

LEGAL RESEARCH AND WRITING

Laws 1004 X/Y Section B

Course Outline

2018-2019

1. Administrative Details

1.1. Class Details

The writing component of the class will be taught by Maria Dugas and will meet in the Fall Term once a week on Fridays from 9:30 – 10:20am. That hour will be held in room 204. There are two classes in January which will take place on Fridays from 12:30 – 1:20pm in room 305.

The research component of the class will be taught once a week by David Michels and will be held on Fridays from 12:30 – 1:20pm in room 305.

1.2. Instructor Information

Maria Dugas
Office: W432
Phone: 902-494-7876
E-mail: maria.dugas@dal.ca

David H. Michels
Office: L224
Phone: 902-494-8856
Email: david.michels@dal.ca

1.3. Office Hours: Maria Dugas – M 1:00 – 2:00pm; F 11:00am – 12:00pm
David H. Michels – F 1:30 – 3:30pm

We are also available by appointment. To make an appointment, email us.

2. Purposes of the Course

This course — legal research and writing — will serve as the cornerstone of your legal education. While you'll learn a lot about a range of legal subjects in your first year, the skills that you will learn in this course will likely be the ones you rely on over and over again when you leave this school and enter the marketplace.

The course has five inter-related objectives. First, it introduces you to some of the fundamentals of good writing, whether writing in law or any other discipline. Second, it assists you in developing your ability to read and comprehend legal materials. Third, you will explore the process of legal research with the aim of developing a basic understanding of primary Canadian legal materials and secondary sources in both print and digital form. Fourth, on completion of the course you should be able to draft a memorandum (one of the forms of legal writing), a client letter, a factum (a written appeal argument), and be able to

cite legal sources flawlessly. Finally, you should develop your analytical skills in this course; most especially, the technique of using legal authorities to assist you in offering your opinion on the resolution of legal problems.

This is a foundational skills course. You may not ever need to address a torts, contract, or property issue in your diverse futures. You will need to do research and be an effective writer, no matter where your law degree takes you.

3. Teaching Methodologies

Teaching methodologies in this course will include a combination of lecturing, class discussion, research in the library and on-line, and exercises and problem solving. There will be weekly videos assigned via Brightspace that must be viewed prior to attending the research portion of the class.

Although legal research and legal writing are closely related and you should learn to think of them as integrated, for teaching purposes we have divided the class into two parts: the research component and the writing component. They are taught and assessed separately, except the final assignment which is assessed jointly. For the research portion of the course you will have a professional librarian as your guide. Although there are several librarians in the Sir James Dunn Law Library please ensure that you ask questions of only your course instructor librarian when preparing your research assignments. It is his opinion that matters when it comes to assessment.

Brightspace is the online instruction technology we will use to facilitate communication in this course. Brightspace can be accessed from MyDal and from links on the <http://www.dal.ca> and <http://law.dal.ca> and directly at: <https://dal.brightspace.com>. You will find the required supplementary readings and documents there, and assignments will be released and electronically submitted there, though all assignments must also be submitted in hard copy in class for the writing portion of the course.

TopHat

In this class we will also be using TopHat – an interactive online learning tool which will allow you to interact in various ways in and out of the classroom using a tablet, smartphone, or laptop. TopHat is **not free** – you will have to sign up and pay for a student licence. This is **mandatory** for this course; think of it as the price of a textbook. You get an account at www.tophat.com.

There are three choices: you can buy a *one-term* subscription for \$20, a *two-term* (one year) subscription for \$30, or a *four-year* subscription for \$65. We will only be using TopHat in this course in the Fall term, and so we recommend that you purchase a one term license, unless some of your other professors are using it for the whole year. You should be aware that Professor Shapiro will also be using TopHat in 2L Civil Procedure, and some of your other professors *may* choose to use it in the future as well.

TopHat Course Codes: **917203**

The URL for the course is: <https://app-ca.tophat.com/e/917203>
Coursepack Pilot

This year there is a coursepack for the writing component of the course which is also available on TopHat. It is available for \$5 and is already built into the course, so you will be billed for it when you join the class.

The coursepack consists of the first three chapters of an experimental online interactive textbook for this course. We are releasing it to you as a pilot project this year to determine if the content and format are useful for you. There are Chapters on simplifying your writing, statements of fact, and legal issues. You must purchase the coursepack and read the chapters on the dates assigned. We will solicit your feedback on the pilot at the end of the term.

Lexis Advance Quicklaw and WestlawNext Canada

You are given free student access to Lexis Advance Quicklaw and WestlawNext Canada. As part of the access, the regional trainers come to the law school to provide you with extra training. You will be working with these databases throughout law school and as part of your research class. There will be mandatory training sessions outside of class time as part of your research component of this course. Schedule and signup will be available in Brightspace.

