Spring 2021

Legal Research & Writing: An Undergraduate Pre-Law Course Design

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Recommended Citation

LEGAL RESEARCH & WRITING: AN UNDERGRADUATE PRE-LAW COURSE DESIGN

By

Rachel Kathleen Strieber

Submitted in Partial Fulfillment
of the Requirements for
Graduation with Honors from the
South Carolina Honors College

May, 2021

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I. Thesis Summary

The purpose of this project-based thesis is to develop an undergraduate pre-law course that teaches legal research and writing (LRW) and to design its respective description, topics, reading materials, sample syllabus document, and a sample lesson plan. The research portion of this thesis will study the pedagogy of LRW and the connection between LRW skills and the students' success in law school and careers in law. Preparing students to excel in LRW skills prior to law school through the proposed undergraduate pre-law LRW course will yield a stronger performance in a first-year law LRW course to follow and amplify students' success in law school and beyond.

## II.	Introduction

Legal research and legal writing are two of the most fundamental skills that first-year law school students (1Ls) should master, made evident by the commonly titled 1L course, "Legal Research & Writing (LRW)."[1] For example, at the University of South Carolina School of Law, as part of a substantial and challenging curriculum, 1Ls take six hours of Legal Research, Analysis, and Writing. Students could prepare for this course prior to law school by taking an undergraduate pre-law LRW course like the one proposed in this project. Currently, the University of South Carolina does not offer a course exclusively focused on LRW for undergraduate students. Thus, an opportunity exists for the University of South Carolina to enhance the curriculum and further develop class options by offering a course focused exclusively on LRW for undergraduate pre-law students.

### a.	Part I: The Pedagogy of LRW and its Ties to Success in Law School and Beyond

The first section of this project-based thesis will examine the pedagogy of LRW. This section will also analyze the connection between research and writing skills and academic success in law school and beyond. Specifically, the research component seeks to answer the questions, "What is an effective LRW pedagogy, and what is the connection between research and writing skills and academic success in law school and a career in law?" LRW courses often require students to adopt new learning strategies; embracing and mastering those strategies can lead to increased success. Skills-based courses, such as LRW, require students to learn and employ problem-solving skills.[2] One LRW scholar concluded that "law students that spent more

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[1] Lucia A. Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?*, 100 CUA L. SCHOLARSHIP REPOSITORY 245 (1996).

[2] Leah M. Christensen, *The Power of Skills: An Empirical Study of Lawyering Skills Grades as the Strongest Predictor of Law School Success (Or in Other Words, It's Time for Legal Education To Get Serious About Integrating Skills Training Throughout the Law School Curriculum If We Care About How Our Students Learn)*, 83 ST. JOHN'S L. REV. 816 (2009).

time using problematizing and rhetorical reading strategies and less time using default strategies were more successful after their first semester of law school."[3] Additionally, skills classes, as well as experiential classes, have been found to enhance overall law school performance because they encourage right-brain learning, which is responsible for aesthetics, feelings, and the creativity crucial for law school success.[4]

Particularly with regard to skills-based or experiential courses, one scholar has stressed the need for students to become the focal point of instruction, as opposed to traditional teacher-centered models of teaching.[5] Student-centered instruction, through the development of a classroom environment and schedule in which the students are both the focus and the beneficiaries of each aspect of instruction, can help students master skills essential to LRW and enhance law students' performances. One of the best practices for encouraging the learning success of LRW includes incorporating student-centered learning strategies focused on developing research and writing skills.[6]

Additionally, critical thinking is an essential component of preparing for law school and of successful performance in legal research and writing.[7] This thesis will examine suggested methods of incorporating critical thinking into the undergraduate pre-law LRW course design discussed in Part II.

LRW assignments that simulate actual legal work motivate students to learn the basic skills of research, analysis, and writing and allow students to see their work in practical real-life

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[3] Leah M. Christensen, *Legal Reading and Success in Law School: An Empirical Study*, 30 SEATTLE UNIV. L. REV. 646 (2006).
[4] Christensen, *supra* note 2, at 812.
[5] Megan Austin, *Designing and Teaching a Course in Legal Research and Writing for Master in Legal Studies Students*, 33 LEGAL REFERENCE SERVS. Q. 320-21 (2014).
[6] *Id.*
[7] John J. Furedy & Christine Furedy, *Course Design for Critical Thinking*, 27 IMPROVING COLL. & UNIV. TEACHING 99 (1979).

applications.[8] LRW problems that reflect real cases, as opposed to fabricated ones, motivate students to learn and offer the best opportunity for students to apply their skills in practical applications.[9]

Because the average student entering law school currently has a much stronger foundational ability to find information from the Internet or online databases than traditional print sources,[10] the use of technology is significantly incorporated into successful LRW pedagogy. This allows the professor to take advantage of the students' familiarities with online research and combine that knowledge with components of legal research.

