

Practice-Ready Research Skills
Summer 2017
Rm. 243
May 23-25, 5:30-9:00pm
May 30-June1, 5:30-9:00pm

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Course Objectives:

This course is offered as an intensive summer experience and is designed to provide students embarking on internships, externships, clerkships, summer associate positions, and the practice of law with the skills to approach practical legal research problems in efficient and cost-effective ways. Emphasis will be placed on research strategy, accompanied by a solid understanding of the appropriate types of research resources critical in the exploration of state and federal legal issues. While both print and electronic sources will be used, the most efficient sources will be highlighted for each type of research problem explored. You will be evaluated on your ability to develop and execute a high quality research strategy when presented with real-life research problems. You will also be evaluated on your ability to articulate your research results in a clear and thoughtful way. The fundamental goal of this course is the development of strategies and skill sets required to prepare you to perform exceptional, efficient, and cost-effective legal research in a professional environment.

Specifically, I expect that you will complete this class with:

- strategies for performing comprehensive legal research
- the ability to manage research projects within time and resource limitations
- a better sense of the ways in which you may use technology in legal practice
- an enhanced understanding of the roles and differing characteristics of sources of law: the common law; legislation, administrative regulations; treaties, and judicial interpretation of legislation, regulations, treaties and constitutions
- the processes through which law is made and changed and how those processes differ from one source of law to another

Required texts:

Mark K. Osbeck. *Impeccable research: a concise guide to mastering legal research skills*, 2nd ed. (West 2016).

Web course: Students will be required to register for the TWEN web course created for this class. Any readings outside those in the assigned text will be accessed through the web course, and all exercises will be distributed and returned using TWEN. A discussion forum for questions that arise outside of class will be available. Additionally, a collection of guides and resources will be placed on the web course for consultation throughout the remainder of the summer. You will continue to be able to access the web course until the beginning of the fall semester.

Craft Brewery Representation Simulation: This course is structured to teach and then reinforce essential research skills through the simulated representation of a client opening a craft brewery in the state of New York. I use this structure to emphasize the incredibly valuable place that research skills have in the practice of law, and I believe that experiential learning is the best vehicle for making this connection. Why brewery law? Because it is one of the most fascinating and diverse areas of law I have explored. A practitioner in this area must be able to find and use state and federal law, regulatory materials, legislative materials, common law, municipal ordinances, trade publications, a variety of secondary sources, and an amazing breadth of doctrinal areas—including, but not limited to, intellectual property, employment law, commercial leasing, business organizations, contracts, and tax. Add to this the fact that the local, state, and national economic impact of the craft brewing industry has been enormous in the last decade and you have all the makings of an opportunity to use real-life legal issues in a specific industry to build essential lawyering skills. Also, in the interest of full disclosure, I love beer.

Tues., May 23:

Special guest Q&A with our client, Andrew Berman – half hour interview.

Part I: Strategy—why it matters and how to develop it

Reading:

Osbeck—Preface, Introduction, and Ch. 1, part A. (Pages 3 & 4 may be my favorite pages in the entire book. Don't skip them!)

Krieger & Neumann – *Essential Lawyering Skills*, 5th ed., p. 95-97 - posted on the web course under Course Materials

Part II: Making secondary sources, practice aids, and trade publications count

Reading:

Osbeck—Ch.2

Jason Wilson, *Dear Law Students, Secondary sources are like cheeseburgers. You like those, right?* (blog post 8/25/10) – posted on the web course under Course Materials

Exercise #1 distributed in class

Wed., May 24:

Special guest Q&A (7pm) – John Szymankiewicz <http://beerlawcenter.com/about-beer-law-center/>
Essential Research Skills for Craft Brewery Representation

Statutory research (state and federal)

Reading:

Osbeck – pgs. 35-47, 166-169

Exercise #2 distributed in class

Thurs., May 25:

Regulatory research (state and federal)

Reading:

Osbeck – pgs. 47-51, 174-179

Exercise #3 distributed in class

Fri., May 26 - Mon., May 29:

**This class session will happen entirely online. It will be an asynchronous class—meaning that you will complete your readings, watch material online, and complete an exercise independently at your own pace prior to your return to class on the 30th. Detailed instructions for this work will be provided on the TWEN web course. This format allows us to meet together for only 6 evenings rather than 7. This class session will cover cost-effective research, keeping abreast of news and events in a selected area of law, and efficiency tips for transactional practice.

Reading:

You will not be required to read, but there will be several streaming videos provided online for the session

Exercise #4 distributed online

Tues., May 30:

Part I: Case law research

Reading:

New York Legal Research, 3rd. ed. – pgs. 80-95 (provided on the web course)

Part II: Updating—citators & alert services

Reading:

Osbeck – pgs. 61-68

Exercise #5 distributed in class

Wed., May 31:

Strategy and organization—putting days 1-5 together

Reading:

Osbeck—Ch. 5

Thurs., June 1:

Practice exam and self-evaluation—developing strategy and identifying appropriate authorities

Reading:

Osbeck – Ch. 6

Thurs., June 1 cont'd.:

(General description: students will be given a research problem that will be structured exactly like the final examination for the class. They will be asked to create a research strategy and then implement the strategy to gather a list of potentially relevant and useful resources for the research. Students will have only 2 hours to complete this task. While there won't be time for students to read each of the authorities in depth to determine which are the most useful and appropriate, we will spend the remainder of the class comparing both the strategies and lists of potentially useful resources to find strengths and weaknesses in each student's strategy and execution.)

Attendance:

Because this course is in an intensive format and meets only 6 times, you may only miss 1 of the 6 class sessions. Students missing more than 1 class session will not be able to pass the course.

Grading:

Exercises: The 5 brief exercises will account collectively for 50% of the final grade. Exercises will be provided to the students toward the end of the noted class and will be due by the beginning of the following class session. Some class time will be allotted for work on the exercises. Late exercises submitted within 24 hours of the date and time due may be accepted if Professor Selby determines this is warranted due to extraordinary circumstances. No exercises will be accepted if submitted more than 24 hours after the date and time due.

Final exam: The final exam will comprise 50% of the final grade. Students will be given a research question and asked to develop and describe an appropriate research strategy for the question. They must then implement the strategy and write a research memo detailing their findings and identifying the total number of hours spent on the project and each of the resources consulted in the course of the research. The final exam will be available on Friday, June 2nd, at 9:00 a.m. and will be due exactly one week later on Friday, June 9th, at 9:00 a.m. Late exams will not be accepted unless there are extraordinary circumstances as determined by the Associate Dean for Students, and any student submitting a late exam without the express permission of the Associate Dean for Students will fail the course.