4. Course Materials

Required materials

- McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 9th ed. (Toronto: Carswell, 2018), also known as “The McGill Guide”.
- A student membership for TopHat.
- The LRW TopHat Coursepack Pilot
- Materials posted on our Brightspace site or distributed in class

Suggested Materials

In previous years in the writing component of the course we have used Bryan Garner’s *Legal Writing in Plain English*. It is not required this year, but does have helpful content on many aspects of legal writing and may prove a useful guide. The cite is as follows:

- Bryan Garner, *Legal Writing in Plain English: A Text with Exercises* (Chicago: University of Chicago Press, 2001) (PE). (This book can be purchased in e-format – see <http://press.uchicago.edu/ucp/books/book/chicago/L/bo3620670.html>)

In previous years in the research component of the course we have used Ted Tjaden’s *Legal Research and Writing*. It is not required this year, but does have helpful content on many aspects of legal research. The recommended pages for each research module have been included in the class schedule. It is available through Dalhousie Libraries for free via, the cite and online access are posted below:

- Ted Tjaden, *Legal Research and Writing*, 4th ed. (Toronto: Irwin Law, 2016). Available online through Irwin eBooks Essentials of Canadian Law Series: <http://deslibris.ca.ezproxy.library.dal.ca/ID/476268>
*Please note only 3 users may simultaneously access this eBook**

5. Grading Guidelines

The standard law school grade distribution applies to this class. It can be found at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>, under the “Grading information and evaluation heading. The median grade in this course will fall somewhere between a 72-74.

In keeping with the requirements for anonymity in grading, we request that you **do not place your name on assignments**. Ensure your banner number is on the title page of all your assignments. Please review the regulations regarding self-identification.

<http://www.dal.ca/faculty/law/current-students/academic-regulations.html>

6. Assessment Requirements

This course requires you to complete some form of assessment almost every week through the Fall term and several assignments spread throughout the Winter term. In many cases, the requirement is not one we expect will consume much of your time. Nevertheless, our objective is for you to think about legal research and writing in an organized fashion outside of the classroom every week. Please keep a careful eye on the assessments for each week.

Please refer to the Schulich School of Law website for the major paper guidelines and the faculty regulations on late penalties. (See here: <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.)

All writing assessments must be submitted by the start of the class in **paper copy** on the date the assessment is due. You are also required to submit an electronic copy of your assessment in the Brightspace drop box before class commences. If there is any uncertainty about whether or not you submitted an assessment, or whether the assessment has been submitted on time, the presence (and timing) of the arrival of the assessment in the Brightspace drop box will govern.

If you need to miss a class, please make sure to arrange the submission of the assessment with the professor(s).

Assignments

In terms of your evaluation, 50 percent of the grades for this course are allocated to the Fall term and 50 percent to the Winter term. The assignments are as follows:

Fall Term

Writing Assessments: (Total 30% of course grade)

- One *pass/fail* writing assignment:
 - Letter to an alumnus – September 21
- Two writing assignments worth 5% each:
 - Statement of Facts – October 5
 - Statement of Issues – October 12
- One writing assignment worth 15%:
 - Client letter – November 23
- One Writing Portfolio (see below), worth 5%, due November 30, which must include:
 - Simplifying Your Writing
 - Legal Reasoning Assignment
 - Writing For Your Audience

Research Assessments: (Total 25% of course grade)

- Research Portfolio worth 15% total (see below)
 - Part I: Secondary Sources (5%) – October 5
 - Part II: Legislation (5%) – November 2
 - Part III: Case Law (5%) – November 30
- Quiz, worth 10% – November 30

Winter Term

Writing Assessments: (Total 30% of course grade)

- Research Memorandum due March 1 (see below).

Research Assessments: (Total 15% of course grade)

- Research Plan (worth 5%) – due February 1
- Research Memorandum due March 1 (10%, see below)

Writing portfolios: There are three assignments due in your writing portfolio. There are suggested weekly due dates in the Reading List, but ultimately you can do them in any order and whenever before the ultimate due date you choose. In grading your writing portfolio, Professor Dugas will choose one of the assignments contained in the writing portfolio and grade it. If your writing portfolio is missing any of the assignments, you will lose 1 percent (of the 5 percent) for each missing assignment. In other words, your writing portfolio must be complete, even though only one of the assignments you submit will be graded.

Research Memorandum: The research memorandum will be assigned at the end of November, but is not due until March 1. It can be no more than 2000 words, including footnotes. A detailed assignment sheet will be issued with full instructions. The mark on the memorandum is divided between your legal writing and analysis, marked by Professor Dugas and your citations and legal research, marked by Professor Michels. The memorandum is worth 40% of your course grade, with the writing component worth 30% and the research

component worth 10%. You will receive separate marks and feedback for each portion of the memorandum, and one global mark combining the two.

Pass/fail assessments: If a pass/fail assessment is not completed, you will receive a two percent reduction in your final grade in the course.

7. Academic Integrity

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, as set out in the law school regulations,

available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

8. Students with Special Needs/Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, **before** a scheduled exam or a deadline for an assignment.

Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

9. First Draft Syllabus

The syllabus will be modified from time to time as necessary with modifications posted on the Brightspace site. We want to retain some flexibility to ensure that we are able to achieve both coverage and comprehension throughout the course.