Ultimately, a successful undergraduate pre-law LRW pedagogy should embrace a student-centered teaching model; teach and require students to employ critical thinking skills; allow students to practice those skills by researching, analyzing, and writing about real legal issues; and incorporate relevant technology that will aid students as they work through the pedagogical process. Research about a variety of LRW pedagogical strategies, such as assigning challenging problems and creating realistic scenarios, provides best practices for designing undergraduate pre-law LRW pedagogy. This thesis will analyze and evaluate scholars' claims that good LRW skills are strong predictors of 1L academic and professional success, and it will incorporate the most fundamental of those skills into the proposed undergraduate pre-law LRW course in Part II. This course is designed to prime students for law school by incorporating components of successful 1L LRW.

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[8] Michael A. Millemann & Steven D. Schwinn, *Teaching Legal Research and Writing with Actual Legal Work: Extending Clinical Education into the First Year*, 12 CLINICAL L. REV. 441 (2006).
[9] *Id.*
[10] Thomas Keefe, *Teaching Legal Research from the Inside Out*, 97 LAW LIBR. J. 117 (2005).

b. Part II: Proposed Undergraduate Pre-Law LRW Course

The second section of this project-based thesis will apply the pedagogical principles discussed in Part I and elements of course design to the development of a new undergraduate pre-law course titled, "Legal Research and Writing." The outcome of the project will be a complete undergraduate pre-law LRW course proposal, including a course description, a sample syllabus document, and a sample lesson plan focused on legal research and legal writing.

The sixteen-week undergraduate pre-law LRW course's sample syllabus document will include the following sections: professor information, course description, location, time, office hours, contact information, required texts, assignments, reading material, topics, learning objectives, technology, conduct and honor policies, diversity statement, grading scale, attendance policy, participation, a schedule of class activities, and a contract. The sample syllabus document incorporates the four distinct components of a successful syllabus; it establishes a contract for the course, serves as a communication device between the faculty member and the students, delivers a plan for course progression and completion, and serves as a cognitive map for the course learning objectives.[11] Every lesson plan and aspect of the curriculum of the undergraduate pre-law LRW course will incorporate common LRW skills and key pedagogical and technological aspects necessary to offer students a valuable experience in research and writing about the law.

Implementation of the undergraduate pre-law LRW course is not within the scope of this project-based thesis. The goal of the thoroughly researched and designed undergraduate pre-law

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[11] Ken Matejka & Lance B. Kurke, *Designing a Great Syllabus*, 42 COLL. TEACHING 115 (1994).; *See University of South Carolina Center for Teaching Excellence Syllabus Best Practices for Faculty*, https://sc.edu/about/offices_and_divisions/cte/teaching_resources/syllabus_templates/docs/cte_syllabus_best_practices.pdf (accessed April 7, 2021).; Natasha N. Jones, *Human Centered Syllabus Design: Positioning Our Students As Expert End-Users*, 49 COMPUTERS AND COMPOSITION 33 (2018).

LRW course is to offer a developed course proposal suitable for approval by the University of

South Carolina.

III.   Part I: The Pedagogy of LRW and its Ties to Success in Law School and Beyond

   a. The Pedagogy of LRW

Pedagogy refers to a field of knowledge about education and the practices and realistic recommendations involved.[12] It is important to assess the pedagogy of 1L LRW courses as a first step in designing an undergraduate pre-law LRW course because that pedagogy provides the best practices and teaching strategies for the course's effective implementation. However, despite over 200 years of development of legal education, "there is almost no quantitative pedagogical research focused specifically on legal education and [its] dominant teaching and learning techniques."[13] Therefore, the combination of multiple research pedagogy strategies for higher education can be relevant to LRW courses.

The pedagogy of LRW courses in first-year programs informs learning in courses after the first year.[14] Therefore, the teaching model of an undergraduate pre-law LRW course should mirror that of a 1L LRW course to encourage consistency and knowledge retention.

