

Syllabus Format

Department: Division of Library and Information Science

Course Number and Title: LIS 255 Advanced Legal Research

Bulletin Description: [25 words maximum]

This course will expose students to more complex legal research problems such as researching corporate and securities law; patent prosecution, international and foreign law research.

Prerequisite(s): None

Co-requisite(s): None

Course Objectives:

Upon completion of the course, the student will be able to:

1. Understand the basics of the American legal system and legal citations;
2. Search for and locate case law by subject, by citation, by Key Number and Headnotes, and by full text searching in a variety of online databases;
3. Use citators (Shepard's and KeyCite);
4. Search for and locate secondary legal authorities, including treatises, hornbooks, law review and other journal articles, restatements, ALRs, and legal encyclopedias;
5. Search for and locate federal and state statutes and related legislative histories;
6. Compile a federal legislative history; be able to search for and locate federal administrative law materials, including rules and regulations, presidential materials, and agency decisions;
7. Use Lexis and Westlaw to conduct legal and factual research in a cost effective manner.

Program Goals and Outcomes:

6A) Understand the fundamentals of quantitative and qualitative research methods, including central research findings and research literature of the field, and the principles and methods used to assess the actual and potential value of new research.

Units of Instruction:

SESSION ONE - Introductory remarks

New York Legal Research – Comprehensive discussion of all aspects of research as it relates to New York State using both traditional and electronic resources. Included are research sources and techniques as it relates to New York City legal research as well as relations governing Indians whose past or present lands are within the boundaries of New York State – *Ralph Monaco, Executive Director. New York Law Institute.*

READINGS:

Gibson's New York Legal Research Guide, 3rd edition, William Manz, William S. Hein, 2004, Pages 46-49; 70-79; 97-105; 148-160; 209-218; 452-453.

SESSION TWO - New York Legal Research Class continued

Focuses on electronic resources including subscription databases and free Internet sites for fundamental New York legal research

Professor Williams Manz, Senior Research Librarian and Director of Student Publications at St. John's University School of Law

SESSION THREE International and Foreign Law Research

Modern legal practice requires knowledge of international law. Lawyers representing an American firm investing in another country, for example, must be aware of treaties between the two nations as well as the investment and trade laws of both the United States and the other country. They may also need to examine jurisdictional issues of one country's rules in the other's courts. Researching international, foreign, comparative or transnational law involves a basic understanding of some key concepts such as public international or private international law. **Victor Essien, International & Foreign Law Librarian, Fordham University Law School Library**

READINGS: Brownlie, I. Principles of Public International Law, 7th edition pp3-29 (2008)

Statute of the International Court of Justice, 59 STAT 1055, Articles 38 and 59

Engsberg, M. An Introduction to Sources for Treaty Research

www.nyulawglobal.com/globalex/Treaty_Research.htm

Rumsey, Mary "Update: Basic Guide to Researching Foreign Law"

www.nyulawglobal.org/globalex/Foreign_law_research1.htm

SESSION FOUR Statutory Research, Including Compilations of Legislative Histories Interpreting Federal, State and Municipal Legislation.

Ambiguities so common in the language of statutes require lawyers and scholars to locate legislative documents from which they can try to discern the intended purpose of an act or the meaning of a particular statutory language. In addition to extensive federal legislative history research, special emphasis on New York State and New York City Legislative history research.

Ralph Monaco, Executive Director, New York Law Institute

Laird Ehlert, Executive Director, New York Legislative Service

READINGS;

Legal Research in a Nutshell, 9th edition, Morris Cohen and Kent Olson, Thomson/West, Legislative Information, pages 203 - 246

28 Hofstra L. Rev 85, 1999-2000; How to read a Statute in New York: A Response to Judge Kaye and Some More

SESSION FIVE Fundamentals of Federal Taxation Research

Federal Income Taxation is immensely complicated, sometimes subtle or obscure and often puzzling.

Fundamentals of tax research involve a hybrid of sources, statutes (IRS code) Treasury regulation (Income Tax regulations.) and cases, both administrative and judicial. Legislative history is thrown in for good measure.

This session will introduce students to the coordinated approach to tax research and thereby attempt to tame the "animal"

Russell Switzer, Tax Librarian, Paul, Weiss, Rifkind, Wharton & Garrison and Jennifer Lawton, Tax Librarian at Dewey & LeBoeuf -

READING – Internal Revenue Service Practice & Procedure Deskbook, 4th Edition, Erin Collins and Edward M. Robbins, Practising Law Institute

Chapter One - Introduction

SESSION SIX Patent Law Research

Patent lecture will focus on patent prosecution and a thorough understanding of the Manual of Patent Examining Procedures (MEP). Leading fee-based patent research systems will be discussed including PatBase by *minesoft* OPat Questal; Thomson Innovation and TotalPatent; LexisNexis. Other systems include Reedfax Micropatent, GetThePatent, Delphion, STN, Westlaw Dialog and Lexis.

