

Legal Research and Analysis
POLS 3993
Spring 2013

PROFESSOR	Eve M. Ringsmuth
OFFICE	204 Murray Hall
OFFICE HOURS	Tuesdays and Thursdays (12-2pm)
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LOCATION	North Classroom Building 213
TIME	T-Th 10:30-11:45am

Course Description

In addition to covering practical legal research skills, this course will examine the legal system and the role the law plays in judicial decision making and the judiciary more broadly. The two primary purposes of this course are to introduce you to legal research concepts and to equip you with tools for analyzing the law and legal system. More specifically, topics we will focus on include briefing, citation, accessing cases, shepardizing cases, law reviews, as well as understanding political science research on the legal system.

Expectations for Student Conduct and Coursework

I expect all students to attend class prepared to participate in any class discussion. Since many law school classes operate using the Socratic method, portions of this class will simulate this environment. During these periods students will be called on to provide information or arguments from readings. Class discussions are expected to be civil, rational, and respectful of the opinions of others. Class attendance is vital to your success in this course. You will be held responsible for all material in the textbooks and in lectures, even if you miss a class. All activities at Oklahoma State University, including this course, are governed by the OSU Student Conduct Code. Inappropriate classroom behaviors include but are not limited to reading the newspaper, cell phones ringing, texting, not paying attention to class activities, arriving late, and leaving early. Students who engage in behavior that disrupts the learning environment for others may be subject to disciplinary action under the Code. In addition, students responsible for such behavior may be asked to cancel their registration, or have their registration cancelled. Furthermore, OSU values the diversity of backgrounds, opinions, and values of its students and strives to promote a respectful learning environment. See the following link for more information: (<http://www.okstate.edu/ucs/SCEA/srr.htm>). Sexual harassment is strictly prohibited by Oklahoma State University and will not be tolerated. For more information about the definition of and policies regarding sexual harassment, see the following link. (<http://www.okstate.edu/ucs/SCEA/genderdiscrimination.htm>)

The nature of this class requires students to spend a considerable amount of time on coursework outside of class. This includes time using Low Library's legal reference collection for assignments as well as time reading sometimes lengthy and dense law review and journal articles. If you are not willing or able to spend this time outside of class then you are unlikely to succeed in this course.

Required Texts

Cohen, Morris and Kent Olson. 2010. *Legal Research in a Nutshell*. 10th Edition. St. Paul, MN: Thompson/West.

Gifis, Steven, Editor. 2010. *Barron's Law Dictionary*. 6th Edition. Hauppauge, NY: Barron's.

Larsen, Sonja and John Bourdeau. 1997. *Legal Research for Beginners*. Hauppauge, NY: Barron's.

* Note there will be other assigned readings available online from the course website on D2L or other online sources.

Course Requirements

Exam 1 – 30% Exam will be taken in class in the regular classroom. The format of the exam will be discussed as the date approaches.

EXAM 1 DATE: Feb 21, 2013.

Exam 2 – 30% Exam will be taken in class in the regular classroom. The format of the exam will be discussed as the date approaches.

EXAM 2 DATE: April 18, 2013.

Assignments – 35% You will be expected to complete 7 research assignments, as well as case briefs. All assignments and briefs are due at the beginning of class. Assignment instructions and details will be provided as the course progresses.

Presentation – 5% Using your knowledge and experience gained in the course, you will make a presentation regarding a political science journal article or law review article from a list provided. Attendance will be taken on presentation days and will factor into your presentation grade. More details to follow.

Communication

Professor Availability

I encourage students to take advantage of my office hours. If you would like to speak with me outside of class time, you are welcome to stop by my office during regularly scheduled office hours. Prior to assignment due dates which require library research, I will do my best to hold a portion of my office hours in Low Library on the 1st floor near the temporary location of the legal collection. If you are unable to meet during office hours, contact me via email or after class to set up an alternate time to meet. Email is the best way to reach me, and I will do my best to respond in a timely manner (generally 24-48 hours). You will need to start assignments prior to the day before the due date and contact me with any questions as soon as possible. As such, please be aware that

you may not receive a response in time to email questions about assignments sent very near the due date (e.g., leaving only one full weekday before the due date). Emailing two or more weekdays prior to an assignment due date will dramatically increase your chances of receiving a response before the due date.

Course Announcements and Updates

I will frequently communicate with students via University email or D2L regarding assignments, schedule changes, or other course matters. Please ensure that you check your University email account and D2L regularly or that your email is forwarded to an account that you check regularly.