LRW professors primarily teach students reading, writing, and research skills.[15] Similar to coaches teaching players how to play a sport, LRW professors teach students how to examine, interpret, and transform legal text. Therefore, successful LRW courses provide students with real-life examples, give the students opportunities to apply techniques themselves, and ultimately provide feedback so the students can learn from errors.[16]

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[12] Alfredo Veiga-Neto & Maura Corcini Lopes, *Education and Pedagogy: A Foucauldian Perspective*, 49 EDUC. PHIL. & THEORY 735 (2017).
[13] Warren Binford, *How to Be the World's Best Law Professor*, 64 J. LEGAL EDUC. 542, 558 (2015).
[14] Eric B. Easton et al., Sourcebook on Legal Writing Programs 6 (2d ed., ABA 2006).
[15] James B. Levy, *Legal Research and Writing Pedagogy – What Every New Teacher Needs to Know,* 8 PERSPS.: TEACHING LEGAL RSCH. & WRITING 1 (2000).
[16] *Id.*

The signature pedagogy of LRW encompasses authentic, challenging tasks through instruction, frequent feedback, and revision.[17] It should combine learning the law with writing the law, and it should engage students to solve legal issues in realistic contexts.[18] Instruction should include articulating knowledge and professional skills to students, designing a curriculum to accomplish those goals, assessing progress throughout completion of the course, and sharing the evaluations of progress with students.[19] The topics and reading assignments outlined in the proposed undergraduate pre-law LRW course sample syllabus document in Part II pursue these goals.

In regard to legal writing specifically, the professor should demonstrate examples of both legal works that have been written well and some that have not.[20] Additionally, the professor should edit legal writing in class and teach students how to self-edit, before finally critiquing the students on their writing abilities in their written drafts and oral presentations.[21]

An example of how a professor might approach a particular research lesson involving key word searching involves the professor brainstorming search terms with the class, using visual aids to demonstrate how search terms can be used to find relevant information and case citations, and then providing an opportunity for the students to complete the same exercise on their own and ask questions.[22] This teaching strategy allows both the professor to guide the students and the students to develop skills to do this particular step of research on their own.

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[17] *See* J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View,* 69 WASH L. REV. 35 (1994).
[18] Carol McCrehan Parker, *The Signature Pedagogy of Legal Writing*, 463 J. LEGAL WRITING INST. 5 (2010).
[19] ABA Sec. Leg. Educ. & Admis. To B., Standards Rev. Comm., *Student Learning Outcomes, Draft for October 9-10, 2009 Meeting* (Sept. 3, 2009) (available at http://www.abanet.org/legeled/committees/comstandards.html; select "Student Learning Outcomes" from the list under the heading "Meeting Date: October 9-10, 2009").
[20] Levy, *supra* note 13, at 2.
[21] *Id.*
[22] *Id.*

In regard to teaching students how to cite using *The Bluebook*, the professor should provide an overview of the book and its purpose, use a visual aid to demonstrate how to find the applicable rules for citation in the book, and then test the students on their ability to find page numbers and rules in *The Bluebook* for various prompts.[23]

i.   *Student-centered Teaching Model*

Making students the focus of teaching and learning strategies utilized in LRW pedagogy encourages students to take responsibility for their own learning. This leads to the recognition and tackling of challenges by the students themselves. Shifting this responsibility enhances overall learning and puts the responsibility on the student to actively absorb material more in-depth, which also enhances memorization skills critical to other courses in the 1L curriculum.[24] Professors should view themselves as facilitators of discussion and references for student researchers in class and through various assignments, purposed with guiding the learning process.[25]

LRW courses are unique from other 1L courses because they rely on "problem-based learning," which encourages the development of problem-solving skills, as opposed to the case method, which dominates many doctrinal courses. "Problem-based learning" is a teaching model in which students learn by solving problems on their own, as opposed to the case method, which focuses on reading cases and extracting rules from them.[26] The case method is "teacher-centered," because the process involves students learning based on what the teacher teaches, as opposed to what the students do.[27] The proposed undergraduate pre-law LRW course discussed

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[23] *Id.*
[24] Christensen, *supra* note 3, at 818.
[25] Gabriël A. Moens, *The Mysteries of Problem-Based Learning: Combining Enthusiasm and Excellence*, 38 U. TOL. L. REV. 623, 626 (2007).
[26] *Id.* at 623.
[27] *See* Stephen Nathanson, *Designing Problems to Teach Legal Problem Solving*, 34 CAL. W. L. REV. 327 (1998).

in Part II employs a student-centered model by instructing the professor to facilitate assignments but leave it to the students to solve the problems tested throughout the course.

ii.   *Critical Thinking*

The "problem-based learning" style encourages students to analyze problems that demand the use of critical knowledge, problem-solving efficiency, self-directed knowledge absorption strategies, and teamwork skills.[28] This model of teaching, which employs critical thinking, has been found to enhance total academic performance in law school.[29] LRW courses encourage the development of critical thinking skills by providing lessons for the professor to teach content and supplemental assignments for students to apply what they learned in a new context, through different real-life cases or research.

iii.   *Technology*

Because each student learns differently, the LRW professor should personalize teaching practices through the use of modern technology.[30] Professors can increase student success in LRW courses by using technology to create visual aids that accommodate various learning styles. This pedagogy ensures that students are the focus of instruction and that the student is adequately taught content through different mediums.

