

# PL-2401: LEGAL RESEARCH AND WRITING II

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## Cuyahoga Community College

**Viewing: PL-2401 : Legal Research and Writing II**

**Board of Trustees:**

May 2024

**Academic Term:**

Fall 2024

**Subject Code**

PL - Paralegal Studies

**Course Number:**

2401

**Title:**

Legal Research and Writing II

**Catalog Description:**

Advancement of skills learned in Legal Research & Writing I with advanced research assignments using Internet and computer resources for research of state and federal cases, codes, administrative regulations, factual information and secondary authorities. Assess legal problems and locate authority and law-related resources on the Internet. Utilize legal specialty Internet resources as well as Lexis Advance and/or Westlaw®. Revise and edit an appellate brief, using Ohio Citation format, proper grammatical rules, and standard appellate brief format.

**Credit Hour(s):**

3

**Lecture Hour(s):**

3

## Requisites

**Prerequisite and Corequisite**

PL-1401 Legal Research and Writing I; or departmental approval.

## Outcomes

**Course Outcome(s):**

Analyze and conceptualize legal issues, through organizing and prioritizing the most relevant facts provided.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Organize legal research through: 1) gathering facts; 2) organizing facts; 3) analyzing the legal dispute; 4) searching the law; 5) analyzing the law; 6) formulating, evaluating, and selecting legal theories; and 7) formulating, evaluating, selecting, and implementing strategies.
2. Choose the correct library, file, or database for assigned research, within Lexis and/or Westlaw.
3. Prepare and carry out a legal research plan; analyze and categorize key facts in a situation.

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**Course Outcome(s):**

Utilize computer assisted legal research databases, including Lexis and/or Westlaw, by finding and verifying primary and secondary law, focusing on practice areas and jurisdictions, as well as factual research obtained through computer sources.

**Essential Learning Outcome Mapping:**

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

**Objective(s):**

1. Verify the accuracy and validity of legal citations using Lexis and/or Westlaw (perform "cite-checking").
2. Explain the differences between various computer assisted legal research databases that are commonly used in law offices.
3. Identify websites which contain factual databases containing sources of information on jobs, people, property, current events, and other relevant information necessary to represent a client's interests.
4. Define the practice area of the legal analysis to be performed and the desired jurisdictions of research.
5. Formulate effective Boolean searches to obtain the optimal "on-point" results.
6. Utilize electronic sources of law to locate applicable statutes, administrative regulations, constitutional provisions, court cases and other primary source materials.
7. Utilize electronic sources of secondary authority to locate treatises, law review articles, legal encyclopedias, and other secondary source materials that help explain the law.
8. Read, evaluate and analyze electronic sources of law, and apply them to issues requiring legal analysis.

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**Course Outcome(s):**

Use guidelines from state and local procedural rules, Ohio state-level citation manual format, and rules of grammar in order to revise the citations, formatting, and grammar within an appellate brief.

**Essential Learning Outcome Mapping:**

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

**Objective(s):**

1. Explain and apply the Ohio Rules of Civil Procedure, local court rules, and the Ohio Rules of Appellate Procedure for post-trial preparation of an appeal.
2. Revise and edit an appellate brief that conveys legal theory in a clear and concise manner, based on provided facts and appropriate, effective, and correct usage of The Supreme Court of Ohio's Writing Manual and rules of grammar.

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**Course Outcome(s):**

Use standard formats for opinion letters and memoranda, legal research skills, and rules of grammar in order to draft common methods of written communication utilized in a law office.

**Essential Learning Outcome Mapping:**

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

**Objective(s):**

1. Perform a variety of short research activities, reporting the results clearly and professionally in memorandum format.
2. Use primary sources and opinion letter format in order to draft an opinion letter for usage by a supervising attorney.

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**Methods of Evaluation:**

1. Quizzes
2. Ohio Citation Format Assignment
3. Using Internet Resources in Paralegal Work Assignment
4. Introduction to Westlaw Assignment
5. Fastcase and Decisis Assignment
6. Advanced Secondary Sources on Lexis Assignment
7. Introduction to Constitutions and Advanced Statutory Research on Lexis Assignment
8. Advanced Case Law Research on Lexis Assignment
9. Introduction to Court Rules on Lexis Assignment
10. Introduction to Administrative Materials on Lexis Assignment
11. Advanced Administrative Law Research on Lexis Assignment
12. Introduction to Headnotes and Advanced Shepardizing on Lexis Assignment
13. Introduction to Boolean Searching\Terms and Connectors on Lexis Assignment
14. Case Brief Review Quiz
15. Opinion Letter Assignment
16. Memorandum Assignment

