Welcome to U.S. Legal Research, Analysis & Writing! This course is meant to provide you with a basic knowledge of American legal methodology as well as a basic skill set that will enable you to read, research, think, and write effectively in the American legal system. We will focus more on practice than on substance—that is, we will grapple chiefly with how to reason, rather than what the substantive doctrine is in any given field (the latter, in complementary fashion, is the focus of some of your other courses).

During the first half of the semester, we will examine the foundations of American litigation, including: the common law and canons of textual interpretation; the setup of American courts and the interaction of our various sources of law; and the conventions and mechanisms by which we cite and research legal authorities. During the second half of the semester, we will work on developing your legal reasoning and writing skills. Most of your efforts will be individual, but some will involve collaboration with your classmates.

If at any point in the semester you have questions, concerns, or comments about the direction of the course, your progress, or any other issue, I urge you to let me know (whether in class, after class, at office hours, or via email). I have not taught this course for very long, so I too am learning things as we go! I thank you in advance for your patience 😊

**Required texts**

The two books listed below are required for this course. They should be available for purchase in new condition at the campus bookstore. Feel free, however, to buy them elsewhere (used condition is fine) if you prefer.

1. *US Legal Discourse: Legal English for Foreign LLMs* (Hoffman & Tyler)
2. *The Bluebook: Uniform System of Citation*
(You may already own *The Bluebook*, which is a must-have for American litigators, at least. If you do not already own it, rest assured that it is a worthwhile investment that will prove useful to you down the road, beyond this course.)

All of the other readings in this class should be available on Westlaw/Lexis, the TWEN site, or the other electronic resources to which you have access. If you have trouble finding a source, try asking a classmate for direction, or timely let me know and I will help you obtain it.

**Grading, participation, attendance, and the honor code**

Your grade in this course will be either Honors, Pass, or Fail. The primary determinants of your grade will be the quality of your final memorandum, your preparedness for class, and the quality and enthusiasm of your participation in class (e.g., by asking questions, contributing to discussions, and offering constructive feedback to your classmates). Keep in mind that quality of participation is not the same as quantity of participation; also note, however, that a lack of participation will hurt your grade. The effort you put forth in your earlier written assignments will also be taken into account. Exceptional writing and participation are both required to earn honors, but everyone who shows up to class regularly (see below) and puts forth a genuine, consistent effort will receive at least a passing grade.

Your attendance is expected and will be noted at every class. Nevertheless, situations inevitably arise in light of which I naturally will not expect you to attend class (such as illness, personal or family issues, etc.). In those cases, I will excuse your absence so long as you give me advance notice (if reasonably possible) along with a general explanation of why you must miss the class. If you have two unexcused absences, you may pass but cannot qualify for an honors grade; and if you have three or more unexcused absences, you will receive a failing grade. Exceptions may be made only in truly extraordinary circumstances, and then only if you communicate your situation to me in a reasonable manner.

As a student of Georgetown University, you are expected to abide by all of the policies and procedures set forth in the Student Handbook, available at [http://www.law.georgetown.edu/campus-services/registrar/handbook/index.cfm](http://www.law.georgetown.edu/campus-services/registrar/handbook/index.cfm). One of those policies concerns plagiarism—a topic will discuss in Week 3. Anyone who violates Georgetown’s policies, including plagiarism, may be subject to a failing grade and/or discipline more broadly by the Law Center (not that I anticipate that happening!).

**Office hours; TWEN**

You are generally free—indeed, you are *encouraged*—to ask questions and make comments during our class meetings, so that everyone may benefit from the discussion. Oftentimes multiple students have the same question or thought. In any
event, you should never feel embarrassed or feel as though you are wasting anyone’s
time. Please don’t hesitate to speak up!

You may also chat with me one-on-one outside of class periods—for instance, if you have a concern of a private nature or just want to discuss a topic at greater length than we did during class. To that end, I will sometimes be free to stick around campus after class and chat with you for a little while—perhaps even over lunch, if anyone ever wishes—although I do work full-time at another job and may sometimes need to leave campus promptly.

Alternatively, if you wish to have a longer or more private discussion, you are also free to schedule an appointment with me to attend “office hours.” As an adjunct faculty member, I do not have an office at the Law Center; therefore I will make myself available to meet with you instead in either the common area on the ground floor of Hotung near the food court, or—if we make arrangements in advance—somewhere else that is mutually convenient. I will try to be available to you regularly from 7-8 pm on the Tuesday of each week that we have a class (but not during vacation weeks). That may not always be possible, however, due to my other job. If I am not available some week at that time, I will make an announcement ahead of time via email and will identify an alternate time during which I will be available. If a weekly window ever does not work for you, you may let me know and we will arrange a mutually agreeable time. If you ever wish to meet with me during office hours, I ask that you tell me at least one day ahead of time (for example, no later than Monday if you wish to meet with me on a Tuesday evening).