By educating students about modern law practices that involve innovative technology, students can be better prepared to execute law practices through any technological medium. For example, professors can demonstrate how to find and use credible electronic legal research databases, such as Lexis and Westlaw. Furthermore, LRW professors can even allow students to

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[28] Moens, *supra* note 23, at 623.
[29] *Id.* at 623-25.
[30] Nancy E. Millar, *The Science of Successful Teaching: Incorporating Mind, Brain, and Education Research into the Legal Writing Course*, 63 ST. LOUIS UNIV. L. J. 400 (Spring 2019).

use the databases themselves in class. This practice prepares students to conduct legal research on their own in other law courses and in the practice when forming opinions and arguments.

In addition to learning and practicing electronic research strategies, LRW pedagogy involving technology can include lessons about advanced editing and formatting features of programs such as Microsoft Word, utilizing platforms for email communication, and mastering virtual meetings and presentations.

The role of technology in LRW pedagogy can not only increase success in law courses but can also propel student success in the field. "The demands of modern law practice make it imperative that students master a range of new technologies and communications methods."[31] Technological innovations are changing the practice of law.[32] Therefore, lawyers and law students need to develop new technological skill sets to be successful in the profession, which can be accomplished through effective pedagogy in LRW courses.[33]

b. *LRW's Ties to Success in Law School*

Effective pedagogy applied to an undergraduate pre-law LRW course can result in better academic performances by students in the future. One scholar conducted a study in which 157 students at a private, Midwestern law school completed an eighty-nine-question survey about the students' "motivations for learning, their perceptions of the goal structures in law school, and their academic efficacy."[34] The study found that "Lawyering Skills Grade was the strongest

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[31] Michelle Pistone, *Law Schools and Technology: Where We Are and Where We Are Heading,* 64 J. LEGAL EDUC. 589 (May 2015).

[32] *See generally*, John O. McGinnis & Russell G. Pearce, *The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers in the Delivery of Legal Services*, 82 FORD. L. REV. 3041, 3043 (2013)

[33] *See*, D. Casey Flaherty, *Could You Pass this In-House Counsel's Tech Test? If the Answer is No, You May be Losing Business*, A.B.A. J. (July 17, 2013, 1:30 p.m.), https://www.abajournal.com/legalrebels/article/could_you_pass_this_in-house_counsels_tech_test (accessed April 7, 2021).

[34] *See* Carol Midgley, *Preface to Goals, Goal Structures, and Patterns of Adaptive Learning*, at xi, xi (Carol Midgley ed., 2002).

predictor of law school success, followed by UGPA and LSAT score."[35] LRW constitutes one of the "Lawyering Skills classes" described in this study.

Successful law students know how to use the "Lawyering Skills" described in this study, including reading and writing skills, which are useful to legal study and the legal profession.[36] LRW skills fuel success in law school and beyond by pushing students to comprehend and analyze complex problems and to apply those legal concepts to competing points of view, which is a core practice of the legal profession.[37]

This research shows that skills classes, such as LRW, can positively impact the academic success of students. This impact implies that an undergraduate pre-law LRW course could proactively improve academic success of the students in law school. In the 2008 Law School Survey of Student Engagement, law students expressed concern about not having enough skills training prior to practicing law.[38] Starting skills training earlier, through the proposed undergraduate pre-law LRW course, can help students start building relevant skills sooner, equipping them to take advantage of opportunities during law school to learn additional skills. The cumulative effect of starting sooner could, therefore, be useful to help close this gap between what students have learned by law school graduation and what they will need to succeed in practice.

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[35] *See* Leah M. Christensen, Data Summary 1-6 (June 30, 2008).
[36] Alexia Brunet Marks & Scott A. Moss, *What Predicts Law Student Success A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes*, 13 J. EMPIRICAL LEGAL STUDS. 224 (2016)
[37] Roy Stuckey et al., Best Practices for Legal Education 98 (2007).
[38] *See* Law School Survey of Student Engagement, *Student Engagement in Law School: Preparing 21st Century Lawyers* 12 (2008), available at
http://lssse.iub.edu/2008_Annual_Report/pdf/j4u5h7e9/LSSE_2008_Annual_Report.pdf.

c. LRW's Ties to Success Beyond Law School

The importance of LRW courses and the skills students acquire in them is evident beyond law school as well. Learning builds upon existing knowledge, but law students do not come to law school equipped with adequate writing skills.[39] By offering the undergraduate pre-law LRW course proposed in Part II to students before they start law school, the university could better prepare students academically and for the legal work force.

