

# Legal Research II

## Pre-Course survey

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(This was to help me set up the discussion boards and assign students to a news feed.)

You will follow news on a particular topic this semester. Please select your top three preferences from the list below. This information will be used to set up this project.

- Access to Justice
- Aerospace & Defense
- Antitrust
- Appellate
- Bankruptcy
- Cannabis
- Civil Rights
- Commercial Contracts
- Consumer Protection
- Corporate Counsel
- Corporate Environmental, Social and Governance (ESG)
- Corporate Governance
- Crypto
- Data Privacy
- E-Discovery & Legal Tech
- Employment
- Energy
- Environment
- Federal Contracting
- Finance & Banking
- Fintech
- Food & Beverage
- Health Law
- Human Resources
- Immigration
- Insurance Law
- Intellectual Property

- International Trade
- Legal Ethics
- Media & Entertainment
- Mergers & Acquisitions
- Native American
- Occupational Safety
- Pharma & Life Sciences
- Products Liability
- Public Policy
- Real Estate
- Retail & E-Commerce
- Securities Enforcement & Litigation
- Social Justice & Diversity
- Sports & Betting
- Tax
- Tech & Telecom Law
- Transportation
- U.S. Supreme Court
- White Collar & Criminal Law

## Current Awareness Discussion Board

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### Purpose

This exercise will get you in the habit of reviewing legal news related to a particular practice area or topic. We will use specialized legal news resources associated with Westlaw, Lexis, and Bloomberg Law. Practicing attorneys use these news services to stay current with developments in their geographic region or specialty. For you, an added benefit will be the ability to see “real-world” examples of primary legal materials such as pleadings and motions that often accompany these stories.

### Time Estimate

This should take you less than an hour to complete each week.

### Grading

Timely good-faith submissions will receive 2 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the week. All the discussion board posts combined are worth 15% of your final grade.

### Deadline

This must be completed before 10:00 p.m. every Wednesday before class.

### Instructions

1. Sign up for your assigned electronic news feed. I strongly recommend that you sign up for the email newsletter version, so you get used to at least reviewing the headlines. However, you can search the website each week if you are against getting more email.
2. Each week, you should submit a summary and reaction post of around 75-100 words regarding one news story from your news feed. In particular, note and quickly explain any primary law documents attached to the story (e.g., regulatory filing, complaint, subpoena, etc.). You should quickly review them to familiarize yourself with various "real-life" legal documents.
3. Be sure to mention the title of the article you are reviewing and provide a link to it.
4. You should select a story from the current week, meaning the time frame that starts from Thursday (day of class) to the following Wednesday (when the assignment is due). If no stories are available (unlikely), you can use a story from the week before.
5. These will follow completion grading, meaning that timely good-faith submissions will receive full credit.
6. No credit will be given for unexcused late submissions.
7. Click on **Reply** below. Use the text box; don't try to upload a document.
8. You can reply to your classmates' posts, but it is not required.
9. Please use generally correct grammar, complete sentences, proper spelling, etc.

# Advanced Legal Research: Civil Litigation

## Discussion Board #1 -- Natural Language Searching

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### Purpose

The discussion boards provide an opportunity for you to review and discuss short-form materials reflecting policy and ethical issues relating to legal research. This particular video relates to the use of artificial intelligence or algorithms in legal research.

### Time Estimate

This should take you less than an hour to complete.

### Grading

For the initial post, timely good-faith submissions will receive 3 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the assignment. The same rules apply for the responsive post, which is worth 1 point. The 5 Discussion Boards combined are worth 20% of your final grade.

### Deadline

Your initial post must be completed before 9:00 a.m. January 17th. Your responsive post is due by 8:00 p.m. January 23rd. I will not grade the submissions until the deadline for responsive posts has passed.

### Instructions

Source Material (Watch this 15-Minute Video)

- [Video](#)

### Optional Reading

- [Results May Vary \(ABA Journal\)](#). This version of the article is in what is known as an Institutional Repository (IR). Many if not most law schools make their law reviews available for free (open access) in IRs.

### Mechanics

- Click on **Reply** below. Use the text box; don't try to upload a document.

