
1	<p>Read Chapters 10, 13, and 14 in the Putman text and review the slides that go with them – you can find them in the Week 1 Packet.</p> <p>Read Guidance regarding Book Review assignment due final week of class.</p>	<p>A. Understand appropriate approaches / tone for arguments presented to different audiences</p> <p>B. Demonstrate logical, effective writing technique</p> <p>C. Understand difference between predictive and persuasive writing</p>	<p>Answer Forum Questions.</p> <p>Turn in name of book you will read for the book review.</p> <p>See Assignment 1 for details.</p>
2	<p>Find and read 3 articles on legal writing. Details are in the assignments section of the classroom.</p>	<p>A. Understand appropriate approaches / tone for arguments presented to different audiences</p> <p>B. Demonstrate logical, effective writing technique</p> <p>C. Understand difference between predictive and persuasive writing</p> <p>D. Understand rhetoric counterargument and their applicability to legal writing</p>	<p>Answer Forum Questions</p> <p>Complete 2 Computer Assisted Legal Instruction (CALI) lessons. Links are in the assignment section of the classroom.</p> <p>Complete Assignment 9 found on page 410 of text.</p> <p>Take Bluebook Quiz 1</p> <p>See Assignment 2 for details.</p>
3	<p>1. Read Chapter 15 and review Chapters 16 and 17 in the Putman text, and</p>	<p>A. Demonstrate effective use of predictive writing model to draft office memorandum.</p>	<p>Participate in Discussion Forum.</p>

	<p>review the slides that to with them – you can find them in the Week 3 Packet.</p> <p>2. Find and read 3 articles on legal writing. Details are in the assignments section of the classroom.</p>	<p>B. Demonstrate ability to write analogically in office memorandum</p> <p>C. Demonstrate improved ability to draft office memorandum.</p>	<p>Complete CALI lesson. Link is in the assignment section of the classroom.</p> <p>Draft Office Memorandum. See Assignment 3 for details.</p>
<b>4</b>	<p>Find and read 8 articles on legal research and writing. Details are in the assignments section of the classroom.</p>	<p>A. Demonstrate improved ability to write an effective office memorandum</p> <p>B. Demonstrate general analytical skills</p> <p>C. Demonstrate effective writing skills and style</p> <p>D. Differentiate between predictive and persuasive writing</p>	<p>Participate in Discussion Forum</p> <p>Complete CALI lesson. Link is in the assignment section of the classroom.</p> <p>Draft second Office Memorandum</p> <p>Draft argument that the evidence discussed in the Office Memo should be suppressed, or, in the alternative, that it should be admitted in to evidence at trial.</p> <p>See Assignment 4 for details.</p>
<b>5</b>	<p>1. Find and read 4 articles on legal research and writing. Details are in the assignments section of the classroom.</p> <p>2. Read Chapter 18 and review Chapter 19 in the Putman text and review the corresponding lecture notes / slides that can be found in your Week 5 Lesson in the classroom.</p>	<p>A. Demonstrate effective research and citation technique</p> <p>B. Demonstrate ability to spot dispositive issues in case law and apply the case law to the facts of the case at bar</p> <p>C. Demonstrate effective argument construction appropriate for the audience.</p> <p>D. Demonstrate effective writing skills and style.</p> <p>E. Understand appropriate use and</p>	<p>Participate in Forum Discussion.</p> <p>Turn in Book Review detailed outline.</p> <p>See Assignment 5 for details.</p>