One empirical study found that approximately 94% of both federal and state judges surveyed reported that basic writing issues hindered the briefs they read, and a majority of survey respondents did not feel as through new participants of the law profession wrote well.[40] The deficiencies described in this survey by judges are the same deficiencies reported by law schools as "evident in the writing of first-year law students."[41] Students who lack developed writing skills may not be as equipped to perform well in LRW, law school, and the practice.

In addition to improving students' writing skills, skills classes such as LRW advance reading, writing, legal analysis, the use of technology, problem solving, self-editing strategies, and critical thinking skills, which can lead to success in the profession.[42] LRW courses teach students how to deliver professional legal services efficiently and to apply a broad range of acquired skills to real-life cases.[43]

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[39] Millar, *supra* note 28, at 379.

[40] Mark K. Osbeck, *What Is "Good Legal Writing" and Why Does It Matter?*, 4 DREXEL L. REV. 417, 420 (2012) (citing Susan Hanley Kosse & David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teaches Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. LEGAL EDUC. 80, 85-86 (2003)).

[41] Susan Hanley Kosse & David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teaches Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. LEGAL EDUC. 92 (2003)

[42] Christensen, *supra* note 2, at 12.

[43] Stuckey et al., *supra* note 35, at 77.

IV.   Part II: Proposed Undergraduate Pre-Law LRW Course

a. *Sample Syllabus Document Design*

The proposed undergraduate pre-law LRW course's sample syllabus document is modeled after undergraduate courses at the University of South Carolina and 1L law school LRW courses at the University of South Carolina School of Law, West Virginia University College of Law, and the University of Houston Law Center.

The syllabus document maintains the four essential components of an effective syllabus: a contract, a communication device, a plan, and a cognitive map.[44] The undergraduate pre-law LRW course professor's main obligation is to provide the material the course schedule describes. Additionally, the professor is expected and encouraged to use his or her personal knowledge and discretion to provide real-life legal case examples, present information during class sessions, and provide supplemental resources for the students to succeed.

The "Student/Professor Agreement" section of the syllabus document conveys the contract, which is designed to hold students accountable for the undergraduate pre-law LRW course's assignments, deadlines, and rules. The "Contact Information" section creates a communication device, so that students know how and when to communicate with the professor. The "Course Schedule" provides the general plan of lessons, assignments, and presentations throughout the course, which allows students to plan ahead and resolve potential concerns early in the undergraduate pre-law LRW course. The topics and content described in this section serve as the cognitive map, directing students to information and resources.

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[44] Matejka & Kurke, *supra* note 9.

b. Recommended Texts

The required texts for the proposed undergraduate pre-law LRW course are *Basic Legal Research* by Amy E. Sloan, *The Basics of Legal Writing* by Mary Barnard Ray, and *The Bluebook*. These texts were selected because they provide introductory content related to LRW and are appropriate lengths and levels for undergraduate students completing a sixteen-week undergraduate pre-law LRW course.

Basic Legal Research specifically addresses nuanced research tools and technology used for legal research.[45] The book explains the basic, foundational process of conducting legal research, while also providing students with the current, most-efficient methods of conducting the research.[46] This text allows undergraduate pre-law students to familiarize themselves with technology used to conduct legal research before they attend law school. The students will also need access to the Lexis and Westlaw databases to engage in the research component of the undergraduate pre-law LRW course.[47]

The Basics of Legal Writing provides basic information needed for students to adapt their current writing abilities to the challenges of legal writing and understand why legal documents are organized, structured, and written in various ways.[48] This book provides examples and instructions for writing legal research memos, and it serves as an introduction to assist undergraduate students in thinking about writing differently, in preparation for law school.

The Bluebook is a nationally referenced online or physical text that instructs academics and law practitioners how to appropriately cite law review articles, research papers, briefs,

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[45] Amy E. Sloan, Basic Legal Research XV (8th ed. 2021).
[46] *Id.*
[47] Various law schools around the country use and possibly teach different research databases. For the purpose of this project-based thesis, Lexis and Westlaw are included in the proposed course materials because 1Ls at the University of South Carolina School of Law utilize these databases.
[48] Mary Bernard Ray, The Basics of Legal Writing IX (Revised 1st ed. 2008).

motions, memoranda, opinions, and other legal publications.[49] Introducing this citation style to undergraduate pre-law students will put them at an advantage, because the law school they attend will most likely strictly require this form of citation, and it can help students think differently about how to support the ideas prevalent in their writing. Mastering skills from *The Bluebook* can also better prepare students for success in the practice, as lawyers and judges use it as the citing authority for legal arguments and opinions.[50]

    c. Sample Syllabus Document for the Proposed Undergraduate Pre-Law LRW Course

       The sample syllabus document for the proposed undergraduate pre-law LRW course follows.