- Your initial post is due this week and must be 75 to 200 words.
- You must offer a substantive reply of at least 25 words to one of your classmates' posts.
- The responsive post is not due until next week (Monday at 8 p.m., which is the standard deadline for this class.)
- Please use generally correct grammar, complete sentences, proper spelling, etc.
- *Please note that this is a "post-first" forum, meaning that you must post before you can see your classmates' posts.*

### Content

The following are suggestions to guide your post. Don't feel the need to address all six items.

- Briefly summarize what you consider to be the three key points from the video.
- Were you familiar with this study or was it new to you?
- If you have already done the homework assignment exercise that is based on this study, how did your results compare to the results from the study?
- What are the implications of this study for how you do research?
- How do you normally search? Do you use terms and connectors or natural language searching? Do you use different search techniques in different situations?
- Please feel free to share any other reactions you have to the video.

## Discussion Board #2 -- PACER

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### Purpose

The discussion boards allow you to review and discuss short-form materials reflecting policy and ethical issues relating to legal research. This particular discussion relates to PACER fees.

### Time Estimate

This should take you less than an hour to complete.

### Grading

For the initial post, timely good-faith submissions will receive 3 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the assignment. The same rules apply to the responsive post, which is worth 1 point. The 5 Discussion Boards combined are worth 20% of your final grade.

### Deadline

Your initial post must be completed before 8:00 p.m. on January 30th. Your responsive post is due a week later. I will not grade the submissions until the deadline for responsive posts has passed.

### Instructions

#### Source Materials

- [PACER users to receive refunds in \\$125 million settlement with U.S. judiciary \(Reuters\).](#)
- [Legislative and Judicial Developments Affecting Public Access to Court Electronic Records \(Congressional Research Service\).](#)
- [Attacking a Pay Wall That Hides Public Court Filings \(New York Times\).](#)

#### Mechanics

- Click on **Reply** below. Use the text box; don't try to upload a document.
- Your initial post is due this week and must be 75 to 200 words.
- You must offer a substantive reply of at least 25 words to one of your classmates' posts.
- The responsive post is not due until next week (Monday at 8 p.m., which is the standard deadline for this class.)
- Please use generally correct grammar, complete sentences, proper spelling, etc.
- *Please note that this is a "post-first" forum, meaning that you must post before you can see your classmates' posts.*

### Content

The following are suggestions to guide your post. Don't feel the need to address every item.

- Briefly summarize what you consider to be the three key points from the video and readings.
- What is your reaction? As a policy matter, should there be free access to the information contained in PACER? What are the benefits and problems with such an approach?
- Do you have any experience working with PACER or state court docketing systems? If so, what are your impressions?
- Please feel free to share any other reactions you have to this week's topic.

## Discussion Board #3 -- Legal Analytics

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### Purpose

The discussion boards allow you to review and discuss short-form materials reflecting policy and ethical issues relating to legal research. This particular discussion deals with the role of prediction in legal practice and how technology may be changing how lawyers make predictions.

### Time Estimate

This should take you less than an hour to complete.

### Grading

For the initial post, timely good-faith submissions will receive 3 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the assignment. The same rules apply to the responsive post, which is worth 1 point. The 5 Discussion Boards combined are worth 20% of your final grade.

### Deadline

Your initial post must be completed before 8:00 p.m. on February 6th. Your responsive post is due a week later. I will not grade the submissions until the deadline for responsive posts has passed.

### Instructions

#### Source Materials

#### [Video](#)

Read this (via HeinOnline):

[Kevin Bennardo, \*Abandoning Predictions\*, 16 LEGAL COMM. & RHETORIC: JAWLD 39 \(2019\).](#)

### Mechanics

- Click on **Reply** below. Use the text box; don't try to upload a document.
- Your initial post is due this week and must be 75 to 200 words.
- You must offer a substantive reply of at least 25 words to one of your classmates' posts.
- The responsive post is not due until next week (Monday at 8 p.m., which is the standard deadline for this class.)
- Please use generally correct grammar, complete sentences, proper spelling, etc.
- *Please note that this is a "post-first" forum, meaning that you must post before you can see your classmates' posts.*

### Content

The following are suggestions to guide your post. Don't feel the need to address every item.