Policies for Assignments and Grading

“Incompletes” will only be given in this course under exceptional circumstances and are solely at the discretion of the professor. All assignments are due at the BEGINNING of class and will be counted as late if turned in any time after that. Any assignments turned in late will lose one letter grade per each school day late. Assignments turned in later than one week after the due date will not be accepted without special authorization from the professor. No extra credit will be offered. Assignments and exams may be submitted only once.

As a general rule, make-ups for exams or other course requirements will not be given. Students who must miss exams or other required deadlines because of scheduled activities of an official University student organization, a religious holiday, or a verifiable illness must contact the professor IN ADVANCE of the absence so that alternative arrangements can be made. Please be prepared to provide documentation of an illness or reason for missing a quiz, assignment, or exam. The format of the make-up may, at my discretion, differ from the in-class format.

You are responsible for keeping a copy of all written assignments and exams for the course. You are also responsible for keeping copies of the assignments and exams once they are handed back. Sometimes errors do happen, and a grade may not be recorded for you. If this happens you must be able to produce the GRADED paper or exam to verify that the assignment/exam was completed and that the grade is correct.

Grading Scale

A=90-100
B=80-89.9
C=70-79.9
D=60-69.9
F=0-59.9

Grade Appeals

If you think your exam, assignment, or any class requirement has been graded improperly you may appeal the grade to the professor. However, please note that final course grades are not

negotiable under any circumstances. The appeals process for exams, assignments, or any other class requirements for which you received a grade works as follows:

- All grade appeals must be in *writing* and explain in detail where you think an error was made
- Appeals cannot be submitted before 24 hours have passed from the time you receive the grade
- Appeals must be submitted before 7 days have passed from the time in which you receive the grade
- The professor reserves the right to raise, lower, or leave your grade unchanged as part of the appeal process

Research Assignments

As stated above, this course requires you to conduct research at the Oklahoma State University library and to use the University's electronic resources such as LexisNexis. Some of the materials necessary to complete assignments are only available in person in the legal reference area on the 1st floor of Low Library. Reference librarians who are familiar with the collections you will be using are available weekdays from 8 am to 5 pm on the 5th floor. Other reference librarians are available after hours on the 1st floor but they may be from other areas of the library and thus unfamiliar with the materials you will need to access. For best results, plan to conduct your library research on weekdays from 8 am to 5 pm. If one of the books you need is missing, locate a reference librarian for assistance, ask him or her to make a note about the missing book if he or she cannot locate it *and* notify the professor immediately for alternative instructions. It is your responsibility to access the required materials in advance and to obtain an alternative task from the professor should the need arise. Failure to follow these instructions may result in receiving a 0 on the questions left unanswered on the assignment. In order to assist you with questions on assignments, I will do my best to hold a portion of my office hours in Low Library on the 5th floor near the reference desk prior to assignment due dates which require library research. I will make announcements about these days as they approach.

Academic Integrity

Academic dishonesty is broadly defined as submitting work that is not your own without attribution, and is not acceptable in this or any other academic course. This also includes copying portions or all of assignments and collaborating on assignments without the expressed permission of the professor. Any willful violations of the University's academic integrity standards will result in serious consequences such as receiving 0 for the assignment, exam, or course. In cases of violations of the academic integrity policy, I reserve the right to determine whether the case warrants a penalty on the assignment that is less severe than a 0 on the assignment. Such penalties may include, but are not limited to, a deduction of points from the assignment (up to a 0 on the assignment), and/or the completion of an additional assignment. I will make this determination based on the extent of the academic dishonesty on a case-by-case basis. If I determine that the academic dishonesty warrants a stronger response, I will adhere to the procedures detailed in Oklahoma State University's academic integrity policy. Either when determining the extent of any academic dishonesty, any resulting penalty, or whether to follow Oklahoma State University's

academic integrity policy, the initial determination is strictly my own. I will meet with the student to discuss any case of an academic integrity violation, and the student may indicate at this meeting if he or she prefers to follow the procedures detailed in Oklahoma State University's academic integrity policy. Please consult the University's standards regarding academic integrity and the resulting sanctions (at <http://academicintegrity.okstate.edu>).

Student Disabilities

Any student with a documented disability condition (e.g. physical, learning, psychiatric, systemic, vision, hearing, etc.) who needs to arrange reasonable accommodations MUST formally request accommodations through Disability Services (405-744-7116) (<http://sds.okstate.edu/>) and speak with the instructor at the beginning of the semester.

Schedule of Topics and Reading Assignments

The speed at which we get through the outlined material below will depend on the dynamics of the class, and we may therefore deviate from the outline and the information on this syllabus may be modified by the professor. Students will be notified of any changes in advance of deadlines.

Introduction to the American Legal System

January 8: Course Introduction

January 10

- C&O pages 1-17
- L&B Chapter 1
- Law Dictionary: common law, civil law, jurisdiction

January 15

- Administrative Office of the Courts. 2003. "Understanding the Federal Courts."