	<p>3. Review Bluebook inside front cover, Introduction, and Rules 1 through 4 regarding academic citation.</p> <p>4. Read 2012 Capstone Manual in Week 5 Lesson, and watch YouTube video on Masters Thesis.</p>	<p>potential dangers of email in a legal environment.</p> <p>F. Understand the basic Masters Thesis requirements</p>	
<b>6</b>	<p>1. Find and read 4 articles on legal research and writing. Details are in the assignments section of the classroom.</p> <p>2. Review lecture notes / slides in Week 6 Lesson in classroom.</p>	<p>A. Demonstrate effective research and citation technique</p> <p>B. Demonstrate ability to spot dispositive issues in case law and apply the case law to the facts of the case at bar</p> <p>C. Demonstrate effective argument construction appropriate for the audience.</p> <p>D. Demonstrate effective writing skills and style.</p> <p>E. Demonstrate ability to write effective trial court brief</p>	<p>Prepare a trial court brief – see Assignment 7 in your Putman text (found on page 550).</p> <p>See Assignment 6 for details.</p>
<b>7</b>	<p>1. Find and read 5 articles on legal research and writing. Details are in the assignments section of the classroom.</p> <p>2. Review lecture notes / slides in Week 7 Lesson in classroom.</p>	<p>A. Demonstrate facility with persuasive writing.</p> <p>B. Demonstrate understanding of rhetoric and its value within the context of legal writing</p> <p>C. Demonstrate effective argument construction appropriate for the audience</p> <p>D. Understand, within the context of a case, which decisions properly fall to the attorney and which fall to the client</p>	<p>Turn in Book Review Draft.</p> <p>See “Assignment 7” for details.</p>

<b>8</b>	<b>FINAL ASSIGNMENT</b>	<p>1. Your final assignment will test everything you have learned over the past 7 weeks. You will be required to do legal research, use the Blue Book to properly cite your sources, and you will write an appellate brief. You have no time limit on this assignment.</p>	<p>Turn in Book Review</p> <p>Turn in Appellate Brief</p> <p>See Assignment 8 Appellate Brief and Book Review Assignment for details.</p> <p>(NO FINAL EXAM)</p>
----------	-----------------------------	--	--

[Table of Contents](#)

[Table of Contents](#)

## **Policies**

Please see the [Student Handbook](#) to reference all University policies. Quick links to frequently asked question about policies are listed below.

[Drop/Withdrawal Policy](#)

[Plagiarism Policy](#)

[Extension Process and Policy](#)

[Disability Accommodations](#)

## **Writing Expectations**

All written submissions should be submitted in the font and page set-up described below:

- Typewritten in **double-spaced format** with a readable style and font and submitted inside the electronic classroom (unless classroom access is not possible and other arrangements have been approved by the professor).
- Arial 11 or 12-point font or Times New Roman 11 or 12-point font styles.
- Page margins Top, Bottom, Left Side and Right Side = 1 inch, with reasonable accommodation being made for special situations and online submission variances. Documents should only be left justified.

## **Citation and Reference Style**

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 19th ed. 2010).

This book is a required text for this class. Additionally, students may refer to the APUS Bluebook Citation Guide, which is in the Week 1 Lesson.

### **Late Assignments**

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals I understand you must manage competing demands on your time. Should you need additional time to complete an assignment please contact me before the due date so we can discuss the situation and determine an acceptable resolution. Routine submission of late assignments is unacceptable and may result in points deducted from your final course grade.

### **Netiquette**

Online universities promote the advance of knowledge through positive and constructive debate--both inside and outside the classroom. Discussions on the Internet, however, can occasionally degenerate into needless insults and "flaming." Such activity and the loss of good manners are not acceptable in a university setting--basic academic rules of good behavior and proper "Netiquette" must persist. Remember that you are in a place for the fun and excitement of learning that does not include descent to personal attacks, or student attempts to stifle the discussion of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Educator classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and--especially--satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add "emoticons" to help alert your readers: ;-), :), ☺

### **Disclaimer Statement**

Course content may vary from the outline to meet the needs of this particular group.

[Table of Contents](#)

**Online Library**

**ONLINE LIBRARY RESEARCH CENTER & LEARNING RESOURCES**

The Online Library Resource Center is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Center provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to [librarian@apus.edu](mailto:librarian@apus.edu).

- **Charles Town Library and Inter Library Loan:** The University maintains a special library with a limited number of supporting volumes, collection of our professors' publication, and services to search and borrow research books and articles from other libraries.
- **Electronic Books:** You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.
- **Electronic Journals:** The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.
- **Tutor.com:** AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](http://tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

Request a Library Guide for your course (<http://apus.libguides.com/index.php>)

The AMU/APU Library Guides provide access to collections of trusted sites on the Open Web and licensed resources on the Deep Web. These are specially tailored for academic research at APUS:

- Program Portals contain topical and methodological resources to help launch general research in the degree program. To locate, search by department name or navigate by school.
- Course Lib-Guides narrow the focus to relevant resources for the corresponding course. To locate, search by class code (e.g., SOCI111) or class name.

