



**El Camino College**  
**COURSE OUTLINE OF RECORD – Approved**

**I. GENERAL COURSE INFORMATION**

**Subject and Number:** Law 17  
**Descriptive Title:** Legal Research and Writing  
**Course Disciplines:** Law  
**Division:** Business

**Catalog Description:**

This course is an introduction to the practical writing skills and necessary analytical skills required in the law office. Topics include analysis of cases; analysis of statutes and administrative regulations; drafting and generating objective documents used in the legal environment; and generating and drafting persuasive documents submitted by attorneys to the trial and appellate courts.

**Conditions of Enrollment:**

**Prerequisite:** Law 11 with a minimum grade of C

<b>Course Length:</b>	<b>X Full Term</b>	<b>Other (Specify number of weeks):</b>
<b>Hours Lecture:</b>	<b>3.00 hours per week</b>	<b>TBA</b>
<b>Hours Laboratory:</b>	<b>0 hours per week</b>	<b>TBA</b>
<b>Course Units:</b>	<b>3.00</b>	

**Grading Method:** Letter  
**Credit Status:** Associate Degree Credit

**Transfer CSU:** X Effective Date: Prior to July 1992  
**Transfer UC:** No

**General Education:**

**El Camino College:**

**CSU GE:**

**IGETC:**

## II. OUTCOMES AND OBJECTIVES

### A. COURSE STUDENT LEARNING OUTCOMES (The course student learning outcomes are listed below, along with a representative assessment method for each. Student learning outcomes are not subject to review, revision or approval by the College Curriculum Committee)

#### SLO #1 Legal Memoranda and Forms

Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court.

#### SLO #2 Providing Direct Assistance to Attorneys

Apply knowledge of the law in order to provide direct assistance to attorneys including research, client interviews, problem resolution and the examination of ethics in the legal workplace.

#### SLO #3 Legal Comprehension

Understand and apply theories and principles of the law to interpret legal documents, perform legal research and communicate those results.

The above SLOs were the most recent available SLOs at the time of course review. For the most current SLO statements, visit the El Camino College SLO webpage at <http://www.elcamino.edu/academics/slo/>.

### B. Course Student Learning Objectives (The major learning objective for students enrolled in this course are listed below, along with a representative assessment method for each)

1. Demonstrate effective legal writing skills.
  - Written homework
2. Formulate effective legal research strategies
  - Written homework
3. Analyze and evaluate substantive and procedural law issues, particularly those of civil discovery practice and legal ethics.
  - Written homework
4. Evaluate, identify and prepare appropriate pleadings.
  - Written homework

## III. OUTLINE OF SUBJECT MATTER (Topics are detailed enough to enable a qualified instructor to determine the major areas that should be covered as well as ensure consistency from instructor to instructor and semester to semester.)

Lecture or Lab	Approximate Hours	Topic Number	Major Topic
Lecture	3	I	Analysis of Court Decisions in terms of Legal Writing Style A. Case Briefs B. Majority, concurring, and dissenting opinions C. Case Briefs compared to Issue Rule Application and Conclusion (IRAC)
Lecture	3	II	Drafting of Interoffice Memos A. IRAC Writing format B. Legal letters C. Persuasive vs Expositive writing

Lecture	3	III	Organizing the search and updating research methods A. Primary and secondary authority B. Mandatory and persuasive authority C. On point authority D. Distinguished and analogized authority
Lecture	3	IV	Civil discovery practice A. Discovery Timing Requirements B. Discovery Notice Requirements C. Discovery Tools
Lecture	3	V	Discovery motions A. Meet and confer B. Notice requirements C. Points and authorities
Lecture	3	VI	Unlawful Detainers A. Forms B. Timing requirements C. Notice requirements
Lecture	3	VII	Summary Judgments A. Summary Judgment Requirements B. Prima Facie Case C. Matters of fact vs matters of law
Lecture	3	VIII	Jury Instructions A. Drafting jury instructions B. Researching jury instructions C. Using case law to create jury instructions
Lecture	3	IX	Judgments A. Holding B. Dicta C. Enforcing judgments D. Post judgment motions and remedies
Lecture	6	X	Analysis of pleadings, trial briefs A. Required pretrial submissions B. Internal pretrial preparations C. Responding to opposing moving papers
Lecture	3	XI	Use of effective and persuasive language A. Persuasive non-controlling authority B. Unpublished opinions C. Opinions outside of jurisdiction
Lecture	3	XII	Style and highly effective writers (prominent jurists) A. IRAC format B. Active voice C. Proper use of passive voice
Lecture	3	XIII	Common mistakes in legal writing A. Citations B. Legal document format C. Writing in plain English
Lecture	3	XIV	Identifying key facts and legal issues