If we cannot find a mutually acceptable time to speak in person, you are always free communicate with me via email (use my Gmail address) or telephone (use my mobile number). I will respond to your emails within one day.

Finally, please promptly add this course to your TWEN account (available to you via Westlaw and Georgetown). The TWEN site is where I will post selected readings and assignments. It is also the means by which I will send out class-wide emails; thus if you are not signed up, you may not receive my class emails.

**Class schedule (tentative: subject to minor changes)**

**WEEK 1 (Aug. 30) – OVERVIEW OF AMERICAN LEGAL ARGUMENTATION**

- Introductions: getting to know each other!
- Preview of this course and how it fits into your legal training
- The common law: its sources, philosophy, methodology, and differences with civil/code-based law
- Discussion and questions about the article assigned ahead of first class—Arthur L. Corbin, *What is the Common Law?*, 3 Am. L. Sch. Rev. 73-75 (1912)
- Textual interpretation: when and how American lawyers grapple with the text of constitutions, statutes, and regulations
The interaction between textual interpretation and common law reasoning in American legal argumentation

**Assignment for next class:** (1) read an excerpt from Sir William Blackstone, *Commentaries on the Law of England* (1765), available at https://www.laits.utexas.edu/poltheory/blackstone/cle.int.s02.html —start reading at the paragraph beginning “The fairest and most rational method...” (which is eight paragraphs from the end) and read to the end; (2) read excerpts from Jacob Scott, *Codified Canons and the Common Law of Interpretation*, 98 Georgetown L.J. 341 (2010): pages 343-45, 352-53 and charts on pages 357, 368; (3) read excerpts from Charles E. Carpenter, *Court Decisions & Common Law*, 17 Colum. L. Rev. 593 (1917)—pages 596, 599-600, 602-603. Don’t worry if you find that last source confusing: its older linguistic style and its assumptions about the reader’s contextual familiarity may make it hard to follow.

**WEEK 2 (Sept. 6) – OVERVIEW OF AMERICAN LAWS AND COURTS**
- Discuss and ask questions about last week’s assignment and issues
- Sources of domestic law: the common law, constitutions, statutes, regulations, administrative/agency policies
- State law vs. federal law; their sources
- Treaties and international law
- Interaction of laws: supremacy, preemption, gap-filling
- Hierarchy of courts: purposes and duties
- State courts vs. federal courts
- Roles and interactions of respective kinds of laws

**Assignment for next class:** (1) take a look at a map of the U.S. Circuit Courts of Appeals, available on TWEN site (or by Googling); (2) read Hoffman, section 1.3, pages 7-9 (disregard reference therein to TWEN materials); (3) read *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938)

**WEEK 3 (Sept. 13) – PROPER, PERSUASIVE CITATION OF AUTHORITY**
- Discuss and ask questions about last week’s assignment and issues (focus on *Erie*)
- Significance and kinds of legal precedent: controlling/persuasive/unpersuasive authority; majority/plurality/concurring/dissenting opinions; published/unpublished; primary/secondary sources (we will revisit in week 5)
- Purpose and practice of legal citation; *The Bluebook*
- Plagiarism in American academics and law

**Assignment for next class:** (1) peruse *The Bluebook*; (2) read Georgetown’s statement concerning plagiarism, pages 105-06 of the Student Handbook, available at http://www.law.georgetown.edu/campus-services/registrar/handbook/upload/Conduct_Policies.pdf

**WEEK 4 (Sept. 20) – EFFECTIVE, EFFICIENT LEGAL RESEARCH**
- Discuss and ask questions about last week’s assignment and issues
• Presentation from Georgetown law librarian: Westlaw and Lexis (primary resources); other resources (e.g., court dockets, GPO Access, agency websites...sometimes just Google!)

• Miscellaneous notes: Keyciting/shepardizing (“good law”); headnotes / notes of decision; citing references; docket numbers vs. reporter citations.

• **Assignment for next class:** Practice navigating Westlaw and/or Lexis: Find, read, and bring to next week’s class: (1) a New York state statute concerning water pollution and (2) a case (state or federal) that cites that statute.

WEEK 5 (Sept. 27) – SURVEY OF DIFFERENT MODES OF LEGAL WRITING

• Discuss and ask questions about last week

• Identify and distinguish various kinds of legal writing
  a) Judicial decisions; agency decisions
  b) Pleadings and briefs filed with the court (or agency)
  c) Office memoranda and emails
  d) Legal scholarship (law review articles and books)
  e) Legal blogs, journalism, and client alerts

• **Assignment for next class:** (1) Identify a federal case, decided within the last five years, concerning a topic that is somehow relevant to your past or prospective legal practice; (2) download and/or print (a) the court’s final opinion, (b) the main briefs that the parties had submitted to the court prior to the court’s decision, and (c) a law review article that discusses the outcome of that case to some degree (if you can’t find all those things, choose a different case—the more prominent it was, the easier it will likely be to find those); (3) compose a brief summary (one to two typed, single-spaced pages) of a central issue in the case—assuming you are explaining it to another lawyer, but one who is unfamiliar with the case—that addresses (a) the parties’ respective arguments about that issue, (b) the court’s ruling on that issue, and (c) the law review article’s take on the court’s ruling; (4) be prepared to present about your case at our next class (it is not required that you bring printouts of your materials to class, but you can do so if that would be helpful—or you can have the copies on your laptop, if you choose to bring one).