17. Appellate Brief Assignment
18. Midterm Examination
19. Final Examination

**Course Content Outline:**

1. Review of legal research procedures
  - a. Planning and "cartwheeling"
  - b. Primary authority
  - c. Secondary authority
  - d. Finding tools
  - e. Validating research
  - f. Case briefing
  - g. Citation format
2. Identifying and conceptualizing the issue
  - a. What is in dispute?
  - b. What is the significance of this dispute?
  - c. How can this dispute be transformed into an identifiable issue?
  - d. What are the alternative solutions?
3. Identifying the sources for the rules of law
  - a. Determine what areas of law are relevant to a particular situation
  - b. Determine the jurisdictions which would contain the primary authority and persuasive authority for the rules of law
  - c. Determine the application of recognized legal authority to a specific factual situation
4. The legal research plan
  - a. Prepare a legal research plan
    - i. Identify necessary resources for that plan
    - ii. Estimate the required time necessary to carry out that plan
5. Using the Internet
  - a. Working from website addresses
  - b. Using search engines
  - c. Accessing primary authority
  - d. Locating jobs, missing people, current event coverage, other factual research
6. Using Lexis
  - a. Define the practice areas of the law to be researched
  - b. Define the desired jurisdictions of the law to be researched
  - c. Boolean searches
    - i. "Cartwheeling" revisited
    - ii. Combining, limiting terms
    - iii. Modification and expansion
  - d. "Freestyle" searches
  - e. Choosing libraries, files
    - i. Primary authority
    - ii. Secondary authority
  - f. Finding, displaying, and printing documents
  - g. Reading and analyzing the obtained research to refine the results
  - h. Apply the refined results to issues requiring analysis
    - i. Verify the accuracy and validity of the legal citations
      - i. Shepardizing
7. Using Westlaw, Decisis, and Fastcase
  - a. Tutorials
  - b. Identification of differences between Lexis, Westlaw, Decisis, and Fastcase
8. Appellate brief writing
  - a. State and local rules
  - b. Format
    - i. Cover sheet
    - ii. Table of contents
    - iii. Table of authorities
    - iv. Statements of the case, the facts, the issues, and assignments of error
    - v. Arguments

- vi. Conclusion, certificate of service, and appendix
- vii. Ohio citation format
- c. Researching issues – planning an approach
  - i. Primary sources; validation
  - ii. Secondary sources and finding tools
  - iii. Integrating manual and electronic research
- d. Editing and revising appellate brief

## Resources

Bouchoux, Deborah E. *Legal Research and Writing for Paralegals*. 9th Ed. New York: Wolters Kluwer, 2019.

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Supreme Court of Ohio. *Ohio Rules of Appellate Procedure*. Supreme Court of Ohio (Online), 2021.

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Supreme Court of Ohio. *Writing Manual: A Guide to Citations, Style, and Judicial Opinion Writing*. {ts '2013-07-01 00:00:00'}.

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Yelin, Andrea B.; Samborn, Hope Viner. *The Legal Research and Writing Handbook: A Basic Approach for Paralegals*. 9th Ed. Aspen Publishing, 2022.

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## Resources Other

1. Westlaw, Decisis, and Fastcase Tutorial Videos
2. Law.com -- articles on E-Discovery
3. Lexis "Take a Tour"
4. Mathie, Belinda I., "Writing Appellate Briefs, for Young Lawyers," [https://kattenlaw.com/files/22105\\_Mathie\\_AppellatePractice\\_WritingBriefs.pdf](https://kattenlaw.com/files/22105_Mathie_AppellatePractice_WritingBriefs.pdf)
5. Eighth District Court of Appeals of Ohio, "Guide to Self-Representation", [https://appeals.cuyahogacounty.us/docs/default-source/default-document-library/selfrepresentationguide.pdf?sfvrsn=b2af5ae4\\_4ide.pdf?sfvrsn=b2af5ae4\\_4](https://appeals.cuyahogacounty.us/docs/default-source/default-document-library/selfrepresentationguide.pdf?sfvrsn=b2af5ae4_4ide.pdf?sfvrsn=b2af5ae4_4) ([https://appeals.cuyahogacounty.us/docs/default-source/default-document-library/selfrepresentationguide.pdf?sfvrsn=b2af5ae4\\_4](https://appeals.cuyahogacounty.us/docs/default-source/default-document-library/selfrepresentationguide.pdf?sfvrsn=b2af5ae4_4))
6. Westlaw, "Guide for Paralegals", [https://static.legalsolutions.thomsonreuters.com/product\\_files//westlaw/wlawdoc/wires/wlnlegal.pdf](https://static.legalsolutions.thomsonreuters.com/product_files//westlaw/wlawdoc/wires/wlnlegal.pdf)

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