			<ul style="list-style-type: none"> <li>A. Crafting informative, helpful issue statements</li> <li>B. Using statutes and case law to identify issues</li> <li>C. Drafting statement of facts using only legally relevant facts</li> </ul>
Lecture	3	XV	<p>Writing tools and non-legal aids to effective writing</p> <ul style="list-style-type: none"> <li>A. Citation manuals</li> <li>B. Style manuals</li> <li>C. Dictionary</li> <li>D. Thesaurus</li> </ul>
Lecture	3	XVI	<p>Drafting and refining the appellate brief</p> <ul style="list-style-type: none"> <li>A. Table of contents</li> <li>B. Table of authorities</li> <li>C. Appellate process timeline</li> </ul>
Lecture	3	XVII	<p>Euphemisms, gender-based writing, pronoun selection, clarity of expression, and foreign and technical terms</p> <ul style="list-style-type: none"> <li>A. Common grammatical errors</li> <li>B. Techniques for clear communication of ideas</li> <li>C. Techniques and tips for word choice</li> </ul>
Total Lecture Hours		54	
Total Laboratory Hours		0	
Total Hours		54	

#### IV. PRIMARY METHOD OF EVALUATION AND SAMPLE ASSIGNMENTS

##### A. PRIMARY METHOD OF EVALUATION:

Substantial writing assignments

##### B. TYPICAL ASSIGNMENT USING PRIMARY METHOD OF EVALUATION:

Irene Gerston sued Vince O'Donnel for civil battery. While Gerston was sleeping, O'Donnel (a total stranger) kissed her on the cheek. When she awoke and found out, she was outraged. One of the elements of battery is an "offensive touching." O'Donnel argued that the kiss was not offensive because Gerston was unconscious at the time. The trial court agreed and ruled that the touching was not offensive even though Gerston totally disapproved of what he had done. Gerston appealed. Reversing, the appellate court held that a touch is offensive if the victim considers it unwanted and unpleasant. Assume that you are reading the opinion of Gerston v. O'Donnel, which is the appellate court opinion that reversed the trial court. In a one-page paper, answer the following:

(i) Briefly state the issue of Gerston v. O'Donnel.

(ii) (a) What rule of law is involved in the issue? (b) What part of this rule of law is in contention? (c) What do you think the key facts in the opinion were?

### C. COLLEGE-LEVEL CRITICAL THINKING ASSIGNMENTS:

1. Sam Landlord is having problems with a tenant. In one of his apartment buildings he has had a long-term renter named Joe Doaks. Doaks has lived in Sam's building since 1989. On November 25, 1997 Sam served Doaks with a 3-day notice to pay rent or quit the premises. He served the notice by certified mail but the mailing was accepted by a friend of Doaks's who was staying with Doaks. The friend immediately threw out the notice and said nothing to Doaks about it. Doaks denied receipt of the notice in his answer to the complaint, and denied the validity of the notice, but raised no affirmative defenses.

On its face, the notice demanded rent for the period November 1, 1996 through November 0, 1997.

At the court trial, when Sam's lawyer offered the 3-day notice into evidence, Doaks's lawyer objected in a timely fashion, but the judge overruled the objections, stating, "Counsel, as far as the face of the notice, you did not object to it by affirmative defense, so you have waived that defense. As far as the objection based on service, service was clearly by certified mail, which is obviously the same - or amounts to the same - as personal delivery, especially since we have a signed return receipt. If your client wants to deny receiving the notice he must do that in his case in chief. The notice is received in evidence." In the defense case, Doaks did testify that he did not receive the notice, the judge ruled against him anyway, and granted judgment in Sam's favor for restitution of the premises, the amount of rent in the notice, some monetary damages, attorney's fees, and costs. Doaks appeals. Write Doaks's opening brief on appeal. Be sure that your brief thoroughly and zealously advocates Doak's position using case law and the IRAC method, while adhering to the current California Rules of Court for appeals.

