

LAWS 1004X/Y.03
2008-2009
Professor Morrison

Dalhousie University Law School
Legal Research and Writing 2008-2009
Syllabus

This course has three objectives. The first is to introduce students to the process of legal research and to provide a basic understanding of the organization and appropriate use of primary and secondary legal materials in both print and digital form.

The second objective is to introduce students to the different types of legal writing and to provide them with the opportunity to learn how to write a legal memorandum

The third objective is to teach students the principles of legal citation.

The class is held once a week and is conducted by a series of lectures in both terms. There are a series of four research and citation exercises and one short memo writing assignment in the first term. The major writing assignment is in the winter term, when students are expected to research and write a legal memorandum based on their own research and analysis of a hypothetical legal problem.

- **Required text:**

McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 6th ed. (Toronto: Carswell, 2006).

- **Recommended texts:**

Margaret E. McCallum, Deborah A. Schmedemann & Christina Kunz, *Synthesis: Legal Reading, Reasoning and Writing in Canada*. 2d ed. (Toronto: CCH Canadian Limited, 2008).

Ted Tjaden, *Legal Research and Writing*, 2d ed. (Toronto: Irwin Law Inc., 2004).

Michael Iosipescu & Philip Whitehead, *Legal Writing and Research Manual*, 6th ed. (Markham On: LexisNexis Butterworths, 2004).

Richard Neumann, *Legal Reasoning and Legal Writing: Structure, Strategy and Style*, 4th ed. (New York: Aspen Law, 2001).

William Strunk Jr. and E.B. White, *The Elements of Style*, 4th ed. (New York: Longman, 2000).

(Copies of these recommended texts are in the Reserve collection at the Law Library).

- **Evaluation:**

Assignment #1, Exercises 1, 2,3 & 4	-	5%
Assignment #2, “Mini Memo”	-	35%
Assignment #3, Research Memorandum		60%

The first assignment is a series of four research and citation exercises based on the materials covered in the weekly lectures. Each exercise is worth 10 marks and is calculated at 5% of the final grade. These exercises will introduce students to the structure of legal materials, the process of legal research and the form of legal citation in preparation for the two writing assignments. Students will be provided with a brief, hypothetical fact scenario as the basis for these exercises.

The second assignment is the first writing assignment and requires students to write a “mini memo”. This memorandum is to be a brief memo based on the hypothetical fact scenario provided for the first assignment and the research completed during the exercises.

The third assignment is the major writing requirement for the course and students will be expected to independently research a hypothetical legal problem and write a legal memorandum based on their research and analysis of the legal problem.

All assignments will be distributed in class and must be handed in at the beginning of class on the assigned dates. Assignments handed in late will be subject to rigorous late penalties according to Law School regulations. Students who run into difficulty meeting the assigned dates are required to apply for extensions in writing to the Studies Committee. Professors are not permitted to grant extensions for any reason.

- **Dalhousie Regulations Regarding Plagiarism:**

Plagiarism is considered a serious academic offence which could lead to loss of credit for a course, suspension or expulsion from the University or even the revocation of a degree. It is essential that there be a correct attribution of authorities from which facts and opinions are derived. If you are unclear as to what constitutes plagiarism, there are guidelines on the main library website and you are encouraged to consult with your professor. It is expected that each student submit his/her own independently written work, even if consultation has occurred during the research process. Cases of academic dishonesty are taken very seriously and any apparent case will be referred to the appropriate authorities as required by Dalhousie University regulations.

- **Office hours:**

Professor Morrison’s office is located in the Administration area of the Law Library in room 218. You are welcome to email me at ann.morrison@dal.ca or drop into my office Monday to Friday 2:00p.m. – 5:00 p.m. if you have any questions or concerns.

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Legal Research and Writing 2008-2009
Class Schedule
First Year Sections A, B and C. – Friday 10:30 a.m. – 11:30 a.m. Room 105

September 12th:

- Introductory lecture
- The Process of legal research
 - Secondary materials
 - Legal citation

Suggested background reading: Chapter 1 of the *Legal Research and Writing Manual* by Michael Iosipescu and Philip Whitehead – on reserve at the Law Library - Call number KB 15 Y54

Assignment 1 - Exercise 1 handed out in class, due in class September 19th.

September 19th:

- Primary legal materials – Statutes and Regulations
- Introduction to legislative material
 - How to find and correctly cite statutes and regulations
 - Introduction and discussion of hypothetical fact situation.

Suggested background reading: Chapter five in *Synthesis: Legal Reading, Reasoning and Writing in Canada* by Margaret McCallum et al. On reserve in the Law Library – Call number KB 270.D7 M12 2008.

Exercise 2 handed out in class, due September 26th.

September 26th:

- Primary legal materials – case law
- Introduction Canadian case law
 - How to find cases
 - How to cite cases

Suggested background reading: Chapter four, *Legal Research and Writing 2d ed.* By Ted Tjaden. On reserve in the Law Library – Call number KB15 T62 2004.

Exercise 3 handed out in class, due in class October 10th.

Week of September 29th: COMPUTER ASSISTED LEGAL RESEARCH – Lexis Quicklaw.

THERE IS NO CLASS ON FRIDAY OCTOBER 3RD. YOU ARE REQUIRED TO ATTEND ONE OF THE TRAINING SESSIONS IN THE COMPUTER LAB DURING THE WEEK.

Lexis Quicklaw is a commercial legal database. You will receive instructions on how to obtain a password and the schedule of classes before this date.

October 10th:

Primary materials – Case law continued...

- Judicial consideration of cases
- Legal citation review.

Exercise #4 handed out in class, due in class October 31st.

Week of October 13th: COMPUTER ASSISTED LEGAL RESEARCH – Westlaw/ecarswell.

THERE IS NO CLASS ON FRIDAY OCTOBER 17TH. YOU ARE REQUIRED TO ATTEND ONE OF THE TRAINING SESSIONS IN THE COMPUTER LAB DURING THE WEEK.

Westlaw/ecarswell is a commercial legal database. You will receive instructions on how to obtain a password and the schedule of classes before this date.

October 31st:

Introduction to Legal writing.

- Predictive writing.
- The structure of a legal memorandum.

Suggested background reading: Chapter ten “Function and Form of the Legal Memo” in *Synthesis: Legal Reading, Reasoning and Writing in Canada* by Margaret McCallum et al. On reserve in the Law Library – Call number KB 270.D7 M12 2008.

Assignment #2 given out in class. Due November 21st at 4:30 p.m. Please hand in your completed work before this time at the Circulation Desk in the Law Library.

November 7th:

- How to write a legal memo.
- Review of the research process
- Review of citation form.

Suggested background reading: William Strunk Jr. and E.B. White, *The Elements of Style*. On reserve in the Law Library – Call number K14.3 S92 2000.

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