Precedent and the American Legal System

January 17: Library Day – Meet on 5th floor of Low Library

- C&O pages 76-84 and 118-158

January 22

- Law Dictionary: stare decisis, precedent, dictum, holding, certiorari
- Read and BRING TO CLASS: Aldisert, Ruggero J. 1990. "Precedent: What It Is and What It Isn't; When Do We Kiss It and When Do We Kill It?" *Pepperdine Law Review* 17: 605-636.
- Read and BRING TO CLASS: Powell, Lewis F., Jr. 1990. "Stare Decisis and Judicial Restraint." *Washington and Lee Law Review* 47(2): 281-90.

January 24

- Read and BRING TO CLASS: Spriggs, James F., II and Thomas G. Hansford. 2002. “The U.S. Supreme Court’s Incorporation and Interpretation of Precedent.” *Law & Society Review* 36(1): 139-160.
- Read and BRING TO CLASS: Epstein, Lee, Barry Friedman, and Nancy Staudt. 2008. “On the Capacity of the Roberts Court to Generate Consequential Precedent.” *North Carolina Law Review* 86: 1299-1332.

Case Law, Judicial Opinions, and Case Briefs

January 29 - Wrap up Precedent/Introduction to Briefing

- Read and BRING TO CLASS: Spriggs, James F., II and Thomas G. Hansford. 2001. “Explaining the Overruling of U.S. Supreme Court Precedent.” *The Journal of Politics* 63(4): 1091-1111.
- L&B Chapter 5
- Epstein, Lee and Thomas G. Walker. 2001. *Constitutional Law for a Changing America*. Washington, D.C.: CQ Press. Pages 24-46.

January 31

- Read, brief, and BRING ALL CASES TO CLASS (for all days we discuss cases)
- *Marbury v. Madison*, 5 U.S. 137 (1803)
- Law Dictionary: judicial review, writ of mandamus
- *Martin v. Hunter’s Lessee*, 14 U.S. 304 (1816)

February 5

- *McCulloch v. Maryland*, 17 U.S. 316 (1819)
- Law Dictionary: implied powers
- *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983)

February 7

- *Korematsu v. United States*, 323 U.S. 214 (1944)
- *Youngstown Sheet and Tube v. Sawyer*, 343 U.S. 579 (1952)

February 12

- *Powell v. McCormack*, 395 U.S. 486 (1969)
- *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995)

February 14

- *Clinton v. City of New York*, 524 U.S. 417 (1998)

Looking Up Cases Online

February 19

- C&O pages 89-93

February 21

★ **Exam 1** ★

February 26 – Guest Lecture: Kelli Kelso

Shepardizing

February 28 and March 5

- C&O pages 108-110, 113-117
- L&B Chapter 6, pages 118-122
- Law Dictionary: affirm, reverse, vacate, remand

Statutory Law

March 7, 12 and 14

- Law Dictionary: statute
- L&B Chapter 7, pages 126-139
- C&O pages 159-164, 171-183, and 216-239

March 19 and 2

No class - Spring Break

Legislative History

March 26

- Law Dictionary: legislative history
- C&O pages 216- 239
- Read and BRING TO CLASS: Breyer, Stephen. 1992. “On the Uses of Legislative History in Interpreting Statutes.” *South Carolina Law Review* 65: 845-874.
- Read and BRING TO CLASS: Scalia, Antonin. 1998. *A Matter of Interpretation: Federal Courts and the Law*. Princeton, NJ: Princeton University Press. Selected pages.

Citations

March 28 and April 2

- Law Dictionary: citation

Digests and Secondary Sources

April 4 and 9

- C&O pages 93-108
- C&O Chapter 2 and pages 334-346

Contemporary Issues

April 11

International Law – Guest Lecture: Dr. Rudloff

April 16

- Read and BRING TO CLASS: Kirby, Michael. 2006. “International Law—The Impact on National Constitutions.” *American University International Law Review* 21: 327-364.
- Read and BRING TO CLASS: Dorsen, Norman. 2005. “The Relevance of Foreign Legal Materials in U.S. Constitutional Cases: A Conversation between Justice Antonin Scalia and Justice Stephen Breyer.” *International Journal of Constitutional Law* 3(4): 519-541.
- Read and BRING TO CLASS: Messitte, Peter J. 2005. “Citing Foreign Law in U.S. Courts: Is Our Sovereignty Really at Stake?” *University of Baltimore Law Review* 35: 171-184.

April 18

★ **Exam 2** ★

Presentations

April 23, 25, and April 30 (final exam period; 10-11:50 am)