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[49] Bluepages – Introduction, Legal Bluebook (Feb. 11, 2021, 9:31 PM), https://www.legalbluebook.com/bluebook/v21/bluepages/introduction.
[50] *See WashU Law Bluebooking 101,* https://libguides.wustl.edu/c.php?g=1034168 (accessed April 7, 2021).

LEGAL RESEARCH AND WRITING (LRW)
SYLLABUS
FALL 2022 | *SECTION*
LOCATION* | *TIME
PROFESSOR'S NAME AND TITLE

ABOUT THE PROFESSOR

Professor's Bio per UofSC's Website

CONTACT INFORMATION

Professor's Email Address, Phone Number, Office Location, and Preferred Method of Contact

OFFICE HOURS

Recurring Days, Times, and Locations

COURSE DESCRIPTION

The purpose of this 3-credit undergraduate pre-law LRW course is to introduce students to the legal research and writing process. This undergraduate pre-law LRW course is introductory in nature and designed for pre-law students to build LRW skills, applicable in practice, prior to attending law school. Modeled from first-year law school level LRW courses, it is designed to expose and allow students to develop LRW skills that will serve them in future LRW courses, as well as in law school and in practice. This course provides undergraduate pre-law students a foundation for the material they will encounter as law students, equipping them for success in law school and beyond.

LEARNING OBJECTIVES

- Understand the U.S. legal system's structure
- Develop legal research strategies
  - Identify and utilize effective search terms
  - Utilize the Lexis and Westlaw databases
- Critically evaluate legal information and authorities
  - Read and analyze court opinions
  - Read and comprehend rules and statutes
- Brief cases
- Draft legal memoranda
- Learn and properly utilize rules and practices governing legal citation, professionalism, and style
  - Exemplify correct use of spelling, grammar, and punctuation rules
  - Demonstrate proficient legal editing and proofreading skills
  - Cite sources using *The Bluebook*
- Construct persuasive legal arguments

- Deliver oral arguments

REQUIRED TEXTS

Basic Legal Research by Amy E. Sloan (8th ed.)
The Basics of Legal Writing by Mary Barnard Ray (Revised 1st Ed.)
The Bluebook (21st ed.)

ASSIGNMENTS[51]

Assignment	Weight	Deadline
U.S. Legal System Quiz	10%	August 26 at 11:59 p.m. (Blackboard)
Spelling/Grammar Quiz	10%	September 2 at 11:59 p.m. (Blackboard)
The Bluebook Citations Quiz	10%	September 16 at 11:59 p.m. (Blackboard)
Case Brief	10%	September 30 (In Class)
Closed Memo	35%	November 11 (Blackboard)
Oral Argument (Presentation)	20%	Weeks of November 21-25 and November 28-December 2 (In Class)
Professionalism/Participation	5%	(Throughout the Course)

Other Ungraded Assignments [Professor can modify this section according to preference.]:

- In-Class Writing, Research, and Citation exercises

GRADING SCALE

90-100 = A
87-89 = B+
80-86 = B
77-79 = C+
70-76 = C
67-69 = D+

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[51] 1L LRW courses are often separated into multiple semesters; the first semester focuses on objective analysis, and the subsequent semester(s) transitions to persuasive analysis. Because the proposed course is an introductory undergraduate pre-law LRW course, there are multiple options for instruction and assignments. The professor of the proposed course can provide a more broad, light introduction to more than one semester of a 1L LRW course by including the proposed persuasive memo and oral argument, or the professor can focus on either objective or persuasive analysis for the entirety of the proposed course. If the professor decides to transition from objective to persuasive analysis after the case brief, the oral argument assignment can be completed from the persuasive perspective. If the professor decides to focus on only one form of analysis, the oral argument can be eliminated or replaced by assignments such as peer editing exercises, in-depth research partner-work with progress updates to the class, or a presentation to a supervising lawyer based on the prediction about the client's case the students made in the closed memo. The professor can modify the assignments and syllabus accordingly.

60-66 = D
Below 60 = F

Grades ending in .45 or higher will be rounded up to the nearest whole number. No extra credit is accepted in this course.

ATTENDANCE

As per UofSC's official attendance policy, students are obligated to complete all assigned work promptly, to attend class regularly, and to participate in whatever class discussion may occur.