Lucy-Curci-Gonzalez - Kenyon & Kenyon

READINGS: *Patent Searching & Techniques, Hunt, Nguyen & Rogers, John Wiley, 2007 – Chapter 2 Types of Patent Searches*

SESSION SEVEN - ADVANCED WESTLAW TRAINING

The **Advanced Westlaw** Program is a Westlaw's Master Class Program: **Searching, KeyCite, and Tips and Tricks**. This Master Class is comprised of several components: the Power Point presentation, Presenter's supporting documents, the Course Handouts, and some optional collateral. **Susana Camargo-Pohl. Westlaw Librarians' Relations Manager**

SESSION EIGHT

Corporate and Securities Research – Since 1933 when federal securities control began, the federal securities laws have been continually growing in complexity and impact. Developments under these laws – statutes, regulations, court decisions SEC action etc., under both federal and state laws. This lecture will discuss tools, both traditional and electronic, which are utilized by the informational professional confronted with securities research issues

Jill Gray, Corporate Librarian, Fried, Frank, Harris, Shriver & Jacobson LLP

READINGS:

***Hornbook: Thomas Lee Hazen, Principles of Securities Regulation (2n ed. Thomson/West 2006 Chapters 1 – The Basic Coverage of the Securities Laws; ***

SESSION NINE - BLOOMBERG LAW TRAINING

Bloomberg provides a system that integrates comprehensive legal content, company and client information and proprietary news all in one place. Special features to be examined; Industry Search in caselaw; Breaking Complaints – Bloomberg focuses on important business cases in important courts that generate leading business litigation. Foreign and International Dockets – Include UK, Ontario, Canada, Hong Kong, EU Royal Court of Jersey and the Grand Court of the Cayman Islands. Dealmaker – Provides sample documents to be used as templates or samples of deals which can be used for negotiation. Practice Centers – Aggregates links to case law, major statutes and regulations, treatises, breaking news, custom watchlist, trends in litigation, forms, significant filings, law firm news. Legalwatch and Regwatch – allow you to link directly to the codes and monitor topics of interest

Bloomberg Law Representative.

SESSION TEN Researching Legal Ethics.

All lawyers are governed by local rules which regulate their conduct and have a significant impact on their lives and how they practice their profession. Historically, these rules vary widely and an entire distinct body of literature (codified rules of conduct, ethics opinions and disciplinary decisions) has grown up because of the different approaches taken by city, county and state bar associations, as well as state legislatures and regulatory bodies. This session will train you to use the tools, both print and electronic, to identify answers to this unique

area of law - "Law of Lawyering". Discussion of recent Association of the Bar of the City of NY ethics opinion regarding obtaining evidence from social networking websites.

Nathan Rosen, Information Resource Manager NY, Morrison & Foerster

SESSION ELEVEN - LABOR AN EMPLOYMENT DISCRIMINATION

Employment Discrimination laws seek to prevent discrimination based on race, sex, religion, national origin, physical disability, and age by employers. A growing body of law also seeks to prevent employment discrimination based on sexual orientation. Discriminatory practices include bias in hiring, promotion, job assignment, termination, compensation, retaliation, and various types of harassment. The main body of employment discrimination laws consists of federal and state statutes. This lecture will cover aspects of research in U.S. federal labor and employment law as well as labor arbitration. Included are both primary and secondary materials, in both print and electronic formats. Labor and employment law covers employment discrimination, disability law, employee benefits, labor arbitration, labor relations, workplace health and safety. **Catherine Dillon, Chief Knowledge Officer, Jackson Lewis LLP.**

SESSION TWELVE - ADVANCED LEXIS TRAINING

Advanced Lexis training concentrating on the practice/subject areas covered in the research class. We will review various jurisdictional (New York and international) and subject specific (employment and intellectual property) tabs and sources, as well as subject specific platforms on Lexis.com. These platforms include Tax Center, Securities Practice Center, Total Litigator, Research Tasks pages and Public Records. For deeper statutory research we will review legislative history sources. This is an ambitious agenda so some tools will be reviewed with less depth. However I will show you how to find out more about, and the best way to explore them on your own. – *Natasha Dasani, JD, Account Executive, LexisNexis*

SESSION THIRTEEN - Basic Legal Reference Tools

This session will cover general legal reference materials consisting of research portals such as Zimmerman's Research Guide, HeinOnline. Making of Modern Law. Students will be introduced to handbooks, manual & guides; dictionaries that serve practitioners as well as law students. **Ralph Monaco** - (*A portion of this class will be devoted to review of prior homework assignments*)

SESSION FOURTEEN

Final Exam

Bibliography:

Gibson's New York Legal Research Guide, 3rd edition, William Manz, William S. Hein, 2004, Pages 46-49; 70-79; 97-105; 148-160; 209-218; 452-453.

Brownlie, I. *Principles of Public International Law*, 7th edition pp3-29 (2008)

Statute of the International Court of Justice, 59 STAT 1055, Articles 38 and 59

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28 Hofstra L. Rev 85, 1999-2000; *How to read a Statute in New York: A Response to Judge Kaye and Some More*

Internal Revenue Service Practice & Procedure Deskbook, 4th Edition, Erin Collins and Edward M. Robbins, Practising Law Institute
Patent Searching & Techniques, Hunt, Nguyen & Rogers, John Wiley, 2007
Hornbook: Thomas Lee Hazen, Principles of Securities Regulation (2ⁿ ed. Thomson/West 2006

New York State Education Department Requirements

1. Contact Hours – 30 hours

Comprised of the following:

- Periodic announcements/discussion posts by the instructor
- Lecture (online or face to face)
- Monitoring group discussions
- Reviewing assignments
- Advising on semester projects
- Email interaction

2. Supplementary Hours – 120 hours

Comprised of the following:

- Assigned reading
- Weekly assignments (individual and group)
- Research for semester projects
- Presentations (online or face to face)
- Academic Service-Learning projects (where appropriate)