

ADVANCED LEGAL RESEARCH
Fall 2021
Wednesdays, 1:00pm to 2:50pm, Room 6
Instructors: David Haberman and Tammy Pettinato Oltz
Office Hours: By Appointment
Offices: Haberman: Law Library, Room 120H
Oltz: Law Library, Room 120C

COURSE DESCRIPTION

In this course, students will learn to be efficient, thorough, and cost-effective legal researchers. Students will learn how to find and use the core sources of legal information, both primary and secondary, including: statutes, cases, administrative regulations and decisions, other executive branch materials, legislative history, constitutions, court rules, and secondary sources. Students will also learn how to research certain non-legal materials relevant to the law. Coverage will focus primarily on federal legal research and state legal research (with a special emphasis on North Dakota and Minnesota). Both paid and free legal research resources will be examined.

COURSE GOALS

- Understand how to find and use the core sources of legal information, both primary and secondary
- Be able to conduct legal research efficiently, accurately, and cost-effectively in both familiar and unfamiliar areas of law
- Understand an attorney's professional and ethical obligations in conducting legal research

REQUIRED READINGS & VIDEOS

This course does not have a required textbook. Instead, the instructors will select and provide readings and/or videos for each topic. These materials will be posted to Blackboard each Wednesday afternoon, a week before the date on which the topic will be covered.

TECHNOLOGY REQUIREMENTS

This course will focus primarily on online legal research. Students will work in groups to conduct legal research during class and should bring their laptops to every class.

GRADING

Because learning is an ongoing process, students should not be afraid to make mistakes. Students are expected to be professional at all times, but not perfect. Thus, if you show up (and show up on time), make a good faith effort on all assignments, ask for help when you need it, and treat one another with respect, you will do well in this course. Outcomes matter, so this course is graded, but demonstrated effort will account for a greater portion of your grade than in courses that rely more heavily on memorizing and applying unchanging concepts.

Point totals will be assigned as follows:

Total Points available: 200

Assignments (4 throughout the semester): 40% (80 points)
Final Project: 50% (100 points)
Participation: 10% (20 points)

We will use the following grading scale to calculate final grades:

A: 185 or > points
A-: 179-184 points
B+: 173-178 points
B: 165-172 points
B-: 159-164 points
C+: 153-158 points
C: 145-152 points
C-: 139-144 points
D+: 133-138 points
D: 125-132 points
F: 124 or < points

LATE ASSIGNMENT POLICY

Assignments that are turned in late will incur the following penalties:

Up to 1 hour late: -5% of possible points
Up to 24 hours late: -15% of possible points
Up to 48 hours late: -25% of possible points

Assignments more than 48 hours late will not be accepted, and zero points will be awarded.

ATTENDANCE POLICY

Students are expected to come to class on time and to be prepared. Excluding the first day of class, students may not miss more than one class during the semester. Except in extraordinary circumstances, missing more than this will result in a half-letter drop in your grade for every day over one that you miss.

To facilitate the ability of students to stay on track even if they must miss classes, we will create a Zoom link for students to attend remotely. Note that, at this time, we are not able to accommodate group work remotely, so students attending in that manner will not be able to engage in all aspects of the class session. Because of this, Zoom attendance should be used sparingly, such as when you have an illness that makes it unadvisable to be on campus; if a student attends too many classes via Zoom, we reserve the right to remove this option. If you

have any special circumstances that you'd like us to consider related to this policy, please do not hesitate to reach out to us to discuss.

Additionally, being on time and staying for the whole class is mandatory. Excluding the first day of class, students may be late to class or leave early once without penalty. After that, each lateness or early departure is counted as half an absence, and the penalties for excessive absences discussed in the previous paragraph will apply.

If, due to weather-related or other issues, travel to campus is impossible or inadvisable for a critical mass of the class, we will hold class via Zoom.

COVID-RELATED PROCEDURES

All members of the University community have a role in creating and maintaining a COVID-19 resilient campus. There are several expectations that all community members, including students, are asked to follow for the safety of all: maintain physical distancing of at least 6 feet while in UND facilities, wear face coverings in indoor spaces per UND policy, including in the classroom, wash their hands often and use hand sanitizer, properly clean spaces that they utilize, and if experiencing any symptoms, stay home and call their health care provider. Students electing not to comply with any of the COVID related requirements will not be permitted in the classroom, and may be subject to disciplinary action.

We encourage all members of the University community choose to model positive behavior both on- and off-campus. Information regarding the pandemic and UND's efforts to create a COVID resilient campus is available on the COVID-19 blog (<http://blogs.und.edu/coronavirus/>). Please subscribe to stay up to date on COVID related information. Students who test positive for COVID-19 or are identified as a close contact are expected to immediately self-isolate/quarantine. If you have tested positive for COVID19 or have been placed in quarantine due to being identified as a close contact or travel we strongly recommend that you report the information to the Office of Student Rights and Responsibilities at 701.777.2664 or online at <https://veoci.com/veoci/p/w/ss2x4cq9238u>. Doing so will ensure students have the support they need to continue with their academic goals and to protect others.

HONOR CODE POLICY

Collaboration in this class is encouraged, as is the use of outside resources to enhance one's understanding of the material. Thus, except as otherwise noted in individual assignments, **so long as proper credit is given**, students may use any and all resources that are available to them. Failure to provide credit for others' ideas and/or writing is considered plagiarism and will affect your grade to a greater or lesser extent depending on the severity of the incident in question.

OTHER COURSE PROCEDURES

Blackboard:

Blackboard will serve as the class web-site. Important documents will be posted there, and assignments will be turned in there.

Email Correspondence:

We are happy to communicate with students via email outside of regular classroom and office hours. We typically read and respond to emails, M-F, from 9:00 a.m. to 4:00 p.m. Please allow up to one business day for a response.

Disability Accommodations:

A student requesting disability accommodations in this course is expected to be registered with Disability Services for Students, 190 McCannel Hall, 701.777.3425, www.UND.edu/disability-services/. Contact the Office of Student Life to request accommodations or discuss medical information.

SCHEDULE

Note: All homework is due on Blackboard by 1pm on the day of class indicated in the schedule below.

Aug. 25: Course Overview & Review of Basic Legal Research Concepts

Sept. 1: Secondary Sources

Sept. 8: Statutes & Legislative History

Homework Due: Assignment 1 - Secondary Sources

Sept. 15: Statutes & Legislative History, Continued; Municipal Law

Sept. 22: Advanced Cases

Homework Due: Assignment 2 - Statutes & Legislative History

Sept. 29: Administrative Law & Executive Branch Materials

Oct. 6: Administrative Law & Executive Branch Materials, Continued

Oct. 13: Business Law & Public Records

Homework Due: Assignment 3 - Administrative Law

Oct. 20: Foreign, Comparative, and International Law

Homework Due: Assignment 4 - Business Law & Public Records

Oct. 27: Tribal Law

Nov. 3: TBD

Nov. 10: Litigating in North Dakota and Minnesota

Homework Due: Final Project

Nov. 17: The Future of Legal Research