Absence from more than 10 percent of the scheduled class sessions, whether excused or unexcused, is excessive and the professor may choose to exact a grade penalty for such absences. It is of particular importance that a student who anticipates absences in excess of 10 percent of the scheduled class sessions receives prior approval from the professor before the last day to change schedule as published in the academic and refund calendars on the registrar's website.

TECHNOLOGY

Students are expected to comprehensively use Blackboard and Zoom.[52] To be successful in this course, students should have access to a laptop, computer, or tablet with a microphone, webcam, and consistent Internet access. Students should also have access to the Lexis and Westlaw databases.

STUDENT CONDUCT AND ACADEMIC INTEGRITY

Ethical academic behavior is essential for an institution dedicated to the promotion of knowledge and learning. UofSC is committed to fostering a university environment which exemplifies the values embodied in the Carolinian Creed. All members of the University Community have a responsibility to uphold and maintain the highest standards of integrity in study, research, instruction and evaluation, as well as adhering to the Honor Code and Code of Conduct.

It is the responsibility of every student at the University of South Carolina to adhere steadfastly to truthfulness and to avoid dishonesty in connection with any academic program. A student who violates, or assists another in violating, the Honor Code or Code of Conduct will be subject to university sanctions.

DIVERSITY

This course fosters understanding of issues and perspectives in the context of domestic concerns about gender, race, ethnicity and gender identity, and mass communications across diverse cultures in a global society. The course also fosters a climate that is free of harassment and all

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[52] The requirement for Blackboard and Zoom is to accommodate the need for remote access to class, group meetings, or conferences even after in-person instruction resumes.

forms of discrimination, accommodates the needs of those with disabilities, and values the contributions of all forms of diversity.

DISABILITY SERVICES

The University of South Carolina provides high-quality services to students with disabilities and encourages those students to take advantage of them. Students with disabilities needing academic accommodations should: (1) Register with and provide documentation to the Student Disability Resource Center in LeConte College Room 112A, and (2) Discuss with the professor the type of academic or physical accommodations you need. Please do this as soon as possible. All course materials are available in alternative format upon request.

COURSE SCHEDULE

Week	Dates	Topic	Reading Assignment	To Turn In
1	August 18-19	Course Introductions	Syllabus	
2	August 22-26	The U.S. Legal System & Introduction to Bluebook Citations	Introduction, B1 in *The Bluebook*	U.S. Legal System Quiz
3	August 29-September 2	Introduction to Legal Research & Reading Opinions and Statutes (Discussion of Case Brief Assignment)	Chapters 1-2 in *Basic Legal Research* & B10, B12 in *The Bluebook*	Spelling/Grammar Quiz
4	September 5-9	Search Options & Secondary Source Research & Review of *The Bluebook* Citations	Chapters 3-4 in *Basic Legal Research* & B5 in *The Bluebook*	
5	September 12-16	Introduction to Legal Writing	Chapters 1-2 in *The Basics of Legal Writing*	*The Bluebook* Citations Quiz
6	September 19-23	Drafting Memos Part 1 (Discussion of Closed Memo Assignment)	Chapters 3-5 in *The Basics of Legal Writing*	

7	September 26-30	Drafting Memos Part 2 & Revising for Clarity		Case Brief
8	October 3-7	Case Research	Chapters 5-6 in *Basic Legal Research*	
9	October 10-14	Electronic Legal Research & Developing Research Plans (Further Discussion of Closed Memo Assignment)	Chapters 6-7 in *The Basics of Legal Writing &* Chapters 10-11 in *Basic Legal Research*	
10	October 17-21	Persuasion & Preparing Oral Arguments (Discussion of Oral Argument Assignment)	Chapters 9-10 in *The Basics of Legal Writing*	
11	October 24-28	Closed Memo Working Session		
12	October 31-November 4	1:1 Meetings w/ Professor to Discuss Closed Memo (No Class)		
13	November 7-11	Drafting Other Legal Documents (Reflection of Closed Memo & Further Discussion of Oral Argument Assignment))	Chapter 11 in *The Basics of Legal Writing*	Closed Memo
14	November 14-18	Preparing for Law School and a Career in Law	Chapter 12 in *The Basics of Legal Writing*	
15	November 21-25	Presentations		Oral Argument
16	November 28-December 2	Presentations		Oral Argument

STUDENT/PROFESSOR AGREEMENT

By remaining enrolled in this undergraduate pre-law LRW course, the student agrees to abide by the rules and deadlines outlined in this syllabus. If the student has any concerns about any component of the syllabus, they must communicate that concern to the professor by UofSC's official add/drop date. The professor reserves the right to edit the syllabus and course schedule at any point in the semester.

d.   Sample Lesson Plan

A sample lesson plan for the undergraduate pre-law LRW course follows.