If a guide you need isn't available yet, let us know by emailing the APUS Library:

[librarian@apus.edu](mailto:librarian@apus.edu)

[Table of Contents](#)

### Turnitin.com

**Turnitin.com** is a web-based [plagiarism](#) prevention application licensed, for campus use, through the APUS Online Library. The quick submit option lets faculty upload and check suspicious papers, without requiring student to create their own Turnitin.com profiles.

Turnitin.com analyzes electronic submissions of student writing, compares them to the contents of a huge online database, and generates a customized Originality Report. The database used to produce this analysis contains a massive collection of documents available on the Internet from both free and commercial sources, as well as the full texts of all other papers that have been previously submitted to Turnitin.com.

Similarity index is based on the amount of matching text to a submitted paper:

Blue =	no matching text
Green =	one word to 24% matching
Yellow =	25 -49% matching text
Orange =	50-74% matching text
Red =	75-100% matching text

### Selected Bibliography

Association of Legal Writing Professors and Dickerson, Darby, ALWD Citation Manual: A Professional System of Citation, (2d ed., Aspen Publishers 2002).

Corbett, Edward P. J. and Connors, Robert J., Classical Rhetoric for the Modern Student, (4<sup>th</sup> ed., Oxford U. Press).

Enquist Anne and Oates, Laurel, You've Sent Mail: Ten Tips to Take With You to Practice, 15 Persps. 127 (Winter 2007).

Frost, Michael H., Introduction to Classical Legal Rhetoric: A Lost Heritage, 8 S. Cal. Interdisc. L.J. 613 (1999).

Frost, Michael H., Ethos, Pathos, and Legal Audience, 99 Dick. L. Rev. 85 (1994).

Frost, Michael, Brief Rhetoric – A Note on Classical and Modern Theories of Forensic Discourse, 38 U. Kan L. Rev. 411 (1990).

Hartung, Stephanie R. and George, Shailini J., Promoting In-Depth Analysis: A Three-Part Approach to Teaching Analogical Reasoning To Novice Legal Writers, 39 Cumb. L. Rev. 685 (2008/2009).

The Bluebook: A Uniform System of Citation, (19th ed. Harvard Law Review Association 2005).

Kimble, Joseph, A Crack at Federal Drafting, 10 Scribes J. Leg. Writing 67 (2005-2006).

Lee, David L., Summary Judgment: The Intersection of Legal Writing and Trial Practice, 12 CBA Rec. 16 (Apr 1998).

McCloskey, Susan, Rhetoric is Part of the Lawyer's Craft, 74 Dec. N.Y. St. B.J. 8 (2002).

Ray, Mary Barnard and Cox, Barbara J., Beyond the Basics: A Text for Advanced Legal Writing (2d ed., Thomson West 2003).

Schiess, Wayne, Writing for Your Audience: The Client, 81 Mich. B.J. 50 (June 2002).

Schmedemann, Deborah A. and Kunz, Christina L., Synthesis: Legal Reading, Reasoning, and Writing (3d ed., Aspen Publishers 2007).

Slocum, Robin S. Wellford, Legal Reasoning, Writing, and Persuasive Argument (2d ed., LexisNexis 2006).

Smith, Michael R., Rhetoric Theory and Legal Writing: An Annotated Bibliography, Journal of the Association of Legal Writing Directors, vol. 3, Fall 2006.

Teitcher, Carrie W., Legal Writing Beyond Memos and Briefs: An Annotated Bibliography, Journal of the Association of Legal Writing Directors, vol. 5, Fall 2008.

Thornburg, Elizabeth G., Metaphors Matter: How Images of Battle, Sports, and Sex Shape the Adversary System, 10 Wis. Women's L.J. 225 (1995).