- Briefly summarize what you consider to be the three key points from the video and reading.
- What is your reaction? How do predictions fit into legal practice? How may legal analytics and other technological advances change how lawyers make predictions? What are the ethical implications of too much reliance on technology? Are there ethical implications regarding not using technology?
- What are the societal and policy implications regarding unequal access to data to aid predictions? For example, insurance companies have a great deal of confidential

information regarding settlements. How might that give them an advantage with respect to litigation strategy?

- Please feel free to share any other reactions you have to this week's topic.

## Discussion Board #4 -- Technology, Plagiarism, and the Ethics of Legal Research

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### Purpose

The discussion boards allow you to review and discuss short-form materials reflecting policy and ethical issues relating to legal research. This particular discussion deals with how traditional finding aids and newer technologies impact legal research results. It also addresses the implications of using other people's work as a template.

### Time Estimate

This should take you less than an hour to complete.

### Grading

For the initial post, timely good-faith submissions will receive 3 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the assignment. The same rules apply to the responsive post, which is worth 1 point. The 5 Discussion Boards combined are worth 20% of your final grade.

### Deadline

Your initial post must be completed before 8:00 p.m. on February 13th. Your responsive post is due a week later. I will not grade the submissions until the deadline for responsive posts has passed.

### Instructions

#### Source Materials

Please read at least one of the following:

- [Copying in Brief Writing: Where is the Line?](#)
- [Invisible Hands and the Triple \(Quadruple?\) Helix Dilemma: Helping Students Free Their Minds.](#)
- [Experiments with ChatGPT: Don't Panic, the Robots Are Not Writing Your Students' Legal Memos \(Via Westlaw\).](#)



### Mechanics

- Click on **Reply** below. Use the text box; don't try to upload a document.
- Your initial post is due this week and must be 75 to 200 words.
- You must offer a substantive reply of at least 25 words to one of your classmates' posts.
- The responsive post is not due until next week (Monday at 8 p.m., which is the standard deadline for this class.)
- Please use generally correct grammar, complete sentences, proper spelling, etc.
- *Please note that this is a "post-first" forum, meaning that you must post before you can see your classmates' posts.*

### Content

This exercise is a little more open-ended than the other discussion boards. Each of the articles listed above deals with some aspect of ethics and legal research. Please read one or more of the articles, summarize the main points, and tell us your reaction. Does the article match your personal experiences? Do you agree with the author? Does the article prompt any additional questions?

## Discussion Board #5 -- Unpublished Opinions

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### Purpose

The discussion boards allow you to review and discuss short-form materials reflecting policy and ethical issues relating to legal research. This particular discussion deals with unpublished opinions.

### Time Estimate

This should take you less than an hour to complete.

### Grading

For the initial post, timely good-faith submissions will receive 3 points; there is no partial credit. Unexcused late submissions will not be accepted, and you will receive a "0" for the assignment. The same rules apply to the responsive post, which is worth 1 point. The 5 Discussion Boards combined are worth 20% of your final grade.

### Deadline

Your initial post must be completed before 8:00 p.m. on February 20th. Your responsive post is due a week later. I will not grade the submissions until the deadline for responsive posts has passed.

### Instructions

## Source Materials

Please read the following:

- [Will Judicial Polarization Lead to More Strategic 'Unpublished' Opinions?](#)
- [At Last, Unpublished Superior Court Opinions Can Be Cited. Now What? \(Via Bloomberg Law\).](#)
- [A Critique of the Unpublished Per Curiam Opinion \(Via Bloomberg Law\).](#)

## Mechanics

- Click on **Reply** below. Use the text box; don't try to upload a document.
- Your initial post is due this week and must be 75 to 200 words.
- You must offer a substantive reply of at least 25 words to one of your classmates' posts.
- The responsive post is not due until next week (Monday at 8 p.m., which is the standard deadline for this class.)
- Please use generally correct grammar, complete sentences, proper spelling, etc.
- *Please note that this is a "post-first" forum, meaning that you must post before you can see your classmates' posts.*

## Content

Please review the articles provided above. What are some of the policy arguments for and against allowing unpublished opinions? Are there any good arguments for prohibiting citation to unpublished opinions as persuasive authority? Are you generally familiar with the rules regarding citation to unpublished opinions?