LEGAL RESEARCH AND WRITING (LRW)
LESSON PLAN
DATE

Class/Section/Time: *Class/Section* (50 mins)

Lesson Title: Introduction to Legal Research

Learning Outcomes:
- Clearly define legal research and its purpose.
- Identify the steps to complete legal research.
- Generate relevant search terms and connectors on various databases.
- Prepare for *The Bluebook* Citations Quiz in two weeks.
- *Active Learning Strategy #1:* Brainstorm potential search terms for real-life class example.
- *Active Learning Strategy #2:* Work with a partner to brainstorm potential search terms for another real-life class example.

Student Preparation:
- Prior to class, the students will read Chapters 1-2 in *Basic Legal Research* & B5, B10, B12 in *The Bluebook*.

Supplemental Materials/Resources:
- Classroom Computer with Internet Access
- Classroom Projector
- The *Basic Legal Research* Text

Outline of Lesson:
- *Check-In (5 Mins):* Ask students how they felt about the U.S. Legal System Quiz last week. Remind students about *The Bluebook* Citations Quiz in two weeks. See if students have any questions about course content thus far.
    - Questions pique the attention of the class, and the content retention eases the students into the lecture.
- *Introduction to Legal Research & Generating Search Terms Lecture (20 Mins):* Describe the purpose of legal research and an overview of the research process. Information should be derived from Chapters 1-2 in the *Basic Legal Research* text. A PowerPoint (recommended) or traditional discussion-based lecture can be utilized.
    - This YouTube video provides a general overview of the legal research process to supplement the textbook and professor's lecture.
        - https://www.youtube.com/watch?v=o7v3x3mjOtc[53]
    - Meaning: The professor's lecture supplements information learned from the reading assignment. It presents the content in a different way and allows students to ask questions.

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[53] Legal Research Strategy, YouTube (Feb. 15, 2021, 8:45 PM), https://www.youtube.com/watch?v=o7v3x3mjOtc.

- *Active Learning Strategy #1 (10 mins):* Brainstorm potential search terms and connectors for a class example of a real-life legal research question. Provide a legal research example from the *Basic Legal Research* textbook or an online source. The professor should generate 2-3 search terms and then ask the students to provide more search terms. For each search term, the students should explain how it is applicable and helpful to the example.
    - o   Meaning: This allows students to generate ideas themselves and put the content they learned into practice, while still having access to the professor for assistance.
- *Active Learning Strategy #2 (10 mins):* Students should work with the person next to them to generate potential search terms and connectors for another class example of a real-life legal research question. For each search term, the students should explain to each other how it is applicable and helpful to the example. Pairs may ask the professor questions as needed.
    - o   Meaning: Collaboration allows students to get ideas from each other and feel more comfortable speaking in front of others, which is helpful for the final oral arguments. This lesson portion also provides an additional example to the lecture.
- *Wrap-up (5 Mins):* Students will ask any additional questions they have to the professor.
    - • Meaning: This ensures students understand the content and know they can ask questions if needed. It also leaves time in case other sections of the lesson go over the allotted time.

Backup Plans:
- *Absence:* Should the professor or a significant number of students in the course be absent this day, the lesson can be executed completely over Zoom through the "Share Screen" mode.
- *Technology:* Should technology inside of the classroom fail, the professor should verbalize, through a traditional lecture-style lesson, topic content and class examples. Generated search terms should be written on the classroom board.

V. Conclusion

Part I of this project-based thesis explains the pedagogy of successful LRW courses and the connection between LRW pedagogy and students' success in law school and beyond. Part II utilizes this research to propose an undergraduate pre-law LRW course design. A sample syllabus document and lesson plan are provided for guidance.

LRW pedagogy allows students to acquire essential skills such as reading, writing, legal analysis, the use of technology, problem solving, self-editing strategies, and critical thinking skills, which yields success not only in law school, but in practice, as students apply the skills to real-life cases, arguments, and opinions.[54]

An opportunity exists for the University of South Carolina to offer a Legal Research and Writing (LRW) course to undergraduate pre-law students. If students arrive at law school with unsatisfactory research and writing skills, teaching LRW will require a significant amount of increased time and effort.[55] Providing this undergraduate pre-law LRW course at the University of South Carolina eliminates this hindrance. The researched pedagogy fuels the proposed undergraduate pre-law LRW course, which provides pre-law undergraduate students at the University of South Carolina with an appropriate broad range of LRW skills they need to be successful in law school and beyond.

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[54] Stuckey et al., *supra* note 35, at 65.
[55] Silecchia, *supra* note 1, at 270-71.