WEEK 6 (Oct. 4) – CRITICALLY EVALUATING JUDICIAL OPINIONS

• Break out into small groups, present your case summary to each other (no longer than five minutes each), ask questions about your respective cases, and discuss any difficulties you encountered in doing the research or writing your summaries.

• Discuss, as a class, the challenges you may have collectively encountered.

• Discuss prototypical characteristics of judicial opinions, including their organization, tone, reasoning, and ultimate actions/effects

• **Assignment for next class:** Read Hoffman, Chapter 4 (all), along with the Geren case identified therein. Be prepared to discuss the reading (and the questions it raises) at next week’s class.

*Oct. 11 – No class (Columbus Day holiday: Monday classes meet on Tuesday)*
WEEK 7 (Oct. 18) – NUTS AND BOLTS OF THE OFFICE MEMORANDUM

- Discuss and ask questions about last week’s assignment and issues
- The research memorandum in a U.S. law firm (or similar office)
  a) Purpose and function
  b) No universal, hard-and-fast model! Context, context, context...
  c) General guidelines regarding assumptions, etiquette, presentation
  d) Organization/progression of argumentation: “IRAC” and similar models
  e) Importance of identifying controlling authority and the appropriate modes of legal reasoning—common law, textual interpretation, both, other
  f) Respective features of good and bad memos

- Assignment for next class: (1) read excerpts of Hoffman, Chapter 2: pages 10-14 and 16-22; (2) read Hoffman, Chapter 5 (all), along with the sources identified therein. Be prepared to discuss these readings (and the questions they raise) at next week’s class.

WEEK 8 (Oct. 25) – RECEIPT OF YOUR OFFICE MEMO ASSIGNMENT

- Discuss and ask questions about last week’s assignment and issues
- Receive hypothetical research question from U.S. law firm partner
- Preview your progressive completion of this project over the next several weeks

- Assignment for next class: (1) With the law firm partner’s question in mind, read the relevant legal authorities that I will identify in/before this class; (2) formulate a tentative answer to the partner’s question based solely on the legal authorities I have identified; (3) compose an outline of the memo that you will eventually draft in support of your conclusion. Bring three printed copies of your outline to next week’s class. It may be helpful also to have a copy of each source with you in class, whether an electronic copy on your laptop or a printout, although that is not required.

WEEK 9 (Nov. 1) – REVIEW OF YOUR OUTLINE

- Break out into small groups, present your tentative answers and outlines to each others, and have a constructive debate about the right answer and different ways to organize an effective memo
- A little lecture on the sources, mixed with you sharing highlights from your group’s discussion with the class
- Discuss and ask questions about the upcoming process of transforming your outline (which you are free to alter) into memo form

- Assignment for next class: Draft memorandum as you may see fit in light of the feedback you have received. Bring your draft to next week’s class.

WEEK 10 (Nov. 8) – PEER REVIEW OF YOUR DRAFT

- Pair off in groups of three, take time to read carefully each other’s draft memo, and offer detailed, constructive criticism
- Schedule an appointment for an individual mini-workshop with me.
• **Assignment for next class:** Revise your draft however you may see fit in light of your peer’s feedback. Email me that revised draft no later than Friday, November 11.

**WEEKS 11-12 – INDIVIDUAL WORKSHOPS (NO FORMAL GROUP CLASSES)**

• Meet with me for approximately 20 minutes each during the window we have scheduled. I will have reviewed the draft you emailed me and will provide you with feedback. You may also ask me any questions you may have.

• **Assignment for next class:** Further revise your draft and polish it into a final product. I will specify precisely when and in what manner your final draft is due to me, but the deadline will be by/before November 25.

• **Bring your laptop to our last class, if possible**, so that you can fill out your online course evaluation.

**WEEK 13 (Nov. 29) – LAST CLASS: FEEDBACK AND CELEBRATION**

• Meet with me individually for approximately five minutes each to receive comments on the final draft of your memo as well as your performance throughout the semester.

• While I meet with individuals, the rest of you should complete your online course evaluation and, if/when you have finished that, discuss with each other your professional plans and aspirations.

• A group brunch-party will follow class; attendance is optional (but encouraged!)