

Introduction to Legal Research
IST 457 (call # 8417)
IST 557 (call # 8318)
Spring 2006 (Thursday 7:15-10:05 in Draper 23)
Pre-requisite: IST 605 (Information Sources)

Instructor:

James A. Giliberto
Legislative Librarian
New York State Legislative Library

E-Mail: GilJA61@aol.com (preferred)
gilibert@senate.state.ny.us
Phone # 455-2462 (W) 434-3276 (H)

Office hours: Thursday 5:30-7:00, Draper 118-B, or at Dewey Library

COURSE SYLLABUS (final, as of January 19)

Course Description: Examination and analysis of the basic and specialized information sources that provide a structure for legal research. Topics include federal/state court reporters, digests, annotations, constitutions, statutes, Shepard's citations, looseleaf reporters, legal encyclopedias and periodicals. Training for (at Dewey Library) and assignments using Westlaw and Lexis-Nexis online databases will provide hands-on familiarity with computer-assisted legal research (CALR).

Course Objectives:

- To examine the basic sources of information that provides the bibliographic structure for legal research.
- To learn various legal research strategies, from classroom lectures and discussions, reinforced with print/electronic search assignments.
- To select and use legal information sources, both print and electronic, to answer reference inquiries.

Requirements: Evaluation will be based on print and electronic search assignments, and a final examination. Please see "Guidelines" sheet for more information.

Course Textbook: The text for the course is Robert C. Berring and Elizabeth A. Edinger *Finding the Law* (12th ed. Thomson/West Publishing, 2005) available at Mary Jane Book Store.

Procedures: Students should bring the text to class at every session. The length and complexity of legal research, and our time constraints, preclude giving equal importance to each chapter. While the text will provide an overview of legal research, class lectures will offer more detail than provided in the text. Certain topics and sources will be emphasized in class discussions, and with the search assignments. Readings should be completed before class in order to fully participate with class discussions.

Class attendance: Attendance will be taken each week. It is expected that students will be on time and attend all classes. If you believe you will be late or miss class, please let me know. More than 2 unexcused absences will result in your final grade lowered by 1 grade (examples: A- from an A; B from B+ etc.). If you miss more than 3 classes, excused or unexcused in any combination, you should consider withdrawing from the class. In the unavoidable event of an absence, students should make arrangements with other students to pick up class notes.

GUIDELINES FOR ASSIGNMENTS AND EXAMS

We will attempt to adhere to the following schedule, which may be subject to modification, as needed:

1. 3 **print** search assignments are due on the following days:

Search number 1: **March 2**
Search number 3: **April 20**

Search number 2: **March 16**

2. 5 **electronic** search assignments are due on the following days:

Search number 1: **March 9**
Search number 3: **March 30**
Search number 5: **April 20**

Search number 2: **March 16**
Search number 4: **April 6**

3. **Final examination** (take home) due **May 4** (handed out April 6th) will comprise of:

- a) Questions using Westlaw/Lexis databases, and
- b) Questions using print sources discussed in class.

4. **Evaluation**: The final examination will count for 60% (Westlaw/Lexis and print sources each 30%) of the final grade. The 5 electronic search assignments and the 3 print search assignments (all averaged together) will count for 40% of your final grade.

Final grades will be based on the following scale:

A	94 - 100	C+	77 - 79
A-	90 - 93	C	74 - 76
B+	87 - 89	D	70 - 73
B	84 - 86	E	less than 70
B-	80 - 83		

Assignments are expected on the due date. Late assignments will be downgraded 1 grade per week late (example: if late on due date, your highest possible grade would be an A- from an A).

Plagiarism will result in a failing grade for the course. In addition, the instructor will pursue further disciplinary action at the University level. For more information refer to the "Standards of Academy Integrity" in the Graduate Bulletin at http://www.albany.edu/grad/requirements_general_admissions.html#standards_integrity

No incompletes will be given without the express permission of the instructor in advance of the end of the semester. (Exceptions: extreme personal circumstances, and with a majority of the coursework completed. A completion date for work due must be agreed upon with the instructor).

Since this class is a mix of undergraduates and graduate students, graduate students should expect to perform to a higher graduate level standard with all search assignments and the final examination.

SCHEDULE

We will attempt to adhere to the following schedule, which may be subject to modification, as needed:

Date	Class Topic	Readings	Assignment Due
01/26	Discussion of course outline, requirements, etc Introduction to Legal Research	Berring, chapter 1, Svengalis and Wu articles	
02/02	Court Reports	Berring, chapter 2	
02/09	Federal and State Court Case Law	Berring, chapter 2 and Understanding the Federal Courts	
02/16	Federal and State Court Case Law (Dewey Library)	Gerkin article and Hellyer article	
02/23	No class (winter break)		
03/02	Digests	Bering, pages 101-111	Print search assignment 1
03/09	Digests (Dewey Library) Annotated Law Reports	Peoples article Bering, pages 111-117	Electronic search assignment 1
03/16	Federal Statutes/Legislative History	Bering, pages 118-154 and Chapter 6; Whisner article. Optional... How Our Laws Are Made and Enactment of a Law	Print search assignment 2 Electronic search assignment 2
03/23	State Statutes/Legislative History	Bering, pages 154-164; and Givens article	
03/30	Constitutions	Bering, Chapter 7	Electronic search assignment 3
04/06	Federal/State Statutes (Dewey Library)		Electronic search assignment 4
04/13	No class (spring break)		
04/20	Administrative Law	Bering, Chapter 8	Print search assignment 3 Electronic search assignment 5
04/27	Citators Court Rules	Bering, Chapter 3 Bering, Chapter 9	
05/04	Secondary Sources	Bering, Chapter 10, and Grey article	Final Exam Due

Additional Readings

Note that additional readings for the course will be available electronically on ERes. Go to <http://eres.ulib.albany.edu.libproxy.albany.edu/> click on the “Electronic Reserves and Reserve Pages” link, and use the “Course Reserve Pages by Instructor” menu and find Giliberto, James. The class password is _____.
(If you would like to obtain the password before the first class, please send an e-mail to me)

Administrative Office of the U.S. Courts. Office of Judges Programs. Understanding the Federal Courts. Washington, D.C. (2003).

Gerkin, Joseph L. 2004. A Librarian’s Guide to Unpublished Judicial Opinions. **Law Library Journal** 96(3)475-501.

Givens, Richard A. *A Primer on the New York State Legislative Process: and how it Differs from Federal Procedure*. **31 McKinney’s Consolidated Laws of New York Annotated § 40 (Supp. 2006)**

Grey, Debbie. 2005. Legal Reference Services: An Annotated Bibliography. **Law Library Journal** 97(3)537-564.

Hellyer, Paul. 2005. Assessing the Influence of Computer-Assisted Legal Research: A Study of California Supreme Court Opinions. **Law Library Journal** 97(2)285-298.

Peoples, Lee F. 2005. The Death of the Digest and the Pitfalls of Electronic Research: What is the Modern Legal Researcher to do? **Law Library Journal** 97(4)661-679.

Svengalis, Kendall F. “A Brief History of Legal Publishing.” Legal Information Buyer’s Guide and Reference Manual. N. Stonington, CT: Rhode Island Law Press, 2005. 7-18.

Whisner, Mary. 2005. What’s in a Statute Name? **Law Library Journal** 97(1)169-183.

Wu, Michelle M. 2005. Why Print and Electronic Resources are Essential to the Academic Law Library. **Law Library Journal** 97(2)233-256.