2. Parker Jones is an unmarried male model who just began a job at the Vital Day Model Agency in Detroit. He has a reputation as a "ladies man," but denies it. The Agency is owned and run by Linda Farrell. There are no employees. Farrell manages six models by herself. A week after hiring Parker, she asks him to go to a bar with her after work for a drink. Parker does not want to go, but is afraid of offending Farrell. He reluctantly agrees. At the bar, Farrell puts her arm around Parker and says, "Why don't you spend the night at my place?" Furious at this request, Parker walks out of the bar. Instead of going to work the next day, Parker quits his job and sues Farrell and the Vital Day Model Agency for sex discrimination.

Parker is a client of Henderson and Henderson, where you work. Your supervisor, Susan Grotte, asks you to prepare a 2500 to 4000 word interoffice memorandum of law addressing the question of whether Parker has a valid claim for sex harassment. Assume that after thoroughly researching the law, the only relevant authorities you are able to find are the following:

A. Michigan Civil Right Act, 103 (h): "Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of communication of a sexual nature when:... (iii) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment...or creating an intimidating, hostile, or offensive employment...environment."

B. *Radtke v. Everett*, 471 N.W. 2d 660, 189 Mich. App. 346 (Mich. Ct. App. 1991).

**D. OTHER TYPICAL ASSESSMENT AND EVALUATION METHODS:**

Written homework  
Homework Problems  
Term or other papers

**V. INSTRUCTIONAL METHODS**

Discussion  
Group Activities  
Lecture  
Multimedia presentations  
Other (please specify)  
    Reading and analysis of case law and statutes.

**Note: In compliance with Board Policies 1600 and 3410, Title 5 California Code of Regulations, the Rehabilitation Act of 1973, and Sections 504 and 508 of the Americans with Disabilities Act, instruction delivery shall provide access, full inclusion, and effective communication for students with disabilities.**

**VI. WORK OUTSIDE OF CLASS**

Study  
Answer questions  
Required reading  
Problem solving activities  
Written work

**Estimated Independent Study Hours per Week: 6**

**VII. TEXTS AND MATERIALS**

**A. UP-TO-DATE REPRESENTATIVE TEXTBOOKS**

Calleros and Holst. Legal Method and Writing II: Trial and Appellate Advocacy, Contracts, and Correspondence. 8th ed. Wolters Kluwer, 2018.  
Qualifier Text: A newer textbook that better conforms to current industry standards.

**B. ALTERNATIVE TEXTBOOKS**

**C. REQUIRED SUPPLEMENTARY READINGS**

**D. OTHER REQUIRED MATERIALS**

**VIII. CONDITIONS OF ENROLLMENT**

**A. Requisites (Course and Non-Course Prerequisites and Corequisites)**

Requisites	Category and Justification
Course Prerequisite Law-11	Sequential

**B. Requisite Skills**

Requisite Skills
a. Summarize and analyze a fact pattern to discern relevant information; and be able to identify and state legal issues. LAW 11 - Analyze legal resources and be able to state a set of legal issues.
b. Utilize the law library to perform basic legal research. LAW 11 - Prepare basic research techniques using a specialized legal library including encyclopedias, code books, case reports and other legal practice materials.
c. Cite legal works and references. LAW 11 - Examine and identify legal citations.
d. Establish skills in online research LAW 11 - Establish skills in online computer research.
e. Organize and initiate legal documents and legal pleadings. LAW 11 - Organize and initiate legal documents including legal memorandum, agreements and legal pleadings.

**C. Recommended Preparations (Course and Non-Course)**

Recommended Preparation	Category and Justification
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**D. Recommended Skills**

Recommended Skills
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**E. Enrollment Limitations**

Enrollment Limitations and Category	Enrollment Limitations Impact
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Course created by Dagmar Halamka on 10/01/1975.

BOARD APPROVAL DATE:

LAST BOARD APPROVAL DATE: 05/18/2020

Last Reviewed and/or Revised by Nicholas McGrue on 03/26/2020