

## LEGAL RESEARCH AND WRITING

Prof. McNeil November 9, 1995

There are 40 questions (27 questions, with subparts to total 40).

The test will begin at 1:50 p.m. and end at 3:00 p.m." Please pick up your Open Memo assignment before you leave.

### Research Exam

#### USE OF AUTHORITY

1. (1) Give Neumann's definition for a "rule."
2. (3) Identify the three components of every rule
  - (a)
  - (b)
  - (c)
3. (3) Other than dicta, identify three kinds of pronouncements you might find in an opinion announcing a court's decision.
  - (a)
  - (b)
  - (c)
4. (1) What is "dicta"?
5. (1) Neumann suggests legal writing happens in four stages: First: analyzing the issues and the raw materials, second: organizing them so that they can be written about. There are two other stages. What factor varies from the third to the fourth stages in this process.
6. (2) Neumann offers a paradigm for structuring proof that begins with a statement of your conclusion and is followed by a statement of the rule that supports your conclusion. Identify the next two elements of the paradigm.
  - a.
  - b.
7. (2) Give two sources of mandatory authority in Ohio.
  - a.
  - b.

8. (1) In what type of issues are decisions of the United States Supreme Court mandatory authority in a state court?

9. (1) What is the doctrine of stare decisis?

10. (1) What one-word term do we give to the process of binding together several opinions into a whole that stands for a rule or an expression of policy?

11. (1) one of the features in Shepard's citations is the parallel citation. What is parallel citation?

12. (2) Name two other features in Shepard's citations.

a.

b.

13. (1) What is the significance if the letter "c" appears next to a citation in a Shepard's citator?

14. (2) Identify two national, competing legal encyclopedias.

a.

b.

15. (1) If you had a West Key Number for a point of law treated in a decision of the U.S. Supreme Court, which reporter would you turn to when searching for other cases by using the same Key number: United States Reports, Lawyers' Edition, or Supreme Court Reporter?

16. (1) What national reporter system publishes the opinions and rulings from the federal district courts?

17. (2) Put this cite into proper Bluebook form for citations to legal memoranda:

Austin v. United States (1993), 509 U.S. 1135 S.Ct. 2801, 125 L.Ed.2d 488.

18. (2) What are two features of an annotated code besides the statutory language itself?

19. (1) Identify one commercial source to find advance session law services for federal statutes.

20. (1) If you had a citation to a current federal regulation and had no access to on-line computer services, where would you go to find the official text of the regulation?

21. (1) If you wanted to find out whether New York had adopted the Uniform Reciprocal Enforcement of Support Act and had no access to on-line computer services, what library reference would you turn to?

22. (1) What Bluebook signal should be given when the authority cited supports a proposition different from the main proposition but sufficiently analogous to lend support?

23. (1) When would you use the signal "But see"?

24. (3) Identify three subjects covered by Restatements, other than Contracts.

25. (1) If you were asked to locate a series of early cases collectively known as the "Lottery Cases" what Shepard's citation service would you need to turn to?

26. (1) If all you had was the Lawyers' Edition of a Supreme Court decision and needed to cite to the U.S. Reports, what feature would you use to properly cite to a page contained in the case?

27. (2) The federal courts have published Rules of Civil Procedure. Identify two other subject areas where the federal courts have published Rules.

a.

b.

40 points total. Total score: